



ORDINANCES

of the

YUKON TERRITORY



passed by the

Yukon Council



In the Year

1977

SECOND SESSION

November 5th, 1977 to March 1st, 1978

A.M. Pearson, Commissioner



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TO HOLDERS OF YUKON ORDINANCES

The Motor Vehicles Ordinance Chapter 4 1977 Second Session has been proclaimed in force effective June 23rd, 1978 with the exception of Sections 245 and 247. The provisions of the Motor Vehicles Ordinance, Chapter M11, R.O.Y.T. 1971, other than Section 34, has been repealed effective June 23rd, 1978.

ORDINANCES OF THE YUKON TERRITORY

1977 (Second Session)

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CHAPTER 1
ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

ANIMAL PROTECTION ORDINANCE

(Assented to December 15, 1977)

The Commissioner of the Yukon Territory by and with the advice and consent of the Council of the Territory, enacts as follows:

- | | | |
|-------|---|-------------------------------|
| 1.(1) | This Ordinance may be cited as the <i>Animal Protection Ordinance</i> . | Short
title |
| 2.(1) | In this Ordinance:
"animal" includes mammals, birds and fish, but does not include wildlife;
"distress" means the state of
(a) being in need of proper care, food or shelter,
(b) being injured, sick or in pain or suffering,
or
(c) being abused or subject to undue or unnecessary hardship, privation or neglect;
"humane society" means an organization that is approved as a humane society under section 9;
"peace officer" means a member of the Royal Canadian Mounted Police, an enforcement officer of a municipality who has been sworn as a peace officer pursuant to the <i>Municipal Ordinance</i> and who is carrying out his duties within the municipality by whom he is employed pursuant to that Ordinance or a special constable appointed for the purposes of this Ordinance;
"veterinary surgeon" means a person who is entitled to practice veterinary medicine in a province of Canada or in the State of Alaska;
"wildlife" means any vertebrate animal of any species that is wild by nature in the Territory. | Interpre-
tation |
| 3.(1) | Where an animal is found in distress in a public place or, subject to section 4, in any other place, and
(a) the owner or person in charge of the animal does not forthwith take appropriate steps to relieve its distress, or
(b) the owner or person in charge of the animal is not present and cannot be found promptly,
a peace officer may, subject to this Ordinance, take such action as he considers necessary or desirable to relieve its distress, and for that purpose he may: | Powers of
peace
officer |

- (c) take custody of the animal;
- (d) arrange for any necessary transportation, food, care, shelter and medical treatment of the animal; and
- (e) deliver the animal into the custody of a humane society.

(2) Before acting under subsection (1) a peace officer shall take reasonable steps to find the owner or person in charge of the animal and, if found, shall endeavour to obtain his co-operation to relieve the animal's distress.

(3) If the owner of the animal is not present or promptly found and informed of the animal's distress, by a peace officer pursuant to subsection (2), the humane society into whose custody the animal is delivered shall take reasonable steps to find the owner and, if found, to inform him of the action taken.

Entry
of
premises

4.(1) Where he has reasonable and probable grounds for believing, and does believe, that an animal is in distress,

(a) in or upon any premises, other than a dwelling place, or

(b) in any vehicle or other chattel,

and where he has made every reasonable effort to first obtain a warrant but is unable to do so, for any reason other than the refusal of a justice to issue the warrant, a peace officer may, without a warrant, enter

(c) in or upon the premises, other than a dwelling place, or

(d) any vehicle or other chattel,

and search for the animal, and may exercise his powers under section 3 with respect to any animal in distress found therein.

(2) Where it appears to a justice, on information laid before him on oath, that there are reasonable and probable grounds for believing there is an animal in distress in or upon any premises, including a dwelling place, vehicle or other chattel within his jurisdiction, the justice may issue a warrant authorizing a peace officer to enter, by force if necessary, the premises, dwelling place, vehicle or other chattel specified in the warrant and search for the animal, and thereupon the peace officer may exercise his powers under section 3 with respect to any animal in distress found therein.

- (3) Before entering any premises, dwelling place, vehicle or other chattel pursuant to this section a peace officer shall take reasonable steps to find the owner or person in charge of the premises, dwelling place, vehicle or other chattel and endeavour to obtain his co-operation to relieve the animal's distress.
- (4) Where a peace officer uses force in entering or searching any premises, dwelling place, vehicle or other chattel, he shall use no more force than is reasonably required under the circumstances.
- 5.(1) Notwithstanding anything in this Ordinance to the contrary, where an animal taken into custody pursuant to section 3 is in such distress that, Relieving
of
distress
of
animals
- (a) in the opinion of a veterinary surgeon,
 - (b) if a veterinary surgeon is not readily available, in the unanimous opinion of a peace officer and two reputable citizens, or
 - (c) in a critical situation where a veterinary surgeon or two reputable citizens are not readily available, in the opinion of a peace officer,
- the animal cannot be relieved of its distress so as to live thereafter without undue suffering, the peace officer or humane society having such custody may cause the animal to be destroyed.
- (2) Where an animal is to be destroyed pursuant to this section but the animal's suffering will not be unduly prolonged thereby, the peace officer or the humane society having custody of the animal shall take reasonable steps to find the owner of the animal and endeavour to obtain his consent to its destruction.
- 6.(1) A humane society has a lien upon any animal delivered or taken into its custody under this Ordinance for any expenses properly incurred with respect to the animal for transportation, food, care, shelter and medical treatment and may require the owner to pay those expenses before delivering the animal to the owner. Recovery
of
expenses
by
Society
- (2) Expenses properly incurred may be recovered by the humane society in an action in debt against the owner of the animal or person who, with the consent, express or implied, of the owner of the animal, was in charge of the animal at the time the animal was taken into custody pursuant to section 3.

- Minimum time limits before animal may be sold or given away
- 7.(1) Subject to subsection (2), where the owner of an animal is not found within 72 hours after the animal came into the custody of a humane society pursuant to this Ordinance or, if found,
- (a) does not, within 72 hours after being informed that the animal was taken into the custody of the society,
 - (i) pay to the society, or
 - (ii) undertake to pay to the society within an agreed time, the expenses properly incurred by the society with respect to the animal, or
 - (b) does not pay those expenses within the time agreed upon under subparagraph (a) (ii), the society may sell or give the animal to any person.
- (2) Notwithstanding subsection (1), where the animal bears an obvious identification tattoo, brand, mark, tag or licence, the applicable time limit in any event under subsection (1) shall be 10 days from the time the animal was taken into the custody of a humane society.
- (3) Where a humane society sells or gives an animal to any person pursuant to this section,
- (a) the animal becomes the property of the person to whom it is sold or given, and
 - (b) any money paid to the society with respect to the animal is the property of the society.
- Animal may be destroyed
- 8.(1) Where an animal has been delivered into the custody of a humane society pursuant to this Ordinance and, after the expiry of the periods prescribed under section 7, the society is unable to sell or give the animal away, the society may cause the animal to be destroyed.
- (2) Where an animal is given to a humane society and the society is unable to sell or give the animal away, the society may cause the animal to be destroyed.
- Approval as humane Society
- 9.(1) The Commissioner
- (a) may approve as a humane society for the purposes of this Ordinance any organization having as a principal object the prevention of cruelty to animals, and
 - (b) may suspend or revoke the approval.

(2) The Commissioner may appoint any officer or employee of a humane society as a special constable with authority to exercise the powers of a peace officer for the purposes of this Ordinance.

10.(1) If authorized by or under the regulations, and subject thereto, a peace officer,
(a) without a warrant and in ordinary business hours, and
(b) for the purpose of enforcing this Ordinance and the regulations,
may enter and inspect any premises other than a dwelling place where animals are kept for sale, hire or exhibition.

Inspection of animal exhibitions, sales

11.(1) The Commissioner may make regulations:
(a) governing the approval and the suspension and revocation of approval of organizations as humane societies;
(b) prescribing the qualifications required of persons to be appointed special constables for the purposes of this Ordinance;
(c) respecting the manner of taking an animal into custody;
(d) defining what constitutes taking reasonable steps to find the owner of an animal in distress;
(e) prescribing a tariff of expenses which may be charged to the owner of an animal taken into custody under this Ordinance for transportation, food, care, shelter and medical treatment of the animal;
(f) prescribing, with respect to animals kept for sale, hire or exhibition, the standard of care with which the animals shall be maintained;
(g) respecting the authorization of peace officers, in general or, in particular, to exercise the powers specified in section 10 subject to such conditions and restrictions as are considered desirable in the public interest; or
(h) respecting any other matter necessary or desirable to give effect to the intent of this Ordinance.

Regulations

12.(1) Any person who contravenes this Ordinance or the regulations thereunder is guilty of an offence and liable on summary conviction, to a fine of not more than five hundred dollars and in default of payment to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

Offences

- Immunity of officers, society from prosecution 13.(1) No action lies against a peace officer or a humane society or any officer or employee of a humane society for any thing done in good faith and purporting to be done under this Ordinance or the regulations thereunder.
- Other ordinances prevail 14.(1) Nothing in this Ordinance shall be construed as affecting any right, power, duty or prohibition relating to animals conferred or imposed by or under any other ordinance and where any conflict exists between the provisions of this ordinance or the regulations thereunder and that other ordinance or the regulations thereunder, the provisions of that other ordinance or regulations thereunder shall prevail.
- Proclamation 15.(1) This Ordinance comes into force on the first day of January 1978.
-

CHAPTER 2

ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

ELECTORAL DISTRICT BOUNDARIES ORDINANCE

(Assented to December 1, 1977)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. The following are the electoral districts in the Yukon Territory:

ELECTORAL DISTRICT OF CAMPBELL

The Electoral District of Campbell consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of longitude 133 degrees 15 minutes west and the south boundary of the Yukon Territory, thence due north to latitude 62 degrees 05 minutes north, thence due east to longitude 133 degrees west, thence due north to latitude 62 degrees 25 minutes north, thence due west to longitude 133 degrees 15 minutes west, thence due north to latitude 63 degrees north, thence due east to longitude 132 degrees west, thence due north to the north boundary of the Yukon Territory, thence southeastwardly along the said boundary to longitude 129 degrees west, thence due south to latitude 61 degrees north, thence due west to longitude 129 degrees 30 minutes west, thence due south to latitude 60 degrees 06 minutes north, thence due east to longitude 128 degrees 50 minutes west, thence due south to the south boundary of the Yukon Territory, thence due west to the point of commencement.

ELECTORAL DISTRICT OF FARO

The Electoral District of Faro consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of latitude 62 degrees 05 minutes north and longitude 133 degrees 45 minutes west, thence due north to latitude 62 degrees 25 minutes north, thence due east to longitude 133 degrees west, thence due south to latitude 62 degrees 05 minutes north, thence due west to the point of commencement.

ELECTORAL DISTRICT OF HOOTALINQUA

The Electoral District of Hootalinqua consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of longitude 136 degrees west and the south boundary of the Yukon Territory, thence due north to latitude 61 degrees north, thence due west to longitude 136 degrees 30 minutes west, thence due north to latitude 61 degrees 45 minutes north, thence due east to longitude 133 degrees 15 minutes west, thence due south to the south boundary of the Yukon Territory, thence westwardly along the said boundary to the point of commencement; excluding the City of Whitehorse.

ELECTORAL DISTRICT OF KLONDIKE

The Electoral District of Klondike consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of latitude 63 degrees north and the west boundary of the Yukon Territory, thence northwardly along said boundary to latitude 66 degrees north, thence due east to longitude 137 degrees west, thence due south to latitude 66 degrees north, thence due west to the point of commencement.

ELECTORAL DISTRICT OF KLUANE

The Electoral District of Kluane consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of latitude 63 degrees north and the west boundary of the Yukon Territory, thence due east to longitude 138 degrees west, thence due south to latitude 61 degrees 45 minutes north, thence due east to longitude 136 degrees 30 minutes west, thence due south to latitude 61 degrees north, thence due east to longitude 136 degrees west, thence due south to the south boundary of the Yukon Territory, thence westwardly and northwardly along the south and west boundaries of the Yukon Territory to the point of commencement.

ELECTORAL DISTRICT OF MAYO

The Electoral District of Mayo consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of latitude 63 degrees north and longitude 137 degrees west, thence due north to latitude 66 degrees north, thence due east to the east boundary of the Yukon Territory, thence southeastwardly along the said boundary to longitude 132 degrees west, thence due south to latitude 63 degrees north, thence due west to the point of commencement.

ELECTORAL DISTRICT OF OLD CROW

The Electoral District of Old Crow consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of latitude 66 degrees north and the west boundary of the Yukon Territory, thence northwardly, eastwardly and southwardly along the west, north and east boundaries of said Territory to latitude 66 degrees north, thence due west to the point of commencement; and including Herschel Island.

ELECTORAL DISTRICT OF TATCHUN

The Electoral District of Tatchun consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of longitude 138 degrees west and latitude 61 degrees 45 minutes north, thence due north to latitude 63 degrees north, thence due east to longitude 133 degrees 15 minutes west, thence due south to latitude 62 degrees 25 minutes north, thence due west to longitude 133 degrees 45 minutes west, thence due south to latitude 62 degrees 05 minutes north, thence due east to longitude 133 degrees 15 minutes west, thence due south to latitude 61 degrees 45 minutes north, thence due west to the point of commencement.

ELECTORAL DISTRICT OF WATSON LAKE

The Electoral District of Watson Lake consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of longitude 128 degrees 50 minutes west and the south boundary of the Yukon Territory, thence due north to latitude 60 degrees 06 minutes north, thence due west to longitude 129 degrees 30 minutes west, thence due north to latitude 61 degrees north, thence due east to longitude 129 degrees west, thence due north to the north boundary of the Yukon Territory, thence southeastwardly and westwardly along the east and south boundaries of the Yukon Territory to the point of commencement.

ELECTORAL DISTRICT OF WHITEHORSE NORTH CENTRE

The Electoral District of Whitehorse North Centre consists of that part of the City of Whitehorse bounded by a line commencing at the point of intersection of the western prolongation of the centre line of Alexander Street and the foot of the Airport (Reserve) Escarpment, thence northwardly along the foot of said escarpment to a point being due east of Coordinate Control Monument 70G-139-1970 in the Whitehorse Coordinated Survey Area, thence due east to the centre line of the Yukon River,

thence southwardly up the centre line of the Yukon River to a point being the eastern prolongation of the centre line of Jarvis Street, thence southwestwardly along said prolongation and the centre line to the centre line of Fifth Avenue, thence northwestwardly along said centre line to the centre line of Alexander Street, thence westwardly along said centre line to the point of commencement.

ELECTORAL DISTRICT OF WHITEHORSE PORTER CREEK EAST

The Electoral District of Whitehorse Porter Creek East consists of that part of the City of Whitehorse bounded by a line commencing at the point of intersection of the centre line of Wann Road and Centennial Street, thence northwestwardly along the centre line of Centennial Street to the centre line of the Alaska Highway, thence northwestwardly along said centre line to the western limit of the City of Whitehorse, thence northwardly and eastwardly along the western and northern limit of the City of Whitehorse to the centre line of the Yukon River, thence southwardly up the centre line of the Yukon River to a point due east of Coordinate Control Monument 70G-139-1970 in the Whitehorse Coordinated Survey Area, thence due west to the point of intersection of the southeastern prolongation of the centre line of Grove Street, thence northwestwardly along said prolongation and the centre line to the centre line of Eleventh Avenue, thence northeastwardly along said centre line to the centre line of Holly Street, thence northwestwardly along said centre line to the centre line of Twelfth Avenue, thence southwestwardly along said centre line to the centre line of Grove Street, thence northwestwardly along said centre line to the centre line of Thirteenth Avenue, thence southwestwardly along said centre line to the centre line of Grove Street, thence northwestwardly along said centre line to the centre line of Fourteenth Avenue, thence northeastwardly along said centre line to the centre line of Holly Street, thence northwestwardly along said centre line to the centre line of Wann Road, thence westwardly along said centre line to the point of commencement.

ELECTORAL DISTRICT OF WHITEHORSE PORTER CREEK WEST

The Electoral District of Whitehorse Porter Creek West consists of that part of the City of Whitehorse bounded by a line commencing at the point of intersection of the centre line of Wann Road and Centennial Street, thence eastwardly along the centre line of Wann Road to the centre line of Holly Street, thence southeastwardly along said centre line to the centre line of

Fourteenth Avenue, thence southwestwardly along said centre line to the centre line of Grove Street, thence southeastwardly along said centre line to the centre line of Thirteenth Avenue, thence northeastwardly along said centre line to the centre line of Grove Street, thence southeastwardly along said centre line to the centre line of Twelfth Avenue, thence northeastwardly along said centre line to the centre line of Holly Street, thence southeastwardly along said centre line to the centre line of Eleventh Avenue, thence southwestwardly along said centre line to the centre line of Grove Street, thence southeastwardly along said centre line and the southeastern prolongation of the centre line to a point due east of Coordinate Control Monument 70G-139-1970 in the Whitehorse Coordinated Survey Area, thence due west to the western limit of the City of Whitehorse, thence northwestwardly along the said limit to the centre line of the Alaska Highway, thence southeastwardly along said centre line to the centre line of Centennial Street, thence southeastwardly along said centre line to the point of commencement.

ELECTORAL DISTRICT OF WHITEHORSE RIVERDALE NORTH

The Electoral District of Whitehorse Riverdale North consists of that part of the City of Whitehorse bounded by a line commencing at the point of intersection of the centre line of the Yukon River and the northern limit of the City of Whitehorse, thence eastwardly and southeastwardly along the northern and eastern limits of the City of Whitehorse to the point of intersection of the northeastern prolongation of the centre line of Klondike Road and the said limit, thence southwestwardly along said prolongation and the centre line of Klondike Road to the centre line of Lewes Boulevard, thence northwestwardly along said centre line to the centre line of Selkirk Street, thence southwestwardly along said centre line and the western prolongation of the centre line to the centre line of the Yukon River, thence northwardly down the centre line of the Yukon River to the point of commencement.

ELECTORAL DISTRICT OF WHITEHORSE RIVERDALE SOUTH

The Electoral District of Whitehorse Riverdale South consists of that part of the City of Whitehorse bounded by a line commencing at the point of intersection of the centre line of the Yukon River and the southern limit of the City of Whitehorse, thence down the centre line of the Yukon River to the point of intersection of the western prolongation of the centre line of Selkirk Street, thence northeastwardly along said prolongation and the centre line of Selkirk Street to the centre line of

Lewes Boulevard, thence southeastwardly along said centre line to the centre line of Klondike Road, thence northeastwardly along said centre line and the eastern prolongation of the centre line to the eastern limit of the City of Whitehorse, thence southeastwardly and southwestwardly along said limit to the point of commencement.

ELECTORAL DISTRICT OF WHITEHORSE SOUTH CENTRE

The Electoral District of Whitehorse South Centre consists of that part of the City of Whitehorse bounded by a line commencing at the point of intersection of the western prolongation of the centre line of Alexander Street and the foot of the Airport (Reserve) Escarpment, thence northeastwardly along said prolongation and the centre line to the centre line of Fifth Avenue, thence southeastwardly along said centre line to the centre line of Jarvis Street, thence northeastwardly along said centre line and the eastern prolongation of the centre line to the centre line of the Yukon River, thence southwardly up the centre line of the Yukon River to a point due east of the northernmost corner of Lot 523 Group 804, thence due west to the foot of said escarpment, thence northwestwardly along the foot of said escarpment to the point of commencement.

ELECTORAL DISTRICT OF WHITEHORSE WEST

The Electoral District of Whitehorse West consists of that part of the City of Whitehorse bounded by a line commencing at the point of intersection of the western prolongation of the centre line of Alexander Street and the foot of the Airport (Reserve) Escarpment, thence southwardly along the foot of said escarpment to a point due west of the northernmost corner of Lot 523 Group 804, thence due east to the centre line of the Yukon River, thence southwardly up the centre line of the Yukon River to the limit of the City of Whitehorse, thence southwestwardly and northwestwardly along said city limit to the point being due west of Coordinate Control Monument 70G-139-1970 in the Whitehorse Coordinated Survey Area, thence due east to the foot of the said escarpment, thence southwardly along the foot of the escarpment to the point of commencement.

2. The *Elections Ordinance*, being chapter E-1 of the Revised Ordinances of the Yukon Territory, 1971, is amended
 - (a) by repealing section 4 thereof and the heading immediately preceding section 4; and
 - (b) by repealing Schedule I thereof.
3. This Ordinance shall come into force on such day as the Commissioner may fix by proclamation.

CHAPTER 3

ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

ELECTIONS ORDINANCE, 1977

(Assented to March 1, 1978)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

- | | | |
|-------|---|--|
| 1.(1) | This Ordinance may be cited as the <i>Elections Ordinance, 1977</i> . | Short
title |
| 2.(1) | In this Ordinance:
"Administrator" means the Administrator of Elections employed by the Board pursuant to Section 6;
"agent" means a person appointed by a candidate or his official agent to represent the candidate at a polling station pursuant to Section 46;
"Board" means the Elections Board established by Section 4;
"by-election" means an election other than a general election;
"election expenses" means:
(i) amounts paid,
(ii) liabilities incurred, and
(iii) the commercial value of goods and services bought or received as donations for the purpose of promoting or opposing directly, during an election period, a political party or a candidate or group of candidates;
"election officer" means the Administrator, a returning officer, assistant returning officer, deputy returning officer, enumerator, revising officer, poll clerk, interpreter or constable;
"election period" means the period from the date of issue of the writ to the expiry of ten days after the official addition of the vote or the completion of any judicial recount whichever is the later;
"elector" means any person qualified to vote at an election under the provisions of this Ordinance;
"general election" means the several elections for which writs are issued simultaneously for all electoral districts;
"official agent" means the official agent of a candidate appointed pursuant to Section 31; | Definitions
"Administrator"

"agent"

"Board"

"by-election"

"election expenses"

"election officer"

"election period"

"elector"

"general election"

"official agent" |

"official list"		"official list" means the official list defined in subsection 21(9);
"poll book"		"poll book" means the book in the prescribed form in which the name and address of every person applying to vote are entered by the poll clerk before the applicant is allowed to vote;
"polling place"		"polling place" means a building or location at which one or more polling stations is established;
"polling station"		"polling station" means premises secured for the taking of the vote of all or part of the electors of a polling division;
"registered political party"		"registered political party" means a political party incorporated as a society or registered as an extra-territorial society under the <i>Societies Ordinance</i> ;
"writ"		"writ" means a writ of election.
Application of Ordinance	3.(1)	This Ordinance applies to the election of members of the Yukon Territorial Council to represent the electoral districts established by the <i>Electoral District Boundaries Ordinance</i> .

ELECTIONS BOARD

Elections Board	4.(1)	There is hereby established the Elections Board.
	(2)	The Board shall consist of three members appointed by the Commissioner.
	(3)	Any vacancy on the Board shall be filled by appointment by the Commissioner.
	(4)	The Commissioner shall make the initial appointments to the Board so that, <ul style="list-style-type: none"> (a) the term of office of the first member expires after two years, (b) the term of office of the second member expires after four years, and (c) the term of office of the third member expires after six years.
	(5)	Appointments to the Board subsequent to the appointments made under subsection (4) shall be for a period of six years, except appointments made to replace a member who has not completed his appointed term in which case the appointment shall be for the balance of the uncompleted term.

- (6) The Commissioner shall appoint one of the members to be chairman of the Board.
- (7) A member may be removed for cause by the Commissioner.
- (8) The members shall receive such remuneration and reimbursement of expenses as is established by order of the Commissioner.
- (9) Two members of the Board constitute a quorum.
- (10) The Board may pass by-laws to regulate its own proceedings.
- (11) Every member of the Board shall during his appointment refrain from any active or public support or criticism of any candidate or any political party endorsing a candidate.
- 5.(1) The Board shall
 - (a) exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all election officers fairness, impartiality and compliance with the provisions of this Ordinance;
 - (b) issue to election officers such instructions as from time to time it may deem necessary to ensure effective execution of the provisions of this Ordinance; and
 - (c) execute and perform all of the powers and duties assigned to it by this Ordinance.
- (2) Where, during the course of an election, it appears to the Board that by reason of any mistake, miscalculation, emergency or unusual or unforeseen circumstances, any of the provisions of this Ordinance do not accord with the exigencies of the situation, the Board may, by particular or general instructions, extend the time for doing any act, increase the number of election officers or polling stations or otherwise adapt any of the provisions of this Ordinance to the execution of its intent, to such extent as it considers necessary to meet the exigencies of the situation.
- (3) The Board may in the exercise of its powers under subsection (2) extend or postpone the time for the taking of the poll in any electoral district or any polling

Powers
of
Board

division only if it is satisfied that because of accident, emergency or extreme weather conditions a substantial number of electors will be unable to get to their polling station unless an extension or postponement is granted and no extension or postponement of more than twenty-four hours shall be granted.

ADMINISTRATOR OF ELECTIONS

Admini-
strator
of
elections

- 6.(1) The Board shall employ a person as Administrator of Elections as and when required by the Board to assist in the administration of elections.
- (2) The Administrator shall, during his employment, refrain from any active or public support or criticism of any candidate or any political party endorsing a candidate.

Shares
appropriated
Staff

- 7.(1) The Commissioner shall in accordance with the *Public Service Commission Ordinance*, authorize the employment of such officers and employees as the Board deems necessary for the carrying out of the duties and responsibilities assigned to or undertaken by the Board or the Administrator under this Ordinance.

RETURNING OFFICERS

Returning
officers

- 8.(1) For every electoral district the Commissioner shall, after consultation with the Board, appoint a returning officer who shall hold office during pleasure and be removable for cause.
- (2) A returning officer may at any time be suspended for cause by the Board for a period not to exceed thirty days.
- (3) Where a returning officer is replaced for any reason any writ issued to him shall be acted upon by his successor as if it had been addressed to the successor.
- (4) Where a returning officer is replaced for any reason any action properly taken by him pursuant to this Ordinance shall be deemed as valid as if taken by his successor.

ASSISTANT RETURNING OFFICERS

- 9.(1) The Board shall appoint an assistant returning officer for each electoral district, after consultation with the returning officer for that electoral district. Assistant returning officers
- (2) The Board may appoint one or more additional assistant returning officers as provided in subsection (1) in respect of any electoral district where in its opinion such appointment is warranted.
- (3) An assistant returning officer may be dismissed for cause by the Board.
- (4) An assistant returning officer may at any time be suspended for cause by the Administrator or the returning officer of the electoral district for which he was appointed for a period not to exceed thirty days.
- (5) The appointment of every assistant returning officer shall terminate one month after the polling day next following his appointment.
- (6) Notwithstanding subsection (5), the Board may extend the appointment of an assistant returning officer after the expiry of a month after polling day to assist in any matter arising out of this Ordinance.
- 10.(1) Every person who is a returning officer or assistant returning officer, in order that he is and remains eligible to hold that office, Quali-
fication
of
officers
- (a) shall reside in and, apart from the provisions of paragraph 18(2)(a), be qualified as an elector in the electoral district in respect of which his appointment is made, and
- (b) shall, during his appointment, refrain from any active or public support or criticism of any candidate or any political party endorsing a candidate.
- (2) Every returning officer and assistant returning officer shall upon his appointment take the prescribed oath faithfully to perform his duties without partiality, fear, favour or affection.

- (3) Every returning officer and assistant returning officer shall forthwith inform the Board:
 - (a) of any matter which renders any returning officer or assistant returning officer disqualified from holding that office pursuant to subsection (1); and
 - (b) of any circumstance which renders a returning officer or assistant returning officer incapable of fulfilling his duties hereunder.

- (4) Upon any returning officer or assistant returning officer becoming disqualified pursuant to subsection (1), his appointment shall forthwith be terminated by the Commissioner on the advice of the Board, in the case of a returning officer, and by the Board, in the case of an assistant returning officer.

- (5) Where during an election any returning officer dies, becomes incapable of fulfilling his duties, or has his appointment terminated pursuant to subsection (4) the assistant returning officer for that electoral district shall forthwith assume his duties and responsibilities and exercise those powers reserved to a returning officer herein until a new returning officer is appointed.

Publica-
tion of
appointees

11.(1) The Board shall cause to be published, in the pre-
scribed manner, the name, address and occupation of
every person appointed as Administrator, returning
officer or assistant returning officer pursuant to this
Ordinance.

Training
of
officers

12.(1) The Board may require the attendance of any returning
officer or assistant returning officer for the purposes
of training or preparation for the carrying out of the
duties and responsibilities assigned to him by this
Ordinance.

(2) In respect of attendance provided for in subsection (1) .
a returning officer or assistant returning officer shall
be entitled to receive remuneration and reimbursement of
expenses as provided in Section 13.

Remun-
eration of
officers

13.(1) The Commissioner shall, after consultation with the Board,
prescribe a tariff of remuneration and level of reim-
bursement of expenses for the Administrator, returning

officers, assistant returning officers, enumerators, deputy returning officers, poll clerks, interpreters, constables and other staff provided for in this Ordinance.

- 14.(1) The polling divisions of an electoral district shall be those established for the last general election, unless the Board at any time considers that a revision of the boundaries thereof is necessary, in which case it shall instruct the returning officer for the electoral district to carry out such a revision and shall fix the date by which the revision is to be complete.
- (2) A returning officer may on his own motion but with the prior consent of the Board, revise the polling division boundaries in his electoral district.
- (3) Forthwith, upon completion of a revision pursuant to this section, the returning officer shall submit to the Board a report of the revision including the definition of the boundaries of any revised polling division.
- (4) The returning officer in carrying out a revision shall:
- (a) give due consideration to the polling divisions established by municipal authorities and geographical and other factors that may affect the convenience of the electors in casting their votes at the appropriate polling station, which shall be established by the returning officer at a convenient place in the polling division or elsewhere as provided in Section 40; and
 - (b) subject to paragraph (a), relocate and define the boundaries of the polling divisions of his electoral district so that each polling division, wherever practicable, contains not more than two hundred fifty electors..
- (5) Where by reason of a practice locally established, or of local conditions it is more convenient to constitute a polling division including substantially more than two hundred fifty electors, the returning officer may, with the approval of the Board and notwithstanding anything in this section, constitute a polling division including more than two hundred fifty electors.

Polling
divisions
revision

WRITS OF ELECTION

Writs of election

- 15.(1) Every election shall be instituted by a writ of election issued by the Commissioner which shall be in Form 1.
- (2) Every writ of election shall be dated, shall specify the date of nomination day and polling day and, at a general election, shall be made returnable on a date determined by the Commissioner.
- (3) Every writ of election shall be published in the prescribed manner.
- (4) A writ of election shall be transmitted by the Board to the person appointed to be returning officer for every electoral district in which an election is to be held and shall be forwarded to him as soon as possible after its issue by whatever means the Board deems appropriate.
- (5) Upon receipt of a writ the returning officer shall endorse upon it the date on which he received it and sign the endorsement.
- (6) Every returning officer to whom a writ is transmitted shall, forthwith upon its receipt or upon notification by the Board of the issue thereof, promptly take or cause to be taken the proceedings directed by this Ordinance necessary for the election to be regularly held, and any returning officer who wilfully neglects to do so is guilty of an offence.
- (7) Where the Board certifies that by reason of extreme weather, natural disaster or civil disturbance, it is impracticable to carry out the provisions of this Ordinance in any electoral district where a writ has been issued ordering an election:
 - (a) the Commissioner shall order withdrawal of the writ;
 - (b) a notice of the withdrawal of the writ shall be published in the same manner as the publication of the writ pursuant to subsection (3);
 - (c) a further writ ordering an election shall be issued within three months of the withdrawal of the writ; and
 - (d) the election shall thereafter be conducted according to the procedures described in this Ordinance for a by-election.

- 16.(1) Within the time specified herein, or if no time is specified, Materials whenever it is deemed expedient and, at the latest, immediately after the issue of writ of election, the Board shall cause to be transmitted to every returning officer:
- (a) a sufficient number of indexed copies of this Ordinance and such instructions prepared by the Board as are required for the proper conduct of an election by the returning officer and to enable the returning officer to supply to every election officer a copy of such instructions as the Board considers necessary to guide the election officer in the performance of his duties; and
 - (b) sufficient supplies to enable every election officer to carry out the duties and procedures provided herein.
- (2) Before nomination day the Board shall cause to be prepared for every electoral district a stereotype or printer's block specially made for the particular election and so designed that an impression therefrom on the back of a ballot paper will be readily recognizable and will show the name of the electoral district, the name of the returning officer and the date of the election.

- 17.(1) Every returning officer shall, forthwith upon the receipt of notice that a writ has been issued for an election in his electoral district, open an office in some convenient place in the electoral district where the electors can have access to him and maintain the office throughout the election period.
- (2) Either the returning officer or the assistant returning officer shall remain continuously on duty in the office of the returning officer during the hours that the polls are open.

Returning officers' office

QUALIFICATION OF ELECTORS

- 18.(1) Except as otherwise provided in this Ordinance, every person who is or becomes resident in a polling division between the issue of the writ and the end of revision of the lists and who,
- (a) on polling day has attained the age of nineteen years,
 - (b) on polling day is a Canadian citizen,

Qualification of electors

- (c) on polling day has been resident in Yukon for the previous twelve months, and
 - (d) at a by-election only, continues to be resident in the electoral district until polling day,
- is qualified as an elector to vote in that polling division.

- (2) The following persons are not qualified to vote at an election, and shall not vote at an election:
- (a) the returning officer for each electoral district;
 - (b) every judge of the Supreme Court;
 - (c) every person undergoing punishment as an inmate in any prison or lock-up for the commission of any offence, or deprived of his liberty while awaiting trial, appeal or sentencing;
 - (d) every person who is restrained of his liberty of movement or deprived of the management of his property by reason of mental disorder; and
 - (e) every person who has been convicted of an offence under this Ordinance in respect of which the court ordered that he should not be permitted to vote for so long as the order remains in force.

Entitlement to vote

- 19.(1) Subject to this Ordinance, every person who is qualified as an elector is entitled to have his name included in the list of electors for the polling division in which he is or becomes resident between the date of the writ for the election and the end of revision of the list, and to vote at the polling station established for that polling division.

ENUMERATION

Residence of electors 20.(1)

- For the purposes of establishing the residence of a person, the following rules shall apply:
- (a) the residence of a person is the place in which his habitation is fixed and to which, when absent therefrom, he has the intention of returning;
 - (b) a person does not lose his residence by reason of temporary absence from the place in which it is established;
 - (c) if a person leaves Yukon with the intention of making his residence elsewhere, he thereupon loses his residence in Yukon;
 - (d) the place where a person's family resides is considered to be his place of residence unless he takes up or continues his abode at some other place

- with the intention of remaining there, in which case he is considered to be a resident of such other place;
- (e) the residence of a single person is where such person usually sleeps;
 - (f) a change of residence can be made only by actual removal with the intent to establish a fixed habitation in another place;
 - (g) a person can have only one residence at one time; and
 - (h) while a person remains in Yukon, he is considered not to have lost a residence he has established therein until he acquires another.
- (2) For the purpose of a general election, every person shall be deemed to continue until polling day to reside in the electoral district in which he was resident when he was enumerated, and no actual change of residence during the intervening period shall deprive him of his right to vote in such electoral district or entitle him to vote in any other electoral district unless he is one of the persons described in subsection (4), (5) or (6) and exercises his rights thereunder.
- (3) No person shall be deemed to be resident in residential quarters that are generally occupied only during some or all of the months of May to October and generally remain unoccupied during some or all of the months of November to April unless, at a general election only, such person has no residential quarters in any other electoral district to which he might at will remove at the time of enumeration.
- (4) Notwithstanding any other provision of this Ordinance, any person who, during the period between his being enumerated and the end of revision of the list of electors, changes his place of residence from one polling division to another polling division in the same or another electoral district, and is otherwise qualified as an elector, may, if he so elects, apply in person during the sittings for revision to have his name included in the list of electors for that other polling division, and, upon the inclusion of his name in the list of electors for that other polling division, is entitled to vote at the polling station established for that other polling division.

- (5) At a general election, a person may elect to be deemed to be resident in a polling division in which he is temporarily residing while temporarily employed in the pursuit of his ordinary gainful occupation or receiving care or treatment in a hospital or home for the aged and is entitled to have his name included in the list of electors prepared for that polling division and is qualified to vote therein at the election if:
- (a) he so elects by advising the enumerator;
 - (b) he is otherwise qualified as an elector;
 - (c) he has been in residence therein since the date of the issue of the writ ordering the election; and
 - (d) he is, at the time he is enumerated, still temporarily residing therein.
- (6) The spouse or dependent of a person mentioned in subsection (5) who has come to a polling division for the purpose of accompanying the person may elect in the manner and on the conditions described in subsection (5) to be deemed to be resident in that polling division.
- (7) Notwithstanding any other provision of this section, no person shall be deemed to be resident on the enumeration date in lodgings, a hotel, hostel or refuge or similar institution, unless that person has been in continuous residence for at least five days immediately preceding his enumeration.
- (8) Each candidate at a general election who, on the day before the dissolution of the Territorial Council immediately preceding the election, was a member of the Territorial Council, any spouse or dependent of such a candidate who lives with him and is qualified as an elector, is entitled
- (a) to have his name entered on the list of electors for any one of the following places as he may elect:
 - (i) the place of actual residence of the former member;
 - (ii) the place, if any, in the electoral district in which the former member is a candidate where he has, at the time of his enumeration, a residence or a temporary residence;

- (iii) the place in the electoral district in which the former member is a candidate where the office of the returning officer for the electoral district is located; or
 - (iv) the place, if any, where the former member had his residence for the purpose of carrying out his duties as a member; and
- (b) to vote in such one of those places as he may elect.

- 21.(1) Every returning officer shall, as soon as possible following the issue of a writ of election to him, cause to be prepared in and for his electoral district and pursuant to this Ordinance, preliminary lists of all persons who are qualified as electors in the polling divisions comprised therein. Enumeration
- (2) The preliminary lists of electors shall be prepared in accordance with Section 22 and revised in accordance with Sections 24 and 25.
- (3) Every returning officer shall:
- (a) prepare, on the special form prescribed for that purpose, a list of the names and addresses of all enumerators appointed by him pursuant to Section 22 and of the polling divisions for which they are to act;
 - (b) forthwith upon its completion, send a copy of the list to the Board;
 - (c) post up, and keep posted up in his office during the period of the preparation of the lists of electors a copy of the lists of names and addresses of enumerators; and
 - (d) permit any person to inspect the list of names and addresses of enumerators at all reasonable times.
- (4) The returning officer shall, immediately upon receipt of the preliminary list of electors from the enumerator pursuant to Section 22,
- (a) correct any errors of a clerical nature in the name and particulars of any elector appearing on the list;
 - (b) satisfy himself as to the legibility of the list;
 - (c) cause to be reproduced, by whatever means are available to him, sufficient copies of the list to comply with the requirements of this Ordinance; and

- (d) keep a copy of each list available for public inspection during the hours his office is open until the close of the poll on polling day.
- (5) Immediately after the preliminary lists of electors have been reproduced and not later than the twenty-ninth day after the issue of the writ, the returning officer shall furnish three copies of the preliminary lists of electors for each polling division in his electoral district to each candidate who has been nominated in the electoral district.
- (6) Every returning officer shall, not later than the twenty-ninth day after the issue of the writ, cause three copies of the preliminary list of electors for each polling division to be posted each in a different prominent place within the polling division.
- (7) Every returning officer shall, not later than the twenty-ninth day after the issue of the writ, deliver or mail to the Board one copy of each of the preliminary list of electors for each polling division.
- (8) Every returning officer shall, upon receipt of a copy of statement of changes and additions for every polling division from each revising officer, pursuant to Section 25
 - (a) keep one copy on file in his office where it shall be available for public inspection during the hours his office is open,
 - (b) deliver, in the ballot boxes, one copy together with the preliminary lists, to the appropriate deputy returning officers for use at the taking of the votes, and
 - (c) deliver or mail one copy to the Board.
- (9) The preliminary lists, the statement of additions and changes and any amendments pursuant to the process of revision under Sections 24 and 25 shall together constitute the official list to be used at the taking of the poll.

Preparation of lists of electors

- 22.(1) As soon as possible after the receipt by him of notice by the Board that a writ of election has been issued for his electoral district, every returning officer shall,

unless otherwise authorized by the Board pursuant to subsection (1.1), appoint, in the prescribed form, two persons in each polling division to enumerate the electors therein and shall require each such person to take an oath of office in the prescribed form.

- (1.1) The Board may authorize the returning officer of any electoral district to appoint only one person in any polling division to enumerate the electors therein.
- (2) Each enumerator who is to be appointed pursuant to subsection (1) or (1.1) shall be a person who is qualified as an elector and resident in the electoral district in which he is to act as an enumerator or, with the prior approval of the Board, in an adjacent electoral district, but in no event shall an enumerator be a returning officer or an assistant returning officer.
- (3) Where two enumerators are appointed for a polling division every reference in this section to an enumerator shall, where the context so requires, be deemed to be a reference to a pair of enumerators and they shall, in relation to every process of the preparation of their list of electors,
 - (a) act jointly and not individually, and
 - (b) report forthwith to the returning officer who appointed them the fact and the details of any disagreement between them.
- (4) The returning officer shall decide any matter of difference between enumerators and shall communicate his decision to the enumerators who shall accept and apply it as if it had been originally their own decision.
- (5) A returning officer may at any time replace any enumerator appointed by him by appointing, subject to subsection (2), another enumerator to act in place of the person already appointed.
- (6) Any enumerator replaced pursuant to subsection (5),
 - (a) shall, upon request in writing by the returning officer, deliver or give up to the subsequent appointee or to any other authorized person, any election documents, papers and written information that he has obtained for the purpose of the performance of his duties, and

- (b) on default, is guilty of an offence.
- (7) Every enumerator, after taking his oath as such, shall:
- (a) forthwith proceed to ascertain the surname, given names and address of every person who is entitled to have his name entered on the list of electors at the pending election in the polling division for which he has been appointed;
 - (b) obtain the information that he may require by a house-to-house visit and from such other sources of information as may be available to him; and
 - (c) leave at the residence of every person whose name and particulars are to be included in the preliminary list, a notice in the prescribed form signed by him, which shall be detached from the enumerator's record book.
- (8) Every enumerator visiting a house shall advise every person present whose name he enters on the list of electors of the right to cast a vote by proxy in accordance with this Ordinance and, if requested, leave an application for a proxy certificate in the prescribed form for each person who requests it or for whom it is requested.
- (9) When making his house-to-house visit, pursuant to subsection (7), every enumerator shall wear and prominently display an enumerator's badge provided by the Board as evidence of his authority to register the names of the electors residing in the polling division.
- (10) Any enumerator wearing an enumerator's badge except as authorized by subsection (9) or any person wearing such badge without authority or wearing any other badge purporting to be an enumerator's badge, is guilty of an offence.
- (11) Every enumerator shall, unless satisfied that no qualified elector residing in a dwelling place remains unregistered, visit every dwelling place in the polling division at least twice, once between the hours of nine o'clock in the forenoon and six o'clock in the afternoon and once between the hours of seven o'clock and ten o'clock in the afternoon.

- (12) Where two enumerators are appointed for one polling division, one enumerator shall choose the time for the visits referred to in subsection (11) on every second day during the enumeration and the other enumerator shall choose the time on the alternate days.
- (13) Where, on the visits referred to in subsection (11), the enumerator is unable to communicate with any person from whom he can secure the names and particulars of the qualified electors residing at any dwelling place, the enumerator shall leave at the dwelling place a notification card, in the prescribed form, on which shall be stated,
- (a) the day and hour of any subsequent visit that the enumerator may elect to make,
 - (b) his name, address and telephone number, if any,
 - (c) the name of the returning officer,
 - (d) the address of the returning officer's office established pursuant to Section 17, and
 - (e) the place, date and time at which the lists may be revised and applications made for proxy certificates.
- (14) Every enumerator shall,
- (a) exercise the utmost care in preparing the list of electors for the polling division for which he has been appointed, and
 - (b) take all necessary precautions to ensure that the list when complete contains the surname given names and address of every qualified elector in the polling division for which he has been appointed and does not contain the name of any person who is not so qualified.
- (15) Every enumerator who, wilfully and without reasonable excuse, omits from the list of electors the name of any person entitled to have his name entered thereon, or enters on the list the name of any person not entitled to have his name entered thereon is guilty of an offence and shall, in addition to any other punishment to which he may be liable, forfeit his right to payment for his services as enumerator.
- (16) Not later than the twenty-sixth day after the issue of the writ, every enumerator shall prepare at least three copies of a complete list of the surnames, given names and addresses of persons who are qualified electors in the polling division for which they have been appointed.

- (17) The list prepared pursuant to subsection (16) shall be prepared by street and number wherever the residence of the elector is so identified, otherwise in alphabetical order of surname.
- (18) Where two electors residing at the same address have the same surname and given names, the enumerator shall insert after the surname and given names of each, such further words as are necessary to distinguish the two electors either by their relationship to each other or by occupation.
- (19) Every enumerator shall, on the preliminary list of electors, register the name of a woman who is divorced or living apart from her husband under whatever surname she commonly uses to identify herself in the polling division.
- (20) Upon completion of the preliminary list of electors and not later than the twenty-sixth day after the issue of the writ,
 - (a) every enumerator shall deliver or transmit to the returning officer who appointed him at least two plainly written or type written copies of the list for the polling division for which they were appointed together with their record books containing the carbon copies of the notices in the prescribed form, and
 - (b) each of such copies of the list shall be severally sworn to by both enumerators in the prescribed form.
- (21) Every enumerator shall, on the day that, pursuant to subsection (20), he transmits or delivers copies of the preliminary list of electors to the returning officer, post up or cause to be posted up, one copy of the list in a conspicuous place to which the public has access within the polling division.
- (22) Every enumerator shall endorse on the list posted up pursuant to subsection (21) the dates, times and place at which a person who is or claims to be a qualified elector in the electoral district may make application to the revising officer:
 - (a) for revision of the list;
 - (b) for a proxy certificate pursuant to Section 55; or
 - (c) for a transfer certificate pursuant to Section 26.

- (23) The dates endorsed pursuant to subsection (22) shall be the twenty-ninth to the thirty-sixth days after the issuance of the writ, excluding Sundays and public holidays, and the times endorsed pursuant to subsection (22) shall be two o'clock in the afternoon to six o'clock in the afternoon.
 - (24) Upon receipt of the enumerator's record books and of the two copies of the preliminary list of electors, the returning officer shall carefully examine such documents and if, in his judgement, the list is incomplete or contains the name of any person whose name should not be included on the list, he shall not certify the enumerator's account and shall forward the account uncertified to the Board with a special report attached thereto stating the relevant facts.
- 23.(1) Where a plebiscite or by-election is to be held in an electoral district, and
- (a) the order for the plebiscite or the writ for the by-election is issued within one year after the issue of the writ of election for an election in that electoral district in the course of a general election, and
 - (b) an official list of electors was prepared for and in the course of the general election and delivered to the Board pursuant to subsection 21(7) and paragraph 21(8)(c),
- that official list shall be the preliminary list of electors for the subsequent plebiscite or by-election, as the case may be.
- (2) Upon the occurrence of such event as referred to in subsection (1), the Board shall forward to the returning officer with the writ of election three certified copies of the official list of electors mentioned in subsection (1) for each polling division of the electoral district.
 - (3) The certified copies shall be delivered by the returning officer to the enumerators and revising officers appointed and each enumerator, returning officer or revising officer, as the case may be, shall post, revise, correct, certify, grant certificates and otherwise act in all respects as if such certified copies were lists of electors preliminarily prepared, completed and signed by an enumerator as in this Ordinance provided.

List of electors

- (4) The certified copy revised in accordance with Sections 24 and 25 shall be the official list of electors for the polling division to which it relates.
- (5) If there is in any electoral district a polling division for which a list of electors is not of record in the office of the Board, a list for such polling division shall for the purposes of any by-election or plebiscite be wholly prepared in the manner provided for a general election by this Ordinance.
- (6) Where an official list of electors for a plebiscite or by-election is prepared pursuant to this section, the provisions of paragraph 21(8)(c) shall not apply.

REVISION

Revising
officers
and
revision
of lists

- 24.(1) Every returning officer shall appoint one or more revising officers for every electoral district, who may be his assistant returning officer, an enumerator or any other person qualified as an elector in the electoral district.
 - (1.1) Every revising officer shall be appointed in the prescribed manner and upon his appointment shall take an oath in the prescribed form.
 - (2) A returning officer may himself act as a revising officer in one or more polling divisions in his electoral district, where the returning officer has been unable to find any suitable person to act as a revising officer for such polling division.
 - (3) If any revising officer or returning officer at any time after the posting up of the list of electors and before the time fixed for the closing of the revision of the list is fully satisfied from representations made to him by any credible person and by independent inquiry that the name of any qualified elector has been omitted from the list of electors of the polling division to which such elector belongs, he shall add the name to the copy of the list in his possession and shall attest such addition by his initials.
 - (4) If any revising officer or the returning officer, in like manner is fully satisfied that there is on the list the name of any person who is not qualified as an elector of the

polling division, he shall remove such name therefrom by drawing a line through the name and shall attest such removal by his initials.

- (4.1) Where the name of a person is removed from a list pursuant to subsection (4), the revising officer or returning officer who removed it shall forthwith give that person notice thereof, either in person or by sending written notice by registered mail to the address shown on the list and to any other address at which the officer believes the person may be found.
- (5) If any revising officer or the returning officer finds that the address of any elector is inaccurately stated in the list, he shall make the necessary change and shall attest the change by his initials.
- (6) A person who corruptly makes a false statement for the purpose of inducing a revising officer or returning officer
 - (a) to omit the name of any person entitled to have his name entered on the list of electors, or
 - (b) to insert or retain on the list the name of any person who is not entitled to have his name so inserted or retained,is guilty of an offence.
- 25.(1) At the dates and times specified in subsection 22(23), the revising officer shall attend for the purpose of hearing and disposing of applications for the revision of the list, granting proxy certificates pursuant to Section 55 and granting transfer certificates pursuant to Section 26. Revision hearings
- (2) Any person claiming to be a qualified elector in the polling division may attend in person, by agent or counsel to make application for the revision of the list.
- (3) At six o'clock in the afternoon of the last day so specified or so soon thereafter as all applications of persons present at that hour have been disposed of and the copy of the list retained by or supplied to the revising officer has been revised and corrected he shall prepare a statement of changes and additions and subscribe to and attach thereto close to the last name thereon a certificate in the prescribed form and thereafter he shall make no change to the list.

- (4) The decision of a revising officer may be appealed to the returning officer and the decision of the returning officer is final.
- (5) The hearing of revisions shall be open to the public.
- Trans- 26.(1) A deputy returning officer, poll clerk, interpreter, constable, candidate or agent of a candidate appointed in writing as such by the candidate,
- fer
votes
- (a) whose name appears on the list of electors of a polling division as that of a qualified elector,
- (b) who will be situated on polling day at a polling place in some other polling division in connection with the exercise of his rights or duties under this Ordinance, and
- (c) who wishes to vote at the polling place in which he will be situated
- may, prior to the close of revision of the lists pursuant to Section 25, apply to the revising officer of the electoral district for a transfer certificate stating that he is a qualified elector in his home polling division.
- (2) The revising officer, if satisfied that the applicant is a qualified elector and that his name appears on the list of electors for his home polling division, shall grant the certificate in the prescribed form in triplicate.
- (3) The revising officer shall grant the certificate in accordance with the following provisions:
- (a) he shall not issue any certificate until after two o'clock in the afternoon of the day of nomination nor after the close of the revision of the lists and he shall not issue any certificate in blank;
- (b) he shall
- (i) number each certificate in consecutive order of issue;
- (ii) set out in writing the name of the person to whom it is issued;
- (iii) certify that such person is a qualified elector, giving the number of the polling division where his name appears on the list of electors and the electoral district, and
- (iv) state the position and number of the polling division in which he will be situated;
- (c) he shall date and sign each certificate; and

- (d) he shall not issue a certificate to more than three agents of any candidate for use in any one polling division and to such three only on the production by each of a written appointment as agent signed by the candidate.
- (4) The revising officer shall give one copy of the certificate to the elector to whom it relates, retain the second copy and deliver the third copy to the revising officer of the elector's home polling division.
- (5) Upon receiving a copy of a transfer certificate pursuant to subsection (4) the revising officer of the elector's home polling division shall enter against the name of the elector on the list of electors the words "transfer certificate issued".

PROCLAMATION

- 27.(1) Within two days after he receives the writ of election or within six days after he has been notified by the Board of the issue of such a writ, whichever is the sooner, every returning officer shall issue a proclamation in Form 2 under his hand indicating:
 - (a) the place and time fixed for the nomination of candidates;
 - (b) the day on which voting is to be held in case voting is necessary and the hours between which votes may be cast;
 - (c) the numbers and fully described boundaries of polling divisions of the electoral district and the polling places therein;
 - (c.1) the names of any assistant returning officers appointed by the Board;
 - (d) the place and times where application may be made for a revision of the lists of electors or for the issuance of a proxy certificate pursuant to Section 55 or a transfer certificate pursuant to Section 26;
 - (e) the place and time where the returning officer will add up the number of votes given to each candidate;
 - (f) an exact description of the place in the electoral district where the returning officer has established his office pursuant to Section 17; and
 - (g) the place and time where the returning officer will declare the result of the election pursuant to Section 65.

Proclamation
by
returning
officer

- (2) The place fixed pursuant to paragraph (1)(a) for the nomination of candidates shall be a court house, city or town hall or other public or private building in the most central place in the electoral district or the place that is most convenient for the majority of electors in the electoral district.
- (3) The day and time indicated pursuant to paragraph (1)(d) shall be determined as described in subsection 22(23).
- (4) the time indicated pursuant to paragraph (1)(e) shall, at a general election, be not earlier than the Thursday immediately following polling day and not later than the tenth day following polling day unless the Board gives its prior written approval of a different time.
- (5) Within the time specified in subsection (1), the returning officer shall cause copies of the proclamation to be posted in conspicuous public places in the electoral district.
- (6) As soon as the proclamation referred to in subsection (1) is printed, the returning officer shall deliver or send by mail one copy thereof to each person who is, or at the election last held in the electoral district was, a candidate for election.

QUALIFICATIONS OF CANDIDATES

Quali-
fication
of
candidate

- 28.(1) Subject to this Ordinance, any person who is qualified to vote at an election is eligible to be nominated as a candidate and elected as a member of the Territorial Council for an electoral district notwithstanding that he is not resident in that electoral district.
- (2) No person may be nominated as a candidate for an election in more than one electoral district at the same election.

Disquali-
fication

- 29.(1) No person may be nominated or elected as a member of the Territorial Council if he would be ineligible to become a member and sit and vote in the Territorial Council pursuant to any other Ordinance unless the grounds for his ineligibility be such that he can divest himself of them within thirty days after his election and that upon his nomination he files with the returning officer a statement by him in the prescribed form disclosing all the grounds that exist for his ineligibility and undertaking

that upon his election he will, within thirty days of being declared elected, divest himself of such grounds for ineligibility.

- (2) Where a candidate files a statement pursuant to subsection (1), the returning officer shall:
 - (a) forthwith advise every other candidate of the fact;
 - (b) transmit a copy of the statement to the Board; and
 - (c) permit during the hours his office is open, any elector, candidate or agent to scrutinize a copy of the statement.
- (3) A candidate who has filed a statement and undertaking pursuant to subsection (1) and who is subsequently elected and who fails within thirty days of the official announcement of his election to divest himself of the grounds for his ineligibility is guilty of an offence and his election is void.
- (4) The election of any person who is by this Ordinance declared to be ineligible as a candidate is void.
- (5) Every person who signs a nomination paper consenting to be a candidate at an election knowing that he is ineligible to be a candidate at the election and who fails to file a statement pursuant to subsection (1) is guilty of an offence.

POLLING DAY

- 30.(1) At a general election the writs for all electoral districts shall be dated on the same day and shall name the same day for the poll which shall be no earlier than the forty-fifth day after the issue of the writ. Polling day
- (2) The day fixed for holding the poll shall, at any election, be a Monday, unless the Monday of the week in which it is desired to hold the poll is a public holiday and, in any such case, the day fixed for the poll shall be Tuesday of the same week.
- (3) Where, pursuant to subsection (2), the day fixed for the poll at an election is a Tuesday, the provisions of this Ordinance requiring anything to be done on a specified

day or within a specified period of time before or after polling day apply as if polling day were the immediately preceding Monday.

(4) Notwithstanding any provision of any other Ordinance, where

(a) a vacancy occurs in the representation of an electoral district, and

(b) no general election is to be held before the commencement of the next session of the Council,

an election to fill the vacancy shall be held within one hundred eighty days after the vacancy occurs or, subject to subsections (1), (2) and (3), within such shorter period as may be necessary to return as elected a member to represent the electoral district, before the commencement of the next session of the Council.

NOMINATION

Nomi-
nation

31.(1) Nomination day in every electoral district shall be the twenty-sixth day after the issue of the writ.

(2) If nomination day would otherwise fall on a public holiday, the day for the close of the nomination shall be the next day following that is not a Sunday or public holiday.

(3) Any twenty-five or more persons qualified as electors in an electoral district in which an election is to be held may, whether or not their names are on any list of electors, nominate a candidate for that electoral district causing a nomination paper to be filed with the returning officer.

(4) The nomination paper shall be filed with the returning officer at any time after the issue by the returning officer of the proclamation pursuant to Section 27 and before two o'clock in the afternoon of the day fixed for nomination.

(5) The nomination paper shall be signed by the twenty-five or more persons nominating the candidate before a witness who shall require each person to declare to him that he is qualified as an elector in the electoral district and who shall appear before a Justice of the Peace, commissioner of oaths, notary public, peace officer or the returning officer and declare that he witnessed the signatures and that the persons so declared to him that they were electors.

- (6) A nomination paper is not valid nor shall it be accepted by the returning officer unless:
- (a) it is prepared in Form 3 and contains a statement duly signed by the official in whose presence the signatures were made setting forth that they were so made;
 - (b) it contains the name, address, occupation and political affiliation or interest, if any, of the candidate;
 - (c) it states an address within Yukon for service of any legal process, notice or other document issued or to be served, either under this Ordinance or under the *Controverted Elections Ordinance*, upon the candidate;
 - (d) it contains the consent in writing of the person thereto nominated, signed by him and witnessed;
 - (e) it contains or is accompanied by a statement duly signed by the candidate that he is qualified to be a candidate at the election, or a statement pursuant to subsection 29(1);
 - (f) it contains the appointment, name and address of the official agent of the candidate duly signed by the candidate; and
 - (g) it is accompanied by a deposit of two hundred dollars in Bank of Canada notes or by a certified cheque drawn upon a Canadian chartered bank or a combination of both.
- (7) For the purposes of paragraph (6)(b) the name of a candidate may include a nickname by which the candidate is commonly known but may not include any title, degree, prefix or suffix.
- (8) A returning officer who receives a nomination paper which complies with this section shall give his receipt for the nomination paper and deposit and such receipt is in every case sufficient proof of the filing of the nomination paper and of the consent of the candidate.
- (9) Where a nomination paper is signed by more than twenty-five persons, the nomination paper is not invalid by reason only that some of those persons are not qualified electors, if at least twenty-five of the persons who so signed are qualified electors.

- (10) The returning officer shall not refuse to accept any nomination paper for filing by reason only that he believes the candidate to be ineligible unless the ineligibility may be determined from the nomination paper.
- (11) The returning officer shall attend at noon on nomination day at the place fixed for the nomination of candidates in the proclamation issued pursuant to Section 27 and shall remain until two o'clock in the afternoon of the same day for the purpose of receiving the nominations of such candidates as the electors desire to nominate.
- (12) Where the candidate has the endorsement of a registered political party and wishes to have the name of the party shown on the election documents relating to him, a statement in writing, signed by the leader of the party or representative designated by the leader and stating the name of the party and that the candidate is endorsed by the party, shall be filed with the returning officer at the time the nomination paper is filed.
- (13) If no statement is filed in accordance with subsection (12), the political affiliation of the candidate shall be described by the word "independent" followed by such other word or words as are requested in writing by the candidate indicating his political interest but which shall not include the full name of any registered political party.
- (14) After two o'clock in the afternoon on nomination day, no further nomination shall be receivable or be received.
- (15) At the time fixed for the close of nominations the returning officer shall, in the presence of any candidates, official agents and electors who are present, establish, by the drawing of lots, the order in which the names of candidates shall appear on the ballot paper.
- (16) Any vote given at an election for any person other than a candidate officially nominated in the manner prescribed by this Ordinance is void.
- (17) The deposit referred to in paragraph (6)(g) shall be remitted by the returning officer to the Board and paid into the Yukon Consolidated Revenue Fund.

- (18) Every candidate who,
- (a) receives a number of votes that is no less than twenty-five percent of the number of votes received by the candidate who is returned as elected, and
 - (b) delivers a statement pursuant to Section 98,
- shall receive a refund of the deposit paid on his behalf pursuant to paragraph (6)(g).
- (19) Where the returning officer has authorized one or more assistant returning officers to accept nominations, the provisions of this section shall apply to such assistant returning officers as if they were the returning officer with the exception of subsection (15) and subsection (17).
- 32.(1) The leaving, between the hours of nine o'clock in the morning and six o'clock in the afternoon, of a copy of any process, notice or other document with an occupant of, or if there is no occupant, at the address stated in the nomination paper pursuant to paragraph 31(6)(c) shall be deemed for all purposes to be personal service upon the candidate of the process, notice or other document. Notice
to
candidate
- 33.(1) Where any candidate dies after the close of the nominations and before the closing of the polls, the returning officer shall, after consultation with the Board, fix another day for the nomination of candidates. Death
of
candidate
- (2) Notice of the new day fixed for the nomination of candidates, which shall be a Monday not more than thirty days from the death of the candidate, nor less than twenty days from the issue of the notice, shall be given by a further proclamation distributed and posted up as provided in Section 27, and there shall also be named by the proclamation a new day for polling, which shall be the nineteenth day after the new day fixed for the nomination of candidates subject to subsection 31(2).
 - (3) The lists of electors to be used at a new election pursuant to this section shall be the official lists of electors prepared and revised after the issue of the writ.
 - (4) Full particulars of any action taken under this section shall be reported forthwith in writing by the returning officer who takes the action, to the Board.

- Acclamation 34.(1) Where only one candidate has been officially nominated for an electoral district within the time fixed for that purpose, the returning officer shall
- (a) forthwith declare the candidate elected,
 - (b) make his return to the Board in the prescribed form that the candidate is duly elected for the electoral district,
 - (c) within forty-eight hours thereafter send a certified copy of the return to the person elected, and
 - (d) as soon as possible forward to the Board the writ of election and all election material not used or required for use in the election.
- (2) A returning officer shall include with his return to the Board a report of his proceedings and of any nomination proposed and rejected for non-compliance with this Ordinance.
- Grant of poll 35.(1) If at the close of the time for receiving nominations two or more candidates remain nominated, the returning officer shall grant a poll for taking the votes of the electors and deliver a list of the candidates nominated and the names and addresses of their official agents to every candidate or to his official agent.
- Publication of agent - death of agent 36.(1) The returning officer shall announce, at the place of nomination and immediately upon the close of nominations, and shall, on or immediately after the day of nomination, cause to be posted in the same places as the proclamation issued pursuant to Section 27 is posted, a notice containing the name, address, occupation and political affiliation or interest, if any, of every candidate and the name and address of the official agent of every candidate as prescribed.
- (2) Where a candidate has filed a statement pursuant to subsection 29(1) the returning officer shall cause to be inserted in the notice pursuant to subsection (1) after the name of the candidate the words "Statement filed pursuant to subsection 29(1) of the *Elections Ordinance, 1977.*"
- (3) In the event of the death or incapacity of his official agent, the candidate shall forthwith give notice to the

returning officer of the appointment of another official agent in his place in writing and signed by the candidate including the name and address of the person appointed, which shall be forthwith posted by the returning officer as provided in subsection (1).

- 37.(1) Every returning officer shall furnish free of charge to every candidate for the electoral district or his agent as soon as possible and not later than three days after the close of nominations,
- Candidates copy of Proclamation, map and lists
- (a) one copy of the proclamation issued by him pursuant to Section 27,
 - (b) one copy of a map showing the polling divisions in the electoral district, and
 - (c) three copies of every preliminary list of electors.
- 38.(1) A candidate who has been officially nominated at an election may withdraw at any time prior to two o'clock in the afternoon of the twenty-ninth day after the issue of the writ by filing, in person, with the returning officer a declaration in writing to that effect signed by him and attested by the signatures of two electors who are qualified to vote in the electoral district in which he was officially nominated.
- Withdrawal of candidate
- (2) Where a candidate at an election withdraws under subsection (1), any votes cast for him at the election are void.
 - (3) Where a candidate has withdrawn after the ballots are printed, the returning officer shall,
 - (a) inform, by mail, telegraph or telephone confirmed by mail, each deputy returning officer of his electoral district of the withdrawal, and
 - (b) send a notice of the withdrawal to each deputy returning officer.
 - (4) Where a candidate withdraws as set out in subsection (3) every deputy returning officer shall:
 - (a) post up in a conspicuous place in his polling station on polling day a notice of withdrawal signed by the returning officer or if no such notice be available, a notice signed by the deputy returning officer; and

(b) cause every ballot to have the word "withdrawn" written or stamped in red over the name of the candidate who has withdrawn.

- (5) Where, after a candidate has withdrawn, only one candidate remains, the returning officer shall, without waiting for the poll, return as duly elected the remaining candidate in accordance with Section 34.
- (6) Every person who, for the purpose of procuring the election of a candidate, publishes a false statement of the withdrawal of another candidate at the election is guilty of an offence.

Assistant
returning
officers
receive
nominations

- 39.(1) An assistant returning officer appointed pursuant to Section 9, may be authorized in writing by the returning officer of the electoral district to receive nominations for candidates for election in that electoral district and to fulfill any of the responsibilities assigned to the returning officer under Section 31, except subsections (15) and (17), 36, 37 or 38.

POLLING STATIONS

Polling
stations

- 40.(1) As soon as possible after the issue of the writ of election, every returning officer shall fix and provide for each polling division a polling station in a place in the division which is central or convenient for the electors.
- (2) Notwithstanding subsection (1) whenever the greater convenience of electors would be suited thereby:
- (a) the polling place for a polling division may, with the prior consent of the Board instead of being fixed and provided for in the polling division, be fixed and provided for in a nearby city, town or village;
- (b) a polling place may be established where the polling stations of all or any of the polling divisions of any locality may be centralized, and a central polling place so established shall not comprise more than five polling divisions unless the Board has given its prior permission for the establishment of a central polling place comprising more than five polling divisions;
- or

- (c) one or more polling stations may be established for one polling division and, in such case, the official list prepared and published pursuant to subsection 21(9) shall be divided into separate lists for each based on the convenience of electors and each list shall be arranged by street and number, where possible, otherwise in alphabetical order of surname.
- (3) Whenever possible, the returning officer shall locate the polling station in a school or other suitable public building and in a central place in the building that will provide ease of access to electors.
- (4) A returning officer may take and use as a polling place any school building that is the property of any school board or the Government of the Yukon Territory or any agent thereof.
- (5) Every polling station shall be in premises of convenient access and if possible, convenient to handicapped persons, having, if possible, separate doors for electors to enter before voting and leave after voting.
- (6) Every polling station shall contain one or more voting compartments so arranged that each elector is screened from observation and from interference or interruption while he marks his ballot paper.
- (7) In every voting compartment there shall be provided for the use of electors in marking their ballots, a table or desk with a hard, smooth surface and a suitable black lead pencil, which shall be kept properly sharpened throughout the hours of polling.
- (8) The Board may give to the returning officer such instructions as it deems necessary as to the construction and method of making voting compartments.
- (9) The poll shall be opened at the hour of eight o'clock in the forenoon and kept open until eight o'clock in the afternoon on polling day, and every deputy returning officer shall receive, during that time in the polling station assigned to him and in the manner prescribed in this Ordinance, the votes of the electors qualified to vote at the polling station.

DEPUTY RETURNING OFFICERS
AND POLL CLERKS

Deputy
returning
officers,
poll clerks,
interpreters

- 41.(1) As soon as convenient after the issue of the writ of election, every returning officer shall, by writing in the prescribed form executed under his hand, appoint one deputy returning officer for each polling station established in his electoral district.
- (2) Every deputy returning officer shall, before acting as such, take an oath in the prescribed form.
- (3) No returning officer or assistant returning officer may act as a deputy returning officer.
- (4) A returning officer may appoint as deputy returning officer a person who has acted as enumerator if no other suitable person can be found by the returning officer who is willing and able to act and in such case the returning officer shall forthwith report the appointment and the reasons therefor to the Board.
- (5) The returning officer shall furnish to each candidate or his agent, at least three days before polling day a list of the names and addresses of every deputy returning officer appointed to act in the electoral district with the address and the number of the polling station at which he shall act.
- (6) A returning officer may, at any time, relieve any deputy returning officer appointed by him of his duties and appoint another person to perform those duties.
- (7) Any deputy returning officer who is relieved of his duties under subsection (6) or who refuses or is unable to fulfill his duties hereunder:
- (a) shall forthwith, upon receiving written notice from the returning officer of the appointment of a substitute for him, deliver up to the returning officer or to such other person as the returning officer may appoint, the ballot box and all ballot papers and the lists of electors and other papers in his possession as deputy returning officer; and
- (b) on default thereof is guilty of an offence.

- (8) Every deputy returning officer shall, as soon as possible after his appointment, appoint by writing under his hand, in the prescribed form, a poll clerk, who before acting as such shall take the oath in the prescribed form.
- (9) The appointment of the poll clerk shall be written in the poll book.
- (10) At least three days before polling day, each returning officer shall:
 - (a) post up in his office a list of the names and addresses of all the deputy returning officers appointed to act in the electoral district, with the addresses and number of their respective polling stations; and
 - (b) permit free access to, and afford full opportunity for the inspection of, the list by interested persons during the hours his office is open.
- (11) Where a deputy returning officer dies or is unable to act, the returning officer may appoint another in his place as deputy returning officer and, if no such appointment is made, the poll clerk, without taking another oath of officer, shall act as deputy returning officer.
- (12) Where a poll clerk acts as deputy returning officer, he shall appoint a poll clerk in the prescribed form which shall be written in the poll book to act in his place who before acting as such shall take the oath in the prescribed form.
- (13) A deputy returning officer may appoint as his poll clerk a person who has acted as enumerator only if no other suitable person can be found by the returning officer who is willing and able to act and the deputy returning officer shall report the appointment forthwith to his returning officer who shall report it forthwith to the Board.
- (14) Every deputy returning officer who has reason to believe that there will be electors voting at a polling station in his polling district who do not understand the English language shall appoint by writing in the prescribed form for the polling station an interpreter familiar with the English language and with a language with which such electors will be familiar.

- (15) Every interpreter upon his appointment shall be required to take an oath in the prescribed form.

BALLOT BOXES AND BALLOTS

Ballot boxes

- 42.(1) The Board shall:
 - (a) cause to be made for each electoral district such ballot boxes as are required; or
 - (b) give to the returning officer instructions to obtain ballot boxes of a uniform size and shape.
- (2) Each ballot box shall be made of some durable material with a slit or narrow opening on the top so constructed that, while the poll is open, the ballot papers may be introduced therein but cannot be withdrawn therefrom unless the ballot box is unsealed and opened.
- (3) Each ballot box shall be provided with a sealing plate, permanently attached, to affix the special seals provided by the Board for the use of returning officers and deputy returning officers.
- (4) When a returning officer fails to furnish a ballot box to any deputy returning officer at any polling station within the time prescribed by this Ordinance, the deputy returning officer shall otherwise procure it or cause it to be made in accordance with this section.

Ballot papers

- 43.(1) Every ballot paper shall be in Form 4 and shall have a counterfoil and a stub with a line of perforations between the ballot paper and the counterfoil and a line of perforations between the counterfoil and the stub.
- (2) All ballot papers in an electoral district shall be in the same form and as nearly as possible identical and each ballot paper shall be a printed paper on which shall appear,
 - (a) the names of the candidates, arranged in the order established pursuant to subsection 31(15) with given names or nicknames following, set out as those names appear in their nomination papers;
 - (b) the name of the registered political party endorsing the candidate or his political interest, if any, as declared pursuant to subsection 31(6) at the time of nomination of that candidate, set out under the name of the candidate.

- (3) Any candidate may, within one hour of the close of the nominations, supply in writing to the returning officer any particulars of his name, address, occupation or political affiliation or interest that he considers to have been insufficiently or inaccurately given in his nominating paper or may, within that time, in writing direct the returning officer to omit any of his given names from the ballot paper or to indicate those names by initial only, and the returning officer shall comply with any such direction and include in the ballot paper any such additional or corrected particulars.
- (4) The ballot paper shall
 - (a) be printed upon paper furnished to the returning officer by the Board at the time of or as soon as possible after the transmission of the writ of election, and
 - (b) be of the prescribed weight and quality.
- (5) Every ballot paper for an electoral district shall have a different number which number shall be printed both on the back of the stub and on the back of the counterfoil.
- (6) Every ballot paper shall bear on the back thereof an impression of the stereotype block supplied by the Board pursuant to subsection 16(2).
- (7) The ballot paper shall be bound or stitched in books containing twenty-five, fifty or one hundred ballots, as may be most suitable for the polling stations considering the number of voters in each.
- (8) The ballot paper shall bear the name of the printer who shall, upon delivering the ballot papers to the returning officer, deliver therewith an affidavit, in the prescribed form setting forth the description of the ballot papers so printed by him, the number of ballot papers supplied to the returning officer and stating that no other ballot papers relating to that electoral division have been supplied by him to any other person or retained by him.
- (9) The ballot boxes, ballot papers, envelopes and marking instruments procured for or used at any election, shall be the property of the Crown.

Materials 44.(1)
to
deputy
returning
officer

Every returning officer shall furnish to every deputy returning officer in his electoral district, at least two days before polling day,

- (a) a sufficient number of ballot papers for at least the number of electors on the official list of electors of the polling division,
- (b) a statement showing the number of ballot papers so supplied with their serial numbers,
- (c) the necessary materials for electors to mark their ballots,
- (d) at least ten copies of printed directions in the prescribed form for the guidance of electors in voting,
- (e) a copy of instructions prescribed by the Board, referred to in subsection 16(1),
- (f) the official list of electors for use at the polling station,
- (g) a ballot box,
- (h) a blank poll book,
- (i) the several forms of oaths or affirmations to be administered to electors printed together on a card, and
- (j) the necessary envelopes and such other forms and supplies as may be authorized or furnished by the Board.

(2) Until the opening of the poll, each deputy returning officer shall keep the blank poll book, official list of electors, envelopes, ballot papers and other election supplies sealed in the ballot box, and shall take every precaution for their safekeeping and to prevent any person from having unlawful access to them.

(3) Upon receiving the ballot papers from the returning officer every deputy returning officer shall count them and forthwith mail to the returning officer a receipt for the number of ballots in the prescribed form.

PROCEEDINGS AT THE POLL

Official 45.(1)
list of
electors

The list of electors to be used at an election shall be the official list of electors.

(2) Every returning officer shall deliver to every deputy returning officer in his electoral district one copy of the official list of electors for his polling station by

enclosing it in the ballot box with the ballot papers and other supplies required by Section 44.

- (3) In remote polling divisions the Board may direct that the preliminary list of electors and one copy of the statement of revisions, as prepared by the revising officer, shall be delivered or transmitted by the revising officer directly to the deputy returning officer concerned, and in such case the deputy returning officer shall, for the taking of the vote, use the preliminary list of electors as amended by the statement of revisions as the official list of electors as though he had received them from the returning officer.

46.(1) A candidate or his official agent may appoint in writing in the prescribed form one or more agents to represent the candidate at a polling place. Persons present at the poll

- (2) During the time that the poll remains open at a polling station, no person other than,
 - (a) the deputy returning officer,
 - (b) the poll clerk,
 - (c) any interpreters or constables appointed,
 - (d) the candidates, and
 - (e) two agents for each candidate, or in the absence of agents, two electors to represent each candidate,shall enter the room where the votes are given except to vote nor remain in that room for a period longer than the period necessary to enable him to vote.

- (3) Where in the opinion of the deputy returning officer the room where the votes are given may become too crowded he may order that no more than one agent or if there be no agent present, one elector, for each candidate may enter or remain in the room at one time.

- (4) Forthwith on being admitted to a polling station each agent shall deliver his written appointment to the deputy returning officer.

- (5) Each of the agents of the candidate and, in the absence of agents, each of the electors representing the candidate, on being admitted to the polling station, shall take an oath in the prescribed form to keep secret the name of the candidate for whom the ballot paper of any elector is marked in his presence.

- (6) Any agent bearing a written authorization from the candidate or from the official agent of the candidate in a prescribed form shall be deemed an agent of the candidate within the meaning of this Ordinance and is entitled to represent the candidate in preference to, and to the exclusion of, an elector who might otherwise claim the right of representing the candidate.
 - (7) A candidate or the official agent of a candidate may appoint as many agents as he deems necessary for a polling station except that only two agents for each candidate may be present at the polling station at any time.
 - (8) Any dispute as to which agent or agents may be in the room where the vote is taken shall be determined by the deputy returning officer.
 - (9) An agent of a candidate may,
 - (a) during the hours of polling, but at no other time, examine the poll book and take any information therefrom except where an elector would be delayed in casting his vote thereby, and
 - (b) convey during the hours of polling any information obtained by the examination referred to in paragraph (a) to any agent of the candidate who is on duty outside the polling station.
 - (10) The deputy returning officer may order to leave the polling station any candidate, agent or elector representing a candidate who obstructs the taking of the poll, speaks to any elector who has stated that he does not wish to be spoken to or commits at the polling station any offence against this Ordinance and any person who refuses to obey such an order forthwith is guilty of an offence.
- Counting of ballots before poll 47.(1) If the agents and electors entitled to be present in the room of the polling station during polling hours are in attendance at least fifteen minutes before the hour fixed for opening of the poll, they are entitled to have the ballot papers supplied for use thereat carefully counted in their presence before the opening of the poll, and to inspect the ballot papers and all other papers, forms and documents relating to the poll.

- (2) A candidate may himself undertake the duties that any agent of his, if appointed, might have undertaken hereunder or may assist his agent in the performance of his duties, may be present at any place at which his agent may pursuant to this Ordinance be authorized to attend but shall in such case take the oath prescribed in subsection 46(5).
 - (3) The non-attendance of any candidate, official agent, agent or elector representing a candidate at any time or place required by or permitted by this Ordinance does not in any way invalidate any act or thing done during the absence of the agent and wherever in this Ordinance any expressions are used requiring or authorizing any act to be done at the polls or elsewhere, in the presence of candidates, official agents, agents or electors representing the candidate, such expressions shall be deemed to refer to the presence of such candidates, official agents, agents or electors representing the candidates as are authorized to attend, and as have in fact attended at the time and place where such act or thing is being done.
- 48.(1) Every deputy returning officer shall, on polling day, at or before the opening of the poll, cause such printed directions to the electors as have been supplied to him by the Board to be posted up in conspicuous places outside the polling station and also in each voting compartment of the polling station.
- Proceedings
at poll
- (2) Before the opening of the poll, on polling day, the deputy returning officer shall, at the polling station and in full view of such of the candidates or their agents or electors representing candidates as are present, affix uniformly his initials in the space provided for that purpose on the back of every ballot paper supplied to him by the returning officer.
 - (3) The initials of the deputy returning officer shall be inscribed in ink.
 - (4) For the purpose of initialling, the ballot paper shall not be detached from the books in which they have been bound or stitched.
 - (5) At the hour fixed for opening the poll, the deputy returning officer shall:

- (a) show the ballot box to the persons present in the polling place so that they may see that it is empty;
 - (b) seal the empty ballot box in such a manner as to prevent it being opened without breaking the seal;
 - (c) place the box on a desk or table in full view of all present; and
 - (d) keep the box so placed and sealed until the close of the poll.
- (6) Immediately after the ballot box is sealed, the deputy returning officer shall call upon the electors to vote.
- (7) The deputy returning officer shall ensure the admission of every elector into the polling station, and shall see that they are not impeded or molested at or about the polling station.
- (8) A deputy returning officer may, if he deems it advisable, direct that not more than one elector for each voting compartment shall be present in the room where the vote is taken at any time.
- (9) Each elector upon entering the room where the vote is taken shall declare his name and address whereupon the poll clerk shall ascertain if the name of the elector appears on the official list of electors for the polling station.
- (10) Where an elector produces a proxy certificate the poll clerk shall ascertain whether the names of both the person holding a proxy certificate and the person on whose behalf the proxy is to be exercised appear on the official list of electors for the polling station.
- (11) When it has been ascertained that an applicant elector is qualified to vote or to exercise a proxy at a polling station,
- (a) his name and address shall be entered in the poll book to be kept by the poll clerk in the prescribed form, a consecutive number being prefixed to the electors name in the appropriate column of the poll book, and
 - (b) he shall immediately be allowed to vote, unless any person requires that he first take an oath or affirmation pursuant to Section 50.

VOTING

- 49.(1) Subject to his taking any oath or affirmation authorized by this Ordinance to be required of him, every person whose name appears on an official list of electors shall be allowed to vote at the polling station where his name appears on the list. Who may vote and where
- (2) An elector shall not be allowed to vote if his name does not appear on the official list of electors unless he has obtained a transfer certificate pursuant to Section 26 and is that day performing the duty specified in the certificate at the polling station therein mentioned.
- (3) The transfer certificate shall be delivered to the deputy returning officer before the elector named therein is allowed to vote.
- (4) Except as provided in this Ordinance, no oath shall be required of any person whose name is entered on the list of electors.
- (5) No elector shall at an election vote more than once in an electoral district or vote in more than one electoral district.
- 50.(1) An elector, if required by the deputy returning officer, the poll clerk, one of the candidates, an agent of a candidate or any elector present, shall, before receiving his ballot paper, take in the prescribed form an oath or affirmation as to his identity and that he is a qualified elector. Elector's oath
- (2) Where an elector refuses to take an oath or affirmation pursuant to subsection (1), deleting lines shall be drawn through his name on the list of electors and the words "Refused to be sworn" or "Refused to affirm" shall be written thereafter.
- (3) Every deputy returning officer or poll clerk presiding at a polling station who, while administering to any person any oath or affirmation, mentions as a disqualification any fact or circumstance that is not a disqualification according to this Ordinance is guilty of an offence.
- (4) No elector who has refused to take any oath or affirmation or to answer any question, as by this Ordinance required,

shall receive a ballot paper or be admitted to vote or be again admitted to the polling place to vote.

- (5) Where an elector is asked to take an oath or affirmation which he claims is not prescribed pursuant to this Ordinance and he refuses, he may appeal to the returning officer and if, after consultation with the deputy returning officer or the poll clerk of the appropriate polling station, the returning officer decides that the oath or affirmation was not in fact prescribed by this Ordinance, he shall direct that such elector be admitted to the poll and that he be allowed to vote if the elector is otherwise qualified to vote.

Name
corres-
ponding
closely

51.(1) Where there is contained in the official list of electors any name, address or other words used to distinguish the elector pursuant to subsection 22(18) that corresponds so closely with the identity of a person by whom a ballot is demanded, that it appears reasonably probable to the deputy returning officer that the entry in the official list of electors was intended to refer to him, the person is, upon taking, in the prescribed form, an oath that he is qualified as an elector and believes that he is the person intended to be described by the entry and complying in all other respects with the provisions of this Ordinance, entitled to receive a ballot and to vote.

- (2) In any case referred to in subsection (1), the name, address or other words used to distinguish the elector pursuant to subsection 22(18) shall be correctly entered in the poll book and the fact the oath has been taken shall be entered in the proper column of the poll book.

Entries
in poll
book

52.(1) Every poll clerk shall:

- (a) make such entries in the poll book as the deputy returning officer, pursuant to this Ordinance, directs;
- (b) enter in the poll book opposite the name of each voter, as soon as the voter's ballot paper has been deposited in the ballot box, the word "Voted";
- (c) enter in the poll book the word "Sworn" or "Affirmed" opposite the name of each elector to whom any oath or affirmation has been administered, indicating the nature of the oath or affirmation;
- (d) enter in the poll book the words "Refused to be sworn" or "refused to affirm" or "Refused to answer" opposite

- the name of each elector who has refused to take an oath or to affirm, when he has been legally required so to do, or who has refused to answer questions that he has been legally required to answer; and
- (e) enter in the poll book the words "readmitted and allowed to vote" opposite the name of each elector readmitted on the direction of the returning officer.

- 53.(1) Every candidate, officer, clerk, agent or other person in attendance at a polling station or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and no candidate, officer, clerk, agent or other person shall:
- Secrecy
- (a) at the polling station, interfere with, or attempt to interfere with, an elector when marking his ballot paper, or otherwise attempt to obtain information as to the candidate for whom any elector is about to vote or has voted;
 - (b) at the counting of the votes, attempt to ascertain the number on the counterfoil of any ballot paper;
 - (c) at any time, communicate any information as to the manner in which any ballot paper has been marked in his presence in the polling station;
 - (d) at any time or place, directly or indirectly, induce or endeavour to induce any voter to show his ballot paper after he has marked it, so as to make known to any person the name of the candidate for or against whom he has cast his vote;
 - (e) at any time, communicate to any person any information obtained at a polling station as to the candidate for whom any elector at the polling station is about to vote or has voted; or
 - (f) at the counting of the votes, attempt to obtain any information or communicate any information obtained at the counting as to the candidate for whom any vote is given in any particular ballot paper.
- (2) No elector shall, except when unable to vote in the manner prescribed by this Ordinance on account of inability to read, blindness or other physical incapacity,
- (a) upon entering the polling station and before receiving a ballot paper, openly declare for whom he intends to vote,
 - (b) show his ballot paper, when marked, so as to allow the name of the candidate for whom he has voted to be known, or

(c) before leaving the polling station, openly declare for whom he has voted.

(3) Every one who contravenes or fails to observe any provision of this section is guilty of an offence.

Manner of voting, incapacitated voters

- 54.(1) Voting shall be by ballot, and each elector shall receive from the deputy returning officer a ballot paper, on the back of which that officer has, as required by subsections 48(2) and (3), affixed his initials so placed, as indicated in Form 4, that when the ballot paper is folded the initials can be seen without unfolding the ballot paper.
- (2) The deputy returning officer shall instruct each elector how and where to affix his mark, shall properly fold the elector's ballot paper, and shall direct the elector to return the ballot paper when marked, folded as shown.
- (3) No deputy returning officer shall inquire or see for whom the elector intends to vote, except when the elector is unable to vote in the manner prescribed by this Ordinance on account of inability to read, blindness or physical incapacity.
- (4) An elector, before receiving a ballot paper from the deputy returning officer, shall give his name and address,
(a) to the deputy returning officer and poll clerk, and
(b) upon request, to an agent of a candidate or an elector representing a candidate in the polling station.
- (5) The deputy returning officer, poll clerk, agents of candidates or electors representing candidates shall not request, demand or order that an elector, to prove his right to vote at a polling station, produce:
(a) a birth certificate;
(b) naturalization papers;
(c) a notice issued pursuant to paragraph 22(7)(c); or
(d) any other document whatever.
- (6) When an elector has been given a ballot paper, no one shall require him to take the oath or affirmation referred to in subsection 50(1).
- (7) An elector on receiving a ballot paper, shall forthwith:

- (a) proceed into a voting compartment and there mark his ballot paper by making a cross or check mark with a black lead pencil within the small circular space on the ballot paper in which the natural color of the paper appears, at the right of the name of the candidate for whom he intends to vote;
 - (b) fold the ballot paper as directed so that the initials on the back of it and the printed serial number on the back of the counterfoil can be seen without unfolding it; and
 - (c) hand the ballot paper to the deputy returning officer.
- (8) Upon receipt of a ballot paper handed to him pursuant to subsection (7), the deputy returning officer shall forthwith:
- (a) without unfolding it, ascertain by examination of the initials and printed serial number that it is the same ballot paper that was delivered to the elector; and
 - (b) if it is the same ballot paper, in full view of the elector and all others present, remove and destroy the counterfoil and himself deposit the ballot paper in the ballot box.
- (9) Every person who makes any written record of the printed serial number appearing on the back of the counterfoil of a ballot paper is guilty of an offence.
- (10) An elector who has inadvertently dealt with the ballot paper delivered to him in such manner that it cannot conveniently be used shall return it to the deputy returning officer who shall:
- (a) deface it in such manner as to render it a spoiled ballot; and
 - (b) deliver another ballot paper to the elector.
- (11) Subject to all other provisions of this Ordinance as to proof of qualifications as an elector and the administration of oaths, if a person representing himself to be a particular elector applies for a ballot paper after another person has voted as that person, he shall be entitled to receive a ballot paper and to vote after taking the oath of identity in the prescribed form, and otherwise establishing his identity to the satisfaction of the deputy returning officer.

- (12) In any case referred to in subsection (11), the poll clerk shall enter in the poll book, opposite the name of the elector,
- (a) a note of his having voted on a second ballot paper issued under the same name,
 - (b) the fact of the oath of identity having been taken, and the fact of any other oath being required and taken, and
 - (c) any objections made on behalf of any of the candidates.
- (13) The deputy returning officer, on the application of any elector who is unable to read, blind or so physically incapacitated as to be unable to vote in the manner prescribed by this Ordinance, shall require the elector making the application to take an oath in the prescribed form of his incapacity to vote without assistance and shall thereafter:
- (a) assist the elector by marking his ballot paper in the manner directed by such elector in the presence of the poll clerk and the agents of the candidates or the sworn electors representing the candidates in the polling station and of no other person, and shall place the ballot paper in the ballot box; or
 - (b) where the elector is accompanied by a friend or relative and the elector so requests, permit the friend or relative to accompany the elector into the voting compartment and mark the elector's ballot paper.
- (14) Where a friend or relative has marked the ballot paper of an elector as permitted pursuant to paragraph (13)(b), the poll clerk shall, in addition to the other requirements prescribed in this Ordinance, enter the name of the friend or relative of the elector in the remarks column of the poll book opposite the entry relating to such elector.
- (15) No person shall at any election be allowed to act for the purpose of marking a ballot paper as the friend or relative of more than one elector.
- (16) Any friend or relative who is permitted to mark the ballot of an elector pursuant to paragraph (13)(b) shall first

be required to take an oath in the prescribed form that he,

- (a) will keep secret the name of the candidate for whom the ballot of the elector is marked by him, and
- (b) has not already acted as the friend or relative of an elector for the purpose of marking his ballot paper at that election.

- (17) Where any elector has had his ballot paper marked as provided in subsections (13) to (16), the deputy returning officer shall enter in the poll book opposite the elector's name, in addition to any other requisite entry, the reason why such ballot paper was so marked.
 - (18) Where a deputy returning officer does not understand the language spoken by an elector, that officer shall, in accordance with subsections 41(14) and (15), appoint and swear an interpreter, who shall be the means of communication between him and the elector with reference to all matters required to enable such elector to vote, except that, where no interpreter is found, the elector shall not be allowed to vote.
 - (19) Every elector shall vote without undue delay and shall leave the polling station as soon as his ballot paper has been put into the ballot box.
 - (20) If at the hour of closing of the poll there are any electors in the polling station or in line at the door, who are qualified to vote and have not been able to do so since their arrival at the polling station, the poll shall be kept open a sufficient time to enable them to vote before the outer door of the polling station is closed, but no person who is not actually present at the poll at the hour of closing shall be allowed to vote, even if the poll is still open when he arrives.
 - (21) The deputy returning officer shall have the responsibility and authority to determine whether an elector arrived at the polling station in time to vote.
- 55.(1) Where an elector whose name appears on the list of electors for a polling division at an election is qualified to vote in the polling division at the election and has reason

Proxy
voting

to believe that he will be unable to vote in the polling division at the election during the hours of voting on polling day by reason of his absence from the polling division or his illness or physical incapacity, he may by proxy application in the prescribed form, appoint another elector whose name appears on that list of electors and is qualified to vote in the polling division at the election to be his proxy voter to vote for and in place of him at the election.

- (2) The proxy voter shall sign the consent in the prescribed form.
- (3) At any time prior to the close of revision of the lists pursuant to Section 25, any elector who has signed a proxy application pursuant to subsection (1) or any proxy voter named in such application may apply in person for a proxy certificate to the revising officer attending for that purpose pursuant to Section 25.
- (4) Where a revising officer,
 - (a) receives a completed proxy application and consent in the prescribed form prior to the expiration of the time for applying for a proxy certificate, and
 - (b) is satisfied that
 - (i) the elector is entitled to appoint a proxy voter under subsection (1),
 - (ii) the names of the elector and proxy voter both appear on the list of electors prepared during the election for the polling division in which the elector is qualified to vote,
 - (iii) a proxy certificate has not been issued during the election to any other person to act as a proxy voter for the elector, and
 - (iv) the proxy voter has not previously been appointed during the election to be a proxy voter for any other elector,the revising officer shall thereupon complete and issue a proxy certificate in triplicate in the prescribed form.
- (5) Upon the completion of a proxy certificate pursuant to subsection (4), the revising officer shall:
 - (a) deliver the original copy of the certificate to the elector or proxy voter who has applied to him;

- (b) transmit a copy of the certificate to the deputy returning officer for the polling division in which the elector is qualified to vote; and
 - (c) retain a copy of the certificate together with the proxy application.
- (6) Every application for appointment of a proxy voter and a copy of every proxy certificate shall be made available by the revising officer who issued the certificate, for inspection by any member of the public on demand at all reasonable times prior to the close of revision of the lists pursuant to Section 25.
- (7) Where an elector,
- (a) requests, in writing on a proxy certificate issued during an election in relation to him that the certificate be cancelled, and
 - (b) has the certificate returned to the revising officer prior to the close of revision of the lists,
- the revising officer shall cancel the certificate.
- (8) Where a proxy certificate has been returned to a revising officer for cancellation, the elector to whom it relates may appoint another proxy voter and thereupon the revising officer shall, subject to this section, complete and issue another proxy certificate.
- (9) Where, on the ordinary polling day, a proxy voter appointed in accordance with this section delivers to the deputy returning officer for the polling division in which he and the elector who appointed him to be his proxy voter are qualified to vote, a proxy certificate issued under this section and takes the oath set out in that certificate,
- (a) the proxy voter may thereupon, notwithstanding subsection 49(5), but subject to any other provision of this Ordinance, vote at the election for and in place of that elector,
 - (b) the poll clerk shall enter in the poll book opposite the elector's name, in addition to any other required entry, the fact that the elector voted by proxy together with the name of the proxy voter, and
 - (c) the deputy returning officer shall, in accordance with subsection 59(16), transmit the proxy certificate to the returning officer.

- (10) An elector who,
- (a) has been appointed, in accordance with this section, to be a proxy voter at an election, and
 - (b) votes as a proxy voter at the election, is, notwithstanding subsection 49(5), but subject to the other provisions of this Ordinance, entitled to vote in his own right at the election.
- (11) Every person who, at an election,
- (a) appoints more than one proxy voter,
 - (b) being ineligible to vote by proxy, fraudulently appoints a proxy voter,
 - (c) having appointed a proxy voter and not having had the appointment cancelled in accordance with this section, himself votes,
 - (d) applies to vote as a proxy voter for more than one elector,
 - (e) not being qualified to vote in a polling division completes and signs a consent in writing pursuant to this section whereby he consents to be a proxy voter for an elector in that polling division, or
 - (f) except in accordance with this section, applies for a proxy certificate or votes as a proxy at an election,
- is guilty of an offence.

Time to
employees

- 56.(1) An employee who is a qualified elector shall, while the polls are open on polling day at an election, have three consecutive hours for the purpose of casting his vote.
- (2) If the hours of the employee's employment do not allow for such three consecutive hours, his employer shall allow him such additional time for voting as may be necessary to provide the said three consecutive hours, but the additional time for voting shall be granted at the convenience of the employer.
- (3) No employer shall make any deduction from the pay of any such employee nor impose upon or exact from him any penalty by reason of absence from his work granted pursuant to this section.
- (4) Where an employee is required in his employment for services that are emergency services or are necessary

to the public service, health, or safety or for the operation of scheduled public transportation services such that the employee cannot be allowed additional time without significant inconvenience or risk to the public, his employer is not bound by this section to allow him additional time to cast his vote but shall, where possible, give the employee sufficient notice thereof to enable the employee to appoint a proxy voter.

- (5) Every employer who directly or indirectly refuses to grant to any elector in his employ, or by intimidation, undue influence or in any other way interferes with the granting to any elector in his employ, of whatever additional time may be necessary to allow the elector to have three consecutive hours for voting as provided in this section is guilty of an offence.
- (6) For the purposes of this section the Commissioner is deemed to be an employer and is bound by this section.

PEACE AND GOOD ORDER

- 57.(1) Every returning officer, during an election, and every deputy returning officer, during the hours that the polls are opened, is a preserver of the peace with all the powers appertaining to a Justice of the Peace, pursuant to the *Justice of the Peace Ordinance* and he may,
- (a) require the assistance of Justices of the Peace, constables or other persons to aid him in maintaining peace and good order at the election,
- (b) arrest or cause by verbal order to be arrested, and place or cause to be placed in the custody of any constables or other persons, any person disturbing the peace and good order at the election, and
- (c) cause such arrested person to be imprisoned under an order signed by him until an hour not later than the close of the poll.
- (2) Where a person is charged at a polling station, during the hours that the poll is open, with having impersonated or attempted to impersonate an elector or having voted or attempted to vote knowing that he was for any reason disqualified or not qualified to vote at such election, the deputy returning officer at such polling station, shall take the information on oath of the person making the charge in the prescribed form.

Peace and
good order

- (3) Where the person against whom a charge is to be made pursuant to subsection (2) has not left the polling station the deputy returning officer shall, either on his own motion or at the request of any one proposing forthwith to lay an information, detain or direct the detention of the person until the close of the poll or until the written information has been drawn up, whichever first occurs.
- (4) Upon receiving an information during the hours that the poll is open, pursuant to subsection (2), the deputy returning officer shall forthwith issue his warrant, in the prescribed form for the arrest of the person charged, in order that he may be brought before the magistrate, to answer to the information and to be further dealt with according to law.
- (5) A warrant issued pursuant to subsection (4) is sufficient authority for any peace officer, as defined by the *Criminal Code*, to detain the person named in the warrant until he is brought before a magistrate.
- (6) Where the correct name of the person charged pursuant to this section is unknown to the informant, it is sufficient, in the information and other proceedings,
 - (a) to describe the person charged as a person whose name is unknown to the informant but who is detained under the order of the deputy returning officer, or
 - (b) to describe the person charged in such other manner as will suitably identify him, andwhen the name of the person so charged is ascertained, it shall be stated in any subsequent warrant or proceeding.
- (7) Every poll clerk has the authority of a constable for the purpose of carrying out the provisions of the Ordinance respecting summary proceedings in cases of impersonation.
- (8) Every deputy returning officer shall appoint such special constables as he deems necessary for the purpose set out in subsection (1), and every special constable who is so appointed has full power to act without taking any oath in the judicial district.

- (9) The magistrate named in any warrant issued under this section shall be one having jurisdiction under that part of the *Criminal Code* relating to the summary trial of indictable offences and shall be the nearest magistrate available.
- (10) The provisions of the *Criminal Code* referred to in subsection (9) apply to all proceedings under this Ordinance against any person accused of impersonation under subsections (2) to (9).
- (11) Any returning officer or deputy returning officer may appoint one or more constables to maintain order in a polling station throughout polling day where he deems such services to be necessary.
- (12) A constable may be appointed pursuant to subsection (11) only when there is actual or anticipated disorder, for the purposes of subsection (13) or when it is likely that a large number of electors will seek to vote at the same time.
- (13) Generally, the appointment of one constable shall be made where more than one polling station is established in the same building or in adjoining buildings, to ensure the successive and prompt entrance of the electors into their proper polling station.
- (14) Constables shall be appointed and sworn in the prescribed form, which shall be printed in the poll book.
- (15) Every returning officer or deputy returning officer who has appointed a constable shall state his reason for making the appointment in the space provided for that purpose on the polling station account.
- 58.(1) No person shall arm himself during any part of polling day with any offensive weapon and, thus armed, approach within one kilometre of a polling station, unless called upon so to do by lawful authority. Arms; party badges
- (2) A returning officer or deputy returning officer may, during nomination day or polling day at any election, require any person within one kilometre of the place of

nomination or of the polling station to deliver to him any offensive weapon in the hands or personal possession of that person, and the person so required shall forthwith so deliver the weapon.

- (3) No person shall engage actively in the issue or promotion of political propaganda within one kilometre of a polling station during the hours that the polls are open.
- (4) No person shall use, wear or display any flag, ribbon, label or badge in a polling station on polling day as a party badge to distinguish the wearer as the supporter of any candidate or of the political or other opinions entertained or supposed to be entertained by a candidate except a badge prescribed pursuant to Section 60.
- (5) Every one who contravenes any of the provisions of this section is guilty of an offence.

COUNTING OF THE VOTES

Counting
of the
votes

- 59.(1) Immediately after the close of the poll, in the presence and in full view of the poll clerk and the candidates or their agents such as are present, and of at least two electors if none of the candidates are represented, the deputy returning officer shall, in the following order,
 - (a) count the number of electors whose names appear in the poll book as having voted and make an entry thereof on the line immediately below the name of the elector who voted last, thus: "The number of electors who voted at this election in this polling station is (stating the number)", and sign his name thereto,
 - (b) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose, indicate thereon the number of spoiled ballot papers and seal it,
 - (c) count the unused ballot papers undetached from the books of ballot papers, place them with all the stubs of all used ballot papers in the special envelope supplied for that purpose and indicate thereon the number of unused ballot papers,
 - (d) check the number of ballot papers supplied by the returning officer against the number of spoiled

- ballot papers, if any, the number of unused ballot papers and the number of voters whose names appear in the poll book as having voted, in order to ascertain that all ballot papers are accounted for,
- (e) open the ballot box and empty its contents upon a table, and
 - (f) count the number of votes given to each candidate on one of the tally sheets supplied, giving full opportunity to those present to examine each ballot paper.
- (2) The poll clerk and as many as three witnesses shall be supplied with a tally sheet in the prescribed form upon which they may keep their own score as each vote is called out by the deputy returning officer.
- (3) In counting the votes, the deputy returning officer shall reject all ballot papers:
- (a) that have not been supplied by him;
 - (b) that have not been marked for any candidate;
 - (c) on which votes have been given for more than one candidate;
 - (d) that have not been marked in the small circular space, on which the natural colour of the paper appears, at the right of the name of the candidate, unless the deputy returning officer and the poll clerk are unanimously agreed that the manner in which the ballot is marked indicates a clear and unambiguous preference for one candidate, and that the ballot is not otherwise invalid for any ground specified in any other provision of this Ordinance, in which case the ballot paper shall not be rejected; or
 - (e) upon which there is any writing or mark by which the elector could be identified.
- (4) No ballot paper shall be rejected pursuant to subsection (3) by reason only that:
- (a) it has on it any writing, number or mark placed thereon by any deputy returning officer; or
 - (b) it has been marked with a writing instrument other than a black lead pencil or with a mark other than a cross or check mark, if the mark does not constitute identification of the elector.

- (5) Where, in the course of counting the votes, any ballot paper is found with the counterfoil still attached thereto, the deputy returning officer shall, while carefully concealing the number thereon from all persons present and without examining it himself, remove and destroy the counterfoil.
- (6) A deputy returning officer shall not reject a ballot paper merely by reason of his former failure to remove the counterfoil.
- (7) Nothing in this section relieves a deputy returning officer from any penalty to which he may become liable by reason of his failure to remove and destroy a counterfoil at the time of the casting of the vote to which it relates.
- (8) Where, in the course of counting the votes, a deputy returning officer discovers that he has omitted to affix his initials to the back of any ballot paper, as required by subsections 48(2) to (4) and as indicated on Form 4, he shall, in the presence of the poll clerk and the agents of the candidates, affix his initials to the ballot paper and count the ballot paper as if it had been initialled in the first place, if he is satisfied that:
 - (a) the ballot paper is one that has been supplied by him;
 - (b) a bona fide omission has been made; and
 - (c) every ballot paper supplied to him by the returning officer has been accounted for, as required by paragraph (1)(d).
- (9) Nothing in subsection (8) relieves a deputy returning officer from any penalty to which he may have become liable by reason of his failure to affix his initials on the back of any ballot paper before handing it to an elector.
- (10) Each deputy returning officer shall:
 - (a) keep a record on the special form printed in the poll book, of every objection made by any candidate or his agent or any elector present, to any ballot paper found in the ballot box; and

- (b) decide every question arising out of the objection.
- (11) The decision of a deputy returning officer pursuant to subsection (10) is final, subject to reversal on recount or on petition questioning the election or return.
 - (12) Every objection shall be numbered and a corresponding number placed on the back of the ballot paper and initialled by the deputy returning officer.
 - (13) All ballot papers that are not rejected by a deputy returning officer shall be counted and a list kept of the number of votes given to each candidate and of the number of rejected ballot papers as follows:
 - (a) ballot papers that respectively indicate the votes given for each candidate shall be put into separate envelopes;
 - (b) all rejected ballot papers shall be put into a special envelope;
 - (c) all such envelopes shall be endorsed so as to indicate their contents and shall be sealed by the deputy returning officer; and
 - (d) the deputy returning officer and the poll clerk shall affix their signatures to the seal and such agents present as may desire to do so may sign their names thereon.
 - (14) Each deputy returning officer and poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe, respectively, the oaths in the prescribed forms which shall remain attached to the poll book.
 - (15) Each deputy returning officer shall make the necessary number of copies of the statement of the poll in the prescribed form as follows:
 - (a) one copy shall remain attached to the poll book;
 - (b) one copy shall be retained by the deputy returning officer;
 - (c) one copy, for the returning officer, shall be enclosed in a special envelope supplied for the purpose, sealed by the deputy returning officer and deposited by itself in the ballot box;

- (d) one copy shall be delivered to each of the candidates' agents, or the electors present representing the candidates; and
 - (e) one copy shall be mailed to each candidate, in the special envelope provided for the purpose.
- (16) The poll book, the envelopes containing the ballot papers unused, spoiled, rejected or counted for each candidate, each lot in its proper envelope, the proxy certificates, the transfer certificates, the envelope containing the official list of electors and other documents used at the poll shall then be placed in the large envelope supplied for the purpose and this envelope shall be immediately sealed and placed in the ballot box with, but not enclosing, the envelope containing the statement of the poll prepared for the returning officer and referred to in subsection (15).
- (17) The ballot box shall then be sealed with one of the special seals as prescribed for the use of the deputy returning officer and forthwith transmitted by registered mail or delivered to the returning officer.
- (18) A returning officer may appoint one or more persons for the purpose of collecting the ballot boxes from a given number of polling stations, and such person shall, on delivering the ballot boxes to the returning officer, subscribe to an oath in the prescribed form to the effect that the boxes have not been opened while in his care.
- (19) Each deputy returning officer shall, within the ballot box, transmit or deliver to the returning officer in the envelope provided for that purpose,
- (a) the statement of the poll in the prescribed form, and
 - (b) the polling station account in the prescribed form filled in and signed by the deputy returning officer.
- (20) A returning officer may direct that ballot boxes be returned to him by parcel post, registered, or by any other means approved in advance by the Board in writing.
- (21) Where any deputy returning officer omits to enclose within a ballot box, and in the proper envelopes

provided for that purpose, any of the documents mentioned in this action, he shall, in addition to any other punishment to which he may be liable, forfeit all right to payment for his services as such officer.

(22) The Board shall not approve payment for the services of a deputy returning officer if it appears that an omission referred to in subsection (21) was made by the deputy returning officer by reason of any want of good faith.

60.(1) On polling day every deputy returning officer, poll clerk, agent, or elector representing a candidate in the absence of an agent, constable and interpreter shall wear a badge in a prominent manner which shall show his name and his office.

Badges at poll

(2) The badges mentioned in subsection (1) shall be in the prescribed form.

OFFICIAL ADDITION OF THE VOTES

61.(1) A returning officer, upon the receipt of each ballot box, shall
(a) take every precaution for its safekeeping and for preventing any person other than himself and his assistant returning officer from having access thereto;
(b) examine the special seal affixed to each ballot box by a deputy returning officer, pursuant to subsection 59(17);
(c) if the seal is not in good order, affix his own special seal as prescribed; and
(d) record the condition of the special seal required to be affixed by the deputy returning officer to the ballot box, in the appropriate column of a record book to be kept by the returning officer in the prescribed form.

Proceedings of returning officer

(2) After all the ballot boxes have been received, the returning officer shall, at the place, day and hour fixed in the proclamation issued by him pursuant to Section 27 for the official addition of the votes and in the presence of such of the candidates or their official agents as attended the proceedings, open the ballot boxes and from the statements of the poll contained in the ballot boxes officially add up the number of votes cast for each candidate.

- (3) Where any ballot box does not appear to contain a statement of the poll, either loose or in its separate envelope as required by Section 59, the returning officer may, for the purposes of finding a statement of the poll, open the large envelope found in the ballot box and appearing to contain miscellaneous papers and, upon so doing, shall place all the papers, other than the statement of the poll, if found, in a special large envelope which shall be sealed and duly endorsed by him.
 - (4) Nothing in subsection (3) authorizes the opening of any envelope appearing to contain only ballot papers cast for the various candidates, but, in the absence of other information, the endorsements on such envelopes may be adopted as indicating the result of the poll at the polling station in question.
 - (5) Forthwith after the official addition of the votes, the returning officer shall,
 - (a) declare and cause to be published in the prescribed manner the name of the candidate who has obtained the largest number of votes,
 - (b) prepare his certificate in writing, in the prescribed form showing the number of votes cast for each candidate, and
 - (c) deliver forthwith a copy of that certificate to each candidate or his representative.
 - (6) Where, on the official addition of the votes, there is an equality of votes between two or more candidates and an additional vote for one of such candidates would enable one of those candidates to be declared as having obtained the largest number of votes, or the difference between the number of votes cast for the candidate receiving the highest number of votes and another candidate is ten or less, the returning officer shall forthwith,
 - (a) apply for a recount to a judge of the Supreme Court, and
 - (b) give written notice to each candidate at the election or his official agent of the application for a recount.
- Addition
adjourned 62.(1) Where, on the day fixed for the official addition of the votes, a returning officer has not received all the ballot boxes or the information required by Section 59 to be communicated to him he shall adjourn the proceedings for a period not exceeding seven days.

provided for that purpose, any of the documents mentioned in this action, he shall, in addition to any other punishment to which he may be liable, forfeit all right to payment for his services as such officer.

- (22) The Board shall not approve payment for the services of a deputy returning officer if it appears that an omission referred to in subsection (21) was made by the deputy returning officer by reason of any want of good faith.

- 60.(1) On polling day every deputy returning officer, poll clerk, agent, or elector representing a candidate in the absence of an agent, constable and interpreter shall wear a badge in a prominent manner which shall show his name and his office.

Badges at poll

- (2) The badges mentioned in subsection (1) shall be in the prescribed form.

OFFICIAL ADDITION OF THE VOTES

- 61.(1) A returning officer, upon the receipt of each ballot box, shall
 - (a) take every precaution for its safekeeping and for preventing any person other than himself and his assistant returning officer from having access thereto;
 - (b) examine the special seal affixed to each ballot box by a deputy returning officer, pursuant to subsection 59(17);
 - (c) if the seal is not in good order, affix his own special seal as prescribed; and
 - (d) record the condition of the special seal required to be affixed by the deputy returning officer to the ballot box, in the appropriate column of a record book to be kept by the returning officer in the prescribed form.

Proceedings of returning officer

- (2) After all the ballot boxes have been received, the returning officer shall, at the place, day and hour fixed in the proclamation issued by him pursuant to Section 27 for the official addition of the votes and in the presence of such of the candidates or their official agents as attended the proceedings, open the ballot boxes and from the statements of the poll contained in the ballot boxes officially add up the number of votes cast for each candidate.

- (3) Where any ballot box does not appear to contain a statement of the poll, either loose or in its separate envelope as required by Section 59, the returning officer may, for the purposes of finding a statement of the poll, open the large envelope found in the ballot box and appearing to contain miscellaneous papers and, upon so doing, shall place all the papers, other than the statement of the poll, if found, in a special large envelope which shall be sealed and duly endorsed by him.
 - (4) Nothing in subsection (3) authorizes the opening of any envelope appearing to contain only ballot papers cast for the various candidates, but, in the absence of other information, the endorsements on such envelopes may be adopted as indicating the result of the poll at the polling station in question.
 - (5) Forthwith after the official addition of the votes, the returning officer shall,
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 - (b) prepare his certificate in writing, in the prescribed form showing the number of votes cast for each candidate, and
 - (c) deliver forthwith a copy of that certificate to each candidate or his representative.
 - (6) Where, on the official addition of the votes, there is an equality of votes between two or more candidates and an additional vote for one of such candidates would enable one of those candidates to be declared as having obtained the largest number of votes, or the difference between the number of votes cast for the candidate receiving the highest number of votes and another candidate is ten or less, the returning officer shall forthwith,
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- Addition
adjourned 62.(1) Where, on the day fixed for the official addition of the votes, a returning officer has not received all the ballot boxes or the information required by Section 59 to be communicated to him he shall adjourn the proceedings for a period not exceeding seven days.

- (2) Where
- (a) the statement of the poll for any polling station cannot be found and the number of votes cast thereat for the several candidates cannot be ascertained, or
 - (b) for any other cause, the returning officer cannot, at the day and hour appointed by him for that purpose, ascertain the exact number of votes cast for each candidate,
- the returning officer may thereupon adjourn to a future day and hour the official addition of the votes, and so from time to time, except that the aggregate of such adjournments shall not exceed two weeks.
- (3) Where any ballot boxes have been destroyed or lost or, for any other reason, are not forthcoming within the time fixed by this Ordinance, the returning officer shall ascertain the cause of the disappearance of the ballot boxes and obtain from each of the deputy returning officers whose ballot boxes are missing, or from any other persons having them, a copy of the statement of the poll furnished to the candidates or their agents, as required by this Ordinance, the whole verified on oath.
- (4) Where a statement of the poll or copies thereof cannot be obtained, the returning officer
- (a) shall ascertain, by such evidence as he is able to obtain, the total number of votes given to each candidate at the several polling stations,
 - (b) to that end, may order any deputy returning officer, poll clerk or other person to appear before him at a day and hour to be named by him, and to bring all necessary papers and documents with him, of which day and hour and of the intended proceedings the candidates shall have notice, and
 - (c) may examine on oath the deputy returning officer, poll clerk or other person, respecting the matter in question.
- (5) In the case of an adjournment by reason of any deputy returning officer not having placed in the ballot box a statement of the poll, the returning officer shall, in the meantime, use all reasonable efforts to ascertain the exact number of votes given for each candidate in the polling station of the deputy returning officer and, to that end, has the powers set out in subsection (4).

- (6) In any case arising under subsection (3), (4) or (5), the returning officer shall declare the name of the candidate appearing to have obtained the largest number of votes, and shall mention specially, in a report to be sent to the Board with the return to the writ, the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement of the poll, and the mode by which he ascertained the number of votes cast for each candidate.
- (7) Every person is guilty of an offence who refuses or neglects to obey the order of a returning officer issued under this Ordinance in any case where ballot boxes are not forthcoming and it is necessary to ascertain by evidence the total number of votes given to each candidate at a polling station.

Custody of ballot boxes

- 63.(1) After the close of an election, each returning officer shall cause the empty ballot boxes used at the election to be deposited at a place designated by the Board.

JUDICIAL RECOUNT

Judicial recount

- 64.(1) Where a judge of the Supreme Court
 - (a) receives an application for a recount of votes from a returning officer pursuant to subsection 61(6), or
 - (b) receives an application, prior to the end of the sixth day following the completion of the official addition of votes, supported by a credible witness, and the applicant deposits with the clerk of the court the sum of two hundred dollars as security for costs and it is made to appear that
 - (i) a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect statement of the number of votes cast for any candidate, or
 - (ii) the returning officer has improperly added up the votes,
 the judge shall appoint a time to recount the votes, which time shall, subject to subsection (3), be within four days after the receipt of the application.
- (2) Where applications for recounts of the votes in respect of two or more electoral districts are made under this section to the same judge, the judge shall:

- (a) proceed with the recounts in the order in which applications are received by him; and
 - (b) subject to subsection (14), proceed continuously from day to day until the last recount has been completed.
- (2.1) A judge who receives an application pursuant to paragraph (1)(b) shall forthwith notify the returning officer.
- (3) The judge to whom an application for a recount is made shall appoint and give written notice to the candidates or their agents of a time and place at which he will proceed to recount the votes.
- (4) The judge may order that service of a notice given under subsection (3) may be substitutional.
- (5) The judge to whom an application for a recount is made shall issue a summons directing the returning officer to attend at the time and place appointed pursuant to subsection (3) with the envelopes containing the used and counted, unused, rejected and spoiled ballot papers, or the original statements of the poll signed by the deputy returning officers, as the case may be, that are relevant to the recount that is to take place.
- (6) A returning officer shall obey a summons issued pursuant to subsection (5) and shall attend throughout the proceedings.
- (7) Each candidate is entitled to be present at the proceedings and to be represented by not more than three agents appointed to attend, but where any candidate is not present or represented at a recount held pursuant to this section, any three electors who may demand to attend in his behalf are entitled to attend, but, except with the permission of the judge, no other person shall be present at the recount.
- (8) At the time and place appointed pursuant to this section, and in the presence of such of the persons authorized by this Ordinance to attend as do attend, the judge shall proceed to make the recount from the statements contained in the ballot boxes returned by the deputy returning officers, or to recount all the votes or ballot papers returned by the deputy returning officers, as the case may be, and the judge, in the latter case,

- (a) shall open the sealed envelopes containing the used and counted, unused, rejected and spoiled ballot papers,
 - (b) shall not open any other envelopes containing other documents, and
 - (c) shall not take cognizance of any election documents other than in the documents referred to in paragraph (a).
- (9) At a recount, the judge shall:
- (a) recount the votes according to the directions in this Ordinance set forth for deputy returning officers at the close of the poll;
 - (b) verify or correct the statement of the poll giving the ballot paper account and the number of votes given for each candidate; and
 - (c) if necessary or required, review the decision of the returning officer with respect to the number of votes given for a candidate at any polling place where the ballot box used was not forthcoming when the returning officer made his decision or where the proper statements of the poll were not found therein.
- (10) For the purpose of arriving at the facts as to a missing box or statement of the poll, the judge has all the powers of a returning officer with regard to the attendance and examination of witnesses who, in the case of non-attendance, are subject to the same consequences as in the case of refusal or neglect to attend on the summons of a returning officer.
- (11) For the purpose of making a recount pursuant to this section, a judge has the power of summoning before him any deputy returning officer or poll clerk as a witness and of requiring him to give evidence on oath, or on solemn affirmation, and has the same power to enforce the attendance of such a witness and to compel him to give evidence as is vested in the Supreme Court in civil cases.
- (12) Where, in the course of a recount, any ballot paper is found with the counterfoil still attached to it, the judge shall remove and destroy the counterfoil.

- (13) The judge shall not reject a ballot by reason merely of the deputy returning officer's failure to remove the counterfoil from it or to affix his initials to the back of it.
- (14) The judge shall, as far as practicable, proceed continuously, except on Sunday, with the recount, allowing only necessary recess for refreshment, and excluding, except as he otherwise openly directs, the hours between six o'clock in the afternoon and nine o'clock in the next following morning.
- (15) During a recess or excluded time at a recount, the ballot papers and other documents shall be kept enclosed in parcels under the seal of the judge and of such other of the persons as are authorized to attend at the recount and desire to affix their seals to the packages.
- (16) The judge shall personally supervise the parcelling and sealing of ballot papers and documents at a recount and take all necessary precautions for the security of the papers and documents.
- (17) Notwithstanding anything in this section, a judge may, at any time after an application for a recount has been made to him, terminate the recount upon request in writing by the applicant to him for such termination.
- (18) At the conclusion of a recount, the judge shall:
 - (a) seal all the ballot papers in separate packages, add the number of votes cast for each candidate as ascertained at the recount and forthwith certify in writing, in the prescribed form the result of the recount to the returning officer, who shall, as prescribed in subsection 65(1), declare to be elected the candidate who has obtained the largest number of votes; and
 - (b) deliver a copy of the certificate to each candidate, in the same manner as the prior certificate delivered by the returning officer under subsection 61(5), which certificate shall be deemed to be substituted for the certificate previously issued by the returning officer.

- (19) Where a recount made pursuant to this section results in an equal number of votes being received by two or more candidates who also have the greatest number of votes cast for them in the election, the election shall be decided forthwith by the drawing of lots by the returning officer in the presence of the judge and any candidate or agent present at the time.
- (20) Where a recount as a result of an application made pursuant to paragraph (1)(b) does not so alter the result of the poll as to affect the return, the judge shall
- (a) order the costs of the candidate appearing to be elected to be paid by the applicant; and
 - (b) tax those costs, following as closely as possible the tariff of costs allowed with respect to proceedings in the Supreme Court.
- (21) The moneys deposited as security for costs shall, so far as necessary, be paid out to the candidate in whose favour costs are awarded and, if the deposit is insufficient, the candidate in whose favour the costs are awarded may bring an action for the balance.
- (22) Subject to the prior approval of the Board, a judge may retain the services of such clerical assistants as are required for the proper performance of his duties under this section.
- (23) The clerical assistants referred to in subsection (22) shall be paid at a rate to be fixed by the Commissioner pursuant to Section 13.

ELECTION RETURN

Election
return

- 65.(1) Each returning officer, immediately after the tenth day next following the date upon which he has completed the official addition of the votes, unless before that time he has received notice that he is required to attend before a judge for the purpose of a recount, and, where there has been a recount, then immediately thereafter, shall forthwith declare elected the candidate who has obtained the largest number of votes by completing the return to the writ in the prescribed form.

- (2) Forthwith, upon completing the return to the writ pursuant to subsection (1), the returning officer shall transmit by registered mail to the Board the following documents:
- (a) the election writ with his return in the prescribed form endorsed thereon that the candidate having the majority of votes has been duly elected;
 - (b) a report of his proceedings in the prescribed form;
 - (c) the recapitulation sheets, in the prescribed form, showing the number of votes cast for each candidate at each polling station and making such observations as the returning officer may think proper as to the state of the election papers as received from his deputy returning officers;
 - (d) the statements of the polls from which the official addition of the votes was made;
 - (e) the reserve supply of undistributed blank ballot papers;
 - (f) the enumerators' record books;
 - (g) the revising officers' record sheets and other papers relating to the revision of the lists of electors;
 - (h) the returns from the various polling stations enclosed in sealed envelopes, as described in Section 59, and containing the poll book used at the poll, an envelope of stubs and of unused ballot papers, envelopes of ballot papers cast for the several candidates, an envelope of spoiled ballot papers, an envelope of rejected ballot papers and an envelope containing the official list of electors used at the poll, the written appointments of candidates' agents and the used transfer and proxy certificates;
 - (i) the proxy applications and certificates retained by him pursuant to subsection 55(5); and
 - (j) all other documents used at the election.
- (3) Where he receives notice of a recount, the returning officer shall delay transmission of the return and report until he has received from the judge a certificate of the result of the recount, whereupon he shall transmit those documents as required by subsection (2).

- (4) The returning officer shall forward to each candidate a duplicate or copy of the return to the writ made by him.
- (5) A premature return shall be deemed not to have reached the Board until it should have reached the Board in due course.
- (6) The Board
 - (a) shall, if the circumstances so require, send back the return and any or all election documents connected therewith to the returning officer for completion or correction, and
 - (b) may send back to the returning officer any return that does not comply with this Ordinance.
- (7) The Board shall, on receiving the return of any member elected to serve in the Territorial Council,
 - (a) enter it, in the order in which the return is received in a book to be kept for that purpose, and
 - (b) thereupon immediately publish in the prescribed manner the name of the candidate so elected.
- (8) The Board shall:
 - (a) immediately after each general election, cause to be printed and published a report stating, by polling divisions, the number of votes polled for each candidate, the number of rejected ballots and the number of names on the list of electors, together with any other information that it may deem fit to include; and
 - (b) at the end of each year, cause to be printed and published a similar report on the by-elections held during the year.
- (9) Where any returning officer wilfully delays, neglects or refuses to return any person who by the provisions of this Ordinance ought to be returned to serve in the Territorial Council for an electoral district, and
 - (a) there has been no election petition brought pursuant to the *Controverted Elections Ordinance* respecting that person's election, or
 - (b) the election petition has been withdrawn, or

(c) it has been determined on the hearing of the election petition that such person was entitled to have been returned, the returning officer who has so wilfully delayed, neglected or refused duly to make the return of his election is guilty of an offence.

- 66.(1) The Board shall as soon as practicable after an election and in any event within ten days after the commencement of the session of the Council next following the election, transmit a report to the Speaker of the Territorial Council setting out:
- Report of Boards
- (a) any matter or event that has arisen or occurred in connection with the administration of the Board's duties in the interval since the date of its last preceding report and that it considers should be brought to the attention of the Territorial Council;
 - (b) any action that has been taken pursuant to subsection 77(3);
 - (c) where the Board has suspended a returning officer for cause, its reasons for so doing;
 - (d) any amendments that, in its opinion, are desirable for the better administration of this Ordinance.
- (2) Any report or recommendation received by the Speaker from the Board pursuant to this section shall at the earliest opportunity be tabled by him in the Territorial Council.

ELECTION DOCUMENTS

- 67.(1) The Board shall retain in its possession the election documents transmitted to it by any returning officer, with the return to the writ, for at least one year if the election is not contested during that time and, if the election is contested, then for one year after the termination of the contest.
- Custody of elections documents by Board
- (2) No election documents that are retained in the custody of the Board pursuant to subsection (1) shall be inspected or produced except under a rule or order of a judge of the Supreme Court.
 - (3) Where a judge of the Supreme Court has ordered the production of any election documents, a member of the Board

need not, unless the judge otherwise orders, appear personally to produce the documents but the Board shall certify the documents and transmit them by registered mail to the clerk of the court, who shall, when the documents have served the purposes of the judge, return them by registered mail to the Board.

- (4) Documents purporting to be certified by the Board are receivable in evidence without further proof thereof.
- (5) A rule or order may be made pursuant to subsection (2) by a judge on his being satisfied by evidence on oath that the inspection or production of any election document is required for the purpose of instituting or maintaining a prosecution for an offence in relation to an election, or for the purpose of a petition that has been filed questioning an election or return.
- (6) Any rule or order for the inspection or production of election documents may be made subject to such conditions as to persons, time, place and mode of inspection or production as the judge deems expedient.
- (7) All reports or statements, other than election documents received from election officers, all instructions issued by the Board pursuant to this Ordinance, all decisions or rulings by it upon points arising under this Ordinance and all correspondence with election officers or others in relation to any election are public records and shall be retained by the Board for five years and may be inspected by any person upon request during business hours.
- (8) Any person may take extracts from the records referred to in subsection (7) and is entitled to certified copies of those records upon payment for the preparation of those certified copies at the rate of twenty cents per page.
- (9) Any copies of the records referred to in subsection (7) purporting to be certified by the Board are receivable in evidence without further proof thereof.

Fees and
expenses
of officers

- 68.(1) The fees, costs, allowances and expenses payable in respect of an election shall be paid out of the Yukon Consolidated Revenue Fund.

- (2) Notwithstanding anything in this section, an account-able advance may be made to an election officer to defray office and other incidental expenses recognized in the tariff made pursuant to Section 13.
 - (3) The returning officer shall certify all accounts sub-mitted by him to the Board and shall be responsible for their correctness.
 - (4) The Board shall not pay any enumerator's account until after the revision of the lists of electors has been compiled.
 - (5) Where the fees and allowances provided for by tariff made pursuant to Section 13 are not sufficient remuneration for the services performed or required to be performed at any election in respect of a particular electoral district or a particular election officer, or where any claim for any necessary service performed or for materials supplied for or at an election is not covered by the tariff, the Commissioner shall, upon request of the Board, authorize the payment of such sum or additional sums for such services or materials supplied as he considers just and reasonable in the circumstances, out of the Yukon Consolidated Revenue Fund.
 - (6) Any expenses incurred by or on behalf of the Board for preparing and printing election material or for the purchase of election supplies or services shall be paid out of the Yukon Consolidated Revenue Fund.
 - (7) Any election officer who fails to carry out any of the services required to be performed by him at an election shall upon the determination of the Board forfeit his right to all or part of the payment for his services and expenses.
 - (8) The Board shall, in accordance with the tariff made pursuant to Section 13, audit all accounts relating to the conduct of an election.
- 69.(1) Every executory contract, promise or undertaking that in any way refers to or arises out of or depends upon the result of an election is void.

Executory
contracts
void

- (2) Subsection (1) extends to the payment of lawful expenses or the doing of a lawful act.

OFFENCES

- Offences 70.(1) Every one is guilty of an offence who:
- (a) forges a ballot paper or utters a forged ballot paper;
 - (b) fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer signed thereon;
 - (c) without authority under this Ordinance, supplies a ballot paper to any person;
 - (d) not being a person entitled under this Ordinance to be in possession of a ballot paper, has, without authority, any ballot paper in his possession;
 - (e) fraudulently puts or causes to be put into a ballot box a ballot paper or other paper;
 - (f) fraudulently takes a ballot paper out of the polling station;
 - (g) without authority under this Ordinance destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers;
 - (h) being a deputy returning officer, fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election;
 - (i) without authority under this Ordinance prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;
 - (j) being authorized by the returning officer to print the ballot papers for an election, fraudulently prints more ballot papers than he is authorized to print;
 - (k) being a deputy returning officer, places upon any ballot paper any writing, number or mark with intent that the elector to whom such ballot paper is to be or has been, given may be identified thereby;
 - (l) manufactures, constructs, has in possession, supplies to any election officer, or uses for the purposes of an election, or causes to be manufactured, constructed, supplied to any election officer, or used for the purposes of any election, any ballot box other than a ballot box made or obtained pursuant to Section 42 or

adapted in such a way as to enable a ballot paper to be improperly secreted or retained or to be damaged or destroyed.

- (m) applies under this Ordinance to be included in any list of electors in the name of some other person, whether such name is that of a person living or dead or of a fictitious person;
- (n) having once to his knowledge been properly included in a list of electors under this Ordinance as an elector entitled to vote at a pending election, applies, except as authorized by this Ordinance, to be included in any other list of electors prepared for any electoral district as an elector entitled to vote at the same election;
- (o) applies to be included in a list of electors for a polling division in which he is not ordinarily resident;
- (p) except as authorized by Section 55, applies for a ballot paper in the name of some other person, whether such name is that of a person living or dead or of a fictitious person;
- (q) having voted once at an election, applies at the same election for another ballot paper;
- (r) votes or attempts to vote at an election or has or attempts to have his name included on a list of voters knowing that he is not qualified to vote at the election;
- (s) induces or procures any other person to vote at an election knowing that such other person is not qualified to vote at the election;
- (t) by intimidation, duress or any pretence or contrivance compels, induces or prevails upon any person to vote or refrain from voting at an election;
- (u) represents to any person that the ballot or the manner of voting at an election is not secret;
- (v) knowingly, in any case where an oath or affirmation is authorized or directed to be taken or made pursuant to this Ordinance, compels or attempts to compel or induces or attempts to induce any other person to take such oath or make such affirmation falsely;
- (w) knowingly, in any case where an oath or affirmation is authorized or directed to be taken or made by this Ordinance, takes such oath or makes such affirmation falsely;

- (x) knowingly makes a false statement in any form, certificate, statement, report or other document completed pursuant to this Ordinance;
- (y) knowingly makes or publishes any false statement of fact in relation to the personal character or conduct of a candidate;
- (z) while residing outside Canada, to secure the election of any candidate, canvasses for votes or in any way endeavours to induce electors to vote for any candidate at an election or to refrain from voting;
- (aa) without authority takes down, covers up, mutilates, defaces or alters any printed or written proclamation, notice, list of electors or other document authorized or required by this Ordinance to be posted up;
- (bb) obstructs or interferes with the free access of a candidate, a candidate's official agent or agent or a person authorized in writing by the candidate as a campaign worker on his behalf to any building having more than one dwelling unit if the candidate, candidate's official agent or agent or campaign worker produces identification of his status as such;
- (cc) fails to obey the order of any election officer or judge properly made pursuant to this Ordinance; or
- (dd) impedes or obstructs an enumerator or a revising officer in the performance of his duties under this Ordinance.

- (2) For the purposes of subsection (1) and any other provision of this Ordinance, knowingly to do or omit to do an act is deemed to be fraudulent if to do or omit to do the act results or would or would be likely to result in the reception of a vote that should not have been cast or in the non-reception of a vote that should have been cast.

Corruption 71.(1) Everyone who corruptly, by himself or by any other person, during an election, directly or indirectly offers, procures or provides or promises to procure or provide money, valuable consideration, office or employment to induce any person to vote or refrain from voting, and everyone who corruptly accepts or receives or agrees to accept or receive any such money, valuable consideration, office or employment is guilty of an offence.

- (2) Every candidate or official agent who, by himself or by any other person, directly or indirectly, during an

election before the close of polls on polling day pays or indemnifies or promises to pay or indemnify any person for loss of wages or other earnings suffered by that person in going to, being at or returning from a polling station or the neighborhood of a polling station, with intent to influence any person to vote or refrain from voting is guilty of an offence.

- 72.(1) Notwithstanding the *Liquor Ordinance*, no liquor outlet shall be open for the sale of an alcoholic beverage during the hours that the polls are open within an electoral district where a poll is being held. Liquor
- (2) Everyone who at any time during the hours that the polls are open on polling day sells, gives, offers or provides an alcoholic beverage at any licensed premise within an electoral district where a poll is being held, is guilty of an offence.
- 73.(1) Every person is guilty of an offence who, between the date of the issue of the writ for an election and the day immediately following polling day at the election, acts, incites others to act or conspires to act in a disorderly manner with the intention of preventing the transaction of business of a public meeting called for the purposes of the election. Disorder at public meetings
- 74.(1) Every printed advertisement, poster or banner having reference to an election shall bear the name and address of its printer or publisher, and every person printing, publishing, distributing or posting up or causing to be printed, published, distributed or posted up, any such document unless it bears such name and address is guilty of an offence. Printer or publisher's name on documents
- 75.(1) Every person who erects, posts or affixes a proclamation notice, poster or advertisement or causes such to be done pursuant to this Ordinance shall remove it or cause it to be removed within thirty days after polling day. Removal of notices and advertisements
- (2) Every person who erects, posts or affixes any notice, poster or advertisement relating to a candidate at an election or a political party supporting a candidate at an election shall remove it or cause it to be removed within thirty days after polling day.

- (3) Any person who fails to comply with subsection (1) or (2) is guilty of an offence.
- Posting of warning 76.(1) Where an election officer posts up or causes to be posted up a document referred to in Section 75, a copy of paragraph 70(1)(aa) shall be printed or written as a notice in large type on the document, or printed or written as a separate notice and posted up near the document so the notice may easily be read.
- Liability of election officers 77.(1) Every election officer is guilty of an offence who fails or refuses to comply with any provision of this Ordinance unless such election officer establishes that in failing or refusing to so comply he was acting in good faith, that his failure or refusal was reasonable and that he had no intention of affecting the result of the election, permitting any person to vote whom he did not bona fide believe was qualified to vote or preventing any person from voting whom he did not bona fide believe was not qualified to vote.
- (2) It shall be deemed to be a failure to comply with the provisions of this Ordinance to do or omit to do any act that results in the reception of a vote that should not have been cast, or in the non-reception of a vote that should have been cast.
- (3) Where it is made to appear to the Board that an election officer has been guilty of an offence under this Ordinance, the Board shall:
- (a) make such inquiries as appear necessary under the circumstances; and
 - (b) if it appears that proceedings for the punishment of the offence have not been properly taken or should be taken and that its intervention would be in the public interest, assist or intervene in the carrying on of such proceedings or cause them to be taken and incur such expenses as may be necessary for such purposes.
- Power of Board re offences 78.(1) Where it is made to appear to the Board that any person has committed an offence referred to in Section 22, subsection 29(3) or (5), subsection 38(6), subsection 58(5), subsection 62(7), paragraph 70(1)(a), (b), (c), (d), (e).

(f), (g), (i), (j), (l), or (cc), or Section 94, the Board has, in respect of that offence, the same duties and powers that it has under subsection 77(3) in respect of offences committed by election officers.

- 79.(1) For the purpose of any inquiry held pursuant to Section 77 or Section 78, the Board or any person nominated by it for the purpose of conducting the inquiry has the powers of a Board constituted under the *Public Inquiries Ordinance*. Inquiry
by
Board
- (2) Any expense required to be incurred for the purpose of an inquiry under Section 77 or Section 78 and of any proceedings that, pursuant to Section 77 or Section 78, the Board assists in carrying on or causes to be taken shall be paid out of the Yukon Consolidated Revenue Fund.
- 80.(1) Except as otherwise provided in this Ordinance, Penalties
- (a) every person who is guilty of an offence under this Ordinance is liable on summary conviction to a fine of not more than two thousand dollars or to imprisonment for not more than three months, or to both fine and imprisonment,
- (b) every person who is guilty of an offence under this Ordinance committed with intent to corrupt or intimidate a candidate, official agent, election officer or elector, to prevent a qualified elector from voting or to destroy, forge or falsify any document made pursuant to this Ordinance is liable on summary conviction to a fine of not more than five thousand dollars or to imprisonment for not more than one year, or to both fine and imprisonment.
- (2) Where a person is convicted of an offence under paragraph (1)(b) the magistrate in addition to the punishment therein provided may order that the person convicted be ineligible to be a candidate or to be elected as a member of the Territorial Council for any period up to seven years.
- 81.(1) No election shall, on the trial of any election petition, be void by reason only of an offence under this Ordinance unless the thing omitted or done which constituted the Election
not
voided

offence, was omitted or done by the elected candidate in person, or his official agent or some other agent of the candidate with the candidate's actual knowledge and consent.

- (2) Nothing in this section shall be deemed to limit or impair the provisions of the *Controverted Elections Ordinance*.
- (3) No election shall be declared void by reason only of non-compliance with the provision of this Ordinance relating to:
- (a) limitations of time;
 - (b) the taking of the poll or the counting of the votes;
 - (c) any want of qualifications in the persons signing any nomination paper;
 - (d) any error in the name, or omission of or error in the address of any candidate as stated on the nomination paper received by a returning officer;
 - or
 - (e) any insufficiency in any publication of any proclamation, notice or other document or any mistake in the use of the forms contained in this Ordinance,

if it appears to the court that the election was conducted substantially in accordance with the principles laid down in this Ordinance and that such non-compliance did not affect the results of the election.

Disquali- 82.(1)
fication
procured by
perjury

If, at any time after a person has become disqualified, the witness on whose testimony he has become disqualified is convicted of perjury in respect of such testimony, the court, upon the motion of the person disqualified and upon being satisfied that such disqualification was procured by reason only of that perjury, may order that the disqualification thereupon cease and determine.

Agent 83.(1)
previously
convicted

The election of a candidate is void, if it is proved on the trial of an election petition that the candidate personally engaged a canvasser or agent knowing that within seven years previous to such engagement the canvasser or agent had been found guilty by a competent

tribunal of an offence under this Ordinance or any other Ordinance or any Act of Canada under which members of the Territorial Council have been elected.

PROCEEDINGS RELATING TO ELECTIONS

- | | | |
|--------|---|-----------------------------|
| 84.(1) | In a proceeding it is not necessary at the hearing to produce the writ of election or the return thereto or the authority of the returning officer founded upon the writ of election and general evidence of such facts is sufficient. | Evidence of writ |
| 85.(1) | The certificate of the returning officer to that effect constitutes proof that the election was held and that any person therein stated to have been a candidate was a candidate and any such facts may also be proved by direct testimony. | Evidence of election |
| 86.(1) | Notwithstanding the <i>Evidence Ordinance</i> , the evidence of an elector to show for whom he voted at an election is not admissible in evidence in any action suit or proceeding under this or any other Ordinance. | Evidence as to vote |
| 87.(1) | The Board or any person who is a qualified elector at an election may commence proceedings against any person who has committed an offence under this Ordinance and the court may require an elector commencing such proceedings to post security for costs in such amount as the court deems reasonable. | Intervention in proceedings |
| (2) | In the event of suspension or delay at any stage of any proceeding under this Ordinance, the court before which the matter is pending may permit the Board or one or more electors to intervene and carry on such proceedings to a final determination. | |
| (3) | The Board at any stage may intervene in and become a party to any proceeding commenced by or carried on by an elector pursuant to subsection (1) or (2). | |
| 88.(1) | Except as herein otherwise provided, no proceedings in respect of an offence against this Ordinance shall be commenced unless within six months after the commission of the offence or the discovery of the commission of the offence whichever is the later. | Limitation of action |

Enforce- 89.(1) Proceedings in respect of any offence under this
ment Ordinance where not otherwise prescribed shall be
brought summarily before a magistrate, sitting and
acting as a summary conviction court under the pro-
visions of Part XXIV of the *Criminal Code* and pro-
visions of that part shall apply *mutatis mutandis*
to such proceedings.

QUALIFICATIONS OF ELECTION OFFICERS

Quali- 90.(1) None of the following persons shall be appointed as
fications of election officers:

- (a) members of the House of Commons of Canada or
of the Legislative Assembly of any province of
Canada or the Council of the Northwest Territories
or of the Yukon Council;
- (b) judges of the Supreme Court;
- (c) police officers or magistrates;
- (d) persons who have served in the Yukon
Council in the session immediately
preceding the election or in the session
in progress at the time of election in
the case of a by-election; and
- (e) persons who have been convicted of any offence
under this or any other Ordinance or any Act of
Canada under which members of the Territorial
Council have been elected.

(2) No person shall be appointed as a deputy returning officer
or poll clerk unless he is a person qualified as an elector
in the electoral district within which he is to act except
with the written permission of the Board.

(3) No person shall be appointed as an election officer
unless he has attained the age of nineteen years.

NOTICES

Notices 91.(1) When any election officer is authorized or required by
this Ordinance to give a public notice and no special
mode of notification is indicated, the notice may be by
newspaper advertisement, poster, handbill or otherwise
as he considers will best effect the intended purpose
unless the Commissioner has previously prescribed the
mode of notification of that notice in which case the
notification shall be as so prescribed.

- (2) Any notice which is posted up pursuant to this Ordinance may be posted up in or at or affixed to any public building or structure by any means provided that it can be later removed as provided in Section 75.
- 92.(1) Where the Board, or any election officer, is required by this Ordinance to effect any communication by mail for the purpose of the election and he determines that the communication may not reach the person for whom it is intended in the due time if sent by mail, he may make the communication by telegraph or, when no telegraph is available, by telephone or by radio. Telephone, telegraph or radio
- (2) Every communication made by telegraph, telephone or radio pursuant to subsection (1) shall be confirmed immediately in writing sent by mail.
- 93.(1) Where any oath, affirmation, affidavit or declaration is authorized or directed to be made, taken or administered pursuant to this Ordinance, it shall be administered by the person expressly required by this Ordinance or, if no provision is made, then by the judge of any court, the returning officer, the assistant returning officer, a deputy returning officer, a poll clerk, a notary public, a magistrate, a Justice of the Peace, a commissioner of oaths or a peace officer. Oaths
- (2) All oaths affirmations, affidavits or declarations administered pursuant to this Ordinance shall be administered without fee.
- 94.(1) Any candidate who signs any written document presented to him by way of demand or claim made upon him by any person between the date of the issue of the writ and the close of the polls, requiring him to follow any course of action that will prevent him from exercising freedom of action in the Territorial Council if elected, or to resign as a member if called upon to do so by the person is guilty of an offence, and any such document, whether or not executed for consideration is void. Pledges
- 95.(1) Every person who publishes or broadcasts a result or purported result of the polling in any polling division or electoral district, before the hour fixed by or pursuant to this Ordinance for the closing of the polls Premature publishing of results

or before the expiry of any extension thereof, by any medium whatsoever is guilty of an offence.

ELECTION EXPENSES

- Election expenses 96.(1) No payment, other than those payments relating to the personal expenses of a candidate, and no advance, loan or deposit shall be made by or on behalf of a candidate before, during or after the election on account of the election otherwise than through his official agent.
- (2) Payments relating to the personal expenses of a candidate may lawfully be made by the candidate.
- (3) "Personal expenses" when used in this section includes the following expenses:
- (a) reasonable and bona fide rent of accommodation used by a candidate personally to address public meetings of electors and expenses incurred in heating, lighting and cleaning it;
 - (b) reasonable, ordinary and necessary travelling and living expenses of the candidate;
 - (c) reasonable, ordinary and necessary travelling and living expenses of one speaker for each meeting who accompanies the candidate and travels with him for the purpose of speaking at a public meeting to be addressed by the candidate;
 - (d) reasonable and ordinary charges for the hire of vehicles for the use of the candidate in travelling to and from public meetings and in canvassing in the electoral district and reasonable and ordinary charges for the services of a driver; and
 - (e) reasonable and ordinary charges for use by the candidate personally of not more than one vehicle and the services of a driver on polling day.
- (4) The onus is upon the candidate to show that the personal expenses paid by him were within the scope of subsection (3) and not in excess of what is ordinarily paid for similar services and accommodation.
- Claims against candidates 97.(1) Unless a person who has any monetary claim against a candidate for or in respect of an election sends in the claim to the agent of the candidate within one month of the day of the declaration of the result of the election, the right to recover the claim is barred.

- (2) In case of the death within the said month of any person having such monetary claim, unless his legal representative sends in the claim within one month after probate or administration has been obtained, the right to recover the claim is barred.
 - (3) In case of the death of the official agent or of his incapacity to act, if no other agent has been appointed, the claim may be sent in or delivered to the candidate.
 - (4) No such claim shall be paid without the approval of the candidate and the official agent.
 - (5) Notwithstanding anything in subsection (1), any claim that would have been payable if sent in within one month of the day of the declaration may be paid by the candidate through his agent after that time if the claim is approved by a judge.
 - (6) All claims allowed by a judge shall within one week thereafter be advertised by the returning officer at the expense of the candidate in the same newspaper in which the statement of the other election expenses was published.
- 98.(1) Every candidate and his official agent shall,
- (a) within two months after the polling day, or
 - (b) where by reason of the death of a creditor no claim has been sent in within a period of two months, then within one month after the claim has been sent in,
- prepare jointly, a detailed statement of all election expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, in the prescribed form and signed by the agent who has made the payment, and by the candidate in respect of payments made by him, and the candidate shall cause it to be delivered to the Board together with the bills and vouchers relating thereto.
- (2) The Board shall, within fourteen days after receiving the statement, publish in a newspaper circulating in the electoral district a notice that the statement has been delivered and may be inspected by any elector pursuant to subsection (3).

Statement
of
election
expenses

- (3) The Board shall preserve all such statements, bills and vouchers for a period of two years, and shall during a period of one year after they have been delivered permit any elector to inspect them during normal business hours and on reasonable notice.
- (4) Every candidate or agent who fails to comply with subsection (1) is guilty of an offence.
- (5) Every agent or candidate who wilfully furnishes to the Board a false or incomplete statement is guilty of an offence.
- (6) Where a candidate is one of a number of candidates contesting a general election with the endorsement of the same political party, any expenses incurred on behalf of the candidates generally may be apportioned equally among the candidates and the expenses so apportioned to a candidate shall be deemed to constitute a proper expense of the candidate, but shall be shown separately on the candidate's statement of expenses and identified as an apportioned expense.
- (7) Where a candidate fails to comply with subsection (1), the board shall cause to be published in the same manner as provided in subsection (2) a statement of that fact.

REGULATIONS AND FORMS

- | | | |
|--|---------|--|
| Regu-
lations | 99.(1) | The Commissioner may make such regulations as he deems necessary for giving effect to this Ordinance or for carrying out the provisions hereof according to its intent and meaning. |
| Prescri-
bing of
forms,
seals and
badges | 100.(1) | <p>The Commissioner, upon the recommendation of the Board, may from time to time</p> <ul style="list-style-type: none"> (a) prescribe forms, badges, seals and other election materials, for the purposes of this Ordinance, (b) cause to be adopted any forms considered applicable to any special case or class of cases for which a form has not been provided in this Ordinance, and (c) prescribe the manner of publication of notices or documents that are to be published pursuant to this Ordinance. |

- | | | |
|----------|---|---|
| 100.1(1) | No amendment to this Ordinance or to the <i>Electoral District Boundaries Ordinance</i> applies in any election for which the writ is issued within six months from the coming into force of that amendment unless, before the issue of the writ, the Board has published in the <i>Yukon Gazette</i> a notice to the effect that the necessary preparations for the bringing into operation of the amendment have been made. | No amendment to apply to election within six months except after notice |
| 101.(1) | For the purpose of any election held during 1978, the Commissioner may conclude an agreement with the Chief Electoral Officer of Canada to exercise the powers and perform the duties and responsibilities of the Board and the Administrator hereunder. | 1978 election |
| (2) | Where the Commissioner concludes an agreement pursuant to subsection (1) the Chief Electoral Officer of Canada shall be vested with the powers, duties, and responsibilities assigned to the Board and the Administrator hereunder. | |
| 102.(1) | A reference to the <i>Elections Ordinance</i> in any other Ordinance shall be deemed to be a reference to this Ordinance unless the context otherwise requires. | References to <i>Elections Ordinance</i> |
| 103.(1) | Section 5 of the <i>Controverted Elections Ordinance</i> is repealed and the following substituted therefor:
5.(1) Any person who was a duly qualified elector at an election may at any time within thirty days after publication, in the manner provided in the <i>Elections Ordinance, 1977</i> , of the name of a person declared elected as a member of the Council for an electoral district at such election, bring a petition against the election of such person. | Controverted <i>Elections Ordinance</i> amended |
| 104.(1) | Sections 1 to 3 and 5 to 14 of the <i>Elections Ordinance</i> are repealed. | <i>Elections Ordinance</i> repealed |
| 105.(1) | This Ordinance shall come into force on such day as the Commissioner may fix by proclamation. | Coming into force |

FORM 1

WRIT OF ELECTION (sec. 15)

YUKON, CANADA

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

TO. , of
Yukon, Greeting:

We command you that, notice of the time and place of election being given, you do cause an election to be held according to law of a member to serve in the Yukon Territorial Council for the Electoral District of (*in case of a by-election insert here "in place of , deceased," or otherwise state cause of vacancy*), and that you do cause a nomination of candidates at such election to be held on the day of next, and that in the event of a poll being granted you do cause a poll to be taken on the day of , 19. . . , and do cause the name of the member so elected whether he be present or absent, to be certified to our Elections Board as by law directed, as soon as possible and not later than

"Dated at the City of Whitehorse,
Yukon, this day of
. , 19"

By Order,
Commissioner

.

(ENDORSEMENT)

Received the within writ on , being the
. day of , 19. . .

.
Returning Officer

FORM 2

PROCLAMATION (sec.27)

Electoral District of

Pursuant to Her Majesty's writ bearing date the day of, 19 . . , I am commanded to cause an election to be held according to law of a member to serve in the Yukon Territorial Council for the above mentioned electoral district, and I accordingly give public notice:

That I am now prepared to receive nominations and will attend at *(describe the place at which the returning officer will attend to receive nominations)*, in the town (or City or Village) of, on the *(insert the date fixed as nomination day)* day of19. . , from noon until two o'clock in the afternoon, after which last mentioned hour no further nominations of candidates will be received.

And that in case a poll is demanded and granted in the manner by law prescribed, such poll will be held on the *(insert the date fixed as polling day)* day of, 19. . . , between the hours of eight o'clock in the forenoon and eight o'clock in the afternoon.

And that the polling divisions and polling places therein in the electoral district are as follows *(describe or attach a description of the boundaries of the polling divisions and location of polling places)*.

And that in case a poll is held, I shall at o'clock in the noon, on the *(insert the date fixed for the official addition of the votes)* day of, 19. . . , at *(describe the place at which the votes will be officially added up)*, in the Town (or City or Village) of, open the ballot boxes, add up the votes reported in the statement of the poll as having been cast for the several candidates, and declare the name of the candidate who has obtained the largest number of such votes, and at o'clock in the noon of declare the official result of the election.

And that the lists of electors will be prepared and revised in accordance with the provisions of sections 21 to 25 of the *Elections Ordinance, 1977*.

And that I have established my office for the conduct of the above mentioned election at *(describe location of the returning officer's office)*.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at, this day of, 19. . . .

(Print name of returning officer)
Returning Officer

FORM 3

NOMINATION PAPER (sec. 31)

We, the undersigned electors of the electoral district of

(name of electoral district)

hereby nominate

(here give name in full, with surname first)

(address and occupation of person nominated)

as a

(here give name of registered political party, political interest, insert "independent" or leave blank)

candidate at the election, now about to be held, of a member to represent the said electoral district in the Yukon Territorial Council.

(here at least 25 electors shall sign)

Signed by the above electors each of whom appeared before me and declared that he was a duly qualified elector in the electoral district of

Declared before me

thisday of

.....19....

(witness)

(Justice of the Peace, Commissioner of Oaths, Notary Public, the returning officer, assistant returning officer, or a peace officer)

The address of

(insert name of candidate)

nominated herein, for the service of process and papers under the Elections Ordinance, 1977, and under the Controverted Elections Ordinance, is

(insert address)

The official agent at the pending election of

....., nominated herein is (insert name of candidate)

(insert name of official agent) (address)

I, the said nominated herein, do hereby consent to the nomination and do solemnly declare that I am eligible as a candidate at the election pursuant to the Elections Ordinance, 1977.

FORM 3

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Declared before me
this.....day of
.....19.....

.....
(signature of candidate)

.....
(Justice of the Peace, Commissioner of Oaths, Notary Public, the returning officer, assistant returning officer, or a peace officer)

I,, of (post office address), (occupation), swear (or solemnly affirm) that I know the said (insert name of candidate) nominated as a candidate in the foregoing nomination paper and that he signed his consent to the nomination in my presence.

Declared before me
this.....day of
.....19...

.....
(signature of attesting witness)

.....
(Justice of the Peace, Commissioner of Oaths, Notary Public, the returning officer, assistant returning officer, or a peace officer)

FORM 4
BALLOT PAPER (sec. 43)

(FRONT)

<p>Instructions to Voters</p> <p>Vote by making a cross (x) or check mark (✓) within the circle to the right of the name of the candidate of your choice.</p>	<p>JOHN A. MACKENZIE <input type="radio"/> 3, Yukon St., Whitehorse <i>Yukon Liberal Party</i></p> <p>JANE E. BLAKE <input type="radio"/> 4, River Rd., Whitehorse <i>Progressive Conservative Party</i></p> <p>ALAN SMITH <input type="radio"/> 5, Mountain Ave., Whitehorse <i>Independent Liberal</i></p> <p>PETER (BILL) WILLIAMS <input type="radio"/> 6, Pine Drive, Whitehorse <i>New Democratic Party</i></p>
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(White
Print
on
Black
Background)

(REVERSE)

<p>Initials of DRO</p> <p>(Yukon Crest)</p> <p>Yukon, Canada</p> <p>Electoral District of Whitehorse Centre</p> <p>Election Date: October 10, 1978</p> <p>Returning Officer: Ross McLeod</p> <p>Printer: City Printers Ltd</p>
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CHAPTER 4
ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

MOTOR VEHICLES ORDINANCE

(Assented to March 1, 1978)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

SHORT TITLE

- | | | |
|-------|--|----------------|
| 1.(1) | This Ordinance may be cited as the <i>Motor Vehicles Ordinance</i> . | Short
title |
|-------|--|----------------|

INTERPRETATION

- | | | |
|-------|--|---|
| 2.(1) | In this Ordinance
"air cushion vehicle" means a vehicle designed to derive support in the atmosphere primarily from reaction against the earth's surface resulting from the expulsion of air from the vehicle;
"bicycle" means a device propelled solely by human power upon which a person may ride, and
(i) that has two tandem wheels either of which is more than forty centimetres in diameter, or
(ii) that has three wheels, but not more than three wheels, each of which is more than forty centimetres in diameter;
"boulevard" means that part of a highway that:
(i) is not a roadway, and
(ii) is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;
"centre line" means
(i) the centre of a roadway measured from the curbs or, in the absence of curbs, from the edges of the roadway, or
(ii) in the case of a highway designated by traffic control devices
(a) as an offset centre highway, or | Definitions
"air cushion vehicle"

"bicycle"

"boulevard"

"centre line" |
|-------|--|---|

- (b) as a highway having a certain number of traffic lanes for traffic moving in a certain direction at all times or at specified times,
the line dividing the lanes for traffic moving in opposite directions, or
 - (iii) in the case of a divided highway, that portion of the highway separating the roadways for traffic moving in opposite directions;
- "commercial vehicle" means any motor vehicle other than a private vehicle or public service vehicle as defined in this Ordinance;
- "Commissioner" means the Commissioner of the Yukon Territory or any person authorized by him to act on his behalf with respect to the administration of this Ordinance pursuant to section 3;
- "cut-line" means an area cleared of natural obstructions for the purpose of constructing a roadway;
- "crosswalk" means
- (i) that part of a roadway at an intersection included within the connection of the lateral lines of the sidewalk on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway, or
 - (ii) any part of a roadway at an intersection or elsewhere distinctly indicated by signs, or by lines, or by other markings on the road surface;
- "dealer" means any person who carries on the business of buying, selling or exchanging motor vehicles, trailers or semi-trailers either as principal or agent;
- "driver or operator" means a person who drives a vehicle or who has care and control of a vehicle;
- "daytime" means the period commencing at one-half hour before sunrise and ending one-half hour after the following sunset;
- "financial responsibility card" means a card in a form approved by the Superintendent of Insurance;
- "highway" means any cul-de-sac, boulevard, thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles; and includes

- (a) a sidewalk (including a boulevard portion thereof),
- (b) where a ditch lies adjacent to and parallel with the roadway, the ditch and
- (c) where a highway right-of-way is contained between fences or contained in a cut-line or between a fence and one side of the roadway, all the land between the fences, all the land in the cut-line or all the land between the fence and the edge of the roadway, as the case may be;
- (d) all the land shown on a registered plan of survey of a highway right-of-way;
- (e) where a highway right-of-way is not shown on a registered plan of survey or is not contained between fences or cut-lines; all the land within 30 metres of the centre line.

"intersection" means the area embraced within the prolongation or connection of,

"inter-section"

- (i) the lateral curb lines or, if none,
- (ii) the exterior edges of the roadways, of two or more highways which join one another at an angle whether or not one highway crosses the other;

"judge" includes a magistrate or justice of the peace;

"judge"

"leased vehicle" means a motor vehicle rented or leased with or without a driver, by a person, firm or corporation for a period exceeding thirty consecutive days;

"leased vehicle"

"licence" means a valid and subsisting licence issued under this Ordinance;

"licence"

"licensed gross weight" means the gross weight for which a vehicle is licensed;

"licensed gross weight"

"moped" means a vehicle, regardless of the number of wheels it has, that:

"moped"

- (a) is propelled by muscular or mechanical power or partly by muscular power and mechanical power,
- (b) is fitted with pedals that are continually operable to propel it by muscular power,
- (c) weighs not more than 55 kilograms,
- (d) is fitted with a motor that is driven by electricity or has an engine displacement of not more than 50 cubic centimetres,
- (e) is not fitted with a hand-operated or foot-operated clutch or gearbox driven by the motor and transferring power to the drive-wheel, and,
- (f) is not capable of attaining a speed of greater than 50 kilometres per hour on level ground within a distance of 1500 metres from a standing start;

"motor cycle"	"motor cycle" means a motor vehicle mounted on two or three wheels and includes those motor vehicles known to the trade as motor scooters;
"motor vehicle"	"motor vehicle" means a vehicle that is designed to be self-propelled in any manner except solely by muscular power, but does not include: <ul style="list-style-type: none"> (a) a vehicle operated exclusively upon rails, (b) a vehicle operated exclusively off-highway, (c) a vehicle not primarily designed to carry a load and operated exclusively for purposes of road maintenance or construction, mining, forestry or farming, or (d) a traction engine or a power-assisted wheel chair;
"municipality"	"municipality" means a municipality as defined in the <i>Municipal Ordinance</i> ;
"nighttime"	"nighttime" means the period commencing one-half hour after sunset and ending one-half hour before the following sunrise;
"officer"	"officer" means a member of the Royal Canadian Mounted Police or a person appointed pursuant to section 3 to administer or enforce all or any portion of this Ordinance including those persons employed in connection with the operation of weigh scales established by the Commissioner pursuant to the <i>Highways Ordinance</i> ;
"owner"	"owner" means the person in whose name a motor vehicle or trailer is or is required to be registered under this Ordinance;
"peace officer"	"peace officer" means a member of the Royal Canadian Mounted Police;
"pedestrian"	"pedestrian" means a person on foot and includes a person in a wheel chair;
"permit"	"permit" means a valid and subsisting permit issued under this Ordinance;
"public service vehicle"	"public service vehicle" means a motor vehicle or trailer operated on a highway by or on behalf of any person for gain or reward, whether such operation is regular or only occasional or for a single trip, but does not include a motor vehicle or trailer owned by a municipality nor a motor vehicle or trailer used by its owner for the distribution or transportation of goods manufactured or sold by him or a single vehicle used by the owner to distribute commodities on his own behalf;
"private vehicle"	"private vehicle" means a motor vehicle: <ul style="list-style-type: none"> (i) operated solely for the personal transportation of the vehicle's owner and passengers including the conveyance of any goods or commodities which

are the property of the owner and intended for the use or enjoyment of the owner or the owner's household;

(ii) owned and operated by a municipality, or

(iii) owned and operated by the Government of Canada.

"Registrar" means the Registrar of Motor Vehicles;

"Registrar"

"rented vehicle" means a motor vehicle rented or leased with or without a driver, by a person, firm or corporation to a person, firm or corporation on a day to day basis, but not exceeding thirty consecutive days;

"rented vehicle"

"roadway" means that part of a highway intended for use by vehicular traffic;

"roadway"

"sidewalk" means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of the highway between the curb line thereof, or the edge of the roadway, where there is no curb line, and the adjacent property line, whether or not paved or improved;

"sidewalk"

"snowmobile" means a vehicle that,

"snow-mobile"

(i) is designed to be self-propelled,

(ii) is not equipped with wheels, but in place thereof is equipped with tractor treads alone, or with tractor treads and skis, or with skis and propeller, or as a toboggan equipped with tractor treads or a propeller, and

(iii) is designed primarily for operating over snow or ice, and is used primarily for that purpose;

"stop" means,

"stop"

(i) when required, a complete cessation from vehicular movement, and

(ii) when prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device;

"traffic control device" means any sign, signal, marking or device placed, marked or erected under the authority of the *Highways Ordinance* for the purpose of regulating, warning or guiding traffic;

"traffic control device"

"traffic control signal" means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed;

"traffic control signal"

"traffic lane" means

"traffic lane"

(i) outside of a municipality, a longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles but does not mean a parking lane, and

(ii) inside a municipality, a longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles, whether or not the division is indicated by lines on the road surface;

"trailer" "trailer" means a vehicle so designed that it may be attached to or drawn by a motor vehicle and intended to transport property or persons and includes any trailer that is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, but does not include machinery or equipment used in the construction or maintenance of highways;

"vehicle" "vehicle" means a device in, upon, or by which a person or thing may be transported or drawn upon a highway.

ADMINISTRATION

Registrar etc. 3.(1) The Commissioner may appoint a Registrar of Motor Vehicles, a Deputy Registrar of Motor Vehicles and such other officers and employees as may be required for the administration of this Ordinance.

(2) A Deputy Registrar shall have all the functions and powers of the Registrar in the absence of the Registrar or his inability to act.

(3) Any officer or employee appointed pursuant to subsection (1), except the Registrar of Motor Vehicles or the Deputy Registrar, shall have only those powers and duties with respect to the administration of this Ordinance as the Commissioner may prescribe.

Micro-filming of documents 4.(1) The Commissioner may authorize that any document, class of document or copies of documents filed in the office of the Registrar under this Ordinance be reproduced by photograph or microfilm, and thereafter that the document or documents may be destroyed or otherwise disposed of in accordance with the provisions of the *Archives Ordinance*, and the reproduction for the purposes of this Ordinance shall be admissible in evidence in any court of law in like manner and for all purposes as are the documents so reproduced.

Delegation of power 5.(1) The Commissioner may delegate all or any of the powers conferred upon him by this Ordinance to such person or persons as he considers advisable.

- 6.(1) The Commissioner may appoint one or more qualified persons as testers of speedometers or other speed measuring devices used on motor vehicles or elsewhere for determining the speed of motor vehicles. Appointment of tester
- (2) In any prosecution under this Ordinance a certificate bearing a date not more than thirty days prior or subsequent to the date of the offence charged in the information or complaint, signed by a tester appointed pursuant to subsection (1) and stating the result of a test of the speedometer or other speed measuring device mentioned therein, shall be received as *prima facie* evidence of the facts stated therein and of the authority of the person issuing the certificate without proof of appointment or signature.

PART I

OPERATORS' LICENCES

Requirement of Licence

- 7.(1) No person shall operate a vehicle on a highway unless he is the holder of a subsisting operator's licence authorizing him to operate that class of vehicle. Licence required
- (2) Subsection (1) does not apply to a person who is undergoing a driver's examination conducted by an authorized driver examiner.
- (3) Subsection (1) does not apply to a person normally resident outside of the Yukon,
- (a) if he does not remain in the Yukon for more than 30 consecutive days in any year, and
- (b) if he is authorized by the laws of his place of residence to operate a motor vehicle of the type or class being operated by him.
- (4) Subsection (1) does not apply to a person, not being normally resident in Canada, who
- (a) holds an international driver's licence issued outside Canada, and

- (b) does not remain in the Yukon for more than 30 consecutive days.
- (5) Subsection (1) does not apply to a student as defined in the regulations if the student is authorized by the laws of his place of residence to operate a motor vehicle of the type or class being operated by him.
- (6) Any person who contravenes subsection (1) is guilty of an offence.
- (7) In a prosecution for a contravention of subsection (1), the onus is on the accused to show that he holds a subsisting operator's licence.

Issue of Licence

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| Application
of
licence | 8.(1) | An application for an operator's licence shall be made to the Registrar in the form and containing those particulars as prescribed. |
| | (2) | Every person to whom an operator's licence has been issued shall, in his application for a subsequent licence, state that he has been so licenced. |
| Prohibitions | 9.(1) | No person who is the holder of a subsisting operator's licence shall apply for or obtain another operator's licence except, <ul style="list-style-type: none"> (a) for the purpose of obtaining a duplicate of a subsisting licence that has been lost or destroyed or become worn out, or (b) for the purpose of obtaining a replacement for an operator's licence that is about to expire. |
| | (2) | No person shall apply for or procure or attempt to procure the issuance of an operator's licence to himself, <ul style="list-style-type: none"> (a) during a period when his licence is cancelled or suspended in any province of Canada or in any state, territory or the District of Columbia in the United States of America, whether or not the period for which the licence was issued has expired, or |

(b) during a period when he is disqualified from holding a licence.

- 10.(1) Subject to the restrictions contained in this Ordinance, the Registrar may, in his discretion, upon receiving an application for an operator's licence and the prescribed licence fee, issue or cause to be issued, through a licence issuer, an operator's licence of the class applied for and in the prescribed form. Issue of licence
- (2) Before issuing an operator's licence to an applicant, the Registrar shall require the applicant to satisfactorily identify himself as being the person named in the application.
- (3) Subject to the provisions of this Ordinance as to suspension and cancellation, an operator's licence issued pursuant to this Part is valid only for the prescribed period.
- (4) No liability attaches to the Registrar for any loss caused by incorrect information contained in an application for an operator's licence, notwithstanding that the information may have been entered on the application form by some person other than the applicant.
- 11.(1) A person of the age of 15 years or over who is not the holder of a subsisting operator's licence may apply to the Registrar for an operator's licence in respect of the operation of any type of motor vehicle, and Learner's licence
- (a) upon payment of the prescribed fee, and
- (b) upon the applicant passing such examination as may be prescribed,
- the applicant may be issued an operator's licence of a learner's category.
- (2) An operator's licence of a learner's category shall be stated to entitle and shall entitle the licensee to drive a motor vehicle of the type specified while the licensee is accompanied by a person
- (a) who holds a subsisting licence for the operation of the vehicle being used;

- (b) who has held such licence for a period of not less than two years; and
- (c) who is seated immediately beside the licensee and is engaged in teaching him to drive or is engaged in conducting a driver's examination of the licensee.

(3) An operator's licence of a learner's category may be issued for the purpose of operating a motor cycle, under such terms and conditions as may be prescribed.

Examination of applicant for licence

12.(1)

The Registrar may,

- (a) refuse to allow the issuance of an operator's licence to a person unless he is satisfied by examination or otherwise as to the physical and other competency of the applicant to drive a motor vehicle without endangering the safety of the general public;
- (b) cause special conditions or restrictions, or both, to be stated upon an operator's licence;
- (c) require the holder of an operator's licence or an applicant for a licence to submit himself for a medical examination to such persons as he may designate;
- (d) require the holder of an operator's licence to submit himself for an examination as to his competency as a driver to a person designated as an examiner.

(2) The Commissioner may pay any fee which he considers proper for any medical examinations required by the Registrar pursuant to paragraph (1)(c).

(3) The Commissioner shall establish a medical review board, to consist of not less than three and not more than six members,

- (a) to act as an advisory board to the Commissioner with respect to all matters of health of persons bearing upon the operation of motor vehicles and physical conditions that constitute a hazard to the general public, and
- (b) to advise the Commissioner as to qualified medical practitioners available for physical and mental examination of drivers and applicants for licenses.

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| 13.(1) | <p>Except as provided in section 11, an operator's licence shall not be issued to any person under the age of 16 years.</p> | Minimum age |
| (2) | <p>An operator's licence shall not be issued to any person under the age of 18 years,</p> <ul style="list-style-type: none"> (a) unless the application is also signed by a parent or guardian of the applicant, (b) where the person is self-supporting and is unable to obtain the signature of a parent or guardian unless he proves to the satisfaction of the Registrar that he is self-supporting and unable to obtain such consent, or (c) unless he proves to the satisfaction of the Registrar that he is a married person. | |
| (3) | <p>Where a person who is under the age of 18 years has obtained an operator's licence as authorized pursuant to subsection (2),</p> <ul style="list-style-type: none"> (a) if the parent or guardian, in writing, withdraws the consent, or (b) if proof is produced, satisfactory to the Registrar, that the person was not self-supporting or was not married, <p>the Registrar shall suspend or cancel the operator's licence to that person until the person attains the age of 18 years or until a new application complying with subsection (2) is made.</p> | |
| 13.1(1) | <p>An operator's licence issued under this Ordinance shall be valid, unless otherwise suspended or revoked, for a period of:</p> <ul style="list-style-type: none"> (a) in the case of a first application, when the application is approved, for three years from the anniversary of the applicant's birthdate nearest the date of issue, or (b) in the case of a renewal of licence, for three years from the date of expiry of the preceding licence. | Period of validity |
| (2) | <p>Notwithstanding paragraph (1)(a), where the birthdate on an operator's licence is shown to be the twenty-ninth day of February, the operator's licence shall expire on the first day of March of the year of expiry as indicated on the operator's licence.</p> | |

- (3) Notwithstanding subsection (1), the Registrar may issue a licence for a period of less than three years for any reason he considers appropriate.
 - (4) For the purpose of this section, any licence which is not renewed within six months from the date of expiry shall be considered to be a first application.
- Exemption 13.2(1) A peace officer or a person employed by the Commissioner as an officer or an examiner of drivers is exempt from the provisions of this Ordinance while driving or operating a motor vehicle on official business in connection with:
- (a) an accident or other emergency;
 - (b) the inspection of a motor vehicle; or
 - (c) the examination of a driver.
- Temporary air brake endorsement 13.3(1) Notwithstanding the provisions of this Ordinance, the Registrar may issue a temporary certificate to those persons applying for an air brake endorsement to their operator's licence for such period and under such conditions as he considers appropriate.
- Licence to be signed 14.(1) A person to whom an operator's licence is issued shall write his usual signature in the space provided for that purpose, and until the licence has been so signed it is not valid.
- Change of address or name 15.(1) Upon every change of his address or change of name or both, the person to whom an operator's licence is issued shall, in the manner prescribed, forthwith notify the Registrar in writing of the change.
- Changes in health 16.(1) Any person who is making application for an operator's licence shall disclose to the Registrar any disease or disability which may interfere with his safe operation of a motor vehicle.
- (1.1) Any holder of an operator's licence who discovers that he is suffering from a disease or disability which might interfere with his safe operation of a motor vehicle shall disclose the circumstances to the Registrar prior to operating any motor vehicle.

- (2) A duly qualified medical practitioner shall, without acquiring any liability thereby, report to the Registrar any medical information relative to the health of a person holding or applying for an operator's licence where the practitioner believes that the condition in relation to which the information is given may adversely affect that person's operation of a motor vehicle.
 - (3) An optometrist shall, without acquiring any liability thereby, report to the Registrar any defect in vision of any person which the optometrist believes may interfere with the safe operation of a motor vehicle by that person.
 - (4) A person of the age of 70 years or over who applies for an operator's licence or renews an operator's licence shall
 - (a) file a medical examination certificate in the prescribed form, completed and signed by a physician, and
 - (b) submit to a vision screening examination by a driver examiner and,based on the result of the medical report and the vision screening report required by this section and subject to Section 12, the Registrar may issue a licence under those conditions and for any period that he considers advisable, and require ensuring reports and visual screening reports at such intervals as he considers necessary.
 - (5) A medical examination certificate filed under this section must have been completed within 180 days prior to the date of filing.
- 17.(1) Where a person has obtained a duplicate of a valid and subsisting operator's licence and subsequently again comes into possession of the operator's licence believed to have been lost or destroyed, he shall return the duplicate as soon as possible to the Registrar, and no person shall have in his possession both an operator's licence and a duplicate thereof issued under this Ordinance. Duplicate licence

- (2) Where a person has obtained a duplicate operator's licence replacing a supposedly lost or destroyed duplicate operator's licence and subsequently again comes into possession of the duplicate operator's licence believed to have been lost or destroyed, he shall return one of the duplicates as soon as possible to the Registrar, and no person shall have in his possession more than one duplicate of an operator's licence.

Suspension of Licences

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|--|--------|--|
| Disquali-
fication
from
holding
licence | 18.(1) | <p>Where, pursuant to this Ordinance,</p> <p>(a) the Registrar refuses to issue an operator's licence to a person, or</p> <p>(b) a person is convicted of operating a motor vehicle without a subsisting operator's licence,</p> <p>the Registrar may at any time thereafter issue an order for any period and subject to any conditions specified in the order declaring that person to be disqualified from obtaining an operator's licence or driving a motor vehicle or any other specified class of vehicle on a highway.</p> |
| | (2) | <p>A person in respect of whom an order has been made under subsection (1) who drives a motor vehicle or other vehicle on a highway in contravention of that order is guilty of an offence.</p> |
| Duration
of
suspension
or disquali-
fication | 19.(1) | <p>Where by or under this Ordinance or by any order or judgement made under this or any other Ordinance</p> <p>(a) the operator's licence of a person is suspended, or</p> <p>(b) a person is disqualified from holding an operator's licence,</p> <p>then, notwithstanding that the period of suspension or disqualification has expired, the licence remains suspended or the disqualification remains in effect, as the case may be, until such time as the person satisfies the Registrar, by examination or otherwise, of his physical or other competency to drive a motor vehicle without endangering the safety of the general public.</p> |

- (2) Notwithstanding subsection 7(1), where the operator's licence of any person is suspended by or under this Ordinance or by an order or judgement made under this Ordinance, that person may nevertheless operate on a highway, implements of husbandry or industrial equipment designed primarily for construction, maintenance, land clearing, ditching or other related tasks that are not required to be licenced under this Ordinance.
 - (3) Where a person is prohibited under this Ordinance from driving a vehicle on medical grounds, the Registrar may also prohibit him from operating implements of husbandry or industrial equipment of the kind mentioned in subsection (2) on a highway.
 - (4) This section applies to suspensions by accumulation of demerit points, notwithstanding that the term of any such suspension has not expired.
- 20.(1) Where, under this Ordinance, the operator's licence of a person is suspended or cancelled, the suspension or cancellation continues in full effect notwithstanding the expiration of the licence during the period of the suspension or cancellation.
- (2) Where, under this Ordinance, an operator's licence is suspended or cancelled, the suspension or cancellation operates to suspend or cancel any operator's licence held by that person during the period of suspension, whether so stated or not.
- (3) The holder of any operator's licence which is suspended or cancelled shall forthwith return the operator's licence to the Registrar.
- 21.(1) A notice of:
- (a) the suspension or cancellation of the operator's licence of any person,
 - (b) the disqualification of any person from holding an operator's licence, or
 - (c) the suspension or cancellation of a certificate of registration or permit issued under this Ordinance,
- is sufficiently served on a person if it is sent by registered mail or certified mail to that person at

Suspension continues when licence expires

Service of notice

his last recorded address as shown by the records of the Registrar.

Driver Control Board

- 22.(1) There shall be a Board to be called the Driver Control Board, consisting of a chairman and four other members appointed by the Commissioner.
- (2) Two members of the Board constitute a quorum.
- (3) The members of the Board shall be paid remuneration in the amount determined by the Commissioner.
- (4) The Commissioner may make regulations governing the procedures and operation of the Board, the conduct of its hearings and generally respecting the duties and functions of the Board and any matter incidental thereto.

Functions of a Driver Control Board

- 23.(1) At any time he considers an inquiry should be made into whether any person should be permitted to hold an operator's licence,
 - (a) the Commissioner, or
 - (b) a judge, or
 - (c) the Registrar,may report the person to the Driver Control Board and the Board, after due inquiry and in the interest of public safety, may
 - (d) suspend the operator's licence of the person for a definite or indefinite period of time,
 - (e) prescribe any measure or course of remedial education or treatment as a condition of possession of an operator's licence, and
 - (f) prescribe terms and conditions for the possession of an operator's licence.
- (1.1) Upon receipt of a report pursuant to subsection (1), the Board shall notify the person in respect of whom the report has been made as to whether the Board proposes to act upon the report or not, and, where the Board proposes to act upon the report, inform such person of the date, being not less than ten days from the date of notice, and place of the next meeting of the Board at which the report is to be considered, and the person shall be entitled to make representations at the meeting to the Board and be heard in person, or by counsel or agent.

- (2) The Board shall not suspend or restrict an operator's licence of a person without giving him at least 10 days notice in writing and giving him an opportunity to be heard in person or by counsel or agent.
 - (3) In making a decision the Board may take into consideration the person's accident record, conviction record, driver attitude, driving skill and knowledge, driving disabilities and any other factors it considers relevant.
- 23.1(1) A person who has been refused a licence by the Registrar, or whose licence has been suspended or cancelled by the Registrar or the Commissioner, may appeal the refusal, suspension or cancellation, as the case may be, to the Driver Control Board.
- Appeal
from
decision
of
Registrar
- (2) A person who wishes to appeal a decision of the Registrar under this section shall, within 30 days of the date that person was served with the notification that he was refused a licence or that his licence was cancelled or suspended, serve the Driver Control Board with a notice of appeal.
 - (3) Upon being served with a notice of appeal under subsection (2), the Driver Control Board shall, within 30 days of being served with the notice of appeal, hear the appeal.
 - (4) Upon hearing an appeal under this section, the Driver Control Board may confirm a decision of the Registrar, order that the licence be issued, remove or vary the suspension or reinstate the cancelled licence.
- 24.(1) The attendance of a licensee or witness before the Board may be enforced by a notice issued by a member of the Board requiring the licensee or witness to attend and stating the time and place at which attendance is required.
- Summoning
person
before
Board
- (2) Any member of the Board may administer an oath to any person who is to give evidence before it.
 - (3) A person
 - (a) who fails to attend before the Board in obedience to a notice to attend, or

(b) who, being a witness, refuses to be sworn or to answer any questions directed to be answered by the person presiding at a hearing of the Board, is liable to attachment upon application to a judge and may be proceeded against as for a civil contempt of that court.

(4) Subject to the regulations, testimony may be adduced before the Board in such manner as the Board considers proper and the Board is not bound by the rules of law concerning evidence applicable to judicial proceedings.

Review and appeal

- 25.(1) Where the Board has suspended the operator's licence of a person for an indefinite period or for a period in excess of six months, the person may apply to the Board for a review of the suspension and the Board shall, within 30 days, give him an opportunity to be heard.
- (2) No person may apply for a review under subsection (1) more often than once every six months.
- (3) On a review under subsection (1), the Board may confirm, modify or set aside any earlier decision by it.
- (4) Any person who considers himself aggrieved by a decision of the Board may, within 30 days after the decision of the Board is sent to his latest address as recorded with the Board, appeal the decision of the Board to a judge.
- (5) The judge may confirm, modify or set aside the decision of the Board.

Use of Licences

Possession of licence

- 26.(1) No person shall use or be in possession of
- (a) an operator's licence belonging to any other person,
 - (b) an operator's licence that has been cancelled or suspended, or
 - (c) any document purporting to be an operator's licence,
- for unlawful purposes.

- (2) No person who holds an operator's licence shall permit any other person to use or be in possession of his licence, for unlawful purposes.
 - (3) No person shall hold in his own name more than one operator's licence.
 - (4) Subsection (3) does not apply with respect to an international drivers licence.
- 27.(1) No person shall
- (a) mutilate, deface or alter an operator's licence, or
 - (b) possess an illegible, mutilated, altered or defaced operator's licence.
- 28.(1) A person who operates a motor vehicle on a highway
- (a) of a type that he is not authorized to operate under the class of operator's licence that he holds, or
 - (b) contrary to a restriction or condition on his licence,
- is guilty of an offence.
- 29.(1) Except as provided in this Ordinance, no person shall permit anyone who is not the holder of an operator's licence to drive a motor vehicle on a highway.
- (2) Except as provided in this Ordinance, no person shall permit anyone to drive on a highway a motor vehicle other than one of the type that his licence permits him to drive.
- 30.(1) No person shall hire or let for hire a motor vehicle unless the person by whom the motor vehicle is to be driven is authorized under the provisions of this Ordinance to drive the motor vehicle.
- 31.(1) Subject to Section 11, no person shall permit any person who is the holder of an operator's licence of a learner's category to operate a motor vehicle.
- 32.(1) No person who is the holder of an operator's licence of a learner's category shall operate a motor vehicle contrary to Section 11.

Misuse
of
licence

Offence
to
contravene
conditions

Driver to
be dis-
qualified

Renting
to unquali-
fied driver

Learner
to be
accom-
panied

Use of
learner's
licence

- (2) A person who is engaged in teaching another person to drive and
- (a) who does not hold a subsisting licence for the operation of the vehicle being used; and
 - (b) who has not held such licence for a period of not less than two years;
- is guilty of an offence.
- Production of licence 33.(1) Every driver of a motor vehicle shall carry his operator's licence with him at all times during which he is driving a motor vehicle and shall produce it for inspection upon demand by any peace officer.
- (2) Every person while engaged in instructing a student driver shall carry his operator's licence with him and shall produce it for inspection upon demand by any peace officer.
- (3) Where a person produces to a peace officer an operator's licence that is illegible, mutilated, defaced or altered, the peace officer shall require that person to produce a properly issued duplicate licence within a reasonable time.
- Failure to produce licence 34.(1) A person who, on the demand of a peace officer
- (a) fails to produce his operator's licence as required by subsection 33(1) or (2), or
 - (b) fails to produce a duplicate licence as required by subsection 33(3),
- is guilty of an offence.
- Regulations 35.(1) The Commissioner may make regulations,
- (a) prescribing the form of application for operator's licenses, and changes thereon,
 - (b) prescribing the period or periods during which an operator's licence is valid,
 - (c) prescribing fees payable by applicants for operator's licences,
 - (d) prescribing the terms and conditions for operating a motor cycle on authority of an operator's licence of a learner's category.
 - (e) classifying operator's licenses into categories for the purpose of controlling the use of licences according to the qualifications of the driver,

- (f) prescribing the cases in which an examination as to competency as a driver may be dispensed with and the cases in which it may not be dispensed with,
- (g) establishing a Medical Review Board,
- (h) prescribing forms of medical certificates,
- (i) establishing a Driver Control Board.

PART 11

REGISTRATION OF MOTOR VEHICLES AND TRAILERS

Requirement of Registration

- 36.(1) Subject to this Ordinance,
 - (a) no person who is the owner of a motor vehicle or trailer shall operate or suffer or permit any other person to operate the motor vehicle or trailer on a highway at any time during which that owner is not the holder of a subsisting certificate of registration or permit issued pursuant to this Ordinance for the motor vehicle or trailer, and
 - (b) no person shall operate on a highway any motor vehicle or trailer in respect of which there is not for the time being a subsisting certificate of registration issued pursuant to this Ordinance.

- (2) The Commissioner may exempt any vehicle or class of vehicles from registration under this Ordinance.

- (3) Where a person who is the owner of a vehicle other than a commercial vehicle or public service vehicle and who is resident outside the Yukon has complied with the laws of his place of residence with respect to the registration and licensing of the vehicle then, if the vehicle is carrying displayed thereon the registration number plates assigned under those laws to that vehicle, it may be brought into the Yukon for temporary use within the Yukon for the lesser of,
 - (a) a period not exceeding three months, or
 - (b) the period during which the registration and licensing of the vehicle under the laws of his place of residence subsists,

Require-
ment of
registration

and during such period the vehicle shall be deemed to be registered pursuant to this Ordinance.

- (4) A person who operates a motor vehicle or trailer upon a highway without a subsisting certificate of registration for that motor vehicle or trailer is guilty of an offence.
- (5) A person who knowingly operates a motor vehicle on a highway
 - (a) while the certificate of registration or permit of the motor vehicle is cancelled, or
 - (b) while the certificate of registration of the motor vehicle is under suspension,is guilty of an offence.

Government
vehicles

36.1(1) Notwithstanding any other provision of this Ordinance, the registration of motor vehicles and trailers owned and operated by the Government of Yukon shall be valid for as long as the vehicle is registered in the name of the Government of Yukon, and further renewal shall not be required.

(2) Upon the Government of Yukon removing a motor vehicle or trailer from service, the Registrar shall be notified of the fact and shall be informed, in writing, of the make, year and serial number, unit number and licence number of the vehicle or trailer removed from service.

(3) The licence plate of the vehicle or trailer removed from service pursuant to subsection (2) shall be destroyed.

Miniature
motor
vehicles

36.2(1) Miniature motor vehicles of the type known to the trade as "Go Carts" and three or four-wheeled vehicles of like nature, and any other three or four-wheeled vehicle which, because of its novel size or operating characteristics, the Registrar considers would present a hazard to other highway users, shall not be registered as motor vehicles.

- (2) Notwithstanding the provisions of subsection (1), a miniature motor vehicle designed primarily for the use of a physically handicapped person may be operated on a highway provided that the vehicle:
 - (a) is registered in the name of a physically handicapped person;

- (b) is operated solely by a physically handicapped person who has a subsisting operator's licence issued under this Ordinance; and
- (c) is equipped in compliance with the requirements of this Ordinance or the regulations thereunder relating to motor vehicles.

37.(1) The Commissioner may make or authorize to be made with the government of any other province, state, district or territory a reciprocal arrangement or agreement

Reciprocal agreements re licensing

- (a) exempting any class or classes of motor vehicle owners ordinarily resident in that other province or territory from the application of this Ordinance as to
 - (i) the registration and licensing of motor vehicles, and
 - (ii) the carrying and displaying upon motor vehicles of licences and number plates, and
- (b) providing for the granting by that other province, state, district or territory of similar exemptions and privileges with respect to the motor vehicle owners ordinarily resident in the Yukon.

- (2) Every arrangement or agreement and the exemptions thereunder made under subsection (1) shall be
 - (a) subject to the condition that no person shall be entitled to any exemption or privilege in respect of a motor vehicle in the Yukon unless the owner has complied with the law of his place of residence as to the registration and licensing of motor vehicles and carries or causes to be carried on the motor vehicle the certificate or licence and number plates prescribed by the law of that place, and
 - (b) subject to all further conditions and restrictions set out in the arrangement or agreement and to cancellation by the Commissioner.

Issuance of Certificates of Registration

38.(1) An application for the registration of a motor vehicle or trailer shall be made to the Registrar in the form and giving those particulars which the Commissioner prescribes.

Application for registration

- (2) No person shall apply for, procure, or attempt to procure, the registration of a motor vehicle during a period when the registration of the motor vehicle or the certificate of registration issued therefor is suspended or cancelled.
 - (3) No person shall apply for, procure or attempt to procure, the registration of a vehicle in the name of a non-existent corporation.
 - (4) Where a vehicle is registered in the name of a non-existent corporation the person who signed the application for registration shall, for the purposes of this Ordinance, be deemed to be the owner of the vehicle.
 - (5) No liability attaches to the Registrar for any loss caused by incorrect information contained in an application for registration of a motor vehicle or trailer, notwithstanding that the information may have been entered on the application form by some person other than the applicant.
- Leased vehicles
- 39.(1) Every lessee of a motor vehicle exceeding a registered gross weight of 9100 kilograms shall file with the Registrar in the name of the lessee a copy of the lease agreement.
 - (2) Every leased motor vehicle exceeding a registered gross weight of 9100 kilograms shall be registered in the name of the lessee.
 - (3) Upon expiry or cancellation of a lease agreement, the lessees shall forthwith notify the Registrar in writing, the date of expiry or cancellation and return the registration and licence plates.
 - (4) The lease agreement must stipulate that the lessee is responsible for all fees and penalties due under the provisions of
 - (a) the *Motor Vehicles Ordinance*;
 - (b) the *Workers' Compensation Ordinance*;
 - (c) the *Labour Standards Ordinance*;
 - (d) the *Health Care Insurance Plan Ordinance*; and
 - (e) the *Highways Ordinance*.

- (5) The operator of a leased motor vehicle required to be registered pursuant to subsection (2), shall carry a copy of the lease in the vehicle at all times.
- (6) The Registrar may suspend the certificate of registration of any motor vehicle found to be operating in contravention of this section.
- 40.(1) The Commissioner may,
- (a) for the purpose of registration, classify trailers into such classes as he considers convenient having regard to carrying capacity, construction, use or any other circumstances;
 - (b) fix the fee payable on registration of all or any class of trailers;
 - (c) fix different fees in respect of different classes of trailers at such amounts as he considers proper;
 - (d) exempt any class of trailer from the requirement of registration;
 - (e) make regulations as to the issuance, form and notice of registration plates and the display of such plates on the trailer.
- 41.(1) Upon receipt of an application for the registration of a motor vehicle or trailer and upon payment of the prescribed registration fee the Registrar, may, subject to the restrictions in this Ordinance, issue a certificate of registration.
- (2) Before issuing a certificate of registration to an applicant, the Registrar or a licence issuer may require
- (a) proof of ownership by the person named in the application;
 - (b) production of a financial responsibility card issued in respect of the motor vehicle for which registration is sought;
 - (c) production of a certificate of inspection approval in respect of the motor vehicle for which registration is sought.
- (3) Subject to the provisions of this Ordinance as to suspension, cancellation and expiry, a certificate of registration issued pursuant to this Part is valid for the period prescribed by the regulations.

Regu-
lations
re
trailers

Certifi-
cate of
regis-
tration

- Serial number 42.(1) Except as provided by this section, a motor vehicle, of which the manufacturer's serial number or similar identifying mark has been obliterated, shall not be registered.
- (2) A person who has in his possession any motor vehicle in the condition described in subsection (1) may file with the Registrar satisfactory proof of the ownership of the vehicle and the Registrar may thereupon grant permission to cut, impress, emboss or attach permanently to the vehicle a special identifying number or mark, which thereafter shall be sufficient for the purpose of registration of the vehicle.
- Transfer of registration 43.(1) This section applies to the registration of all vehicles registered pursuant to this Ordinance.
- (2) Where the ownership of a registered vehicle passes from the registered owner to any other person, whether by an act of the owner or by operation of law, the registration of the vehicle expires forthwith and the registered owner shall remove the licence plates from the vehicle and retain them in his possession.
- (3) At any time during the registration year for which the licence plates are issued, the person to whom they are issued may apply to the Registrar to use the plates on another vehicle to be registered in his name and if the application is made within 14 days after acquiring ownership of the other vehicle, notwithstanding Sections 36 and 53, that person may display the plates on the newly acquired vehicle and operate or permit another person to operate the vehicle on a highway during that 14 day period.
- (4) Where the ownership of a registered vehicle passes from the registered owner, either by an act of the owner or by the operation of law, to another person, that other person, if the licence plates issued to the registered owner come into his possession, shall return the plates forthwith to the Registrar.

- (5) Notwithstanding anything in this section, where the ownership of a registered vehicle passes by reason of the death of the registered owner, the registration of the vehicle for that registration year does not expire and the following persons may during the remainder of that registration year continue to operate the vehicle under the registration of the deceased registered owner:
 - (a) the spouse of the deceased registered owner if normally residing in the same dwelling premises at the time of his death,
 - (b) any person having proper temporary custody of the vehicle until grant of probate or administration to the personal representative of the deceased registered owner, and
 - (c) the personal representative of the deceased registered owner.

- 43.1(1) The registered owner of a trailer may transfer a trailer licence plate from one to another of his own trailers upon completion of the forms supplied by the Registrar and payment of the prescribed transfer fee; but trailer licence plates shall not be transferred from one owner to another.
- (2) Notwithstanding subsection (1), a trailer licence may be issued to a manufacturer of, or dealer in, trailers upon payment of the prescribed fee and the licence plate issued shall apply to any trailer which the said manufacturer or dealer may, from time to time during the term of said licence, hold for sale but not for hire.

Transfer of trailer licence plates

Use of Certificates of Registration

- 44.(1) No person shall
 - (a) mutilate, deface or alter a certificate of registration issued under this Ordinance, or
 - (b) possess or permit the possession by another person of an illegible, mutilated, altered or defaced certificate of registration.
- 45.(1) Every driver of a motor vehicle shall produce the certificate of registration of the vehicle for inspection upon demand by any peace officer.

Misuse of certificate of registration

Production of certificate of registration

- (2) Where the vehicle is being operated
- (a) with the licence plates issued pursuant to section 50, or
 - (b) by an appraiser who has custody of the vehicle for the purpose of appraisal, or
 - (c) by a mechanic who has custody of the vehicle for the purpose of repairs,
- the peace officer shall give the driver of the vehicle reasonable time within which to produce the certificate of registration of the vehicle.
- (3) Where a person produces to a peace officer a certificate of registration that is illegible, mutilated, defaced or altered, the peace officer shall require that person to produce a properly issued replacement certificate of registration within a reasonable time.

Failure
to produce
certifi-
cate of
registration

- 46.(1) A person who on the demand of a peace officer,
- (a) fails to produce a certificate of registration as required by subsection 45(1) or (2), or
 - (b) fails to produce a replacement certificate of registration as required by subsection 45(3).

is guilty of an offence.

Change
of
address
or name

- 47.(1) Upon every change of his address or change of name, the person to whom a certificate of registration is issued shall, in the manner prescribed in writing, notify the Registrar of the change.

Licence Plates

Issue
of
licence
plates

- 48.(1) At the time of the issue of a certificate of registration the Registrar shall issue to the owner of the registered vehicle licence plates in the number and of the design prescribed.
- (2) The Registrar shall charge the prescribed fees for each licence plate or set of two licence plates issued by him.
- (3) Licence plates shall be of such type and color as are prescribed.

(4) Every licence plate issued under this Ordinance remains the property of the Commissioner and the person in possession of it shall return it to the Commissioner whenever he so requires for cause.

(5) Where a licence plate is lost, destroyed, or defaced, the owner of the vehicle for which it was issued,
(a) upon application to the Registrar for a replacement, accompanied by the prescribed fee, and
(b) upon returning to the Registrar the remaining plate, if any, and in the case of a defacement, the defaced plate,
may be issued a replacement licence plate or set of licence plates, as the case requires.

49.(1) Where the regulations authorize the use of a licence plate for more than one year if validated by a validating tab, marker or other sign, every reference in this Ordinance to a licence plate shall, with all necessary modifications, be deemed to include a reference to a validating tab, marker or other sign unless the regulations have made other provisions in that regard.

Validation of licence plates

50.(1) Licence plates may be issued pursuant to this section to manufacturers of, and dealers in, vehicles and to persons engaged in the business of servicing vehicles kept for sale by manufacturers and dealers.

Dealers' plates on other vehicles

(2) The licence plates issued for use on vehicles kept for sale by manufacturers or dealers shall bear a word, letter or other device sufficient to distinguish them from licence plates issued for other vehicles.

(3) Licence plates issued pursuant to this section are valid for only one place of business but where the person to whom any plates are issued has more than one place of business in the same municipality or local improvement district, all those places shall, for the purpose of this subsection, be considered one place of business.

- (4) The fee required by the Commissioner on the issue of licence plates under this section may be of a fixed amount or may vary with the number of licence plates issued to the person.

Use of
dealers'
plates

- 51.(1) No person shall attach a licence plate issued pursuant to Section 50 to any vehicle
 - (a) that is not kept for sale by a manufacturer or dealer,
 - (b) that is not used in the promotion of sales by a manufacturer or dealer or any employee or agent of either of them, or
 - (c) that is not for the time being in custody and control of a manufacturer or dealer or any employee or agent of either of them for the purposes of testing or servicing.

- (2) No person shall attach a licence plate issued pursuant to Section 50 to any vehicle
 - (a) that is kept for hire, or
 - (b) that is carrying freight.

- (3) No person shall use or operate on a highway a motor vehicle to which a licence plate is attached contrary to this section.

- (4) In this section "freight" means anything that may be conveyed in or on a motor vehicle but does not include passengers or anything that is the property of the owner of the vehicle or his employee or agent and that is intended for personal use by any one or more of them.

Licen-
sing of
trailers

- 51.1(1) No person engaged in the business of renting or leasing of trailers shall lease or rent any trailer in Yukon without first having affixed thereto a trailer licence plate issued under this Ordinance.
- (2) A trailer licence plate may be issued to the owner of a public service vehicle engaged in the business of towing trailers, who may attach the plate to any trailer towed by his public service vehicle or, in the case of individual trips, a "temporary operation" permit may be issued in lieu of a trailer licence plate.

- (3) The trailer licence plate or temporary operation permit shall be placed at the rear of the trailer, in such a position that the lower edge of the plate or permit is not lower than the rear axle of the trailer.
- 52.(1) Where a dealer in vehicles takes possession of a vehicle for the purpose of selling it on behalf of the owner and current licence plates have been issued for the motor vehicle
 (a) the owner of the vehicle shall remove the licence plates and retain them in his possession, and
 (b) the dealer shall not accept the motor vehicle until the licence plates have been removed. Removal of plates on sale of vehicle
- 53.(1) No person shall
 (a) attach to a motor vehicle or trailer, or
 (b) operate a motor vehicle or trailer to which is attached,
 a licence plate other than a licence plate authorized for use on that motor vehicle or trailer. Display of licence plates
- 54.(1) No person shall operate or park a motor vehicle or trailer upon a highway unless each licence plate required is attached to the vehicle in the location and in the manner prescribed by the regulations. Licence plate to be attached
- 55.(1) The operator of a motor vehicle or trailer shall at all times keep any licence plate required to be attached to the vehicle secured in a manner and maintained in a condition so as to be clearly visible and readable and unobscured by any part of the vehicle or its attachments or load or otherwise. Legibility of licence plates
- (2) No person shall be considered to contravene subsection (1) by reason only that a trailer is attached to the rear of a motor vehicle that he owns or operates.
- 56.(1) No person shall operate a motor vehicle or trailer on a highway with an expired licence plate displayed thereon. Expired licence plates

- Misuse of licence plates
- 57.(1) No person shall
- (a) deface or alter any licence plate issued under this Ordinance, or
 - (b) use or permit the use of any defaced or altered licence plate, or
 - (c) permit any licence plate issued to him to be used in contravention of this Ordinance.
- Seizure of licence plates
- 58.(1) Any officer who has reason to believe and does believe that a motor vehicle is carrying licence plates
- (a) that were not issued for that motor vehicle, or
 - (b) that, although issued for the motor vehicle, were obtained by false pretences,
- may take possession of those licence plates and retain them until the facts concerning the issue of those licence plates have been determined.

PART III

MISCELLANEOUS

- Suspension by Commissioner
- 59.(1) The Commissioner may suspend or cancel a certificate of registration or a permit issued under this Ordinance for a contravention of this Ordinance, the *Fuel Oil Tax Ordinance*, the *Transport Public Utilities Ordinance*, the *Highways Ordinance* or the regulations under those Ordinances.
- (2) Any person who knowingly makes any false statement of fact in any application, declaration or other document required by this Ordinance or by the regulations or by the Commissioner in order to procure the issue of an operator's licence or a certificate of registration or permit is guilty of an offence.
- (3) Where a person who is not a resident of the Yukon is convicted of contravening any provision of this Ordinance, the Commissioner
- (a) may by order prohibit that person from driving in the Yukon until the fine imposed on the conviction has been satisfied, and
 - (b) may notify the proper authorities of the jurisdiction where the person resides of the non-satisfaction of the fine imposed.

- (4) Where a resident of the Yukon
- (a) is convicted in any other jurisdiction in Canada of contravening a provision similar to a provision in this Ordinance and
 - (b) fails to satisfy the fine imposed upon the conviction,
- the Commissioner may suspend the operator's licence of the person until such time as he satisfies the fine so imposed.
- (5) Where an operator's licence or a certificate of registration or permit issued under this Ordinance is suspended or cancelled pursuant to subsection (1),
- (a) a person to whom it was issued shall immediately return
 - (i) the operator's licence, or
 - (ii) the certificate of registration and licence plates, or
 - (iii) the permit,as the case may be, to the Commissioner.
- (6) Where a person fails to return an operator's licence, licence plate, certificate of registration or permit as required by subsection (5), a peace officer acting at the request of the Commissioner shall secure possession thereof and return the suspended article or articles to the office of the Registrar.
- (7) A person
- (a) who fails to return an operator's licence, licence plate, certificate of registration or permit as required by subsection (5), or
 - (b) who fails to deliver an operator's licence, licence plate, certificate of registration or permit to a peace officer acting under subsection (6),
- is guilty of an offence.
- 60.(1) Where, pursuant to this Ordinance, a person who is not a resident of the Territory loses, by suspension or cancellation, the privilege of driving a motor-vehicle in the Territory, if the person resides in another Province of Canada or in a State, Territory, or the District of Columbia in the United States, the Registrar, if he has notice in writing of such
- Notice of cancellation of privileges of non-resident

suspension or cancellation, shall forthwith send to the proper officer in charge of the registration of motor vehicles and the licensing of drivers in that Province or in that State, Territory, or District a notice of such cancellation or suspension containing a brief statement of the reasons therefor, together with the driver's licence or operator's licence that has been suspended or cancelled if the driver's licence or operator's licence is in the possession of the Registrar.

- Regulations 61.(1) The Commissioner may make regulations
- (a) with respect to licence plates,
 - (i) authorizing the number of licence plates to be issued,
 - (ii) authorizing the use of a licence plate for more than one year if validated for each such year by a validating tab, marker or other sign issued by the Registrar,
 - (iii) prescribing the form and design of licence plates, where they are to be attached to vehicles, and the manner of display,
 - (iv) prescribing the form and design of validating tabs, where they are to be attached to licence plates, and the manner of display,
 - (v) prescribing any requirements and prohibitions necessitated by the use of any number of licence plates authorized under this section and by the use of validating tabs, markers or other signs in conjunction with licence plates, and
 - (vi) prescribing the terms and conditions under which permits may be issued in lieu of vehicle registration and licence plates;
 - (b) prescribing fees for licences, permits and certificates required pursuant to this Ordinance or the regulations;
 - (c) prescribing fees for supplying information relating to the licensing of persons and vehicles and for supplying copies of, or extracts from, driving records and accident reports;
 - (d) establishing and implementing a demerit point system for drivers of motor vehicles based on convictions for offences therein specified and providing under the system for the suspension or cancellation of an operator's licence;

- (e) prescribing forms;
- (f) fixing the times at which, and the persons to whom, returns are to be made;
- (g) prescribing terms and conditions governing the registration of motor vehicles;
- (h) governing, restricting or prohibiting the registering and licensing of motor vehicles in the name of a person under any specified age;
- (i) governing the registration and operation of motor vehicles kept for sale by manufacturers of motor vehicles and dealers in motor vehicles;
- (j) requiring and governing the marking on any class of motor vehicles of the displacement or horsepower of the motors thereof.

PART IV

FINANCIAL RESPONSIBILITY OF OWNERS AND DRIVERS

- | | | |
|--------|---|---|
| 62.(1) | In this Part,
"insurer" means a person licensed to carry on the business of automobile insurance in the Yukon;
"policy" means an owner's or non-owner's motor vehicle liability policy in conformity with Part VI of the <i>Insurance Ordinance</i> ;
"state of the United States of America" includes the District of Columbia. | Definitions
"insurer"

"policy"

"state" |
| (2) | Nothing in this Part shall be construed in such a way as to affect, diminish or derogate from any right of action, remedy or security that any person may have either at law or equity. | Savings provision |
| 63.(1) | Subject to subsection (3), every person shall, in respect of any motor vehicle owned by him and operated on a highway take out and maintain in force a policy of motor vehicle liability insurance against loss or damage resulting from bodily injury or death and loss of and damage to property occurring in respect of any one accident to the limit of at least seventy-five thousand dollars, exclusive of interest and costs, and any claim received out of bodily injury or death shall have priority over any claim received out of loss of or damage to property. | Minimum liability insurance |
| (2) | No person shall operate and no owner shall permit the operation of a motor vehicle on a highway unless a valid and subsisting motor vehicle liability policy of insurance is in force in respect of such a vehicle. | |

- (3) The provisions of subsection (1) do not apply to any owner of a vehicle referred to therein who, at the time of the coming into force of this section, had a valid and subsisting motor vehicle liability policy of insurance in force in respect of that vehicle until the earlier of
- (a) the expiry of one year from the coming into force of this section, or
 - (b) the expiry of the balance of the premium year of that policy.
- (4) In any prosecution for a violation of this section, the onus is on the accused person to prove that a valid and subsisting liability policy of insurance was in force in respect of the vehicle and where a person is required to produce a motor vehicle liability insurance card, the onus is on the accused person to prove that at the time he was required to produce the card, there was in force a valid and subsisting motor vehicle liability policy of insurance in respect of the vehicle described in the card.

Failure
to satisfy
judgement

- 64.(1) Where
- (a) the judgement for damages arising out of a motor vehicle accident is rendered against a person by a court in the Yukon or in any other province of Canada, and
 - (b) that person fails, within 15 days from the date upon which the judgement became final, to satisfy the judgement,
- the Commissioner, subject to Sections 65 and 66, may suspend the operator's licence of that person and may suspend the registration of any or every motor vehicle registered in the name of that person.
- (2) Where an operator's licence and registration are suspended under subsection (1), the licence and registration remain suspended and shall not at any time thereafter be renewed, nor shall any new operator's licence be issued to nor any new registration be made by, the person liable until the judgement is satisfied or discharged, otherwise than by a discharge in bankruptcy, to the extent of at least seventy-five thousand dollars, exclusive of interest and costs, where the judgement arises out of a motor vehicle accident.

- (3) Upon the Commissioner being satisfied that any state of the United States of America has enacted legislation similar in effect to subsection (1) and that the legislation extends and applies to judgements rendered and become final against residents of that state by any court of competent jurisdiction in the Yukon, the Commissioner may, by order, extend and apply the provisions of subsection (1) or (2) to judgements rendered and become final against residents of the Yukon by any court of competent jurisdiction in the state.

 - (4) If, after complying with subsection (2), any other judgement against the same person for any accident that occurred before subsection (2) was complied with, is reported to the Commissioner, the operator's licence and every registration of a motor vehicle of the person shall again be suspended and shall remain suspended until the judgement is satisfied and discharged, otherwise than by a discharge in bankruptcy, to the extent set out in subsection (2).

 - (5) If any person to whom subsection (1) applies is not resident of the Yukon,
 - (a) the privilege of operating a motor vehicle in the Yukon, and
 - (b) the privilege of operating in the Yukon any motor vehicle registered in his name,is suspended and withdrawn forthwith by virtue of the judgement until he has complied with this section.

 - (6) Where an operator's licence or a certificate of registration of a motor vehicle has been suspended as a result of a judgement obtained against a person who was not driving the vehicle involved in the accident, the Commissioner in his absolute discretion may reinstate the licence or certificate of registration or both, notwithstanding any other provision of this section.

 - 65.(1) A judgement debtor to whom this Part applies may on due notice to the judgement creditor apply to the court in which the trial judgement was obtained for the privilege of paying the judgement in installments, and the court may, in its discretion, so order, fixing the amounts and times of payment of the installments.
- Payment
of judge-
ment by
install-
ments

- (2) Notwithstanding subsection (1), a judgement debtor and the judgement creditor may enter into an agreement for the payment of the judgement in installments.
- (3) While the judgement debtor is not in default in payment of the installments, he shall be deemed not in default for the purposes of this Part in payment of the judgement, and the Commissioner in his absolute descretion may restore the operator's licence and registration of the judgement debtor and the operator's licence and registration shall again be suspended and remain suspended as provided in Section 64 if the Commissioner is satisfied of default made by the judgement debtor in compliance with the terms of the court order or of the agreement.

Appli-
cation
for
relief

- 66.(1) Where a person becomes liable to suspension of his operator's licence or motor vehicle registration because of a final judgement being rendered against him outside the Yukon for damages arising out of a motor vehicle accident, he may make an application for relief to a Judge of the Supreme Court of the Yukon.
- (2) Where an application for relief is made to a Judge of the Supreme Court,
- (a) if the operator's licence of the applicant or the registration of motor vehicles registered in the name of the applicant has not then been suspended by the Commissioner, the Judge, if the circumstances warrant, may direct that the operation of subsection 64(1) be suspended in respect of the suspension of licence or registration or both, upon such terms and conditions as to the Judge seem proper, or
- (b) if the operator's licence of the applicant or the registration of motor vehicles registered in the name of the applicant has been suspended by the Commissioner, the Judge, if the circumstances so warrant, may direct that the Commissioner remove the suspension of the licence or registration, or both, upon such terms and conditions as to the Judge seem proper.

Report
by
clerk
of
court

- 67.(1) The clerk of the Supreme Court in which any final order, judgement or conviction to which this Part applies is rendered shall forward to the Commissioner

immediately a certified copy of the order, judgement or conviction or a certificate thereof in a form prescribed by the Commissioner.

- (2) The certified copy or certificate is *prima facie* proof of the order, judgement or conviction.
- (3) If the defendant is not resident of the Yukon, the Commissioner shall transmit to the Registrar or other officer or officers, if any, in charge of the registration of motor vehicles and the licensing of operators in the province or state in which the defendant resides, a certificate of the order, judgement or conviction.

- 67.1(1) Subject to sections 67.2 and 67.3, where bodily injury to or death of any person or damage to property results from an accident in which a motor vehicle is in any manner directly or indirectly involved, any officer at the scene of the accident, or who arrives thereat while any or all of the motor vehicles so involved in the accident are still at the scene thereof, shall impound each motor vehicle so involved and require it to be taken
- (a) if repairs are necessary and immediately desired by the owner, to such repair shop or garage as the owner may select, for the purpose of having it repaired, or
 - (b) if repairs are not necessary or are not immediately desired by the owner, to such garage or storage place as the owner may select, unless otherwise required by the officer, in which case the officer may direct it to be taken to a garage or storage place maintained by any police force or other public authority, if such is available, and otherwise to a privately maintained garage or storage place designated by the officer, there to be kept at the expense and risk of the owner of the motor vehicle.

Impound-
ing of
motor
vehicle

- (2) Where, pursuant to subsection (1), a motor vehicle has been taken to a repair shop, garage or storage place selected by the owner, an officer in a locality in which the repair shop, garage or storage place is situated, on receipt of a written application by the owner, may, at the cost of the applicant, have the motor

vehicle transferred to such other repair shop, garage of storage place as the applicant may select, and may give all necessary directions to that end, and shall in that case give to the owner, operator, manager or other person in charge of the repair shop, garage or other storage place to which the motor vehicle is transferred a notice as prescribed in subsection (6).

- (3) Where any or all of the motor vehicles directly or indirectly involved in the accident are not impounded as provided in subsection (1), if the accident is reported to, or otherwise comes to the attention of an officer, he shall, subject to subsection (8), and to sections 67.2 and 67.3, impound each motor vehicle so involved; and the officer impounding the motor vehicle shall require it to be disposed of as provided in subsection (1).
- (4) All costs and charges for the retrieval, care or storage of a motor vehicle impounded under this section are a lien thereon in favour of the keeper of the repair shop, garage or storage place and may be recovered by him under the provisions of the *Garage Keepers' Lien Ordinance* as though the cost and charges were a lien under that Ordinance.
- (5) Where a motor vehicle is impounded under this section, the officer who impounds it shall, directly or through his superior officer, if any, forthwith notify the Registrar of such impoundment in writing on the prescribed form.
- (6) Where a motor vehicle impounded under this section is placed in a repair shop, garage or storage place, the officer impounding the same shall notify in writing, on the prescribed form, the owner, operator, manager or other person in charge of the repair shop, garage or storage place that the motor vehicle is impounded and, subject to subsection (3), must not be removed or permitted to be removed or released from impoundment except upon written order of the Commissioner.
- (7) Subject to subsection (2), no person shall remove, or permit to be removed, from the place of impoundment or release from impoundment any motor vehicle impounded under this section except upon the written order of the Commissioner.

(8) This section shall not apply to authorize or permit the impounding of a motor vehicle that is the property of Her Majesty.

67.2(1) If the driver, owner or other person in charge of a motor vehicle that is in any manner directly or indirectly involved in an accident produces to an officer seeking to impound the motor vehicle pursuant to section 67.1 a motor vehicle liability insurance card issued in respect of such motor vehicle and in full force at the time of such accident, the officer shall not impound the motor vehicle unless it is required to be impounded by some other provision of this or any other Ordinance, or unless it is required by the Crown as evidence in the prosecution of a criminal offence.

Liability insurance card

67.3(1) Where a motor vehicle has been impounded under section 67.1 and
(a) the Commissioner is satisfied that at the time of an accident the motor vehicle was a stolen motor vehicle; or
(b) the only damage resulting from an accident is to the person or property of the driver, owner or other person in charge of the motor vehicle; or
(c) the driver, owner or other person in charge of the motor vehicle produces to an officer evidence that he is the holder of a motor vehicle liability insurance policy with liability coverage at least equivalent to that prescribed by section 63 in respect of the motor vehicle that is in full force; the Commissioner shall order the release of the motor vehicle from impoundment unless it is required to be impounded by some other provision of this or any other Ordinance, or unless it is required by the Crown as evidence in the prosecution of a criminal offence.

Release from impoundment

67.4(1) Where the owner of a motor vehicle impounded pursuant to section 67.1 gives security or proof of satisfaction of claims for damages satisfactory to the Commissioner, the commissioner shall, on application by the owner, order the release of the motor vehicle from impoundment; but if the motor vehicle is not, and is not required to be, registered under this Ordinance, the Commissioner shall order the release thereof upon the owner giving such

Lis Pendens

security or such proof of satisfaction of claims for damages as the Commissioner may require.

- (2) Where a motor vehicle is impounded pursuant to section 67.1 and the owner fails to give the security or proof of satisfaction of claims for damages and proof of financial responsibility, or security or proof of satisfaction of claims for damages and an undertaking as provided in subsection (1)
- (a) if six months have elapsed since the date of the accident and no certificate of *lis pendens* in a form set out in subsection (4) or otherwise to the satisfaction of the Commissioner, has been filed with the Commissioner; or
 - (b) if such certificate has been filed with the Commissioner and proof has been given to his satisfaction that
 - (i) the action against the owner of the motor vehicle has been decided in his favour and that no appeal against the judgement has been filed within the time fixed for the filing of such appeal;
 - (ii) that any judgement recovered against the owner has been satisfied or settled;
 - (iii) That the action has not been brought to trial within twelve months after it was begun; or
 - (iv) that although judgement has been recovered against the owner, and no appeal has been filed by him within the time fixed, or any appeal by him has been dismissed, the motor vehicle has not, within three months from the date of the judgement or the date of the dismissal of such appeal, been seized under an execution issued pursuant to the judgement; the Commissioner shall order the release of the motor vehicle from impoundment.
- (3) Where the Commissioner is satisfied by a certificate signed by a qualified mechanic, or by such other written or documentary evidence as he deems sufficient, that a motor vehicle impounded pursuant to section 67.1 is so damaged that it is impracticable to repair it so that it can be driven on a highway, he may order the release of the motor vehicle from impoundment.

- (4) The certificate of *lis pendens* shall, on request therefor and payment of the proper fee, be issued by the clerk of the court in which an action is commenced claiming compensation for damages resulting from bodily injury to or the death of any person or damage in an amount exceeding one hundred dollars to property occasioned by or arising out of the ownership, maintenance, operation or use of a motor vehicle, and the certificate may be in the form following:

CERTIFICATE OF LIS PENDENS

I hereby certify that an action has been begun in this Court, in which action

is plaintiff and _____ is defendant, and a claim is made for compensation for damages alleged to have occurred at or near

_____, in this Territory, on the _____ day of

A.D. 19____, in which accident it is alleged that there was (were) involved

- (a) a motor vehicle alleged to be owned by _____ (and operated at the time of the accident by _____), the motor vehicle licence number being _____; and
- (b) a motor vehicle alleged to be owned by (and operated at the time of the accident by _____), the motor vehicle licence number being _____.

(NOTE: Strike out phrases in parentheses where not required or not applicable. Strike out (b) if only one motor vehicle involved. Add additional paragraphs if more than two motor vehicles involved. Give any further available description of the motor vehicle).

- 67.5(1) In sections 67.1 through 67.4, "owner" includes any person, firm or corporation that has sold a motor vehicle, under the terms of a conditional sale agreement, lien or note, upon which all or part of the purchase price remains unpaid, or to whom or to which a bill of sale by way of chattel mortgage thereon has been given in respect of which all or part of the money secured thereby remains unpaid, including the assignee of such vendor or mortgagee.

"owner"

Abstract
of
driving
record

- 68.(1) Upon the written request, the Registrar may furnish to an insurer or surety an abstract of the driving record of any person covering the three year period immediately preceding the request or such greater period as the Registrar allows.
- (2) Upon the written request, the Registrar may, in his discretion, furnish a certified abstract of the driving record of that person to the person's employer or a prospective employer.
- (3) Upon the written request, the Registrar may, in his discretion, furnish a certified abstract of the driving record to a barrister and solicitor.
- (4) Upon the written request, the Registrar may, in his discretion, furnish to a parent or guardian of any person requiring the signature of a parent or guardian on his licence application as provided in Section 13, a certified abstract of the driving record of that person covering the three year period immediately preceding the request or such greater period as the Registrar in his discretion allows.

Issue
of
financial
respon-
sibility
cards

- 69.(1) Where the owner of a motor vehicle produces to the Registrar a certificate issued by the Superintendent of Insurance showing that
- (a) he maintains a separate insurance fund for the purpose of satisfying therefrom liabilities he may incur resulting from bodily injury to or the death of any person, or damage to property, occasioned by or arising out of the ownership, maintenance, operation or use of the motor vehicle by him, and
- (b) in the opinion of the Superintendent, the insurance fund is adequate to satisfy all liabilities that he is likely to incur, subject, in the case of each motor vehicle registered in his name to the limits as to the amount of the accident insurance benefits specified in Part VI of the *Insurance Ordinance*, the Registrar shall issue and deliver to him a financial responsibility card, and shall, on his request, issue and deliver to him a copy of the card issued to him for each motor vehicle registered in his name.

- (2) A financial responsibility card issued under this section shall be in a form approved by the Superintendent of Insurance.
- (3) Where the owner of a motor vehicle to whom the Registrar has issued a financial responsibility card ceases to maintain, as required by this Part, the financial responsibility in respect of which the card was issued, he shall forthwith deliver to the Registrar for cancellation the card and all copies of the card issued to him.

- 70.(1) Every insurer that issues an owner's policy shall
 - (a) at the time of issue thereof also issue and deliver to the insured named in the policy a financial responsibility card and a duplicate thereof, and
 - (b) on request by the insured, issue and deliver to him one copy of the financial responsibility card delivered to the insured for each person who commonly drives the motor vehicle to which the card refers, or for each motor vehicle of which the policy is issued.

Issue of financial responsibility card

- (2) A financial responsibility card issued under this section shall be in a form approved by the Superintendent of Insurance.
- (3) Except where it issues an owner's policy outside the Yukon, an insurer may print and prepare the financial responsibility card for issue and delivery to its insured if the financial responsibility card is in a form approved by the Superintendent of Insurance.
- (4) An insurer that issues owner's policies outside the Yukon may issue financial responsibility cards in respect of such policies, but
 - (a) in the case of an insurer that is licensed to carry on in the Yukon the business of automobile insurance, every card issued by it shall show that the policy thereon mentioned complies with Part VI of the *Insurance Ordinance*, and

- (b) in the case of an insurer that is not so licenced, the insurer shall file with the Superintendent of Insurance, in a form prescribed by him,
 - (i) a power of attorney authorizing the Superintendent of Insurance to accept service of any notice or process for itself in any action or proceeding against it arising out of a motor vehicle accident in the Yukon and
 - (ii) an undertaking
 - (A) to appear in any action or proceeding against it or its insured arising out of a motor vehicle accident in the Yukon and of which it has knowledge,
 - (B) that upon receipt from the Superintendent of Insurance of any notice or process served upon him in respect of its insured, or in respect of its insured and another or others and sent by the Superintendent of Insurance to it as hereinafter provided, it will forthwith cause the notice or process to be personally served upon its insured, and
 - (C) not to set up to any claim, action or proceeding under a motor vehicle liability policy issued by it any defence that might not be set up if such policy had been issued in the Yukon in accordance with the law of the Yukon relating to motor vehicle liability policies, and to satisfy up to the limits of liability stated in the policy and, in any event to an amount not less than the limits of liability fixed in Part VI of the *Insurance Ordinance*, any judgement rendered against it or its insured by a court in the Yukon which has become final in any such action or proceeding.
- (5) Where an insurer to which subsection (4) refers is not authorized to carry on in the Yukon the business of automobile insurance, notice or process in any action

or proceeding in the Yukon against it or its insured arising out of a motor vehicle accident in the Yukon, may be effectually served upon the insurer or the insured, or upon both of them, by leaving three copies of the notice or process with the Superintendent of Insurance, but if the insurer is not a party to the action or proceeding the person who leaves with the Superintendent the copies of the notice or process shall at the same time leave with him a written statement signed by the person who issued or caused to be issued the notice or process and stating the full name and address of the insurer against whose insured the action or proceeding is taken.

- (6) Upon receipt of notice or process under subsection (5) the Superintendent of Insurance shall forthwith mail two copies thereof, by registered mail, to the insurer at its address last known to him.
- (7) In any action or proceeding against an insurer who has given to the Superintendent of Insurance an undertaking under subparagraph (4)(b)(ii), the plaintiff may give evidence of the undertaking, and the undertaking shall for all purposes of the action or proceeding, be deemed to be a covenant for valuable consideration made by the insurer with the plaintiff.
- (8) If an insurer that has filed the documents described in subsection (4) defaults thereunder, certificates of the insurer shall not thereafter be accepted as proof of financial responsibility so long as such default continues, and the Registrar shall forthwith notify the Superintendent of Insurance and the proper officers in charge of the registration of motor vehicles and the licensing of drivers in all provinces of Canada and in all states, territories or districts in the United States, where the certificates of the insurer are accepted as proof of financial responsibility, of such default.
- 71.(1) Where a person is insured under a policy of the type commonly known as "a garage and sales agency policy" whereby he is insured against liability, to no lesser limits and matters as specified in Part VI of the *Insurance Ordinance*, the insurer who issues the policy shall,

Garage
and
sales
agency
policies

- (a) at the time of issue thereof, issue and deliver to the named insured a financial responsibility card and duplicate thereof, and
 - (b) on request by the insured, issue and deliver to him one additional card which shall be a copy of the financial responsibility card delivered to the insured, for any person who is authorized to drive the motor vehicle owned by the insured or in his charge.
- (2) A financial responsibility card issued under this section shall be in a form approved by the Superintendent of Insurance and shall be signed in handwriting and in ink, with his normal signature by the person for whose use the card or additional card is issued, and the card shall bear the number of the operator's licence held by him as at the date on which the card is issued.

Offences and Penalties

Production of financial responsibility card

- 72.(1) The operator of a motor vehicle shall, upon the request of a peace officer, produce a financial responsibility card for that vehicle.
- (2) Where the motor vehicle is being operated
- (a) with licence plates issued pursuant to Section 50, or
 - (b) by an appraiser who has custody of the vehicle for the purpose of appraisal, or
 - (c) by a mechanic who has custody of the vehicle for the purpose of repairs, or
 - (d) by the proprietor of or an employee of a service station who has, on behalf of the service station, the custody of a motor vehicle in the course of service station business duties relating to the vehicle,
- the peace officer shall give the operator of the vehicle reasonable time within which to produce the financial responsibility card.
- (3) Where a newly acquired motor vehicle is being operated with licence plates issued to another motor vehicle pursuant to subsection 43(3) if the operator of the vehicle produces

- (a) proof of the purchase, within the immediately preceding 14 days of the newly acquired vehicle, and
 - (b) a financial responsibility card for the vehicle to which the licence plates are issued, the peace officer shall give the operator of the vehicle reasonable time within which to produce a financial responsibility card for the newly acquired vehicle.
- (4) The operator of a motor vehicle who fails to produce a financial responsibility card as required by subsection (1), (2), or (3) is guilty of an offence and is liable on summary conviction to a fine of not more than twenty-five dollars.
- (5) The operator of a motor vehicle who, when requested to produce a financial responsibility card as required by this section,
- (a) produces a false financial responsibility card, or
 - (b) produces a financial responsibility card relating to an insurance policy which is invalid at the time of production
- is guilty of an offence.
- (6) This section does not apply with respect to a motor vehicle that is registered in a country, state, territory or province other than the Yukon or to a motor vehicle owned by the Crown or to a motor vehicle registered only as an antique motor vehicle.
- 73.(1) A person who Offences
- (a) applies for the registration of a motor vehicle when it is not an insured motor vehicle,
 - (b) obtains the registration of a motor vehicle when it is not an insured motor vehicle, or
 - (c) fails to maintain his registered vehicle as an insured motor vehicle
- is guilty of an offence.
- (2) A person who operates on a highway a motor vehicle that is not an insured motor vehicle is guilty of an offence.

- (3) An owner of a motor vehicle that is not an insured motor vehicle who permits any other person to operate that motor vehicle on a highway is guilty of an offence.
 - (4) Where the registration of a motor vehicle is suspended under this Ordinance it is still a registered motor vehicle for the purposes of this section.
- 74.(1) A person who
- (a) fails to deliver to the Registrar for cancellation as required by subsection 69(3) a financial responsibility card or any additional card issued to him, or
 - (b) gives or loans to a person not entitled to have the same a financial responsibility card or additional card
- is guilty of an offence.

PART V

CIVIL RIGHTS AND REMEDIES

- | | | |
|------------------------------------|--------|--|
| Action for negligence not affected | 75.(1) | Nothing in this Ordinance shall be construed to curtail or abridge the right of any person to prosecute an action for damages by reason of injuries to person or property resulting from the negligence of the owner or operator of any motor vehicle or from the negligence of any agent or employee of the owner. |
| Onus where Ordinance contravened | 76.(1) | Where a vehicle is operated upon a highway in contravention of any provision of this Ordinance and loss or damage is sustained by any person thereby, the onus of proof that the loss or damage did not arise by reason of the contravention of this Ordinance is upon the owner or driver thereof. |
| Onus on driver or owner | 77.(1) | Where a person sustains loss or damage arising out of the operation of a motor vehicle upon a highway and where that vehicle is operated in contravention of any provision of this Ordinance, the onus of proof in any civil proceeding that the loss or damage did not arise by reason of the contravention of this Ordinance is upon the owner or driver of the motor vehicle. |

- (2) This section does not apply in the case of a collision between motor vehicles upon a highway.
 - (3) In this section motor vehicle includes a tractor and a self-propelled implement of husbandry.
- 78.(1) In an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle upon a highway,
- (a) a person driving the motor vehicle and living with and as a member of the family of the owner thereof, and
 - (b) a person who is driving the motor vehicle and who is in possession of it with the consent, expressed or implied, of the owner thereof,
- shall be deemed to be the agent or servant of the owner of the motor vehicle and to be employed as such, and shall be deemed to be driving the motor vehicle in the course of his employment, but nothing in this section relieves any person deemed to be the agent or servant of the owner and to be driving the motor vehicle in the course of his employment from the liability for the damages.

When driver deemed agent of owner

PART VI

ACCIDENT REPORTS

- 79.(1) In this part,
- (a) "vehicle" means a vehicle other than one powered by muscular power.
- 80.(1) When an accident occurs on a highway, the driver or other person in charge of a vehicle that was directly or indirectly involved in the accident
- (a) shall remain at or immediately return to the scene of the accident,
 - (b) shall render all reasonable assistance, and
 - (c) shall produce in writing to anyone sustaining loss or injury, to any peace officer and to a witness
 - (i) his name and address,
 - (ii) the number of his operator's licence,
 - (iii) the name and address of the registered owner of the vehicle,
 - (iv) the registration number of the motor vehicle, and

Definition

Duty of driver at accident

- (v) a financial responsibility card in respect of that vehicle, issued pursuant to Part IV of this Ordinance or Part VI of the *Insurance Ordinance*,
or such of that information as is requested.
- (2) The driver of a vehicle that collides with an unattended vehicle shall stop and
- (a) shall locate and notify the person in charge or owner of the unattended vehicle of the name and address of the driver, the number of his operator's licence and the registration number of the vehicle striking the unattended vehicle, or
 - (b) shall leave in a conspicuous place in or upon the vehicle collided with a written notice giving the name and address of the driver, the number of his operator's licence and the registration number of the vehicle striking the unattended vehicle.
- (3) The driver of a vehicle involved in an accident resulting in damage to property upon or adjacent to a highway, other than a vehicle under subsection (2), shall take reasonable steps to locate and notify the owner or person in charge of the property of such fact and of the name and address of the driver, the number of his operator's licence and the registration number of the vehicle.
- (4) Where the driver is incapable of providing the information required by subsection (1), (2) or (3) and there is another occupant of the vehicle capable of making the report, the occupant shall make the report required to be made by the driver.
- (5) Where no information has been provided under subsection (1), (2), (3) or (4) and the driver or occupant is not the owner of the vehicle, the owner shall forthwith after learning of the accident provide the information.
- (6) Where the driver is alone, is the owner and is incapable of providing the information required by subsection (1), (2) or (3), he shall provide the information forthwith after becoming capable to do so.
- (7) When a motor vehicle which has been involved in an accident is damaged to the extent that it cannot be moved under its own power, the registered owner or

the operator of the motor vehicle, after having complied with subsections (1), (2) and (3), shall make arrangements for the motor vehicle to be removed from the highway.

(8) Where the registered owner or the operator of the motor vehicle fails to make or is incapable of making arrangements to move the vehicle as provided in subsection (7), a peace officer may make the arrangements on his behalf and the registered owner shall be notified of the disposition of the motor vehicle by the peace officer.

(9) Where arrangements have been made by a peace officer pursuant to subsection (8), the motor vehicle shall be deemed to be an abandoned motor vehicle and shall then be subject to the provisions of Section 96.

81.(1) Subject to subsection (2), where an accident results in injury or death to a person or in property damage to an apparent extent of \$350 or more, the driver shall forthwith make a written report in the prescribed form and containing such information as may be required thereby to a peace officer having jurisdiction where the accident occurred.

Written report of accident

(2) Where the driver is incapable of making the report required by subsection (1) and there is another occupant of the vehicle capable of making the report, the occupant shall make the report required to be made by the driver.

(3) Where no report has been made under subsection (1) or (2) and the driver or occupant is not the owner of the vehicle, the owner shall forthwith after learning of the accident make the report.

(4) Where the driver is alone, is the owner and is incapable of making the report required by subsection (1), he shall make the report forthwith after becoming capable of making it.

82.(1) A peace officer who has witnessed or investigated an accident shall forthwith forward to the Registrar a written report, in the prescribed form setting forth full particulars of the accident including the names and addresses of the persons involved and the extent of the personal injuries or property damage.

Accident report by peace officer

- Additional information re accident 83.(1) Where a report has been made under Section 80, 81 or 82 the Registrar may require the driver involved or a peace officer or person having knowledge of the accident to furnish additional information or to make a supplementary report.
- Inspection of accident report 84.(1) Subject to subsection (2), a written report or statement made or furnished under this Part
- (a) is not open to public inspection, and
 - (b) is not admissible in evidence for any purpose in a trial arising out of the accident except to prove
 - (i) compliance with Section 81, 82 or 83 of this Ordinance, or
 - (ii) falsity in a prosecution for making a false statement in the report or statement, or
 - (iii) the identity of the persons who were driving the vehicles involved in the accident.
- (2) Where a person or insurance company has paid or may be liable to pay for damages or recovers or may be entitled to recover damages resulting from an accident in which a motor vehicle is involved, the person and insurance company and any solicitor, agent or other representative of the person or company, may be given by the Registrar such information as may appear in any report made under Section 81, 82 or 83 of this Ordinance, as the case may be, in respect of
- (a) the date, time and place of the accident,
 - (b) the identification of vehicles involved in the accident,
 - (c) the name and address of any parties to, or involved in, the accident,
 - (d) the names and addresses of witnesses to the accident,
 - (e) the names and addresses of persons or bodies to whom the report was made,
 - (f) the name and address of any peace officer who investigated the accident,
 - (g) the location of the road upon which the accident occurred, the direction of travel of the vehicles involved, the weather and highway conditions at the time of the accident,
 - (h) the estimate of damages sustained by any person involved in the accident,

- (i) the names and addresses of any insurance companies insuring any parties to, or involved in, the accident, and
- (j) any diagram made with respect to the accident and the fact of any visit to the scene of the accident.

- 85.(1) Any person who knowingly makes any statement required by this Part that is false is guilty of an offence. Penalties of damage repair
- (2) In a prosecution for failure to make a report required by this Part in respect of an accident, the place of the offence shall be deemed to be the place where the accident occurred.
- 86.(1) No person shall commence the repairs or direct or require the repairs to be commenced on a motor vehicle that shows evidence of having been involved in an accident required to be reported under Section 81 or having been struck by a bullet Repair of damaged vehicle
 - (a) unless a notice in the prescribed form has been affixed to the motor vehicle by a peace officer, or
 - (b) if no notice is affixed to the motor vehicle, until he has been authorized in writing by a peace officer to do so.
- (2) A person who contravenes this section is guilty of an offence.

PART VII

DUTIES AND PROHIBITIONS

- 87.(1) No person shall sell or offer for sale or expose for sale Serial numbers on parts
 - (a) any portion of a motor vehicle or of the engine of a motor vehicle, or
 - (b) any accessory for a motor vehicle, that has been serially numbered by the manufacturer or maker if the serial number has been removed, obliterated or defaced or if the serial number is not clearly visible.
- (2) This section does not apply to the sale of retreaded or used tires.
- 88.(1) No person shall have in his possession a motor vehicle that does not have Serial number on motor vehicle

- (a) the manufacturer's serial number, or
- (b) a special identifying number or mark authorized under Section 42, cut, embossed or otherwise permanently marked or attached thereon in the space provided for such identification by the manufacturer or in such other place as may be specified by the Commissioner.

- (2) A person destroying or dismantling a motor vehicle in such a manner as to make it inoperative shall not use or allow the serial number plate of that motor vehicle to be used on any other motor vehicle and shall destroy the serial number plate.

Report of unclaimed vehicle

- 89.(1) Where a motor vehicle that is stored in or left at a public garage, parking station, parking lot, used car lot, repair shop or on any private property is unclaimed for 30 days or more, the person in charge of the place where the motor vehicle was stored or left shall immediately report the presence of the unclaimed motor vehicle to a peace officer having jurisdiction in that area, giving the licence plate number and a description of the motor vehicle and such information as he may have relating to the person storing or leaving the vehicle at his place of business.

Duties of Dealers

Reports by dealers and wreckers

- 90.(1) Every person who buys, sells, wrecks, stores or otherwise deals in motor vehicles shall, if a motor vehicle remains in his possession without good reason or under suspicious circumstances, forthwith report the matter to a peace officer in the vicinity.
- (2) Every person engaged in the business of buying, selling, exchanging, wrecking, painting, altering or otherwise dealing in motor vehicles shall keep a record of every motor vehicle bought, sold, exchanged, dismantled, wrecked, painted, altered or broken up by him and shall produce the record for inspection at any time upon the demand of a peace officer.
- (3) Where a motor vehicle, the manufacturer's serial number or other identifying mark of which is obliterated or illegible, is offered for sale to a dealer in motor vehicles, the dealer

- (a) shall forthwith report the matter to the nearest peace officer,
 - (b) shall not buy, sell, wreck or otherwise deal with the vehicle until he has received convincing proof that the person offering the vehicle for sale has the right to sell it, and
 - (c) shall keep a record of any such vehicles purchased by him and of the facts convincing him of the right of the person offering the vehicle for sale to sell it.
- (4) This section does not apply to a dealer
- (a) who enters into a contract with or who is approved by a municipality for the operation of a motor vehicle disposal area, and
 - (b) who receives motor vehicles for disposal without giving consideration.

PART VIII

POWERS OF PEACE OFFICERS AND OFFICERS

- | | | |
|--------|--|----------------------------|
| 91.(1) | Every driver shall, immediately he is signalled or requested to stop by a peace officer in uniform, | Stopping for peace officer |
| | <ul style="list-style-type: none"> (a) bring his vehicle to a stop, (b) furnish any information respecting the driver or the vehicle that the peace officer requires, and (c) remain stopped until such time as he is permitted by the peace officer to leave. | |
| 92.(1) | Where a person is convicted of an offence under section 234 or 236 of the <i>Criminal Code</i> he shall forthwith deliver his operator's licence to the convicting judge, who shall forward the licence to the Registrar. | Breathalyzer tests |
| 93.(1) | An officer may require the owner or operator of a motor vehicle to submit the motor vehicle, together with its equipment and the trailer, if any, attached thereto, to examination and tests: | Safety inspection |
| | <ul style="list-style-type: none"> (a) to ensure that the motor vehicle, its equipment and trailer, if any, is fit and safe for transportation; or (b) in the case of an accident, to determine whether or not the condition of the motor vehicle, its equipment or trailer, if any, contributed in any way to the accident. | |

- (2) If the vehicle, equipment or trailer is found to be unfit or unsafe for transportation or dangerous to passengers or the public, the officer making the examination or test may
 - (a) require the operator of the vehicle to have the vehicle, equipment or trailer rendered fit and safe for transportation, and
 - (b) order that the vehicle or trailer be removed from the highway until the vehicle, equipment or trailer has been rendered fit and safe for transportation.

- (3) Where a motor vehicle or trailer is ordered removed from the highway under subsection (?), an officer may seize the licence plates of the motor vehicle or trailer and hold the plates until the motor vehicle, equipment or trailer has been rendered fit and safe for transportation.

- (4) For the purpose of examination of the vehicle, equipment or trailer as provided by this section the operator of a vehicle shall on the direction of an officer drive the vehicle to and park it at any place designated by the officer.

Offence 94.(1) An operator

- (a) who fails to comply with a requirement of subsection 93(1) or (2),
- (b) who in contravention of an order under subsection 93(?) operates a vehicle, equipment or trailer on a highway before it has been rendered fit and safe for transportation, or
- (c) who fails to comply with the direction of the officer given pursuant to subsection 93(4),

is guilty of an offence.

Removal of vehicle from highway 95.(1) When a vehicle,

- (a) is left unattended upon a highway in such a manner as to obstruct the normal movement of traffic, or
- (b) is illegally parked on any highway, or
- (c) is parked on a highway so as to prevent access by fire-fighting equipment to a fire hydrant, or
- (d) is without valid and subsisting licence plates or a permit, or

- (e) is parked on private property without the consent of the owner of the property or on a highway so as to obstruct any private driveway, or
 - (f) is left unattended upon a highway and, in the opinion of an officer, the vehicle, its contents or any part thereof is liable to be stolen or tampered with,
- an officer may cause the vehicle to be removed and taken to and stored in a suitable place, and all costs for the removal and storage are a lien upon the vehicle which may be enforced in the manner provided by Section 96.

- 96.(1) Where an officer has seized a vehicle under Section 95 or 99, or where an officer, on reasonable and probable grounds believes that a vehicle
- Abandoned
vehicle
- (a) has been abandoned in contravention of section 209, or
 - (b) is situated unattended at such location or in such condition as to constitute a present or potential hazard to persons or property,
- he may cause the vehicle to be removed from its location, whether private or public property or a highway, and to be stored at what is in his opinion a suitable place therefor.
- (2) All reasonable costs incidental to the removal of a vehicle pursuant to subsection (1) and the storage thereof, for a period not exceeding six months, constitutes a debt owing to the Commissioner by the registered owner of the vehicle or any subsequent purchaser.
- (3) The Registrar may, for the purpose of enforcing payment of a debt owed to the Commissioner pursuant to this section,
- (a) refuse to register any motor vehicle in the name of the debtor, or
 - (b) suspend the registration of all vehicles registered in the name of the debtor,
- until the debt is paid in full or, where the vehicle is sold pursuant to subsection (4), until the Commissioner receives the amount of the removal and storage costs out of the sale proceeds.

- (4) Where a vehicle stored pursuant to this section
- (a) is not registered in the Yukon, or
 - (b) is not, within 30 days of its removal, claimed by the registered owner or someone on his behalf in return for full payment of the removal and storage costs actually paid,
- the vehicle may, upon the approval of the Registrar, be disposed of by public auction or otherwise as the Registrar shall direct, after he has made all reasonable efforts to determine the wishes or intentions of the registered owner as to the disposition of the vehicle.
- (5) Where the peace officer or officer on reasonable and probable grounds believes that the vehicle referred to in subsection (1) is worthless he may cause the vehicle to be removed directly to a nuisance ground for disposal.
- (6) No liability attaches to a person making the sale of a vehicle pursuant to subsection (4), or disposing of a vehicle pursuant to subsection (5), and, in the case of a sale, that person passes good title therefor as against the former owner or anyone claiming through him.
- (7) In this section "vehicle" includes a wrecked or partially dismantled vehicle or any part of a vehicle.
- (8) Where an officer has seized a vehicle under this section or sections 95 or 99, he shall notify the Registrar of the description of the vehicle, the name and address of the registered owner and place to which the vehicle has been removed for storage.
- Assi-
stance
to
peace
officer
- 97.(1) Every person called upon by a peace officer to assist a peace officer in the arrest of a person suspected of having committed any of the offences mentioned in section 98 is justified in so doing if he knows that the person calling on him for assistance is a peace officer.
- Arrest
without
warrant
- 98.(1) Every peace officer who on reasonable and probable grounds believes that any person has committed an offence against any of the provisions of the sections hereinafter enumerated may arrest the person without warrant:
- (a) Section 7 relating to the operation of a motor vehicle without having a subsisting operator's licence;

- (b) Section 36 relating to the operation of a motor vehicle without having a subsisting certificate of registration;
- (c) Section 53 relating to the exposing of a licence plate other than one authorized;
- (d) Section 57 relating to the defacing of licence plates;
- (e) Section 63 relating to the requirements for motor vehicle liability insurance;
- (f) Subsection 88(1) relating to possession of a motor vehicle that does not display a serial number or other authorized identifying number or mark in the space provided for such identification by the manufacturer;
- (g) Section 91 relating to the requirement that drivers stop when so requested by a peace officer in uniform.

- 99.(1) Every peace officer who on reasonable and probable grounds believes that any of the offences enumerated in Section 98 has been committed may seize and detain any motor vehicle in respect of which the offence has been committed until the final disposition of any proceedings that may be taken under this Ordinance.
- (2) A peace officer seizing a motor vehicle pursuant to subsection (1) may cause the vehicle to be removed and taken to and stored in a suitable place and cause such tests and examinations thereof to be made as he considers proper.
- (3) Except where subsection (4) applies, all costs for the removal and storage of the vehicle are a lien upon the vehicle which may be enforced in the manner provided in Section 96.
- (4) If proceedings are not taken under this Ordinance within 10 days after the motor vehicle is seized and detained pursuant to subsection (1), the motor vehicle shall be forthwith returned to the owner thereof.
- (5) Notwithstanding anything in this section, where a motor vehicle is seized pursuant to subsection (1), any judge having jurisdiction in the place within which the offence is suspected of having been committed may, in his discretion, release the motor vehicle pending the disposition of any proceedings that may

Seizure of motor vehicle

be taken under this Ordinance, if security is given therefor in a sum not exceeding one hundred dollars.

- (6) Notwithstanding this section, where a vehicle has been impounded for reasons of an offence under Section 63, the vehicle may not be released until the Registrar is satisfied that the owner has produced proof of financial responsibility equivalent to Section 63.

Forcible entry of vehicle

100.(1) When necessary to remove, take or store a motor vehicle as authorized by this Part, a peace officer or his agent may forcibly unlock or open a door of the vehicle and do such other things as are reasonably required to facilitate the removal, taking and storing of the vehicle.

Right of entry to garages

101.(1) Any peace officer has the right and power without further authority to enter in the interval between six o'clock in the morning and nine o'clock in the evening of the same day

- (a) the business premises of any dealer in motor vehicles or person conducting a motor vehicle livery, or
- (b) any other place of business where motor vehicles are repaired,

for the purpose of ascertaining whether or not this Ordinance is being complied with in respect of the motor vehicles in that place and by the persons employed therein.

PART IX

POWERS

TERRITORIAL POWERS

Speed limits

102.(1) Subject to the provisions of this Ordinance the Commissioner may, with respect to all or any part of a highway, prescribe a maximum speed for daytime or nighttime, or both, in excess of the general maximum speed fixed by section 147 and may by order prescribe different maximum speeds for different classes of vehicles.

- (2) The Commissioner may with respect to all or any part of a highway subject to his direction, control and management, prescribe different minimum speeds

- (a) for daytime and nighttime,
 - (b) for different periods of the year, and
 - (c) for different traffic lanes on the same highway.
- (3) The Commissioner may, with respect to all or any part of a highway subject to his direction, control and management, prescribe by signs posted along the highway speed limits of less than the general maximum speeds fixed by Section 147 or fixed pursuant to subsection (1) of this section and applicable to all vehicles or any class of vehicles.
- (4) The Commissioner may with respect to any school zone or playground zone on a highway subject to his direction, control and management, prescribe a maximum speed limit less than that fixed by Section 149 but not less than 20 kilometres per hour.
- (5) The Director of the Department of Highways and Public Works or his designate may by signs posted along a highway subject to the direction, control and management of the Commissioner, fix a maximum speed limit in respect of any part of the highway under construction or repair or in a state of disrepair, applicable to all vehicles or to any class or classes of vehicles while travelling over that part of the highway.
- (6) Where speed limits are prescribed pursuant to this section, there shall be erected along the highway signs indicating the speed limits so prescribed.

REGULATIONS

- 103.(1) The Commissioner may make regulations
- (a) prescribing the standards and specifications for any vehicle or for any equipment or material to be installed or used in vehicles, and
 - (b) providing for the identification and labelling of such equipment or material or the containers thereof.
- (2) The Commissioner may make regulations prescribing standards of performance of vehicles and vehicle components which must be met and maintained.

Regu-
lations
respecting
equipment

- (3) Any regulation may adopt by reference, in whole or in part with such changes as the Commissioner considers necessary, any code of standards or specifications of any equipment or material to be used or installed in vehicles.

Regu-
lations
generally

- 104.(1) The Commissioner may make regulations:
 - (a) prescribing forms and fixing the times at which and the persons to whom returns are to be made;
 - (b) prescribing the design and position of lights and reflectors to be used upon vehicles;
 - (c) prescribing the requirements as to brakes on motor vehicles and requiring the periodic inspection, testing and adjustment thereof;
 - (d) prescribing any equipment required and the types and uses therefor on vehicles or by drivers and passengers of vehicles;
 - (e) requiring the periodic inspection, testing and adjustment of any mechanical equipment of any motor vehicle;
 - (f) governing, restricting or prohibiting the use on any highway or highways of any vehicles or class of vehicles that, in the opinion of the Commissioner, may be a hazard to other users of the highway by reason of unusual or novel size, weight or operating characteristics or by reason of any alteration or modification from its original construction by the manufacturer;
 - (g) governing, restricting or prohibiting the use on vehicles of any decoration or device that in the opinion of the Commissioner constitutes a hazard to the public or other users of the highway;
 - (h) prescribing and requiring the use of devices and other means to prevent accidents or thefts of motor vehicles;
 - (i) prescribing fees for licences, permits and certificates required pursuant to this Ordinance;
 - (j) prescribing terms and conditions governing the use and operation of motor vehicles;
 - (k) prescribing warning signals or devices that may be used and the manner of use thereof;
 - (l) prohibiting specified alterations of used motor vehicles or any part thereof and requiring disclosure of specified alterations not prohibited;

- (m) restricting the use of a highway in whole or in part to a particular class of vehicle.
- 105.(1) The Commissioner may make regulations as to the operation upon any highway of trailers and the lighting or other equipment to be installed thereon. Regulations re trailers
- (2) The Commissioner may make regulations in respect of any class or classes of motor vehicles not ordinarily operated or intended for operation upon the highway,
- (a) prescribing any equipment required thereon for safety purposes and the types and uses therefor, and
 - (b) prescribing traffic rules governing the manner in which they are to be operated,
- which may impose different requirements applicable when such motor vehicles are operated on a highway and when they are operated elsewhere than on a highway and which, having regard to the nature and purpose of such vehicles, may declare any provision of this Ordinance wholly or partially inapplicable to such vehicles and the operation thereof.
- 106.(1) The Commissioner may make regulations governing the licensing and operation of driver training schools, and without in any way restricting the generality of the foregoing, may make regulations Regulation of driver training schools
- (a) governing the testing and licensing of driving instructors,
 - (b) prescribing the kind and nature of driver training equipment to be used, and
 - (c) requiring the filing of proof of financial responsibility in the amounts and for the purposes which may be prescribed.
- 107.(1) The Commissioner may make regulations Inspection and testing of vehicles
- (a) governing the establishment and operation of facilities for the inspection and testing of motor vehicles;
 - (b) authorizing the performance of motor vehicle inspections and tests by qualified persons;
 - (c) prescribing the conditions that shall attach to the establishment of inspection and testing facilities and to the designation of qualified persons who may perform inspections or tests;
 - (d) prescribing the records that shall be kept, and the manner in which they shall be kept,

- respecting any work performed in the course of, or in connection with, any inspection;
- (e) providing for the examination of any records kept in connection with motor vehicle inspections by such persons as the Commissioner may designate;
 - (f) providing the means to identify those facilities where inspections and tests may be carried out;
 - (g) providing the means to identify those persons authorized to perform inspections and tests;
 - (h) prescribing the inspections and tests to which motor vehicles, or any classes thereof, are to be submitted;
 - (i) prescribing when or how often motor vehicles are to be submitted to such inspections and tests;
 - (j) prescribing the fee that may be charged the owner of any motor vehicle for any such inspection or test of his vehicle;
 - (k) requiring the owners of vehicles that do not pass any such inspection or test to take any action that is necessary so that the vehicles will be able to pass the inspection and tests.
- (2) The owner of every motor vehicle registered under this Ordinance shall submit the vehicle to such periodic inspections and tests as are required by the regulations.

Municipal Powers

- | | | |
|--------------------------------|---------|---|
| Speed limits in municipalities | 108.(1) | <p>With respect to highways subject to its direction, control and management, a municipality, by by-law, may</p> <ul style="list-style-type: none"> (a) prescribe a maximum speed in excess of 50 kilometres per hour for all or any part of a highway, (b) prescribe a maximum speed of less than 50 kilometres per hour for all or any part of a highway, and (c) prescribe a minimum speed for all or any part of any highway designated in the by-law or prescribe different speeds <ul style="list-style-type: none"> (i) for daytime and nighttime; (ii) for different periods of the year; (iii) for different traffic lanes on the same highway. |
| | (2) | <p>A municipality may prescribe</p> <ul style="list-style-type: none"> (a) different maximum speeds for different classes of vehicles, and |

(b) different maximum speeds for daytime and night-time,
 but may not increase the maximum speed prescribed by this Ordinance for school zones and playground zones.

(3) With respect to any school zone or playground zone on a highway subject to its control and management, a municipality may prescribe a maximum speed limit less than that fixed by Section 149 but not less than twenty kilometres per hour.

(4) A person authorized by the municipality may, by signs posted along a highway subject to the direction, control and management of the municipality, fix a maximum speed limit in respect of any part of the highway under construction or repair or in a state of disrepair applicable to all vehicles or to any class or classes of vehicles while travelling upon that part of the highway.

(5) Where speed limits are prescribed pursuant to this section the municipality fixing the speed limit shall cause to be erected along the highway, signs indicating the speed limits so prescribed.

(6) For the purposes of this section, "municipality" shall include a local improvement district.

109.(1) A municipality may authorize the placing, erecting or marking of traffic control devices at such locations as are considered necessary for controlling highways subject to its direction, control and management.

Placing of traffic control devices

(2) A municipality may authorize the erection of stop signs at railway crossings in the municipality.

110.(1) With respect to highways under its direction, control and management, a municipality may make by-laws, not inconsistent with this Ordinance and on matters for which no provision is made in this Ordinance, for the regulation and control of vehicle, animal and pedestrian traffic and, without restricting the generality of the foregoing, may make by-laws

Municipal by-laws

(a) restricting the weight of vehicles or of vehicles with their loads using the highways or any particular highway in the municipality,

- (b) controlling and regulating the use of all highways, sidewalks and other public places and delegating to the chief constable or municipal manager any powers in connection therewith,
- (c) delegating to the municipal manager, or if none, to the municipal clerk, or if none, to the secretary-treasurer, the power to prescribe where traffic control devices are to be located, including traffic control devices restricting the speed of vehicles, providing that traffic control devices located by such persons pursuant to a delegation made under this clause shall be deemed to have been made by by-law of the municipality and providing for a record of all such locations to be kept which shall be open to public inspection during normal business hours,
- (d) classifying motor and other vehicles and pedestrians for any and all purposes involving the use of streets, lanes and other public places,
- (e) preventing or restricting, controlling and regulating
 - (i) the parking of vehicles or of any particular class or classes of vehicles on all or any highways and other public places or any portion thereof, and authorizing any person enforcing its parking laws to place an erasable chalk mark on the tread face of the tire of a parked or stopped vehicle without that person or the municipality incurring any liability for doing so,
 - (ii) the parking on specified highways or within a certain distance from any building, of any class or classes of vehicles or of vehicles used for carrying inflammable, combustible, explosive or other dangerous material whether loaded or unloaded, and defining the route or routes through the municipality that such vehicles must follow in entering or traversing the municipality and prohibiting them from travelling on any designated highway, bridge, overpass or subway, and
 - (iii) any other use of the highways and other public places or any portion thereof or for vehicles or any particular classification thereof,

- (f) regulating and controlling the manner and method of entering and leaving private property whereon the parking of vehicles is permitted by the person in possession of the private property to persons other than his relatives, either for profit or otherwise,
- (g) defining what constitutes objectionable noise, devising a system or method of determining or measuring such noise, and prohibiting the operation of motor vehicles which in any manner make objectionable noise,
- (h) prohibiting right or left turns at any designated intersection,
- (i) establishing, acquiring, operating, controlling and regulating parking stands and places for parking vehicles or any class or classes of vehicles on any highway or other public place or on any municipal lands designated in the by-law as parking stands or places and assigning any particular stand or place to a specific person or persons,
- (j) prescribing a tariff of fees or charges to be paid by persons using such parking stands or places, which fees or charges may vary according to the location, the classification of the vehicles for which they are intended or as the council may otherwise determine, and in its discretion granting free use of all or any parking stands or places for all vehicles or any particular classification thereof for such period of time or during such hours as may be specified in the by-law,
- (k) establishing, controlling and regulating a parking meter system or providing in any other manner for the collection of fees or charges payable by persons using such parking stands or places,
- (l) preventing the encumbering of streets and other public places by vehicles and other articles,
- (m) providing for the impounding and removal from a highway, street, alley, parking lot or other public place of a vehicle in respect of which charges have not been paid or of a vehicle parked in violation of a provision of a by-law or regulation,
- (n) controlling or preventing the riding of bicycles on any sidewalk,

- (o) providing for the licensing of owners of bicycles, prescribing regulations with respect thereto and controlling and regulating the operating and parking of bicycles on highways and other public places,
- (p) providing for the seizure or impounding for a period not exceeding 60 days of any bicycle used or operated in contravention of any by-law,
- (q) regulating parades or processions over and along any highways within the municipality, and prohibiting the passage of any parade or procession over any or all highways within the municipality unless and until a permit therefor has been issued by the mayor, or the council by resolution has expressly permitted it,
- (r) closing or restricting the use of any highway, subway, bridge or overpass or part of any highway, subway, bridge or overpass within the municipality either as to the full width thereof or as to part of the width thereof with respect to any class or classes of vehicles or with respect to any class or classes of pedestrians, and providing for the proper enforcement of any such closing either by way of the erection of barricades or by the adoption of such other means as the council considers necessary or expedient,
- (s) granting a licence or permit for the temporary occupation or use of a road allowance, public highway, or a portion thereof when it is not required for public use, if the licence or permit is terminable upon 30 days' notice in writing,
- (t) permitting persons, subject to such conditions and restrictions as the by-law may provide, to park their motor vehicles on the highway
 - (i) adjacent to or in the vicinity of the land on which they reside, or
 - (ii) in a zone or area in which is situated the land on which they reside,notwithstanding any general or specific prohibitions or restrictions on parking relating to that highway,
- (u) providing that vehicular or pedestrian traffic shall travel upon any highway or part of any highway of the municipality only in one direction as the council may in the interests of safety and convenience prescribe,
- (v) prohibiting a class or classes of motor vehicles from using wholly or partially or for a certain

- period or periods a highway within the municipality,
- (w) prohibiting and regulating crossing and walking along highways by pedestrians,
 - (x) notwithstanding Section 110, prescribing a maximum speed limit applicable to all alleys in the municipality,
 - (y) providing for the placing on a vehicle parked in contravention of this Ordinance or a by-law under this section of a parking tag in the form prescribed by by-law allowing the payment of a penalty to the municipality in lieu of prosecution for the offence and setting the penalty applicable to each such offence,
 - (z) restricting the use of a highway in whole or in part to a particular class of vehicle,
 - (aa) designating truck routes,
 - (bb) preventing or restricting, controlling and regulating the parking of vehicles or any particular classes of vehicles in privately owned trailer parks,
 - (cc) prohibiting the owner of a vehicle or the person in charge of a vehicle from parking or leaving the vehicle on private property without authority from the owner, tenant, occupant or person in charge or control of the private property and providing for
 - (i) the impounding and removal from the private property of a vehicle so parked or left thereon without authority, and
 - (ii) the laying of an information and complaint against the owner or person in charge of the illegally parked vehicle for the parking offence, and
 - (dd) prescribing speed limits on lanes or other thoroughfares prepared for the use of vehicles in privately owned trailer parks.
- (2) Except when an Ordinance specifically enacts to a contrary effect, no municipality has any power to pass, enforce or maintain any by-law
- (a) requiring from any owner or operator of a motor vehicle, any tax, fee, licence or permit for the use of the public highways,
 - (b) excluding any of such persons from the free use of the public highways,

- (c) that in any way affects the registration or numbering of motor vehicles, or
- (d) forbidding the use of the public highways contrary to or inconsistent with this Ordinance.

Local
Improve-
ment
District
by-laws

110.1(1) With respect to highways located within the boundaries of a local improvement district, the Board of Trustees may make by-laws, not inconsistent with this Ordinance, to control, regulate and prohibit motorcycles, mopeds, bicycles and snowmobiles whether on or off a highway.

Powers
of
parking
authority

111.(1) A municipality may, by by-law, establish a commission, to be known as a parking authority, and give it power

- (a) to operate all or any off-street parking areas, structures or facilities owned by the municipality or established on land to which the municipality has title, and
- (b) to enter into agreements with any person for the construction, operation or management of off-street parking areas, structures or facilities, whether or not the municipality owns the land or has an interest therein.

PART X

EQUIPMENT REQUIRED ON VEHICLES

Offence
to
lack
equip-
ment

112.(1) Every person who

- (a) operates a vehicle, or
- (b) permits another person to operate a vehicle, on a highway without complying with any requirements of this Part as to equipment is guilty of an offence.

Headlamps

Location
of
headlamps

113.(1) Every motor vehicle, other than a motor cycle, moped or snowmobile, shall be equipped with at least two headlamps and shall have at least one headlamp mounted on each side of the front of the motor vehicle.

(2) A headlamp upon a motor vehicle, other than a vehicle equipped for plowing snow, shall be mounted on the motor vehicle at a height of not more than 1400 millimetres nor less than 600 millimetres measured from the centre of the headlamp to the level of the ground when the motor vehicle stands unloaded.

- (3) The lens and bulb of every headlamp on a motor vehicle shall consist of clear, untinted glass.
 - (4) No person shall attach to or apply to any headlamp or part thereof any material or substance which causes the beam of light emitted therefrom to be any colour other than that which is commonly accepted as being white.
- 114.(1) Headlamps on motor vehicles, shall be so arranged
- (a) that the driver may select at will between distribution of light projected to different elevations, or
 - (b) that the selection of light distribution may be made automatically.
- (2) Every headlamp shall have
- (a) an uppermost distribution of light, or composite beam of light, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 100 metres ahead under all conditions of loading of the motor vehicle, and
 - (b) a lowermost distribution of light, or composite beam of light, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 30 metres ahead.
- (3) In addition to the requirements in subsection (2), the headlamps of a motor vehicle shall be so aimed that on a straight, level road and under any condition of loading the high intensity portion of the beam will not strike the eyes of an approaching driver.
- 115.(1) No person shall sell a new motor vehicle that has multiple beam road lighting equipment unless the motor vehicle is equipped with a beam indicator that will light up whenever the uppermost distribution of light from the headlamps is in use but not otherwise.
- (2) The beam indicator shall be so designed and mounted that when lit it will be readily visible without glare to the driver of the vehicle upon which it is mounted.
- 116.(1) Every motor cycle, moped and snowmobile shall be equipped with at least one headlamp but not more than two headlamps.

Multiple
beam
head-
lamps

High
beam
indi-
cator

Head-
lamps
on motor
cycles,
mopeds and
snowmobiles

Head-lamps on tractors, etc.

- 117.(1) If a tractor or self-propelled implement of husbandry is equipped with any headlamps, it shall not be equipped with any less than two or any more than four headlamps.
- (2) Headlamps upon a tractor or self-propelled implement of husbandry may be of the single beam or multiple beam type but in either case the headlamps shall conform with the requirements and limitations of this section.
- (3) The headlamps shall be of sufficient intensity to reveal a person or vehicle
- (a) at a distance of not less than 30 metres ahead when the tractor or self-propelled implement of husbandry is operated at any speed of less than 40 kilometres per hour,
 - (b) at a distance of not less than 60 metres ahead when the tractor or self-propelled implement of husbandry is operated at a speed of 40 to 60 kilometres per hour, and
 - (c) at a distance of not less than 100 metres ahead when the tractor or self-propelled implement of husbandry is operated at a speed of more than 60 kilometres per hour.
- (4) When the tractor or self-propelled implement of husbandry is equipped with a multiple beam headlamp
- (a) the uppermost beam of light shall conform to the minimum requirements set out in subsection (3) of this section and shall not exceed the limitations set out in subsection 114(2), and
 - (b) the lowermost beam of light shall conform to the requirements applicable to lowermost distribution of light as set out in subsection 114(2).
- (5) When a tractor or self-propelled implement of husbandry is equipped with single beam headlamps, the headlamps shall be so aimed that none of the high intensity portion of the light will be directed higher, at a distance of 10 metres ahead, than the level of the centre of the headlamp from which the light comes.

Tail Lamps

- 118.(1) Except as provided in subsections (2) and (3), Tail
lamps
- (a) every motor vehicle,
 - (b) every self-propelled implement of husbandry,
 - (c) every tractor,
 - (d) every trailer, and
 - (e) every vehicle being drawn at the end of a train of vehicles,
- shall be equipped with at least two tail lamps mounted at the rear of the vehicle.
- (2) Every motor cycle, moped or snowmobile shall be equipped with at least one tail lamp mounted at the rear of the vehicle.
- (3) Subsection (1) does not apply during daylight hours to such classes of equipment as may be exempted by the regulations.
- (4) The tail lamps on a vehicle shall be as widely spaced laterally as is practicable.
- (5) When lit as required by this Ordinance, a tail lamp shall be capable of emitting a red light plainly visible from a distance of not less than 150 metres to the rear of the vehicle at a height of not more than 1850 millimetres nor less than 500 millimetres measured from the centre of the tail lamp to the level ground when the vehicle stands unloaded.
- (6) A tail lamp upon a vehicle shall be on the vehicle at a height, which shall be measured from the centre of the tail lamp, of not more than 1850 millimetres nor less than 500 millimetres to the level ground when the vehicle stands unloaded.
- (7) A tail lamp shall be so constructed that the rear licence plate of the vehicle will be illuminated and clearly visible from a distance of 15 metres to the rear, or a separate lamp shall be mounted on the rear of the vehicle to illuminate the licence plate and make it visible from a distance of 15 metres to the rear.

- (8) All tail lamps and, if any, separate lamps for illuminating the rear licence plate shall be so wired that they will light and remain lit whenever the head lamps or auxiliary driving lamps are alight.

Over-
hanging
load

- 119.(1) A vehicle carrying a load that overhangs the rear of the vehicle to the extent of 150 centimetres or more shall
- (a) during nighttime hours display a red light, and
 - (b) at all other times, display a red flag, which shall be not less than 300 millimetres square, upon and at the extreme rear end of the overhanging load and sufficient in either case to indicate the projection of the load.

Color
of
rear
lights

- 120.(1) Except as permitted by this Ordinance, no vehicle shall display to the rear thereof a light of any colour other than red.
- (2) Subsection (1) does not apply to back-up lights when used in the process of backing up a vehicle.

Stop Lamps

Brake
lights

- 121.(1) Unless otherwise provided by the regulations
- (a) every motor cycle, moped and snowmobile shall be equipped with at least one stop lamp mounted on the rear of the vehicle, and
 - (b) every other motor vehicle and every trailer and the rearmost vehicle in a train of vehicles shall be equipped with at least two stop lamps mounted on the rear of the vehicle.
- (2) A stop lamp shall light up when the service brake is applied and when lit shall emit a red light plainly visible from a distance of not less than 30 metres to the rear of the vehicle in normal sunlight.

Glaring
lights
pro-
hibited

- 122.(1) No stop lamp or signal lamp or device shall project a glaring light at any time.

Flashing Lights

- 123.(1) No motor vehicle other than a vehicle used Flashing
lights
- (a) for the transportation of any member of a fire brigade or of any firefighting equipment, or
 - (b) for the transportation of any peace officer, or
 - (c) as an ambulance,
- shall be equipped with any red light or flashing light visible from the front of the vehicle.
- (2) Subsection (1) does not apply to:
- (a) signal lights for indicating an intention to turn as required by Section 124,
 - (b) alternate flashing red lights displayed by a school bus,
 - (c) flashing lights of such colour other than red as is provided in this Ordinance or the regulations and displayed by
 - (i) a snowplow,
 - (ii) a vehicle transporting explosives,
 - (iii) a tow truck while towing or pushing a disabled vehicle,
 - (iv) a vehicle engaged in highway inspection, highway construction or highway maintenance,
 - (v) a vehicle engaged in the transportation of or towing of a building,
 - (vi) a vehicle owned and operated by a public utility when engaged in the construction, maintenance or repair of utility systems,
 - (vii) a vehicle leading a funeral procession, or
 - (viii) a vehicle that has become immobile or inoperative,
 - (d) simultaneously flashing turn signal lights displayed at a railway crossing by a vehicle required to stop at railway crossings,
 - (e) simultaneously flashing turn signal lights displayed by a vehicle that has become immobile or inoperative,
 - (f) flashing lights or coloured lights as prescribed by the regulations displayed by a vehicle of a class authorized by the regulations to display those lights.
- (3) Any motor vehicle belonging to a municipal fire department may be equipped with such red lights or other coloured lights as may be designated by by-law of the council.

- (4) No vehicle other than a school bus or one used for the transportation of a peace officer shall be equipped with alternate flashing red lights visible from the front or the rear of the vehicle.

Turn
lights

- 124.(1) No person shall sell a motor vehicle or trailer unless it is equipped with lamps or mechanical signal devices that comply with the requirements of this section and that show to the front and rear for the purpose of indicating an intention to turn either to the right or left.
- (2) No person shall
 - (a) operate a motor vehicle, or
 - (b) pull a trailer;equipped with lamps or mechanical signal devices to indicate an intention to turn the vehicle or trailer unless the lamps or device show to the front and rear of the vehicle and to the rear of the trailer and otherwise comply with the requirements of this section.
- (3) When lamps are used for the purpose of indicating turns
 - (a) the lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light visible from a distance of not less than 30 metres to the front in normal sunlight, and
 - (b) the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall display a red or amber light visible at a distance of not less than 30 metres to the rear in normal sunlight.
- (4) Lamps used for indicating turns shall be so constructed and arranged that when used for indicating turns the intended direction of the turn can be indicated by flashing the lights showing to the front and rear on the side toward which the turn is to be made.
- (5) Where mechanical signal devices are used for the purpose of indicating turns, the mechanical devices shall be self-illuminating when in use during the times head-lamps are required to be alight.

- (6) The owner of a motor vehicle equipped with lamps or mechanical signal devices to indicate an intention to turn shall maintain those lamps or mechanical signal devices in good working order.

Other Lights

- | | |
|---|---|
| <ul style="list-style-type: none"> 125.(1) In addition to the lamps required by this Ordinance, every self-propelled implement of husbandry shall, at other times prescribed, be equipped with and display such other lights and reflectors as may be prescribed by the regulations. | <p>Lights and reflectors on implements of husbandry</p> |
| <ul style="list-style-type: none"> 126.(1) No motor vehicle shall be equipped with a light that is commonly known as a search light. (2) A spot light may be carried upon any motor vehicle but when the vehicle is in motion the ray of the light therefrom shall be directed to the extreme right of the travelled portion of the highway in such manner that the beam of light will strike the extreme right of the travelled portion of the highway within 25 metres of the vehicle. (3) No person shall use a spotlight carried upon a motor vehicle, whether such motor vehicle is in motion or not, in such a manner as to create a hazard to users of the highway. | <p>Search and spot-lights</p> |
| <ul style="list-style-type: none"> 127.(1) A motor vehicle may be equipped with fixed or movable auxiliary lamps or fog lamps mounted upon the front of the vehicle and below the level of the centres of the headlamps and at a height not less than 400 millimetres above the level on which the vehicle stands. (2) Not more than two auxiliary lamps or two fog lamps mounted on opposite sides of a vehicle may be used and the use of such lamps shall be in connection with, but not in substitution for, headlamps except under such atmospheric conditions as to render disadvantageous the use of headlamps. (3) In no event shall the number of auxiliary and fog lamps upon a motor vehicle exceed a combined total of three and in no event shall more than two of those lamps be lighted for use with lighted headlamps. | <p>Auxiliary or fog lamps</p> |

- (4) Every auxiliary lamp and every fog lamp used upon a motor vehicle shall be so adjusted and aimed that the top of the main substantial portion of the beam will strike the road at approximately 25 metres in advance of the vehicle and will not project a glaring or dazzling light into the eyes of approaching drivers.
- (5) The term "auxiliary lamp" or "fog lamp" denotes any combination of reflector, lens and lamp bulb designed to illuminate the roadway close to, and forward or forward and to the sides of, the motor vehicle and otherwise meeting the requirements of this section.

Brakes

- | | | |
|----------------------------------|---------|---|
| Brakes | 128.(1) | No motor vehicle, other than a motor cycle, moped or snowmobile, tractor or self-propelled implement of husbandry shall be operated upon a highway unless it has <ul style="list-style-type: none">(a) an adequate service brake, and(b) an adequate emergency or parking brake capable of being operated separately. |
| | (2) | No motor cycle, moped, snowmobile, tractor or self-propelled implement of husbandry shall be operated upon a highway unless it has an adequate service brake. |
| Inspection and testing of brakes | 129.(1) | In this section "motor vehicle" includes a self-propelled implement of husbandry. |
| | (2) | Every person driving a motor vehicle on any highway shall upon request of a peace officer <ul style="list-style-type: none">(a) permit the officer to inspect and test the brakes with which the motor vehicle is equipped and for that purpose to operate the vehicle, or(b) at the option of the officer, operate the motor vehicle as directed by the officer for the purpose of the inspection and testing of the brakes, and the officer shall, if the brakes are inadequate, so notify the driver of the vehicle who shall forthwith proceed to have the brakes made adequate. |
| | (3) | Where the service brakes of a motor vehicle equipped with two-wheel brakes are not capable of bringing the vehicle to a standstill |

- (a) within 12 metres from the point at which the brakes were applied when the brakes are applied while the vehicle is loaded to its full capacity and moving,
 - (b) on a level surface consisting of dry paving of asphalt or concrete free from loose materials, and
 - (c) at a speed of 30 kilometres per hour, the service brakes of the vehicle are inadequate.
- (4) When the service brakes upon any motor vehicle other than a motor vehicle mentioned in subsection (3) or any combination of vehicles are not capable of bringing the vehicle or combination of vehicles to a standstill
 - (a) within a distance of 10 metres from the point at which the brakes were applied, when the brakes are applied while the vehicle or combination of vehicles is loaded to its full capacity and moving,
 - (b) on a level surface consisting of dry paving of asphalt or concrete free from loose materials, and
 - (c) at a speed of 30 kilometres per hour, the service brakes of the motor vehicle or combination of vehicles are inadequate.
- (5) Where the emergency or parking brake upon a motor vehicle or combination of vehicles is not capable of bringing the motor vehicle or combination of vehicles to a standstill
 - (a) within a distance of 16 metres from the point at which the brake was applied, when the brake is applied while the motor vehicle or combination of vehicles is loaded to its full capacity and moving,
 - (b) on a level surface of dry paving of asphalt or concrete free from loose materials, and
 - (c) at a speed of 30 kilometres per hour, the emergency or parking brake of the motor vehicle or combination of vehicles is inadequate.
- (6) The emergency or parking brake of a motor vehicle or combination of vehicles shall be capable of holding the vehicle or combination of vehicles at a standstill upon any grade upon which the motor vehicle or combination of vehicles is operated.

- (7) All brakes shall at all times be maintained in good working order and shall be so adjusted that the brake pressure upon the wheels on each side of the vehicle is as nearly as possible equal.

Bus,
trucks,
tractors
and
trailers

- 129.1(1) Any person who operates or permits the operation of any bus, truck, truck-tractor or commercial trailer in contravention of this Ordinance or the regulations thereunder commits an offence.
- (2) Any officer may require the owner or operator of a motor vehicle to submit the motor vehicle, together with its equipment and the trailer, if any, attached thereto, to examination and tests to ensure that the motor vehicle is fit and safe for transportation.
- (3) The operator of a vehicle shall, on the direction of an officer, drive the vehicle to and park it on a safety lane or other place designated by the officer for the purpose of examination of the vehicle as provided by this section.
- (4) Where the vehicle, equipment or trailer is found to be unfit or unsafe for transportation or dangerous to passengers or the public, the officer making the examination or test
 - (a) may require the operator of the vehicle to have the vehicle, equipment or trailer rendered fit and safe for transportation, and
 - (b) may order that the vehicle or trailer be removed from the highway until the vehicle, equipment or trailer has been rendered fit and safe for transportation.
- (5) Where a motor vehicle or trailer is found unfit or unsafe for transportation and is ordered removed from the highway under subsection (4), an officer may seize the licence plates and registration certificate of the motor vehicle or trailer and hold the licence plates and registration certificate until the motor vehicle or trailer is fit and safe for transportation.
- (6) An owner or operator
 - (a) who fails to comply with a requirement of subsection (2) or (4), or
 - (b) who in contravention of an order under subsection (4) operates a vehicle, equipment or

trailer on a highway before it has been rendered fit and safe for transportation, or
 (c) who fails to comply with the direction of an officer given pursuant to subsection (3), is guilty of an offence.

Other Equipment

- 130.(1) Every motor vehicle, motor cycle, moped and bicycle shall be equipped with an adequate horn, gong or bell and it shall be kept in good working order and shall be sounded whenever it is reasonably necessary to warn persons on or approaching the highway in the vicinity of the vehicle or motor cycle, moped or bicycle. Horn etc.
- (2) No person having the control of any motor vehicle, motor cycle, moped or bicycle shall use the horn, gong, bell or other signalling device thereon except for the purpose of giving notice to persons on or approaching the highway in the vicinity of the motor vehicle, motor cycle, moped or bicycle of the approach of the vehicle, and in so doing shall not make any more noise than is reasonably necessary for the purpose of giving the warning.
- 131.(1) A motor vehicle propelled by an internal combustion engine shall be equipped with an exhaust system consisting of a series of pipes or chambers which ensures that the exhaust gases from the engine are cooled and expelled without excessive noise and without the emission of any flame or sparks. Mufflers
- (2) No person shall drive or operate a motor vehicle propelled by an internal combustion engine when the muffler with which the vehicle is equipped is cut out or disconnected from the engine.
- (3) No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler from which has been removed a baffle-plate or other part.
- (4) No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler, the exhaust outlet of which has been opened or widened.
- (5) No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler or exhaust system to which is attached

any device which increases the noise of the expulsion of the gases from the engine or allows a flame to be ignited from the exhaust system.

Wind-
shield
wipers

- 132.(1) Every motor vehicle equipped with a windshield, other than a motor cycle, moped or snowmobile shall be equipped with a mechanically or electrically operated device
- (a) for cleaning rain, snow or other moisture from the windshield, and
 - (b) that can in each case be controlled or operated by the driver of the motor vehicle.
- (2) The owner of a motor vehicle shall maintain in good working order the device required by subsection (1).

Mud-
guards

- 133.(1) Every motor vehicle and every trailer shall be equipped with mudguards or fenders or other device adequate to reduce effectively the wheel spray or splash of water from the roadway to the rear thereof, unless adequate protection is afforded by the body of the motor vehicle or trailer or by a trailer drawn by the motor vehicle.

Rear
view
mirror

- 134.(1) Every motor vehicle shall carry a mirror securely attached to it and placed in a position that will afford the driver a clear view of the roadway to the rear and of any vehicle approaching from the rear.
- (2) Where the view afforded by the mirror required under subsection (1) is obstructed or interfered with in any manner, a side rear vision mirror shall be attached to each side of the motor vehicle and shall be placed in such a position as to afford the driver a clear view of the roadway to the rear and to each side of the motor vehicle.
- (3) In addition to any mirrors required under subsections (1) and (2), every new motor vehicle sold shall carry a side rear vision mirror attached to the left side of the motor vehicle in such a position as to afford the driver a clear view of the roadway to the rear left side of the vehicle.
- (4) Every self-propelled implement of husbandry when operated on a highway shall carry a mirror securely attached to it and placed in a position that will afford the driver a clear view of the roadway to the

rear and of any vehicle approaching from the rear.

- 135.(1) Every motor vehicle shall be equipped with a speedometer to indicate the speed of the vehicle when moving forward. Speedometer
- 135.1(1) Where a motor vehicle is equipped with an odometer, no person shall alter the reading of the odometer except where necessary for repairs to or replacement of the unit. Odometer
- (2) Where any dealer is aware of any change in the odometer reading of any motor vehicle which he has for sale or exchange in the course of his business, that dealer shall advise any person who, in the course of that business subsequently acquires the vehicle, of such change in writing.
- 136.(1) Without in any way restricting the provisions of this Part, the owner of a vehicle shall keep and maintain the vehicle and all equipment thereof in a condition of conformity at all times with any standards or specifications prescribed by the regulations and shall keep and maintain all equipment prescribed by this Ordinance or the regulations
 (a) in good working order, and
 (b) properly attached to the vehicle,
 having regard to the purpose for which that equipment is intended. Maintenance of equipment
- (2) Where requested to do so by a peace officer, the owner of a vehicle shall, as soon as is reasonably possible, have any work done to the vehicle that is necessary to make it comply with the provisions of this Part and shall report the compliance to the peace officer.
- 137.(1) Every motor vehicle, except a motor cycle, moped or snowmobile shall be equipped with a windshield. Windshield
- (2) No person shall sell or offer for sale a new motor vehicle unless the glass in the windshield and in the other windows complies with the conditions prescribed by the regulations.
- (3) No person shall
 (a) sell or offer for sale any windshield or glass intended to be used for glazing a motor vehicle, or
 (b) glaze a motor vehicle with glass,

that does not comply with the conditions prescribed by the regulations.

- (4) No person shall
 - (a) sell or offer for sale a new holiday camper designed for truck mounting unless the glass in the windows complies with the conditions prescribed by the regulations, or
 - (b) sell or offer for sale any glass intended to be used for glazing a holiday camper unless the glass complies with the conditions prescribed by the regulations, or
 - (c) glaze a holiday camper with glass that does not comply with the conditions prescribed by the regulations.

Brake fluid

- 138.(1) No person shall sell or offer for sale hydraulic brake fluid for use in vehicles upon a highway
 - (a) that does not comply with the standards and specifications prescribed by the regulations, or
 - (b) in a container not marked in compliance with the regulations.

Standards for equipment

- 139.(1) No person shall sell or offer for sale for use in vehicles upon a highway any equipment that does not comply with the standards and specifications that may be prescribed for that equipment by the regulations.
- (2) No person shall sell a new motor vehicle of a class which by the regulations is required to be marked with the displacement or horsepower of its motor unless it is so marked in accordance with the regulations.

Sirens

- 140.(1) No vehicle other than a vehicle used
 - (a) for the transportation of any member of a fire brigade or of any firefighting equipment, or
 - (b) for the transportation of any peace officer, or
 - (c) as an ambulance, or
 - (d) as a gas disconnecting unit of a public utility company,shall, while on a highway, be equipped with a siren without the authorization of the Commissioner.

- 141.(1) Except as provided in subsection (2), no person shall drive upon a highway any motor vehicle that is equipped with a television set. Tele-
vision
in
motor
vehicles
- (2) Notwithstanding subsection (1), a television set may be located and operated in a motor vehicle if the driver of the motor vehicle cannot by any means see the screen of the television set while the vehicle is in motion.
- 142.(1) No person shall drive upon a highway a vehicle that is equipped with or that carries or contains a device capable of detecting or interfering with radar or any other electronic equipment as may be used from time to time for measuring the speed of vehicles. Radar
dete-
ctors
- (2) Subsection (1) does not apply to
 - (a) a vehicle used by a peace officer in the course of his duties, or
 - (b) a vehicle used by a person in conducting a traffic survey authorized by the Commissioner.
- (3) Where a peace officer apprehends a person operating a motor vehicle contrary to subsection (1), the peace officer may seize the device or equipment and it is forfeited to the Commissioner.
- (4) No person shall, without the approval of the Commissioner, sell or offer for sale any device capable of detecting or interfering with radar or such other electronic equipment as may be used from time to time for measuring the speed of vehicles.
- 142.1(1) No person operating a motor cycle or moped shall carry a passenger unless the motor cycle or moped is equipped with Motor-
cycles,
mopeds
 - (a) an adequate pillion seat,
 - (b) adequate hand grips, and
 - (c) adequate foot rests
 for use by the passenger.

PART XI

RULES OF THE ROAD

Application

- 143.(1) Every person operating a motor vehicle, a tractor, an Observance
of rules of
the road

implement of husbandry or any other type of vehicle upon a highway shall insofar as they are applicable, obey the rules of the road set out in this Part, except

- (a) when otherwise instructed by any applicable traffic control device, or
- (b) when otherwise directed by a peace officer.

- (2) Every driver shall obey the instructions of any applicable traffic control device.
- (3) Notwithstanding anything in this Part, every driver shall obey the directions of any peace officer directing traffic.
- (4) Where all or any lights of a traffic control signal are not operating properly or are not operating at all, every driver shall use the roadway in the vicinity of the traffic control signal with caution.
- (5) Notwithstanding anything in this Part, when
 - (a) a flagperson is stationed, or
 - (b) a barricade or sign is erected upon a highway to direct traffic in connection with any construction, repair or other work upon the highway or upon land adjacent to the highway, every driver shall obey the directions given by the flagperson or, if none, by the barricades or signs.

Direction of traffic contrary to rules

- 144.(1) Where a peace officer considers it necessary
 - (a) to ensure orderly movement of traffic, or
 - (b) to prevent injury or damage to persons or property, or
 - (c) to permit proper action in an emergency,
 he may direct traffic according to his discretion, notwithstanding anything in this Part.
- (2) Where a peace officer is not present at the scene of a fire or emergency, any member of a fire brigade present may exercise the powers of a peace officer under subsection (1).

Driving and parking contrary to rules

- 145.(1) Any motor vehicle equipped with a siren and being
 - (a) used for the transportation of any member of a fire brigade in response to an emergency call,

- (b) used for the transportation of a peace officer in response to an emergency call or for the purpose of
 - (i) investigating a reported accident,
 - (ii) detecting or preventing crime,
 - (iii) making an arrest,
 - (c) an ambulance used in response to an emergency call,
 - (d) a gas disconnecting unit of a public utility company used in response to an emergency call,
 - (e) a vehicle used in an emergency in accordance with an authorization granted by the Commissioner pursuant to Section 140,
may while being so used and while the siren is being continuously sounded,
 - (f) be operated at such speed as is reasonable and proper having regard to
 - (i) the traffic ordinarily upon the highway,
 - (ii) the use of the highway, and
 - (iii) the fact that it is being so used,
 - (g) proceed past a red or stop signal or stop sign without stopping, and
 - (h) be operated at such speed as is reasonable and safe under the circumstances.
- (2) Where required to do so for the purpose of carrying out his duties as a peace officer, a peace officer may, notwithstanding subsection (1),
- (a) operate a motor vehicle on a highway in excess of the speed limit thereon and at such speed as is necessary and reasonable having regard to the traffic ordinarily upon the highway and the fact that it is being so used,
 - (b) drive past a red or stop signal or stop sign without stopping but only at such speed as is reasonable and prudent under the circumstances, or
 - (c) drive and park a motor vehicle contrary to any rule of the road prescribed by this Ordinance or a municipal by-law,
if in the interest of law enforcement it is necessary and in the circumstance safe to do so.
- (3) Where required to do so for the purpose of carrying out his duties as a member of a fire brigade or ambulance service, a fireman or ambulance driver may drive and park a motor vehicle contrary to any rule of the road

prescribed by this Ordinance or a municipal by-law, if it is necessary and in the circumstances safe to do so and shall, in the absence of a peace officer, have the powers of a peace officer under this Ordinance with respect to traffic control and direction to the extent necessary to enable him to efficiently perform his duties or safeguard the public.

- (4) Vehicles used in highway maintenance or highway construction work may be operated upon such portions of a highway as may be requisite for the highway maintenance, highway construction or other work in which it is engaged.

Speed

Speed appropriate to circumstances

- 146.(1) Notwithstanding any speed limit prescribed by or pursuant to this or any other Ordinance, no driver shall drive at any rate of speed that is unreasonable having regard to all the circumstances of the case, including, without restricting the generality of the foregoing,
 - (a) the nature, condition and use of the highway,
 - (b) the atmospheric, or other conditions that might affect the visibility of the driver or the control of the vehicle,
 - (c) the amount of traffic there is, or that might reasonably be expected to be, on the highway, and
 - (d) the mechanical condition of the vehicle or any equipment of the vehicle.

Standard maximum speed

- 147.(1) Except where a higher rate of speed is prescribed pursuant to Section 102 no person shall drive on a primary highway outside a municipality at any greater rate of speed than 90 kilometres per hour.
- (2) Except where a higher rate of speed is prescribed pursuant to Section 108 no person shall drive in a municipality at a greater rate of speed than 50 kilometres per hour.
- (3) Where a municipality has prescribed a maximum rate of speed of less than 50 kilometres per hour pursuant to Section 108 and where that rate is designated by signs erected along the highway, no person shall drive at a rate of speed greater than that so prescribed.

- 148.(1) No person shall drive at a greater rate of speed than the maximum rate designated by signs erected along the highway pursuant to Section 102 or 108, or by the Department of Highways and Public Works. Posting speed limits
- (2) Where a speed limit is prescribed pursuant to Section 102 or 108 or the Department of Highways and Public Works the speed limit applies to all that part of the highway between the point where the first sign indicating the prescribed speed limit is posted and the point where a sign is posted indicating a greater or lesser speed or indicating that the prescribed speed limit has ceased to apply.
- 149.(1) In this section "school zone" and "playground zone" means a zone on a highway identified by a traffic control device as an area where children (a) may be expected to be on the highway, or (b) are permitted to cross the highway at a designated point along the highway. Speed in school and playground zone
- (2) On any day on which school is held, no driver shall drive within a school zone outside a municipality at a rate of speed greater than 40 kilometres per hour at any time between 8:00 o'clock in the morning and 4:30 o'clock in the afternoon.
- (3) On any day on which school is held, no driver shall drive within a school zone within a municipality at a rate of speed greater than 30 kilometres per hour between 8:00 o'clock in the morning and 4:30 o'clock in the afternoon.
- (4) No driver shall drive within a playground zone (a) at a rate of speed greater than 30 kilometres per hour where the zone is within a municipality, or (b) at a rate of speed greater than 40 kilometres per hour where the zone is outside a municipality.
- (5) No driver shall pass or attempt to pass a vehicle moving in the same direction as he is in a school zone or a playground zone when the speed limit prescribed by subsection (2), (3) or (4) is in effect.
- (6) Where a school zone or playground zone is identified by a traffic control device capable of showing rapid

intermittent flashes of yellow light as provided in subsection 184(5), then subsections (2) and (3) do not apply to the zone and subsection (4) does not apply to the zone, except when the rapid intermittent flashes of yellow light are being shown.

- (7) Notwithstanding subsections (2) and (3), a municipality may by by-law increase the prescribed hours where appropriate for any school zone within its corporate limits having regard to the hours of opening and closing of any school or schools, in which case the council shall cause the traffic control devices displayed to identify the prescribed hours as increased.
- (8) A school zone or playground zone
 - (a) begins where there is a traffic control device indicating the school zone or playground zone, and
 - (b) ends where there is a traffic control device indicating a greater rate of speed or the end of the zone.

Slow
moving
vehicles

- 150.(1) A driver who is proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall drive
 - (a) in the right hand traffic lane then available for traffic, or
 - (b) as close as practicable to the right hand curb or edge of the roadway,
 except when overtaking and passing another vehicle travelling in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.
- (2) Where a traffic control device directs slow moving traffic to use a designated traffic lane, a driver when driving slowly shall drive in that lane only.

Driving
near
centre
line

- 151.(1) Subject to the other provisions of this Part, on a highway outside of a municipality where there are two or more traffic lanes on the same side of the centre line for vehicles travelling in the same direction, a driver shall not drive in the traffic lane nearest the centre line unless he is driving at or near the maximum speed permitted.

- (2) Subsection (1) does not prohibit a slower moving vehicle from using the traffic lane nearest to the centre line for the purpose of overtaking and passing another vehicle.
- 152.(1) No driver shall drive at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic then existing on a highway, except when it is necessary to do so for safe operation or to comply with this Part. Travel-
ling at
too
slow
speed
- (2) No person shall drive
- (a) on a highway, or
 - (b) in traffic,
- at a slower rate of speed than the minimum speed designated therefor by signs erected along the highway pursuant to Section 102.
- (3) A peace officer may require a driver who is contravening this section to
- (a) increase his rate of speed,
 - (b) remove his vehicle from the roadway, or
 - (c) drive in a different traffic lane,
- and any driver who fails to obey the order of the peace officer is guilty of an offence.

Driving on Right Side of Roadway

- 153.(1) No person shall drive to the left of the centre line of a highway except Driving
on
right
side
of
roadway
- (a) when overtaking and passing another vehicle travelling in the same direction,
 - (b) when the roadway to the right of the centre line is obstructed by a parked vehicle or other object,
 - (c) when the roadway to the right of the centre line is closed to traffic,
 - (d) when turning left off the highway into another highway or into a private road or driveway,
 - (e) when a traffic control device otherwise requires or permits,
 - (f) upon a one-way highway, or
 - (g) when the width of a roadway does not otherwise permit.
- (2) Where a highway is divided into two or more roadways by a boulevard, ditch or other physical barrier, no

person shall drive into, across or along the boulevard, ditch or physical barrier.

Vehicular crossings 154.(1)

Except as may be provided for by a municipal by-law pursuant to Section 110 or 110.1, no person shall drive any vehicle into, across or along any boulevard, ditch or sidewalk except at proper and lawful vehicular crossings provided therefor.

Meeting and passing on-coming vehicles 155.(1)

Where the condition of a section of roadway is such that it is impractical or unsafe for two vehicles being driven in opposite directions to pass each other in a normal manner,
(a) if a vehicle is being driven upon that section, another driver approaching that section from the opposite direction shall stop before entering upon the section and shall not proceed until the oncoming vehicle reaches and passes him, or
(b) if two vehicles are being driven upon that section in opposite directions and meet thereon, each of the drivers shall immediately stop and before proceeding to pass the other shall take all reasonable steps to learn whether he can do so with safety to himself and others, and, if necessary, each of the drivers shall assist the other to pass in safety.

Rules for traffic lanes 156.(1)

On a highway:
(a) where double solid lines exist between traffic lanes, a driver shall not cross the double solid lines from one lane to another,
(b) where, in a municipality a single solid line only exists between traffic lanes, a driver shall not cross the single solid line from one lane to another except when overtaking and passing another vehicle,
(c) where, outside a municipality, a single solid line only exists between traffic lanes, a driver shall not cross the single solid line from one lane to another,
(d) where a single solid line and a broken line together exist between traffic lanes, a driver shall not cross the solid line from the lane next to which the solid line is located unless he crosses the broken and solid lines from the lane next to which the broken line is located for the purpose of and when overtaking and passing another vehicle in that

- lane and immediately thereafter recrosses both lines and returns to the lane on the right in which he was originally travelling, or
- (e) where one or more broken lines only exist between traffic lanes, a driver shall not cross the broken line or lines from one lane into another unless it is safe to do so.
- (2) Before driving from one traffic lane into another, or from a curb lane or a parking lane into a traffic lane, a driver
- (a) shall signal his intention to do so in the manner prescribed by the regulations, and
- (b) shall give the signal in sufficient time to provide a reasonable warning to other persons of his intentions.
- (3) Notwithstanding subsection (1) and unless prohibited by a traffic control device, a driver may cross a single solid line or, outside of a municipality a double solid line
- (a) when necessary to turn left into a highway, private road or driveway,
- (b) when necessary upon entering the highway from a private road or driveway, or
- (c) when necessary to enter a parking lane on the right side of the centre line.
- (4) Notwithstanding anything in this section, a driver shall not
- (a) drive from one traffic lane to another,
- (b) cross a solid or broken line,
- (c) drive from a curb lane into a traffic lane, or
- (d) drive from a parking lane into a traffic lane when the movement cannot be made in safety.
- (5) Where a highway has been divided into lanes by clearly visible lines marked on the road surface, the driver of a vehicle other than a bicycle shall drive his vehicle as closely as practical in the centre of the lane so marked.
- (6) No person shall drive a vehicle in such a manner as to occupy space in two lanes except during the act of passing another vehicle or changing lanes or unless road conditions make the use of a single lane impractical.

- Three
lane
highways
- 157.(1) On a highway consisting of three traffic lanes, a driver shall not drive in the centre traffic lane except
- (a) when passing another vehicle proceeding in the same direction,
 - (b) when approaching an intersection where he intends to turn left, or
 - (c) when a traffic control device otherwise permits.
- (2) Subsection (1) does not apply to a one-way highway.
- One-way
highways
- 158.(1) A driver shall drive on a one-way highway only in the direction designated by the signs on or along the highway.
- Follow-
ing
other
vehicles
- 159.(1) No driver shall follow another vehicle more closely than is reasonable and prudent, having due regard for
- (a) the speed of the vehicles,
 - (b) the amount and nature of traffic upon the highway, and
 - (c) the condition of the highway.
- (2) Each driver in a caravan or motorcade, other than a funeral procession, on a highway outside a built-up area along the highway, shall leave sufficient space between his vehicle or combination of vehicles to enable a vehicle to enter and occupy that space without danger.

Overtaking and Passing

- Passing
on hills
etc.
- 160.(1) A driver shall not pass or attempt to pass another vehicle travelling in the same direction
- (a) when proceeding uphill,
 - (b) when on a curve in the highway, or
 - (c) when approaching within 30 metres of or traversing a level railway crossing,
- unless a traffic control device otherwise directs or permits.
- (2) Subsection (1) does not apply where there are two or more traffic lanes on the same side of the centre line for vehicles proceeding in that direction, and the driver desiring to pass can do so by continuing to drive on the right hand side of the centre line.
- (3) Notwithstanding subsection (1), where a curve or grade

on a highway is divided into traffic lanes by a broken line or by a broken line and a solid line existing together, a driver may pass on the curve or grade if he crosses the solid line from the lane next to which the broken line is located.

- | | |
|--|---|
| <p>161.(1) A driver shall not drive to or upon the left of the centre line of a highway in overtaking and passing another vehicle or an obstruction unless</p> <p>(a) the left side is clearly visible, and</p> <p>(b) is free of oncoming and overtaking traffic, for a sufficient distance to permit overtaking and passing to be completely made without interfering with the safe operation of another vehicle.</p> | <p>Passing when meeting on-coming vehicle</p> |
| <p>162.(1) Subject to Section 163, a driver overtaking another vehicle</p> <p>(a) shall pass to the left of the other vehicle at a safe distance, and</p> <p>(b) shall not return to the right side of the roadway until safely clear of the overtaken vehicle whereupon he shall return to the right side of the roadway.</p> <p>(2) Except when overtaking and passing on the right is permitted, a driver being overtaken by another vehicle</p> <p>(a) shall give way to the right in favour of the overtaking vehicle, and</p> <p>(b) shall not increase his speed until completely passed by the overtaking vehicle.</p> | <p>Over-taking and passing</p> |
| <p>163.(1) A driver may overtake and pass on the right of another vehicle</p> <p>(a) when the vehicle overtaken is making a left turn or its driver has signalled his intention to make a left turn, or</p> <p>(b) upon a one-way highway where the roadway is of sufficient width for two or more lines of moving vehicles and is free from obstructions.</p> <p>(2) On a highway where there are two or more traffic lanes on the same side of the centre line for vehicles travelling in the same direction:</p> <p>(a) a driver overtaking another vehicle travelling in the same direction, may pass on the right or</p> | <p>Over-taking and passing on the right</p> |

left of the other vehicle if there is a lane available for passing to the right or the left of the lane being used by the overtaking vehicle,

(b) a driver being overtaken by another vehicle travelling in the same direction shall remain in the lane in which he is driving so as to allow the overtaking vehicle free passage in the lane to the right or the left of the lane in which the overtaken driver is travelling.

Restrictions on overtaking and passing

164.(1) Notwithstanding anything in this Part, a driver shall not overtake and pass or attempt to overtake or pass another vehicle

(a) when the movement cannot be made safely,

(b) by driving off the roadway, or

(c) by driving in a parking lane.

Turns

Signalling for turns

165.(1) Before turning a vehicle to the left or right the driver

(a) shall signal his intention to do so in such manner as may be prescribed by the regulations, and

(b) shall give the signal in sufficient time to provide a reasonable warning to other persons of the intention of the driver.

Right turns

166.(1) A driver intending to turn right from a two-way highway onto another two-way highway shall make the turn

(a) by driving as closely as practicable to the right curb or edge of the roadway while approaching the intersection and turning, and

(b) upon leaving the intersection by driving as closely as practicable to the right curb or edge of the roadway then entered,

unless a traffic control device otherwise directs or permits.

(2) A driver intending to turn right to enter or leave a one-way highway shall drive as closely as practicable to the right curb or edge of the roadway when entering and leaving the intersection, unless a traffic control device otherwise directs or permits.

(3) On a highway divided into traffic lanes, a driver

approaching an intersection and intending to turn right

- (a) shall drive in the traffic lane nearest to the right hand side of the roadway, and
- (b) may pass any other vehicle travelling in the same direction in a lane to his left, unless a traffic control device otherwise directs or permits.

- (4) A driver approaching an intersection and intending to turn right shall, wherever practicable, drive his vehicle into the position required by this section at least 15 metres before reaching that intersection.

- 167.(1) A driver intending to turn left from a two-way highway onto another two-way highway shall make the turn Left turns
- (a) by driving to the right of and as closely as practicable to the centre line of the highway while approaching the intersection and turning, and
 - (b) upon leaving the intersection by driving to the right of and as closely as practicable to the centre line of the highway then entered, unless a traffic control device otherwise directs or permits.
- (2) A driver intending to turn left from a two-way highway onto a one-way highway shall make the left turn
 - (a) by driving to the right of and as closely as practicable to the centre line of the two-way highway where it enters the intersection, and
 - (b) upon leaving the intersection by driving as closely as practicable to the left hand side of the one-way highway entered, unless a traffic control device otherwise directs or permits.
 - (3) A driver intending to turn left from a one-way highway onto a two-way highway shall make the left turn
 - (a) by driving as closely as practicable to the left side of the one-way highway where it enters the intersection, and
 - (b) upon leaving the intersection by driving to the right of and as closely as practicable to the centre line of the two-way highway entered,

unless a traffic control device otherwise directs or permits.

- (4) A driver intending to turn left from a one-way highway onto another one-way highway shall make the left turn
- (a) by driving as closely as practicable to the left hand side of the one-way highway where it enters the intersection, and
 - (b) upon leaving the intersection by driving as closely as practicable to the left hand side of the other one-way highway entered,
- unless a traffic control device otherwise directs or permits.
- (5) A driver approaching an intersection and intending to turn left shall, wherever practicable, drive his vehicle into the position required by this section at least 15 metres before reaching that intersection.

Directional
arrows

- 168.(1) When a traffic lane is marked by a traffic control device showing a directional arrow or arrows, with or without accompanying words, a driver travelling in that lane may make only the movement indicated or permitted by the traffic control device at the intersection or other place to which the traffic control device applies.
- (2) When a traffic lane is marked by a traffic control device showing the words "no left turn" or "no right turn" a driver travelling in that lane and approaching the traffic control device shall not make the turn prohibited by the device.
- (3) A driver who approaches
- (a) a traffic control device that shows a downward pointing illuminated green arrow symbol marking the lane in which he is travelling may continue to drive in that lane, or
 - (b) a traffic control device that shows an illuminated red "X" symbol marking the lane in which he is travelling shall not drive into or continue to drive in that lane.

U-Turns

- 169.(1) A driver shall not turn his vehicle so as to proceed in the opposite direction unless he can do so in safety and without interfering with other traffic. U-turns
- (2) A driver shall not turn his vehicle so as to proceed in the opposite direction
- (a) upon a curve, or
 - (b) upon the approach to or near the crest of a grade where his vehicle cannot be seen by the driver of another vehicle approaching from either direction within 150 metres.
- (3) In a municipality, a driver shall not turn his vehicle so as to proceed in the opposite direction
- (a) on a roadway between intersections,
 - (b) at a place where a sign prohibits making a U-turn,
 - (c) at an intersection controlled by a traffic control signal, or
 - (d) at any other intersection unless the movement can be made in safety.
- (4) The turns referred to in this section include those commonly known as "U-turns."
- 170.(1) The driver of a school bus shall not make a U-turn on any highway other than a four-lane divided highway. U-turns by school bus
- (2) The driver of a school bus shall not make a U-turn on a four-lane divided highway if the total length of the school bus exceeds the shortest distance separating the traffic lanes for traffic proceeding in one direction from the traffic lanes for traffic proceeding in the opposite direction.
- (3) The driver of a school bus making a U-turn on a four-lane divided highway shall, before completing the turn, bring the school bus to a stop on the cross-road across the median so that no part of the bus projects over the traffic lanes on either side of the centre strip of the divided highway.

Backing

- Backing up 171.(1) No person shall back a motor vehicle unless the movement can be made
- (a) in safety, and
 - (b) without interfering with other traffic on the highway.
- (2) In a municipality, no person shall back a vehicle into an intersection or crosswalk.

Yielding and Stopping

- Right-of-way at inter-sections 172.(1) Except as otherwise provided in this Part, when two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle to the left shall yield the right of way to the vehicle on the right.
- (2) A driver intending to turn left across the path of any vehicle approaching from the opposite direction shall not make or attempt to make the left turn unless the turn can be completed in safety.
- Signalling stops 173.(1) Before stopping a vehicle the driver
- (a) shall signal his intention to do so in such manner as may be prescribed by the regulations, and
 - (b) shall give the signal in sufficient time to provide a reasonable warning to other persons of the intention of the driver.
- Stopping before entering highway 174.(1) A driver about to enter upon
- (a) a Territorial highway or a street from a road, or driveway, or
 - (b) a road from a driveway,
- shall, unless the intersection of the two roadways is marked with a "yield" sign or a "merge" sign, bring his vehicle to a stop
- (c) before entering upon the intersecting roadway and at a point no further than 3 metres from the intersecting roadway, or
 - (d) if there is a marked crosswalk on the near side of the intersection, immediately before entering upon the crosswalk, or

- (e) if there is a marked stop line on the near side of the intersection, at the stop line.
- (2) Notwithstanding subsection (1)
 - (a) a driver emerging from any driveway shall stop his vehicle before driving onto a sidewalk crossing and shall yield the right of way to any pedestrian on the sidewalk or sidewalk crossing, and
 - (b) a driver entering a driveway shall yield the right of way to any pedestrian on a sidewalk or sidewalk crossing.
- 175.(1) A driver about to enter upon any highway from a highway that is marked by a "stop" sign shall bring his vehicle to a stop
 - (a) before entering upon the intersecting roadway and at a point no further than 3 metres from the intersecting roadway,
 - (b) if there is a marked crosswalk on the near side of the intersection, immediately before entering upon the crosswalk, or
 - (c) if there is a marked stop line on the near side of the intersection, at the stop line.

Stop signs
- 176.(1) Where a driver is required to stop pursuant to Section 174 or 175
 - (a) he shall not proceed until the condition of the traffic upon the highway being entered upon is such that he can enter thereon in safety, and
 - (b) he shall yield the right of way to all traffic approaching thereon.

Proceeding after stopping
- 177.(1) A driver about to enter upon a highway that is marked by a "yield" sign need not stop his vehicle before entering but he shall yield the right of way to all traffic upon the highway being entered upon.

Yield signs
- 178.(1) A driver shall yield the right of way to a pedestrian crossing the roadway within a crosswalk.

Yielding to pedestrians
- (2) Whenever any vehicle is stopped at a crosswalk to permit a pedestrian to cross the roadway, any other driver approaching from the rear shall not overtake and pass the stopped vehicle.

- (3) At any place upon a roadway other than at a cross-walk, the driver of a vehicle has the right-of-way over pedestrians, unless otherwise directed by a peace officer or a traffic control signal, but nothing in this subsection relieves a driver from the duty of exercising due care for the safety of pedestrians.

Yielding to
vehicle with
siren

- 179.(1) A driver meeting or being overtaken or being approached from the right or the left by a vehicle on which a siren is being sounded shall
 - (a) drive his vehicle as close as practicable to the right of the roadway,
 - (b) bring his vehicle to a stop, and
 - (c) remain stopped,until the vehicle sounding its siren has passed.
- (2) On a one-way highway where there are more than two traffic lanes a driver meeting or being overtaken or being approached from the right or left by a vehicle on which a siren is being sounded, shall
 - (a) drive his vehicle as close as practicable to the right of the roadway,
 - (b) bring his vehicle to a stop, and
 - (c) remain stopped,until the vehicle sounding its siren has passed.
- (3) Subsections (1) and (2) do not operate so as to relieve the driver of an authorized emergency vehicle from the duty of driving with due regard to the safety of all persons using the highway.

Railway
crossing

- 180.(1) At a railway crossing at any time when
 - (a) a clearly visible electrical or mechanical signal device gives warning of the approach of a railway train,
 - (b) a crossing gate is lowered or a flagperson is giving a signal of the approach of passage of a railway train,
 - (c) a railway train within approximately 500 metres of the crossing is approaching the crossing and either sounds an audible signal or is visible, or
 - (d) a railway train is visible and approaching the crossing and by reason of its speed or nearness is an immediate hazard,

- a driver approaching the railway crossing
- (e) shall stop his vehicle no closer than 5 metres from the nearest rail of the railway, and
 - (f) shall not proceed until the train
 - (i) has passed by the railway crossing, or
 - (ii) has come to a stop,and he can safely proceed.
- (2) No person shall drive through, around or under a crossing gate or barrier at a railway crossing while the gate or barrier is closed or is being opened or closed.
- (3) Where a stop sign is erected at a railway crossing, a driver approaching the railway crossing
- (a) shall stop his vehicle
 - (i) no closer than 5 metres, and
 - (ii) no further than 15 metres, from the nearest rail of the railway, and
 - (b) shall not proceed until he can do so safely.
- (4) In the case of a railway crossing that is not controlled by a traffic control signal, the driver of a vehicle that
- (a) is a school bus,
 - (b) is carrying explosive substances as cargo, or
 - (c) is used for carrying flammable liquids or gas, whether or not it is then empty,
- shall stop the vehicle no closer than 5 metres or further than 15 metres from the nearest rail of the railway, and
- (d) remaining stopped, shall listen and look in both directions along the railway for an approaching train and for signals indicating the approach of a train,
 - (e) shall not proceed until he can do so safely, and
 - (f) in the case of a school bus, shall before proceeding open the front door and where practicable to do so with one hand, shall also open the window immediately to his left.
- (5) Subsection (4) does not apply where a peace officer or a flagperson otherwise directs.

- (6) A municipality may, by by-law, provide that subsection (4) does not apply to all or any railway crossings in the city.
- (7) Where a driver has stopped in accordance with this section he
 - (a) shall cross the railway tracks in a gear that he will not need to change while crossing the tracks, and
 - (b) shall not shift gears while so crossing.

Stopped school bus

- 181.(1) When a vehicle bearing the sign "school bus" has stopped on a highway outside of a municipality to receive or discharge passengers or while the vehicle is displaying alternately flashing red lights, a driver approaching the school bus
 - (a) from the rear, if the highway is physically divided by a median into two separate roadways, or
 - (b) from either direction, if the highway is not so divided,shall stop before reaching the school bus.
- (2) A person who is required by subsection (1) to stop before reaching a school bus shall not proceed to pass the school bus
 - (a) until the school bus resumes motion,
 - (b) until the driver of the school bus indicates by a signal that he may proceed, or
 - (c) where the school bus is displaying alternately flashing red lights, until the lights stop flashing.
- (3) Notwithstanding subsection (1), where upon a highway within a municipality the maximum speed limit is higher than 50 kilometres per hour the municipality may by by-law make the stopping and proceeding requirements of this section applicable to all vehicles travelling on that highway and in that case the council shall cause warning signs to be posted at all appropriate locations thereon.

Merging

Merging

- 182.(1) A driver about to enter upon an intersecting highway

from a highway marked by a "merge" sign need not stop his vehicle before so entering but shall take all necessary precautions and merge safely with the traffic on the intersecting highway.

- (2) A driver on a highway marked by a "merging traffic" sign near the intersection of another highway marked by a "merge" sign shall take all reasonable precautions to allow a merging vehicle to enter in safety upon the highway on which he is driving.

- 183.(1) When a green light alone is shown at an intersection by a traffic control signal, the driver of a vehicle facing the green light
 - (a) may proceed straight through the intersection or may turn left or right, subject to any sign or signal prohibiting a left or right turn, or both, or designating the turning movement permitted,
 - (b) shall yield the right-of-way to pedestrians lawfully within the intersection or within an adjacent crosswalk at the time the green light is shown, and
 - (c) shall yield the right-of-way to other vehicles lawfully within the intersection at the time the green light is shown.

Green traffic lights

- (2) When a green light alone is shown at a place other than an intersection by a traffic control signal, the driver of a vehicle facing the green light
 - (a) may proceed to pass the signal, and
 - (b) shall yield the right-of-way to any pedestrian still in the roadway, or on a crosswalk, if any, in the vicinity of the signal when the green light is shown.
- (3) When a green arrow is shown at an intersection by a traffic control signal the driver of a vehicle facing the green arrow may enter the intersection and make only the movement indicated by the green arrow, but shall yield the right of way
 - (a) to pedestrians lawfully within the intersection or within an adjacent crosswalk, and
 - (b) to other vehicles lawfully within the intersection.

- (4) When a green arrow and a red light are shown at the same time at an intersection by a traffic control signal
 - (a) the driver of a vehicle approaching the intersection and facing the green arrow and red light may, without stopping, cautiously enter the intersection and make only the movement indicated by the green arrow, and
 - (b) the driver of the vehicle shall yield the right-of-way to pedestrians lawfully within the intersection or within an adjacent crosswalk and to other vehicles lawfully within the intersection.

- (5) Where rapid intermittent flashes of green light are shown at an intersection by a traffic control signal together with a sign or symbol indicating that it is an advanced light or delayed light, the driver of a vehicle facing the flashes of green light
 - (a) has the right of way over any vehicles facing him across the intersection and may enter the intersection and turn left, or
 - (b) may proceed straight through the intersection or turn right, while the light is flashing, but he shall yield the right-of-way to pedestrians lawfully within the intersection or within an adjacent crosswalk and to other vehicles lawfully within the intersection at the time the flashing green light is shown.

- (6) This section does not apply so as to prohibit a bus that forms part of the municipal bus system of a municipality turning at an intersection in the direction determined by the municipality.

Yellow traffic lights

- 184.(1) When a yellow light is shown at an intersection by a traffic control signal at the same time as or following the showing of a green light the driver of a vehicle approaching the intersection and facing the yellow light shall stop before entering
 - (a) the marked crosswalk on the near side of the intersection, or
 - (b) if there is no such marked crosswalk, then before entering the intersection, unless such a stop cannot be made in safety.

- (2) When a yellow light is shown at a place other than an intersection by a traffic control signal at the same time as or following the showing of a green light the driver of a vehicle approaching the signal shall stop before reaching the closer of
 - (a) the signal, or
 - (b) the nearest crosswalk, if any, in the vicinity of the signal,unless such a stop cannot be made in safety.
 - (3) When rapid intermittent flashes of yellow light are shown at an intersection by a traffic control signal the driver of a vehicle facing the flashes of yellow light may enter the intersection and proceed only with caution, but shall yield the right-of-way to pedestrians lawfully within the intersection or an adjacent crosswalk and to other vehicles lawfully within the intersection.
 - (4) When rapid intermittent flashes of yellow light are shown at a place other than an intersection by a traffic control signal the driver of a vehicle approaching the signal may pass the signal only with caution and shall yield the right-of-way to pedestrians in the roadway or on a crosswalk, if any, in the vicinity of the signal.
 - (5) When rapid intermittent flashes of yellow light are shown at an intersection or other place together with a sign reading or symbol indicating "school zone", "playground zone", "school crossing", "pedestrian crossing", "pedestrian zone" or other wording or symbol indicating a pedestrian hazard, the driver of a vehicle approaching the signal
 - (a) shall cross the intersection or pass the sign, if at a place other than an intersection, only with extreme caution and shall in no case cross the intersection or pass the sign at a greater rate of speed than 30 kilometres per hour, and
 - (b) shall yield the right-of-way to pedestrians in the intersection or on the roadway in the vicinity of the sign or signal.
- 185.(1) When a red light alone is shown at an intersection by

Red
traffic
lights

a traffic control signal the driver of a vehicle approaching the intersection and facing the red light

- (a) shall stop immediately before entering the marked crosswalk on the near side of the intersection or, if there is no such marked crosswalk, then immediately before entering the intersection, and
- (b) shall not proceed until a traffic control signal instructs him that he is permitted to do so, but, unless a traffic control device prohibits a right turn from being made on a red light, he may turn and proceed right at the intersection if he first stops and yields the right of way to any pedestrians in the intersection and any vehicles in or approaching the intersection.

(2) Where a red light alone is shown by a traffic control signal at the intersection of two one-way streets, the driver of a vehicle approaching the intersection facing the red light and intending to make a left turn onto the other one-way street

- (a) shall stop immediately before entering the marked crosswalk on the near side of the intersection or, if there is no such marked crosswalk, then immediately before entering the intersection, and
- (b) shall not proceed until a traffic control signal instructs him that he is permitted to do so, but unless a traffic control device prohibits a left turn from being made on the red light, he may turn and proceed left at the intersection, if he first stops and yields the right of way to any pedestrians in the intersection and any vehicles in or approaching the intersection.

(3) When a red light is shown at a place other than an intersection by a traffic control signal the driver of a vehicle approaching the signal shall stop before reaching the closer of

- (a) the signal, or
- (b) the nearest crosswalk, if any, in the vicinity of the signal.

(4) When rapid intermittent flashes of red light are shown at an intersection by a traffic control signal the driver

of a vehicle approaching the intersection and facing the flashes of red light

- (a) shall stop immediately before entering the marked crosswalk on the near side of the intersection or, if there is no such marked crosswalk, then immediately before entering the intersection, and
- (b) shall not proceed until it is safe to do so.

(5) When rapid intermittent flashes of red light are shown at a place other than an intersection by a traffic control signal, the driver of a vehicle approaching the signal

- (a) shall stop immediately before reaching the signal or immediately before entering the nearest crosswalk, if any, in the vicinity of the signal, and
- (b) may, after having stopped, proceed to pass the signal and the crosswalk, if any, only if conditions of pedestrian traffic in the roadway or crosswalk, if any, in the vicinity of the signal are such that the vehicle can do so with safety.

186.(1) Notwithstanding Sections 172, 174 to 177, 184 and 185 where a municipal by-law so permits, any vehicle in a funeral procession except the lead vehicle may, during daylight hours, enter an intersection without stopping if

Vehicles in procession or parade

- (a) the headlamps of the vehicle are alight,
- (b) the vehicle is travelling immediately behind the vehicle in front of it so as to form a continuous line of traffic, and
- (c) the passage into the intersection can be made in safety.

(2) No driver shall

- (a) break through the ranks of a military or funeral procession, or
- (b) break through the ranks of any other authorized parade or procession.

Use of Lights

187.(1) At any time either during the nighttime hours or when, due to insufficient light or unfavourable atmospheric conditions, objects are not clearly discernible on

Use of lights

the highway at a distance of 150 metres ahead:

- (a) no motor vehicle or tractor or self-propelled implement of husbandry shall be in motion on a highway unless both headlamps are alight and are providing sufficient light to make objects on the highway clearly visible,
 - (i) in the case of a motor vehicle at distances specified in Section 114, and
 - (ii) in the case of a tractor or self-propelled implement of husbandry at distances specified in Section 117.
- (b) no bicycle shall be in motion upon a highway unless the lamp or lamps with which it is required to be equipped are alight,
- (c) no motor vehicle or tractor or self-propelled implement of husbandry or trailer shall be in motion upon a highway unless the tail lamps with which it is required to be equipped are alight,
- (d) no motor vehicle or tractor or self-propelled implement of husbandry shall be stationary on a highway outside the corporate limits of any city, town or village unless either
 - (i) the tail lamps with which it is required to be equipped are alight or
 - (ii) it has affixed thereto reflectors of any type approved by the regulations and so fixed as to reflect the lights of any motor vehicle approaching the stationary vehicle from the rear,
- (e) no vehicle other than a motor vehicle, motor cycle, moped, snowmobile or bicycle, whether in motion or stationary, shall be upon any highway unless
 - (i) there is displayed thereon at least one light visible at a distance of 30 metres or more from both the front and rear of the vehicle, or
 - (ii) there are affixed thereon reflectors of a type approved by the regulations, situated toward the front so as to reflect the lights of any motor vehicle approaching from the front and at the rear so as to reflect the lights of any motor vehicle approaching from the rear,
- (f) no trailer shall be upon any highway unless it has at the rear thereof two reflectors

- (i) of a type approved by the regulations, and
 - (ii) affixed as prescribed by the regulations so as to reflect the lights of any motor vehicle approaching from the rear,
- (g) no trailer drawn by or attached to a motor vehicle and having a width at any part, including any load thereon, in excess of 205 centimetres, shall be upon any highway unless it has affixed in conspicuous positions, at its widest point and as near the top as practical, at least one lighted amber clearance light on each side of the front and at least one lighted red clearance light on each side of the rear,
- (h) no self-propelled mobile home having a width at any part, including the load thereon, in excess of 205 centimetres, shall be in motion upon any highway unless it has affixed in conspicuous positions, as near the top as practical, at least one lighted amber clearance light on each side of the front and at least one lighted red clearance light on each side of the rear.
- (2) No motor cycle shall be in motion upon a highway at any time unless the lamp or lamps with which it is required to be equipped are alight.
- 188.(1) Subject to this section, when a motor vehicle is being operated on a highway at any time during which headlamps are required to be alight, the driver shall use a distribution of light or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of his motor vehicle.
- (2) When a driver of a vehicle approaches within 300 metres of an oncoming vehicle, he shall use a distribution of light or composite beam that is so aimed that the glaring rays are not directed into the eyes of the driver of the on-coming vehicle.
- (3) The lowermost distribution of light or composite beam specified in subsection 114(2) shall be beamed to avoid glare regardless of the road contour or loading or time of day.

Use of
high
beam

- (4) When the driver of a vehicle follows within 150 metres of the rear of another vehicle he shall not use the uppermost distribution of light referred to in subsection (1).

Parking

- Parking 189.(1) No person shall park a vehicle upon a roadway outside of a municipality when it is practicable to park the vehicle off the roadway and in no event shall a person park a vehicle upon the roadway
- (a) unless a clear and unobstructed width opposite the vehicle is left for free passage of other vehicles thereon, and
 - (b) unless a clear view of the parked vehicle may be obtained for a distance of 60 metres along the roadway in both directions.
- (2) Notwithstanding subsection (1), except
- (a) when his motor vehicle is incapable of moving under its own power,
 - (b) where some other emergency arises, or
 - (c) as is otherwise permitted by law,
- no person shall park a vehicle on the roadway, parking lane or shoulder portions of a Territorial highway outside a municipality.
- (3) No vehicle shall remain at a standstill on a highway outside of a municipality for longer than one minute at any place within 10 metres of the point of intersection of that highway with any other highway.
- (4) Nothing in this section shall be construed to prohibit police vehicles, ambulances or vehicles engaged in highway repair, maintenance or inspection work from parking upon the roadway when it is advisable to do so
- (a) to prevent accidents,
 - (b) to give warning of hazards or of person on the highway,
 - (c) to remove injured persons,
 - (d) to repair roadway, or
 - (e) for similar purposes.
- (5) Subsection (1) does not prohibit the driver of a vehicle of a public utility from parking the vehicle upon the

roadway of a highway when it is advisable or necessary to do so for the purpose of the construction, repair, maintenance or inspection of public utility facilities adjacent to, along, over or under the highway.

- (6) Nothing in this section shall be construed to prohibit the driver of a school bus from parking the school bus on the roadway of a highway for the purpose of loading or unloading passengers if he cannot park off the roadway and still have a suitable space available on the ground for the passengers being loaded or unloaded.

- 190.(1) Unless required or permitted by this Ordinance or by a traffic control device, or in compliance with the directions of a peace officer, or to avoid conflict with other traffic, a driver shall not stop or park his vehicle Parking restrictions
- (a) on a sidewalk or boulevard,
 - (b) on a crosswalk or on any part of a crosswalk,
 - (c) within an intersection other than immediately next to the curb in a "T" intersection,
 - (d) at an intersection nearer than 5 metres to the projection of the corner property line immediately ahead or immediately to the rear, except when his vehicle is parked in a space where a parking meter or other traffic control device indicates parking is permitted,
 - (e) within 5 metres upon the approach to any stop sign or yield sign,
 - (f) within 5 metres of any fire hydrant, or when the hydrant is not located at the curb, within 5 metres of the point on the curb nearest the hydrant,
 - (g) within 150 centimetres of an access to a garage, private road or driveway, or a vehicle crossway over a sidewalk,
 - (h) within 5 metres of the near side of a marked crosswalk,
 - (i) alongside or opposite any street excavation or obstruction when the stopping or parking would obstruct traffic,
 - (j) on any bridge or in any subway or on the approaches thereto,
 - (k) at any other place where a traffic control device prohibits stopping or parking during such times as stopping or parking is so prohibited, or

- (1) on the roadway side of a vehicle parked or stopped at the curb or edge of the roadway.

Parallel
parking

- 191.(1) When parking on a roadway, a driver shall park his vehicle with the sides thereof parallel to the curb or edge of the roadway and
 - (a) with the right hand wheels thereof not more than 500 millimetres from the right hand curb or edge of the roadway, or
 - (b) in the case of a one-way highway where parking on either side is permitted, with the wheels closest to a curb or edge of the roadway not more than 500 millimetres from the curb or edge and with the vehicle facing the direction of travel authorized for that highway.
- (2) This section does not apply where angle parking is permitted or required.

Angle
parking

- 192.(1) Where a sign indicates that angle parking is permitted or required and parking guide lines are visible on the roadway, a driver shall park his vehicle
 - (a) with its sides between and parallel to any two of the guide lines, and
 - (b) with one front wheel not more than 500 millimetres from the curb or edge of the roadway.
- (2) Where a sign indicates that angle parking is permitted or required but no parking guide lines are visible on the roadway, a driver shall park his vehicle
 - (a) with its sides at an angle of between 30 and 60 degrees to the curb or edge of the roadway, and
 - (b) with one front wheel not more than 500 millimetres from the curb or edge of the roadway.

Parking
on hills

- 193.(1) No person shall permit a vehicle to stand unattended upon any grade or slope without first having
 - (a) effectively set the vehicle's brake, and
 - (b) turned the front wheels to the nearest curb or edge of the roadway in such a manner as to impede any movement of the vehicle.

Vehicle
on jack

- 194.(1) No person shall leave a vehicle unattended on a roadway if the vehicle has been placed on a jack or a similar device and

- (a) one or more wheels have been removed from the vehicle, or
- (b) part of the vehicle is raised, unless it is placed on blocks which are adequate to bear the weight of the vehicle.

PART XII

OTHER PROHIBITIONS

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| 195.(1) | Every person who drives a vehicle on a highway
(a) without due care and attention, or
(b) without reasonable consideration for persons using the highway,
is guilty of the offence of driving carelessly. | Careless driving |
| 196.(1) | No person shall drive a vehicle upon a highway in a race or on a bet or wager. | Racing prohibited |
| 197.(1) | No person, whether as a pedestrian or driver and whether or not with the use or aid of any animal, vehicle or other thing, shall perform or engage in any stunt or other activity upon a highway that is likely to distract, startle or interfere with other users of the highway. | Stunts, etc. prohibited |
| 198.(1) | No person shall create or cause the emission of any loud and unnecessary noise from the motor vehicle, any part thereof, or anything or substance that the motor vehicle or a part thereof comes into contact with. | Unnecessary noise prohibited |
| 199.(1) | No person shall drive a vehicle upon a highway if the view through the windshield or windows thereof is so obscured by mud, frost, steam or any other thing as to make the driving of the vehicle hazardous or dangerous. | Windshield to be clear |
| 200.(1) | No driver shall permit any person to occupy the front seat of his vehicle in such a manner as to impede the driver in the free and uninterrupted access to and use of the steering wheel, brakes and other equipment required to be used for the safe operation of the vehicle on a highway, nor shall any driver permit any person in the vehicle to cause any obstruction to his clear vision in any direction. | Interference with driver |

- (2) No person shall ride in such position in a vehicle so as to interfere with the driver's control over the driving mechanism of the vehicle or so as to obstruct his clear vision in any direction.
 - (3) Where a vehicle is in motion
 - (a) the driver shall not exchange places with any other person, and
 - (b) no person shall exchange places with the driver.
- Passengers in house trailers
- 201.(1) No person shall occupy or permit any other person to occupy a house trailer while it is being moved upon a highway.
 - (2) In this section "house trailer" means a vehicle capable of being attached to and drawn by a motor vehicle and designed, constructed or equipped as a dwelling place, living abode or sleeping place.
- Riding on outside of vehicle
- 202.(1) No person shall ride or permit any other person to ride on the outside of a motor vehicle.
 - (2) Subsection (1) does not apply to a person riding
 - (a) on a regular seat on a motor cycle, moped or snowmobile,
 - (b) in the box of a truck,
 - (c) in or on any fire-fighting vehicle,
 - (d) in or on a vehicle engaged in highway construction or maintenance,
 - (e) in or on a vehicle forming part of an entertainment exhibition that has been approved by the municipality within which it is taking place, or
 - (f) in or on a municipal maintenance or municipal service vehicle upon which a special seat or stand has been affixed providing for the safety of the person so riding.
 - (3) No person shall draw or tow by a motor vehicle on a highway any person riding a sled, toboggan, skis, motor cycle, scooter, moped, snowmobile or bicycle.
- Air cushion vehicles
- 203.(1) Excepted as provided by regulations, no person shall operate an air cushion vehicle on, along or across a highway.

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| <p>204.(1) No person under the age of 16 years shall drive a tractor or self-propelled implement of husbandry on a highway.</p> <p>(2) No person shall permit another person under the age of 16 years to drive a tractor or self-propelled implement of husbandry on a highway.</p> | <p>Age restrictions re farm implements</p> |
| <p>205.(1) A person who removes a wrecked or damaged vehicle from a highway shall remove glass or any other injurious substance or thing dropped upon the highway from the vehicle.</p> <p>(2) A person who removes a wrecked or damaged vehicle from a highway without removing glass or any other injurious substance or thing dropped upon the highway from the vehicle is guilty of an offence.</p> | <p>Removal of damaged vehicle</p> |
| <p>206.(1) No person shall open the door of a motor vehicle unless it is reasonably safe to do so.</p> <p>(2) No person shall leave a door open on a motor vehicle where it may constitute a hazard to moving traffic.</p> | <p>Opening car doors</p> |
| <p>207.(1) No person other than a peace officer shall use, interfere or tamper with any motor vehicle or any of its accessories or anything placed therein or thereon, without the consent of the owner.</p> | <p>Tampering prohibited</p> |
| <p>208.(1) No person shall operate a vehicle on a residential street within a municipality or local improvement district between the hours of 10:00 o'clock in the evening and 7:00 o'clock of the next morning so as to unduly disturb residents of any such street or any part thereof.</p> | <p>Noise in residential areas</p> |
| <p>209.(1) No person shall abandon a vehicle upon a highway.</p> <p>(2) No person shall abandon a vehicle upon public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.</p> <p>(3) A vehicle left standing, at a location referred to in subsection (1) or (2), for more than 72 consecutive hours shall be deemed to have been abandoned</p> | <p>Abandoning of vehicle</p> |

at that location for the purposes of Section 96 of this Ordinance.

Adver-
tising
on
highways

- 210.(1) No person shall park on a highway
 - (a) a vehicle displayed for sale, or
 - (b) a vehicle displaying advertising directing persons to any commercial premises.

- (2) No person shall
 - (a) display any goods for sale, or
 - (b) offer any goods for sale, or
 - (c) sell any goodsupon a highway.

- (3) Notwithstanding subsection (2), a municipality or local improvement district may, by by-law, permit the display or sale of goods upon a sidewalk.

Unauth-
orized
traffic
signs

- 211.(1) No person shall place or maintain or display in view of persons using a highway any sign, marking or device
 - (a) which purports to be or is in imitation of or resembles a traffic control device, or
 - (b) which gives any warning or direction as to the use of the highway by any person.

- (2) Subsection (1) does not apply to the placing, maintaining or displaying of a sign, marking or device
 - (a) on publicly owned land by or under the authority of the Commissioner with respect of highways under his jurisdiction or of a municipality with respect to highways under its jurisdiction, or
 - (b) on privately owned land for the purpose of regulating, warning or guiding traffic on a privately owned highway.

- (3) When a sign, marking or device is placed, maintained or displayed in contravention of subsection (1),
 - (a) a peace officer, or
 - (b) a person authorized by the Commissioner or a municipalitymay, without notice or compensation, remove the sign marking or device and may, for that purpose, enter upon privately owned land.

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| 212.(1) | No person shall remove, throw down, deface or alter, injure or destroy a traffic control device placed, marked or erected upon a highway. | Damage to traffic signs |
| 213.(1) | No person shall place or cause to be placed any hand bill or other advertising matter upon or in a vehicle without the permission of the owner or the person in charge of the vehicle. | Placing handbills on vehicles |
| (2) | Subsection (1) applies whether the vehicle is on a highway or on any public or privately owned property. | |
| 214.(1) | No dealer shall sell a used motor vehicle unless
(a) the vehicle has passed the inspections and tests required under Section 107 within such period of time preceding the sale as may be prescribed by the regulations, and
(b) the dealer furnishes to the buyer a certificate in the form prescribed by the regulations, certifying that the vehicle passed those inspections and tests. | Sale of used motor vehicles |
| (2) | Subsection (1) does not apply where the dealer furnishes the buyer with a signed statement disclosing such information about the condition of the vehicle as may be prescribed by the regulations. | |

PART XIII

BICYCLES, MOTOR CYCLES, MOPEDS AND SNOWMOBILES

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| 215.(1) | Unless the context otherwise requires, a person operating a bicycle, motor cycle, moped or snowmobile on a highway has all the rights and is subject to all the duties that the driver of a vehicle has under Parts XI and XII. | Rules of road apply to bicycles, motor cycles, mopeds and snowmobiles |
| (2) | In this Part "cycle" includes a bicycle, motor cycle, moped or snowmobile. | |
| 216.(1) | No person under the age of 16 years shall operate a motor cycle, moped or snowmobile on a highway. | Restrictions on those under 16 |
| 217.(1) | A person who is operating a cycle on a highway | Operation of cycle |

- (a) shall keep both hands on the handlebars of his cycle, except when making a signal in accordance with this Ordinance,
 - (b) shall keep both feet on the pedals or foot rests of his cycle,
 - (c) shall not ride other than upon or astride a regular seat of the cycle, and
 - (d) shall not use the cycle to carry more persons at one time than the number for which it is designed or equipped.
- (2) A person who is operating a cycle on a highway shall ride as near as practicable to the right hand curb or edge of the roadway.
- (3) A person shall not operate a cycle on a roadway where signs prohibit its use.
- (4) A person who is riding as a passenger on a cycle
- (a) shall not ride other than upon a regular seat of the cycle intended for a passenger, and
 - (b) shall keep both feet on the foot-rests provided for the use of the passenger riding on the seat.
- Passenger on cycle 218.(1) A person who is operating or riding as a passenger on a cycle shall not
- (a) hold onto,
 - (b) attach himself to, or
 - (c) attach the cycle to, any other moving vehicle.
- Riders to cycle single file 219.(1) A person operating a cycle on a highway
- (a) shall not ride to the side of another cycle travelling in the same direction, but
 - (b) shall ride directly in line to the rear or front of the other cycle, except when overtaking and passing the other cycle.
- Safety helmets 220.(1) No person shall operate a motor cycle, moped or snowmobile unless he is wearing a safety helmet securely attached on his head.
- (2) No person shall ride as a passenger on motor cycle, moped or snowmobile unless he is wearing a safety helmet securely attached on his head.

- (3) No person shall operate a motor cycle, moped or snowmobile on which a passenger is riding unless the passenger is wearing a safety helmet securely attached to his head.
 - (4) Subsections (1), (2) and (3) do not apply to the operator or passengers of a motor cycle which is manufactured with a cab that encloses and protects the operator and passengers.
 - (5) No person shall buy, sell or offer for sale any helmet intended for the use of operators or passengers of motor cycles, mopeds or snowmobiles unless it conforms to the specifications prescribed by the regulations.
- 221.(1) Every bicycle operated on any highway at any time during the nighttime hours shall be equipped with
- (a) at least one headlamp but not more than two headlamps,
 - (b) at least one red tail lamp, and
 - (c) at least one red reflector mounted on the rear.
- Required
equipment
for
bicycles
- (2) No bicycle shall be operated upon a highway unless it is equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.
 - (3) A peace officer may require the operator of a bicycle to submit the bicycle to examination and tests to ensure that the bicycle is fit and safe to be ridden.
 - (4) If in the opinion of a peace officer a bicycle is unfit or unsafe for transportation or dangerous to the public, the peace officer
 - (a) may require the operator of the bicycle to have the bicycle rendered fit and safe for transportation, and
 - (b) may order the bicycle removed from the highway until the bicycle has been rendered fit and safe to be ridden.
 - (5) A bicycle operator who fails to comply with a requirement or order of a peace officer under subsection (3) or (4) is guilty of an offence.

PART XIV

ANIMALS

- Duty of person riding or driving animals 222.(1) Unless the context otherwise requires, a person riding an animal or driving an animal-powered vehicle upon a highway
- (a) has all the rights, and
 - (b) is subject to all the duties, of a driver under Parts XI and XII.
- Riding animal on highway 223.(1) A person riding an animal on a highway
- (a) shall not ride to the side of another animal travelling in the same direction, but
 - (b) shall ride directly in line to the rear or front of the other animal, except when overtaking and passing the other animal.

PART XV

PEDESTRIANS

- Pedestrians on roadway 224.(1) Where a sidewalk or path is located beside a roadway, a pedestrian shall at all times when reasonable and practicable to do so, use the sidewalk or path and shall not walk or remain on the roadway.
- (2) Where there is no sidewalk or footpath, a pedestrian walking along or upon a highway shall at all times when reasonable and practicable to do so, walk only on the left side of the roadway or the shoulder of the highway facing traffic approaching from the opposite direction.
- Pedestrians crossing roadway 225.(1) Every pedestrian crossing a roadway shall cross as quickly as is reasonably possible without stopping or loitering or otherwise impeding the free movement of vehicles thereon.
- (2) A pedestrian shall not step onto a roadway and walk or run into the path of any vehicle that is so close that it is impracticable for the driver of the vehicle to yield the right-of-way.

- 226.(1) Every pedestrian crossing a roadway at any point other than within a crosswalk shall yield the right of way to vehicles upon the roadway. Yielding by pedestrians

- 227.(1) At a place where there is a crosswalk a pedestrian has the right-of-way over vehicles for the purpose of crossing the roadway within the crosswalk, unless otherwise directed by a peace officer or a traffic control signal, but nothing in this section relieves a pedestrian from the duty of exercising due care for his own safety. Pedestrians right-of-way

- 228.(1) Where a green light alone is shown at an intersection by a traffic control signal, a pedestrian facing the green light Pedestrians at green light
 - (a) may proceed across the roadway within any crosswalk, subject to any special pedestrian traffic control signal directing him otherwise, and
 - (b) has the right-of-way for that purpose over all vehicles.

- (2) Where a green light alone is shown facing the vehicular traffic at a place other than an intersection by a traffic control signal,
 - (a) a pedestrian shall not enter upon the roadway in the vicinity of the signal until either
 - (i) the traffic control signal facing the vehicular traffic shows a red light, or
 - (ii) a traffic control signal instructs him that he may cross the roadway, and
 - (b) a pedestrian still on the roadway or on a crosswalk in the vicinity of the signal when the green light is shown shall proceed as quickly as possible from the roadway.

- (3) Where a green arrow is shown at an intersection by a traffic control signal, a pedestrian facing the green arrow shall not enter the roadway unless or until
 - (a) a pedestrian traffic control signal, or
 - (b) the showing of a green light by a traffic control signal
 instructs him that he is permitted to do so.

Pedestrians
at yellow
lights

- (4) Where a green arrow and red light are shown at the same time at an intersection by a traffic control signal, a pedestrian facing the green arrow and red light shall not enter the roadway unless or until
 - (a) a pedestrian traffic control signal, or
 - (b) the showing of a green light by a traffic control signalinstructs him that he is permitted to do so.

- 229.(1) Where a yellow light is shown at an intersection by a traffic control signal at the same time as or following the showing of a green light,
 - (a) a pedestrian facing the yellow light shall not enter the roadway, and
 - (b) a pedestrian proceeding across the roadway and facing the yellow light shown after he entered the roadway
 - (i) shall proceed to the sidewalk as quickly as possible, and
 - (ii) has the right-of-way for that purpose over all vehicles.

- (2) Where a yellow light facing the vehicular traffic is shown at a place other than an intersection by a traffic control signal at the same time as or following the showing of a green light, a pedestrian shall not enter the roadway in the vicinity of the signal until either
 - (a) the traffic control signal facing the vehicular traffic shows a red light, or
 - (b) a traffic control signal instructs him that he may cross the roadway.

- (3) Where rapid intermittent flashes of yellow light are shown at an intersection by a traffic control signal, a pedestrian facing the flashes of yellow light may proceed across the roadway within a crosswalk with caution.

- (4) Where rapid intermittent flashes of yellow light are shown at a place other than an intersection by a traffic control signal, a pedestrian may proceed across the roadway with caution.

- 230.(1) Where a red light alone is shown at an intersection by a traffic control signal, Pedestrians at red light
- (a) a pedestrian facing the red light shall not enter the roadway unless instructed that he may do so by a pedestrian traffic control signal, and
 - (b) a pedestrian proceeding across the roadway and facing the red light shown after he entered upon the roadway
 - (i) shall proceed to the sidewalk as quickly as possible, and
 - (ii) has the right of way for that purpose over all vehicles.
- (2) When a red light facing the vehicular traffic is shown at a place other than an intersection by a traffic control signal, a pedestrian may proceed across the roadway.
- (3) Where rapid intermittent flashes of red light are shown at an intersection by a traffic control signal, a pedestrian facing the flashes of red light may proceed across the roadway within a crosswalk with caution.
- (4) Where rapid intermittent flashes of red light facing the vehicular traffic are shown at a place other than an intersection by a traffic control signal, a pedestrian may proceed across the roadway.
- 231.(1) When a word or symbol indicating "walk" is shown at an intersection by a pedestrian traffic control signal, a pedestrian Walk and wait lights
- (a) may proceed across the roadway in the direction of the signal within a crosswalk, and
 - (b) has the right-of-way over all vehicles within the intersection or any adjacent crosswalk.
- (2) When a word or symbol indicating "walk" is shown at a place other than at an intersection by a pedestrian traffic control signal, a pedestrian
- (a) may proceed across the roadway in the direction of the signal, and
 - (b) has the right-of-way over all vehicles.

- (3) When a word or symbol indicating "wait" or "don't walk" is shown at an intersection or at a place other than an intersection by a pedestrian traffic control signal

 - (a) a pedestrian shall not enter the roadway, and
 - (b) a pedestrian proceeding across the roadway and facing the word or symbol indicating "wait" or "don't walk" shown after he entered upon the roadway
 - (i) shall proceed to the sidewalk as quickly as possible, and
 - (ii) has the right-of-way for that purpose over all vehicles.
- Crossing at traffic lights
- 232.(1) Where and when a pedestrian is instructed or permitted by a traffic control signal to enter or to proceed across a roadway, he shall do so
 - (a) at an intersection, only within a crosswalk, and
 - (b) at a place other than an intersection in the vicinity of which there is a marked crosswalk, only within the crosswalk.
 - (2) A pedestrian waiting for a traffic control signal to change shall not stand on the roadway.
- Traffic lights not operating
- 233.(1) Where all or any of the lights of a traffic control signal are not operating properly or are not operating at all, every pedestrian shall use the highway in the vicinity of the traffic control signal with caution.
- Peace officer directing traffic
- 234.(1) Notwithstanding anything in this Part, every pedestrian shall obey the directions of any peace officer directing traffic.
 - (2) Notwithstanding anything in this Part, when
 - (a) a flagperson is stationed, or
 - (b) a barricade or sign is erected upon a highway to direct traffic in connection with any construction, repair or other work upon the highway or upon land adjacent to the highway, every pedestrian shall obey the directions given by the flagperson or, if none, by the barricade or signs.

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| <p>235.(1) No pedestrian shall</p> <p style="padding-left: 20px;">(a) break through the ranks of a military or funeral procession, or</p> <p style="padding-left: 20px;">(b) break through the ranks of any other authorized parade or procession, or in any way obstruct, impede or interfere therewith.</p> <p style="padding-left: 40px;">(2) No pedestrian shall cross on a green or a walk light while a parade or procession is in the intersection.</p> | <p>Parades and processions</p> |
| <p>236.(1) Any person crossing or walking upon a highway in a manner contrary to this Ordinance or any municipal by-law regulating pedestrian traffic shall, upon request, give his name and address to any peace officer who so requests.</p> | <p>Giving name etc., to peace officer</p> |
| <p>237.(1) Nothing in this Part shall be construed as authorizing a pedestrian to cross a roadway in a municipality at a place where a municipal by-law prohibits the crossing.</p> | <p>Pedestrian crossing</p> |
| <p>238.(1) Notwithstanding anything contained in this Part, a pedestrian who is</p> <p style="padding-left: 20px;">(a) a Canada Lands Surveyor, or who is in the employ of such a surveyor,</p> <p style="padding-left: 20px;">(b) a person in the employ of a municipal corporation, a local improvement district, the Government of Yukon, the Government of Canada or of the owner of a public utility, or</p> <p style="padding-left: 20px;">(c) a person operating under contract to, or with authority from, the persons listed in paragraph (a) or (b),</p> <p>and who, while in the conduct of his duties is required to use the roadways or other portions of the highway contrary to the provisions of this Part or of a municipal by-law or of a local improvement district by-law passed under the authority of this Ordinance, is not in contravention of this Part if adequate advance warning is given of his presence on the highway by means of signs, barriers or the use of a flagperson.</p> | <p>Protection</p> |

PART XVI

PROSECUTIONS

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| <p>239.(1) Any person who contravenes any provision of this Ordinance or the regulations is guilty of an offence.</p> | <p>Offence</p> |
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- Penalties 240.(1) Except as otherwise provided in this Ordinance, a person who is guilty of an offence under this Ordinance or the regulations for which a penalty is not otherwise provided is liable on summary conviction to a fine of not more than five hundred dollars and in default of payment to imprisonment for a term not exceeding six months or to imprisonment for a term not exceeding six months without the option of a fine.
- (2) A person who is guilty of an offence under subsection 7(6) or subsection 36(4) or (5) is liable on summary conviction
- (a) for a first offence to a fine of not more than two hundred dollars and in default of payment to imprisonment for a term not exceeding 30 days, and
 - (b) for any subsequent offence to a fine of not more than five hundred dollars and in default of payment to imprisonment for a term not exceeding 60 days.
- (3) A person who is guilty of an offence under subsection 18(2) is liable on summary conviction
- (a) for a first offence to a fine of not more than one thousand dollars and in default of payment to imprisonment for a term not exceeding six months, and
 - (b) for any subsequent offence to a fine of not more than one thousand dollars or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.
- (4) A person who is guilty of an offence under Section 28, subsection 32(2), Section 59 or Section 85 is liable on summary conviction to a fine of not more than two hundred dollars and in default of payment to imprisonment for a term not exceeding 30 days.
- (5) A person who is guilty of an offence under Section 34, 46, or 81 is liable on summary conviction to a fine of not more than twenty-five dollars.
- (6) A person other than a corporation who is guilty of an offence under subsection 72(5), Section 73 or Section 74 is liable on summary conviction

- (a) for a first offence to a fine of not less than four hundred dollars and not more than two thousand dollars, and
 - (b) for any subsequent offence to a fine of not less than seven hundred fifty dollars and not more than two thousand dollars,
- and in default of payment to imprisonment for a term not exceeding 90 days.
- (7) A corporation that is guilty of an offence under Section 73 or 74 is liable on summary conviction
- (a) for a first offence to a fine of not less than one thousand dollars and not more than twenty-five hundred dollars,
 - (b) for any subsequent offence to a fine of not less than fifteen hundred dollars and not more than three thousand dollars.
- (8) A person who is guilty of an offence under Section 87 is liable on summary conviction to a fine of not less than one hundred dollars and not more than five hundred dollars.
- (9) A person who is guilty of an offence under Section 195 is liable on summary conviction to a fine of not less than two hundred dollars and in default of payment to imprisonment for a term not exceeding 60 days.
- (10) A person who contravenes any provision of Part II or Part IV for which no penalty is therein prescribed is guilty of an offence and liable on summary conviction to a fine of not more than two hundred dollars or in default of payment to imprisonment for a term not exceeding 30 days.
- (11) Where a person convicted of an offence under Section 147, 148 or 149 exceeded the maximum speed permitted by not more than 15 kilometres per hour, he shall pay a fine of fifty dollars or such lesser amount as may be prescribed and in default of payment is liable to imprisonment for a term of not less than three days.
- (12) Where a person convicted of an offence under Section 147, 148 or 149, exceeded the maximum speed permitted by more than 15 kilometres per hour but not more than 30 kilometres per hour, he shall pay a fine of one hundred dollars

or such lesser amount as may be prescribed and in default of payment is liable to imprisonment for a term of not less than seven days.

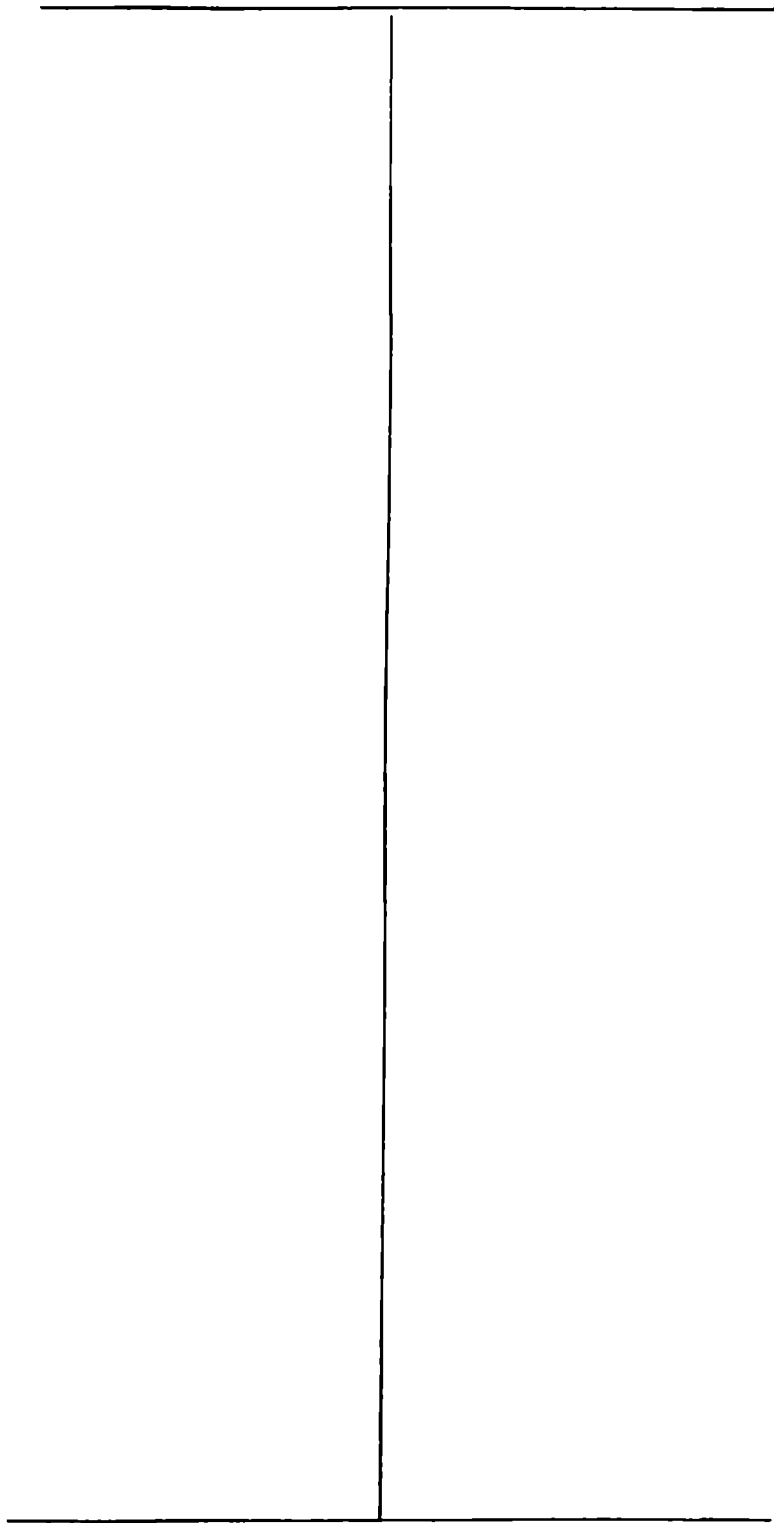
- (13) Where a person convicted of an offence under Section 147, 148 or 149 or subsection 184(5) exceeded the maximum speed permitted by more than 30 kilometres per hour but not more than 50 kilometres per hour he shall pay a fine of one hundred fifty dollars or such lesser amount as may be prescribed and in default of payment is liable to imprisonment for a term of not less than 14 days.
- (14) Where a person convicted of an offence under Section 147, 148 or 149 or subsection 184(5) exceeded the maximum speed permitted by more than 50 kilometres per hour he shall pay a fine of two hundred dollars or such lesser amount as may be prescribed and in default of payment is liable to imprisonment for a term of not less than 21 days.
- (15) A person who is guilty of an offence under Section 196 is liable on summary conviction to a fine of not more than one thousand dollars and in default of payment to imprisonment for a term of not more than six months or to imprisonment for a term of not more than six months without the option of a fine.
- (16) A person who is guilty of an offence under Section 205 is liable on summary conviction to a fine of not more than one hundred dollars.

Liability of owner

- 241.(1) The owner of a motor vehicle which is involved in any contravention of this Ordinance or a municipal by-law is guilty of an offence unless he proves to the satisfaction of the judge that at the time of the offence the motor vehicle was not being driven or was not parked or left by him or by any other person with his consent, express or implied.
- (2) Notwithstanding subsection (1), if the owner was not at the time of the offence driving the motor vehicle he is not in any event liable to imprisonment.

Summary of offence

- 242.(1) Where a person is convicted of an offence pursuant to this Ordinance, the regulations thereto, or a municipal



by-law, the judge by whom the person was convicted shall forward to the Registrar with the conviction a summary outlining the facts and circumstances of the offence and setting forth

- (a) the full name, address, birth date and the operator's licence number of the person so convicted,
- (b) the licence number of the motor vehicle,
- (c) the section thereof contravened, and
- (d) the time the offence was committed.

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| 243.(1) | When a person who is the holder of an operator's licence is convicted of an offence pursuant to this Ordinance, the regulations thereto, or a municipal by-law, if authority to suspend the operator's licence is not given under any other provision of this Ordinance, the judge, upon making the conviction, may suspend the operator's licence of the convicted person for a period not exceeding three months. | Suspension of operator's licence |
| 244.(1) | When a person who is <ul style="list-style-type: none"> (a) temporarily within the Yukon, and (b) licensed to drive by the law of the place at which he is a resident, is convicted of an offence under any of the provisions of this Ordinance, the regulations or municipal by-law, the judge making the conviction may by order prohibit that person from driving in the Yukon for any period, not exceeding three months, stated in the order. | Order prohibiting driving |
| 245.(1) | Where a person is convicted under Section 234, 235 or 236 of the <i>Criminal Code</i> anywhere in Canada, the convicted person thereupon becomes disqualified from holding an operator's licence <ul style="list-style-type: none"> (a) for a period not less than one month from the date of his conviction under Section 235 of the <i>Criminal Code</i>, or (b) for a period of not less than one month from the date of his conviction under Section 234 or 236 of the <i>Criminal Code</i>, or (c) if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction, for the period he is so prohibited, | Driving while impaired |

whichever is the longer period, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

- (2) Notwithstanding subsection (1), where a person
- (a) is convicted under Section 234, 235 or 236 of the *Criminal Code* anywhere in Canada, and
 - (b) has, within the preceding five years been convicted of any offence under Section 234, 235 or 236 of the *Criminal Code* anywhere in Canada,
- the convicted person thereupon becomes disqualified to hold an operator's licence
- (c) for a period of not less than 6 months from the date of his conviction, or
 - (d) if an order prohibiting him from driving a motor vehicle on a highway in Canada is made as a result of the conviction for the period he is so prohibited,
- whichever is the longer period, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

- (3) Notwithstanding anything in this section, where a person
- (a) is convicted under Section 234, 235 or 236 of the *Criminal Code* anywhere in Canada, and
 - (b) has, at any time within 10 years of the date of the offence for which such conviction was entered, been convicted on two previous occasions of any offences under either Section 234, 235 or 236 of the *Criminal Code* anywhere in Canada,
- the convicted person thereupon becomes disqualified from holding an operator's licence and any operator's licence held by the convicted person becomes suspended for a period of 36 months from the date of his conviction.
- (4) Where a person who holds an operator's licence is convicted under Section 234, 235 or 236 of the *Criminal Code* the convicting judge shall forward the operator's licence of that person to the Registrar.

Surrender
of operator's
licence

- 246.(1) Where a peace officer suspects that the driver of a motor vehicle has consumed alcohol or otherwise introduced into his body any alcohol, drug or other substance in such

quantity as to affect the driver's physical or mental ability, the peace officer may require the driver to surrender his operator's licence to the peace officer.

- (2) The request of a peace officer under subsection (1) suspends any operator's licence belonging to the driver to whom the request is made and the driver shall forthwith surrender any such licence to the peace officer, but the refusal or other failure of the driver to do so does not affect the suspension.
- (3) Where a driver who has been required under subsection (1) to surrender his operator's licence is not the holder of an operator's licence, the request disqualifies the driver from holding an operator's licence.
- (4) A suspension or disqualification arising pursuant to this section terminates upon the expiration of 24 hours from the time the suspension or disqualification arose.
- (5) Notwithstanding subsection (4), where the suspension or disqualification involves alcohol and
 - (a) the driver voluntarily undergoes a test at a place designated by the peace officer and the test indicates that the proportion of alcohol in the driver's blood does not exceed 80 milligrams in 100 millilitres of blood, or
 - (b) the driver produces to the peace officer a certificate signed by a duly qualified medical practitioner stating that the driver's blood, as tested by the medical practitioner after the commencement of the suspension or disqualification did not contain more than 80 milligrams of alcohol in 100 millilitres of blood,the peace officer shall thereupon return the driver's licence, if any, to the driver and the suspension or disqualification thereupon terminates.
- (6) This section does not apply to a case arising out of the circumstances described in subsection (1) where a peace officer decides to lay an information against the driver alleging that the driver has contravened Section 234 or 236 of the *Criminal Code*.

Licence
disquali-
fication

- 247.(1) Where a person is convicted anywhere in Canada of an offence under Section 233 of the *Criminal Code* the convicted person thereupon becomes disqualified from holding an operator's licence
- (a) for a period of not less than six months from the date of his conviction, or
 - (b) if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction, for the period he is so prohibited,
- whichever is the longer period, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.
- (2) Where a person is convicted anywhere in Canada of an offence under Section 203, 204 or 219 of the *Criminal Code* committed by means of a motor vehicle, the convicted person thereupon becomes disqualified from holding an operator's licence
- (a) for a period of not less than six months from the date of his conviction, or
 - (b) if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction, for the period he is so prohibited,
- whichever is the longer period, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

Suspension
after second
conviction

- 248.(1) Where a person
- (a) is convicted under subsection 238(3) of the *Criminal Code*, and
 - (b) has, at any time before, been convicted under subsection 238(3) of the *Criminal Code* anywhere in Canada,
- the convicting judge may order that the certificate of registration of the motor vehicle being driven at the time of the latest offence be suspended for a period of 30 days in accordance with this section.
- (2) Where an order is made under subsection (1), the registered owner shall deliver the certificate of registration and the licence plates of the vehicle to the Registrar and the period of suspension commences

- (a) in the case of personal delivery, from the date the certificate of registration and the licence plates are delivered to the Registrar, or
 - (b) in the case of delivery by mail, from the date on the postmark of the post office of origin.

- (3) A registered owner who does not within 14 days from the date of the order deliver both the certificate of registration and licence plates to the Registrar in accordance with subsection (2) is guilty of an offence.

- (4) Subject to Section 66, the certificate of registration and licence plates shall be returned by the Registrar to the registered owner upon the expiry of the suspension period.

- (5) Notwithstanding anything in this section, if the convicted person was not the registered owner of the motor vehicle at the time the offence was committed,
 - (a) the registered owner may apply to the Registrar for the provisions of subsection (1) to be waived, and
 - (b) the Registrar, if he is of the opinion that the registered owner's application is a proper case for relief, may waive the provisions of subsection (1).

- (6) The owner of a motor vehicle for which the registration has been suspended pursuant to this section who
 - (a) re-registers or attempts to re-register the motor vehicle or
 - (b) registers or attempts to register any other motor vehicle in his name,before the period of suspension prescribed by this section has expired is guilty of an offence.

- (7) Notwithstanding that the registration of a motor vehicle is suspended pursuant to this section, the Registrar may re-register the vehicle
 - (a) upon the application of, and
 - (b) in the name of,a person who is a member of the family of the owner residing at the same address as the owner.

- Appeal 249.(1) If a person whose licence has been suspended enters an appeal against his conviction, the suspension does not apply until the conviction is sustained on appeal or the appeal is abandoned or struck out.
- Owner to disapprove liability 250.(1) The owner of a motor vehicle which is involved in any contravention of this Ordinance or a municipal by-law is guilty of an offence unless he proves to the satisfaction of the judge that at the time of the offence the motor vehicle was not being driven or was not parked or left by him or by any other person with his consent, express or implied.
- (2) Notwithstanding subsection (1), if the owner was not at the time of the offence driving the motor vehicle, he is not in any event liable to imprisonment.
- Dismissal 251.(1) Where a person is charged with an offence under this Ordinance, if the judge trying the case is of the opinion that the offence
- (a) was committed wholly by accident or misadventure and without negligence, and
 - (b) could not by the exercise of reasonable care or precaution have been avoided,
- the judge may dismiss the charge.
- Proof of existence of traffic control device 252.(1) In a prosecution for contravening this Ordinance, the *Highways Ordinance* or the regulations or a municipal by-law the existence of a traffic control device is *prima facie* proof that the device was properly designated and erected by the proper authority without other or further proof thereof.
- Engineer's certificate as proof 253.(1) Where lines for the purpose of indicating distances are painted or repainted on the highway, a certificate purporting to be signed by an officer of the Department of Highways and Public Works and certifying the measured distance between such lines shall be admitted in evidence as *prima facie* proof of the facts stated therein without proof of the signature or official character of the person signing the certificate.
- Seizure of motor cycle 254.(1) When a person has been convicted of operating a motor cycle, moped or snowmobile in contravention of Sections 195, 196, 197, 198 or 220 or of any provision of Part XI,

the judge making the conviction may order that the motor cycle, moped or snowmobile driven by the person at the time of the commission of the offence be seized, impounded and taken into custody of the law for a period of not more than three months if the motor cycle, moped or snowmobile was at that time owned by or registered in the name of that person or his parent or guardian.

- 255.(1) A certificate purporting to be signed by the Registrar or his deputy and certifying
- (a) that the person named therein is, or was, at a stated time, the registered owner of a described motor vehicle or trailer, or
 - (b) that a licence issued under this Ordinance to the person named therein is, or was, at a stated time, suspended, restricted or revoked, or
 - (c) as to the last recorded address of the person named therein as shown on the records of the Registrar,

Registrar's certificate is evidence

shall be admitted in evidence as *prima facie* proof of the facts stated therein without proof of the signature or official character of the person signing the certificate.

- (2) When proof of the disqualification of a person from holding a licence under this Ordinance is required, the production of a certificate purporting to be signed by the Registrar or his deputy stating that the person named therein is disqualified from holding a licence under this Ordinance, is *prima facie* proof that the person so named is disqualified, without proof of the signature or official character of the person signing the certificate.

- 256.(1) For a contravention of any of the provisions of this Ordinance, or of the regulations made hereunder, or for a contravention of a municipal by-law made under Section 108, 110 or 110.1, an information may be laid and a summons issued by means of a traffic ticket in accordance with this section.

Traffic ticket as summons

- (2) A traffic ticket may be composed of any one or more of the following:

- (a) Information,
 - (b) Notice,
 - (c) Report of Conviction,
 - (d) Police Record,
 - (e) Summons.
- (3) Where a person on whom a traffic ticket has been served appears to defend the charge, the traffic ticket may be amended in the like manner and to the like extent as an information may be amended under the *Criminal Code*.
- (4) The Commissioner may make regulations
- (a) prescribing the form or forms and content of traffic tickets,
 - (b) defining any word or expression used in the regulations,
 - (c) authorizing, or providing for the authorization by a municipal by-law of the use on traffic tickets of any word or expression to designate an offence under this Ordinance or the regulations made hereunder or any municipal by-law made under Section 108, 110 or 110.1, and
 - (d) respecting any other matter that he deems necessary for the use of traffic tickets.
- (5) The use on a traffic ticket of any word or expression authorized by this Ordinance or the regulations made hereunder or any municipal by-law made under this section, or when the traffic ticket is or includes a notice of a general description of an offence, shall be deemed sufficient for all purposes to describe the offence designated by such word or expression.
- (6) A peace officer shall sign the traffic ticket, and shall indicate the offence charged by marking the traffic ticket in the space provided to the left of the word or expression describing the offence charged as printed on the traffic ticket, or if the word or expression describing the offence charged is not printed on the traffic ticket, he shall write it in the space provided therefor.
- (7) A traffic ticket summons may, without the swearing of an information, be delivered by a peace officer

or by registered mail to the person charged with an offence therein or left by a peace officer on the motor vehicle in respect of which the offence is alleged, and delivery of the traffic ticket summons shall be deemed to be personal service of the summons upon the person.

- (8) Where a notice on the traffic ticket summons or notice indicates the fine for the commission of the offence charged therein, instead of appearing before a Justice at the time and place specified in the traffic ticket summons or notice, a person to whom a traffic ticket summons or notice is delivered or on whose motor vehicle a traffic ticket summons or notice has been left may, whether or not the information has been sworn to,
- (a) attend voluntarily before a Justice as directed on the summons or notice and plead guilty to the offence described therein and pay the fine specified in the notice, or
 - (b) cause to be delivered, in accordance with a notice appearing on the summons or notice, payment of the fine specified in the notice, whereupon the person shall be deemed to have pleaded guilty to the offence with which he is charged in the summons or the offence described in the notice and to have paid the fine imposed for the commission of the offence, but no conviction need be drawn up or entered unless required by the person convicted or for the purpose of reporting the conviction as required under this Ordinance.
- (9) Where a form or forms of traffic ticket is or are prescribed for a municipality, the Magistrate may, subject to the provisions of this Ordinance, fix fines to be indicated on the form or forms of traffic ticket.

257.(1) Subsections 147(1),(2) and (3) of the *Insurance Ordinance* are repealed and the following substituted therefor:

"Insurance Ordinance"

147.(1) Every contract evidenced by a motor vehicle liability policy insures, in respect of any one accident, to the limit of not less than

seventy-five thousand dollars, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property.

(2) The contract shall be interpreted to mean that where, by reason of any one accident, liability results from bodily injury or death and from loss of or damage to property,

(a) claims against the insured arising out of bodily injury or death have priority to the extent of sixty-five thousand dollars claims arising out of loss of or damage to property, and

(b) claims against the insured arising out of loss of or damage to property have priority to the extent of ten thousand dollars over claims arising out of bodily injury or death.

(3) The insurer may, instead of specifying a limit in the policy for an inclusive amount, specify a limit of liability of at least seventy-five thousand dollars, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and a limit of liability of at least seventy-five thousand dollars exclusive of interest and costs, against liability for loss of or damage to property.

Repeal 258.(1) The *Motor Vehicles Ordinance*, Chapter M-11 of the Revised Ordinances of the Yukon Territory, 1971, or any portion thereof, shall be repealed on such day or days as may be fixed by the Commissioner.

Proclamation 259.(1) Subject to subsection (2), this Ordinance or any portion thereof shall come into force on such day or days as may be fixed by the Commissioner.

(2) Section 257 shall come into force on the day that the *Insurance Ordinance*, being Chapter 1 of the Ordinances of the Yukon Territory, 1977 (First Session), comes into force.

CHAPTER 5
ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

AN ORDINANCE TO AMEND THE CONDOMINIUM ORDINANCE

(Assented to December 15, 1977)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. The *Condominium Ordinance* is amended by adding immediately after subsection 11(9) thereof the following subsection:
 - (9.1) The corporation may borrow monies required by it in the performance of its duties or in the exercise of its powers, and may secure the repayment of those monies and the payment of the interest thereon by means of
 - (a) negotiable instrument,
 - (b) mortgage of unpaid contributions, whether levied or not,
 - (c) mortgage of any real or personal property vested in it, or
 - (d) by any combination of those means.
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CHAPTER 6
ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

AN ORDINANCE TO AMEND THE LOCAL IMPROVEMENT DISTRICT ORDINANCE

(Assented to March 1, 1978)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. The *Local Improvement District Ordinance* is amended by adding immediately after Section 3 thereof, the following section:
 - 3.1(1) Subject to subsection (2), the Commissioner may, upon request in the form of a resolution from the Board of Trustees of a District, alter the boundaries of that District by proclamation. Alteration
of
boundaries
 - (2) No alteration of the boundaries of a District shall be proclaimed by the Commissioner unless such alteration has been, following a plebiscite thereon, approved by the affirmative vote of a majority of persons who,
 - (a) are Canadian citizens,
 - (b) have attained the age of nineteen years, and
 - (c) have resided within the boundaries of the District and the area of the proposed alteration, for one year prior to the day of the plebiscite.
 - (3) Where the boundary of a District, herein referred to as the "Old District", is altered pursuant to this section so as to include within its boundaries an additional area that is not part of another District, thereby creating a larger District, herein referred to as the "New District",
 - (a) the Chairman of the Board of Trustees of the Old District shall continue as Chairman of the New District until his successor is sworn to office,
 - (b) each trustee of the Board of Trustees of the Old District continues to be a trustee of the Board of Trustees of the New District until his successor is sworn to office,

- (c) each officer and employee of the Old District continues as an officer or employee of the New District with the same powers, duties and responsibilities until the Board of Trustees of the New District directs otherwise; and
- (d) all by-laws and resolutions of the Old District continue as by-laws or resolutions of the New District, insofar as they are not inconsistent with the provisions of this or any other Ordinance or law governing the additional area, until they are repealed by the Board of Trustees of the New District.

2. Section 10 of the said Ordinance is amended:

- (a) by repealing subsection (5) thereof and substituting the following therefor:
 - (5) The Board of Trustees may from time to time,
 - (a) appoint a secretary, a manager and such other officers and employees as, in their discretion, they may consider necessary to operate and maintain local improvements and to keep the records of the district,
 - (b) subject to the approval of the Commissioner, fix the salaries or wages of the secretary, manager or such other officers and employees appointed pursuant to paragraph (a), and
 - (c) by by-law, provide for the payment of superannuation benefits, group medical or life insurance premiums or income continuance plans to such officers and employees as the Board may specify, and for the contributions, if any, as may be required of any such officer or employee with respect thereto.
- (b) by repealing subsection (10) thereof and substituting the following therefor:
 - (10) The Board of Trustees may, by resolution, approve the payment of an annual allowance to the Chairman that shall not exceed one thousand dollars per year, and an annual allowance to each trustee that shall not exceed seven hundred fifty dollars per year.

3. The said Ordinance is further amended by adding immediately after Section 11 thereof the following sections:

11.1(1) Any manager appointed in accordance with subsection 10(5) shall be the chief administrative officer of the District, and shall, pursuant to the direction of the Board of Trustees, direct all other officers and employees of the District in the conduct of their work and direct the management of the business and affairs of the District.

Duties
of
manager

- (2) The manager or, where no manager is appointed in accordance with subsection 10(5), the Chairman of the Board of Trustees shall sign, jointly with any other person authorized by resolution of the Board, all cheques issued by the District.

11.2(1) The Board of Trustees shall, by by-law, appoint an auditor who shall hold office during the pleasure of the Board.

Appoint-
ment of
auditor

- (2) The auditor shall, at such intervals as the Board may, by resolution, prescribe, but at least once annually, audit all books and accounts relating to the expenditures of the District or relating to any matter under its control or within its jurisdiction and submit a report of the results of that audit to the Chairman and a copy thereof to the Commissioner.

- (3) The Chairman shall submit each report prepared by the auditor to the Board of Trustees at the meeting next following receipt thereof and at the annual general meeting of the District.

- (4) Every elector of the District may inspect any report prepared by the auditor and may, either personally or by agent, obtain a copy thereof or take extracts therefrom at his expense.

4. Section 13 of the said Ordinance is amended
(a) by repealing paragraphs (1)(f) and (g) thereof and substituting the following therefor:
(f) adopting such procedures as are necessary to enable it to perform its functions as set forth in this Ordinance;

- (g) providing for the licensing and control of animals within their District and for appointing an animal control officer;
- (b) by adding immediately after paragraph (1)(g) thereof the following paragraphs:
 - (h) regulating, subject to the *Motor Vehicles Ordinance*, the rate of speed of any vehicle within their district;
 - (i) establishing a hospital advisory committee or public health committee to provide advice to any hospital within the District and to the Board of Trustees concerning hospital policies and public health practices;
 - (j) establishing a fire and ambulance department, appointing officers and other members thereto, prescribing the powers, duties and responsibilities of those officers and members;
 - (k) providing for the creation of reserve or revolving funds resulting from any operational surplus, and determining the purposes for which such funds may, pursuant to this Ordinance, be expended; and
 - (l) controlling, regulating or prohibiting all-terrain vehicles, motorcycles and motorized toboggans whether on or off a highway.
- (c) by adding immediately after subsection (1) thereof the following subsections:
 - (2) Subject to the *Public Health Ordinance* and the regulations made thereunder, the Board of Trustees may pass by-laws providing for the collection, removal and disposal of garbage and refuse within the District.
 - (3) The Board of Trustees before passing a by-law under this section, shall give notice of its intention to do so by notice posted in at least two conspicuous public places within the District at least ten days before the date fixed for the final passing of the by-law.
 - (4) The notice referred to in subsection (3) shall state the place where and the hours during which the proposed by-law may be inspected by any interested person, and the time and place set for the consideration by the Board of Trustees of any objections to the by-law.

(5) The Board of Trustees shall make suitable provisions for inspection of the proposed by-law by interested persons and shall, before finally passing the by-law, hear and determine all objections thereto.

5. The said Ordinance is further amended by adding immediately after Section 13 thereof the following section:

13.1(1) The Board of Trustees may, by by-law, name or number the streets and avenues and change the names and numbers of any streets and avenues now existing or hereafter laid out by the District, and, whenever it is expedient to do so, the Board may, by by-law, change the name of any subdivision or area of the District or any part thereof without regard to the names shown on the plan registered in the land titles office for the Yukon Land Registration District and without the necessity of having the name shown upon the registered plan changed.

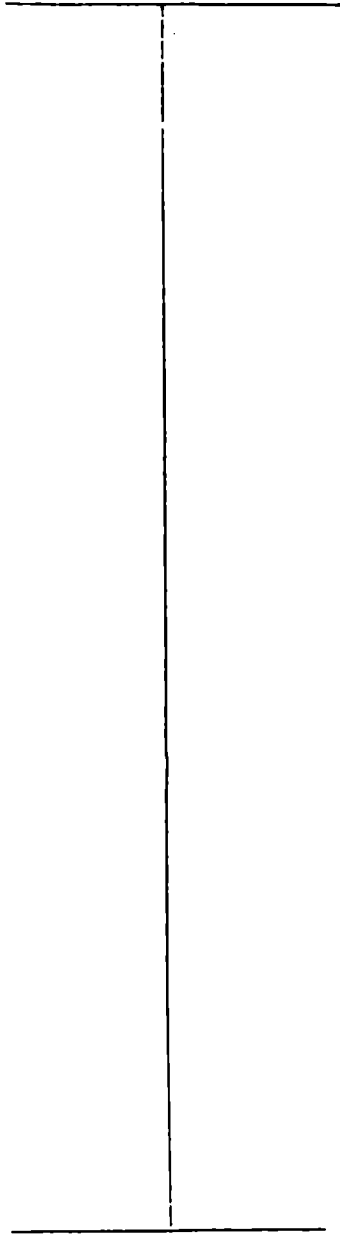
Change of street, subdivision names

6. The said Ordinance is further amended by adding immediately after Section 16 thereof the following section:

16.1(1) The Board of Trustees may, on behalf of the District, acquire, operate, maintain, hold, sell, lease or otherwise dispose of any real or personal property within the District for recreational, community or public use including, but not restricted to public libraries, art galleries, museums, arenas, community halls, exhibition buildings, parking areas, parks and recreation grounds.

Activity to acquire, manage public lands

7. This Ordinance or any provision thereof comes into force on such day or days as may be proclaimed by the Commissioner.



CHAPTER 7
ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

AN ORDINANCE TO AMEND THE MUNICIPAL ORDINANCE

(Assented to March 1, 1978)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Subsection 30(1) of the *Municipal Ordinance* is repealed and the following substituted therefor:
30.(1) The council may provide by by-law for an annual indemnity to the mayor and to the aldermen, and the indemnity for the mayor may be greater than for the aldermen.

2. Section 40 of the said Ordinance is amended
 - (a) by repealing subsection (1) thereof and substituting therefor the following:
40.(1) The mayor of a municipality shall,
 - (a) be active in causing the laws governing the municipality to be duly executed,
 - (b) communicate from time to time to the council all such information and recommend such measures as may tend to the betterment, prosperity and good government of the municipality, and
where a manager has not been appointed pursuant to Section 43, the mayor shall,
 - (c) direct all administrative officers and other employees of the municipality in the conduct of their work and direct the management of the business and affairs of the municipality, and
 - (d) suspend, where necessary, an administrative officer or other employee of the municipality and cause such officer or employee to be prosecuted or disciplined for any negligence, carelessness or violation of duty on his part.

 - (b) by adding immediately after subsection (1) thereof the following subsection:

(1.1) Where a manager has been appointed pursuant to Section 43, the mayor of a municipality shall,

(a) provide direction to the manager in the interpretation of policies adopted by the council, and

(b) suspend, where necessary, an administrative officer of the municipality and cause such officer to be prosecuted or disciplined for any negligence, carelessness or violation of duty on his part.

(c) by repealing subsection (2) thereof and substituting therefor the following:

(2) An administrative officer or other employee who has been suspended pursuant to this section may appeal in writing to the council within five working days of his suspension, and the council may, after hearing, in committee or otherwise, an administrative officer or other employee who has appealed his suspension pursuant to this section,

(a) extend, reduce or confirm the suspension of the officer or employee,

(b) reinstate the officer or employee, or

(c) otherwise vary any penalty imposed on the officer or employee.

3. Section 43 of the said Ordinance is amended

(a) by repealing paragraph (2)(b) thereof and substituting therefor the following:

(b) appoint or dismiss an administrative officer.

(b) by repealing subsection (4) thereof and substituting the following therefor:

(4) The manager, or any person authorized by the manager, may suspend any employee of the municipality, other than an administrative officer, and shall, where the suspension is for a period of more than five working days, report the suspension to a committee meeting of the council together with the reasons therefor.

(c) by adding immediately after subsection (5) thereof the following subsections:

- (6) An employee who has been suspended or dismissed pursuant to this section may appeal in writing to the council within five working days of his suspension or dismissal.
- (7) The council may, after hearing in committee or otherwise an employee who has appealed his suspension or dismissal pursuant to this section,
 - (a) extend, reduce or confirm the suspension of the employee,
 - (b) confirm the dismissal of the employee,
 - (c) reinstate the employee, or
 - (d) otherwise vary any penalty imposed on the employee.

4. The said Ordinance is further amended by adding immediately after Section 69 thereof the following section:

69.1(1) Subject to subsection (2), every violation or failure to comply with the provisions of any by-law made under this Ordinance may be proceeded on through the laying of an information and issuing of a summons in the form of a ticket in accordance with this section in lieu of proceeding by way of summary conviction under the *Criminal Code*.

Ticket
as
summons

- (2) No municipality shall lay an information or issue a summons in the form of a ticket pursuant to subsection (1) with respect to any violation or failure to comply with the provisions of any by-law made under this Ordinance unless the Commissioner has approved the use of tickets with respect to such violation or failure to comply with the provisions of such by-law.
- (3) Where an information is laid and a summons issued in the form of a ticket pursuant to subsection (1), instead of appearing before a magistrate at the time and place specified in the ticket, the person on whom the ticket is served may, whether or not the information has been sworn to, cause to be delivered in accordance with a notice appearing on the ticket, payment of a fine specified on the ticket pursuant to subsection (7), whereupon the person shall be deemed to have pleaded guilty

to the offence with which he is charged and to have paid the fine imposed for the commission of the offence, and the proceedings shall be deemed concluded.

- (4) A ticket may, without the swearing of an information, be delivered by a peace officer or by registered mail to the person charged with an offence therein, and such delivery shall be deemed to be personal service of the ticket upon the person.
- (5) Where a person to whom a ticket has been served appears before a magistrate to defend the charge at the time and place specified in the ticket, the ticket may be amended in the like manner and to the like extent as an information may be amended under the *Criminal Code*, and the matter may be proceeded on by way of summary conviction under the *Criminal Code*.
- (6) Where a person to whom a ticket has been served
 - (a) fails to cause to be delivered pursuant to subsection (3) the payment of the fine specified on the ticket, and
 - (b) fails to appear before a magistrate to defend the charge at the time and place specified on the ticket,the matter may be proceeded on by way of summary conviction under the *Criminal Code*.
- (7) The council may, by by-law,
 - (a) prescribe the form or forms and content of tickets,
 - (b) authorize the use on tickets of any word or expression to designate an offence under any by-law made under this Ordinance,
 - (c) fix fines, to be indicated on tickets, with respect to any violation or failure to comply with the provisions of any by-law made under this Ordinance, and
 - (d) provide for any other matter that is considered necessary for the use of tickets under this section.

5. The said Ordinance is further amended by adding immediately after section 73 thereof the following section:

73.1(1) No council shall, without the approval of the Commissioner, receive funds from the Government of Canada, or any corporation or agency thereof, that would, either directly or indirectly, create an obligation or liability, financial or otherwise, on the part of the Government of Yukon.

Receipt
of funds
from
Canada

6. The said Ordinance is further amended by adding immediately after Section 92 thereof the following heading and section:

PUBLIC TRANSIT COMMISSION

92.1(1) The council of a municipality may, by by-law:

(a) establish a Public Transit Commission having not less than five nor more than seven members, two of whom shall be chosen from among the members of council;

(b) prescribe the qualifications and terms of office of the members of the Commission, and provide for payment of an annual indemnity to those members;

(c) prescribe the manner in which the chairman and members of the Commission and their successors are to be appointed and the manner in which the chairman and members of the Commission are to conduct meetings and vote on any matter;

(d) empower the Commission to organize, operate or maintain a public transit system;

(e) empower the Commission to incur liabilities for the purposes of the organization, operation or maintenance of a public transit system within the amounts included therefor in the annual budget of the operations of the Commission as approved by the council;

(f) provide for the expenditure of funds of the municipality with respect to the organization, operation or maintenance of a public transit system; and

(g) prescribe such other powers or duties of the Commission as are necessary for organization, operation or maintenance of a public transit system.

Public
Transit
Commission

- (2) Where a Public Transit Commission is established under subsection (1), the Commission shall, in addition to any duties imposed by by-law,
- (a) establish and monitor the general operating policies of any public transit system organized, operated or maintained by the Commission,
 - (b) hire a manager and such staff as may be necessary to assist the manager in the execution of his duties,
 - (c) on or before the fifteenth day of November in each year, prepare and submit an operating and capital budget of the operations of the Commission for council's review and approval, and
 - (d) prepare and submit annually, and as requested by council, a report of the operations of the Commission for council's review.

7. The said Ordinance is further amended by adding immediately after Section 96 thereof, the following section:

96.1(1) Notwithstanding Sections 92, 94 and 96, a council may, by resolution, close a highway for purposes of a celebration, parade or other special event for any period of time not exceeding three days.

Closing
of
highway

8. Paragraphs 100(1)(1) and (m) of the said Ordinance are repealed and the following substituted therefor:

- (1) providing for a zoning appeals board and giving such board any necessary authority;
- (m) providing for the establishment of a municipal planning board and giving such board any necessary authority; and

9. The said Ordinance is further amended by adding immediately after Section 100 thereof the following section:

100.1(1) The council may pass by-laws providing for the issuing of land development permits.

Land
develop-
ment
agreement

- (2) Prior to the issuing of any land development permit pursuant to subsection (1), the council of a municipality may require the owner of the land to which the permit would apply, or his agent, to enter into a land development agreement with the municipality with respect to that land.

- (3) Any land development agreement referred to in subsection (2) may include agreement as to:
 - (a) the use of the land in relation to any existing or proposed building or structure;
 - (b) the timing of construction of any proposed building or structure;
 - (c) the siting and design, including exterior materials, of any proposed building or structure;
 - (d) the provision for traffic control and parking space;
 - (e) the provision of open space, the grading of land and landscaping;
 - (f) the construction, in whole or in part, of roads, sidewalks, street lighting, storm drainage, water supply distribution and sewage disposal;
 - (g) the provision of recreational or other amenities, or, where such amenities are not provided, the levying of fees in lieu thereof; or
 - (h) the establishment of such other conditions as the council may consider reasonable under the circumstances.

- (4) The use and development of any land to which a development agreement applies shall, notwithstanding any by-law of the municipality, or any amendment thereto, be in accordance with the land development agreement.

- (5) The council may require any land development agreement entered into pursuant to subsection (2) to be registered in the Land Titles Office, and any such agreement as registered shall have the force and effect of a restrictive covenant running with the land.

- (6) Council shall not enter into a land development agreement until it has held a public hearing, the notice of which has been published in the manner prescribed by subsection 100(2).

- (7) Nothing in this section restricts the right of any owner to develop his land in accordance with the regulations, restrictions or prohibitions of the municipality applying to the zone

in which the land is situated where that owner is not required to enter into a land development agreement with council.

- (8) A land development agreement shall not be valid unless it has been submitted to and approved by the Commissioner.

10. Section 103 of the said Ordinance is amended:

- (a) by repealing subsection (7) thereof and substituting the following therefor:
- (7) Every parcel of land in any proposed subdivision shall have some portion of its perimeter fronting on a highway sufficient to allow motor vehicle access thereto.
- (b) by adding immediately after subsection (7) thereof the following subsection:
- (8) The Commissioner or the council may refuse to approve a subdivision plan where there is an unpaid balance of taxes already levied against part or all of the land included within the subdivision plan, and for the purposes of this subsection "taxes" shall include the full amount of any outstanding local improvement charges assessed or charged against the land, whether levied or not.

11. Section 116 of the said Ordinance is amended,

- (a) by repealing paragraph (1)(e) thereof and substituting therefor the following paragraph:
- (e) regulating the transfer of licences relating to the vehicles described in paragraph (a), their operators and drivers;
- (b) by adding immediately after paragraph (1)(e) thereof the following paragraph:
- (e.1) requiring every driver of a taxi cab to obtain annually a permit to drive a taxi cab within the municipality; and
- (c) by adding immediately after subsection (3) thereof the following subsections:
- (4) The council may refuse to issue or renew a permit to drive a taxi cab within the municipality to any person whose driving record, criminal record, character, age, or state of health is such that, in the opinion of council, that person is unfit to drive a taxi cab.

- (5) For the purposes of determining the driving record, criminal record, character, age or state of health of any person applying for the issue or renewal of a permit to drive taxi cabs within the municipality, the council, or any person authorized by council in accordance with subsection (6), may
 - (a) request, in writing, any such information from any person or organization, including any law enforcement agency, whether located within Yukon or not, or
 - (b) require that any such information be provided by the applicant before a permit is issued.
 - (6) The council may, by by-law or resolution, delegate to any person, including a peace officer, the authority to issue, renew, or to refuse to issue or renew permits to drive taxi cabs within the municipality.
 - (7) Where the council has delegated to any person the authority with respect to the issuance or renewal of permits to drive taxi cabs pursuant to subsection (5), an appeal from the decision of that person may be had to the council of the municipality, and the decision of the council is final, with no appeal lying therefrom.
12. Subsection 134(1) of the said Ordinance is amended by deleting the words "authorize any officer" where they occur in paragraph (a) thereof and substituting therefor the words "authorize any employee".
13. Section 134 of the said Ordinance is amended by adding immediately after subsection (1) thereof the following subsections:
- (2) The council or any person authorized by the council may apply to the court for an injunction ordering any person to cease carrying out any work or doing anything contrary to the provisions of any by-law mentioned in subsection (1), and, where the court is satisfied,
 - (a) that any employee of the municipality has ordered any person carrying out any work or doing anything contrary to the provisions of such by-law to cease carrying out such work or doing such thing, and

(b) that such person has failed to obey such order, the court shall issue an injunction ordering such person to cease carrying on such work or doing such thing together with any ancillary orders necessary thereto.

(3) Where any employee of the municipality authorized by the council under subsection (1) has reason to believe that any person is carrying out any work or doing anything contrary to the provisions of any by-law mentioned in subsection (1) on any premises within the municipality, he may enter onto such premises for the purposes of making an inspection; but, where such premises are used as a dwelling place, such employee shall not, without the consent of the owner or occupant or without a warrant issued by a magistrate, enter such premises.

14. Section 139 of the said Ordinance is amended

(a) by repealing subsections (6) and (8) thereof and substituting the following therefor:

(6) On receiving the copy of the annual budget, the Commissioner shall consider it and may approve it, or may approve it subject to any change or condition and shall notify the council of his decision prior to the first day of March in each year.

(8) Any expenditure made in excess of the sum shown for any classification of items in the annual budget as approved or amended by the Commissioner shall by resolution of Council, be provided for by making an equal reduction of expenditure with respect to the sum shown for another classification of items.

(b) by repealing subsection (9) thereof.

15. Section 141 of the said Ordinance is amended by adding immediately after subsection (1) thereof, the following subsection:

(2) The council may, by by-law approved by the Commissioner, cancel any arrears of taxes appearing on the tax roll where such taxes are not secured against land in the municipality and, in the opinion of the council, are no longer collectable from the person liable to pay the same.

16. This Ordinance or any provision thereof comes into force on such day or days as may be proclaimed by the Commissioner.
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CHAPTER 8
ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

AN ORDINANCE TO AMEND THE PARTNERSHIP ORDINANCE

(Assented to November 21, 1977)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Subsection 2(1) of the *Partnership Ordinance* is amended repealing the definition "registration clerk" and substituting therefor the following:
"registration clerk" means the Registrar of Companies appointed pursuant to the *Companies Ordinance*.
2. Section 48 of the said Ordinance is repealed and the following substituted therefor:
48.(1) The declaration required to be filed under Section 47 shall be in Form A of Schedule I or in words to the same effect containing the name and residence of each member of the partnership, the name under which business is carried on or intended to be carried on, the time during which the partnership has existed or is intended to exist, and stating that the persons named therein are the only members of the partnership.
3. Section 49 of the said Ordinance is repealed and the following substituted therefor:
49.(1) The declaration required to be filed under Section 47 shall be filed,
 - (a) within two months next after the formation of any partnership,
 - (b) when and so often as any change or alteration takes place in the membership of the partnership, in the name under which they carry on business or in the place of residence of any member, or
 - (c) at any time, if a *fiat* is obtained from a judge.

4. Section 51 of the said Ordinance is repealed and the following substituted therefor:
 - 51.(1) The declaration required to be filed under Section 50 shall be in Form A of Schedule I insofar as it applies or in words to the same effect containing the name and residence of the person making the same and the name under which business is carried on or intended to be carried on, and stating that no other person is associated with him in partnership.
 - (2) The declaration required to be filed under Section 50 shall be filed,
 - (a) within two months of the time the name under which business is carried on or intended to be carried on is first used, or
 - (b) at any time, if a *fiat* is obtained from a Judge.
5. The said Ordinance is further amended by adding immediately after Section 51 thereof the following section:
 - 51.1(1) Where a declaration required to be filed under Section 47, or 50 is presented to the registration clerk for filing, that declaration shall not be accepted for filing if it contains a name under which business is carried on or intended to be carried on,
 - (a) that is a name identical to that by which another partnership, company, society or association of any kind is registered in the Territory, or
 - (b) that is a name bearing such degree of similarity to that by which another partnership, company, society or association of any kind is registered in the Territory so as, in the opinion of the registration clerk, to be deceiving.
 - (2) Subsection (1) does not apply where a partnership, company, society or association of any kind registered in the Territory consents in writing to the use of its name in whole or in part by another partnership, company, society or association.

- (3) No declaration required to be filed under Section 47 or 50 shall be accepted for filing by the registration clerk if it contains a name under which business is carried on or intended to be carried on that is, in his opinion, offensive or discriminatory in any way.

- 6. Section 55 of the said Ordinance is repealed and the following substituted therefor:
 - 55.(1) Every member of any partnership or other person required to register a declaration under the provisions of this Ordinance who fails to do so commits an offence and is liable on summary conviction to a fine not exceeding two hundred fifty dollars.

- 7. Form A of Schedule I to the said Ordinance is repealed and the following substituted therefor:

FORM A
DECLARATION OF PARTNERSHIP

YUKON TERRITORY)
) We,

of in (occupation) and
of in (occupation), hereby certify:

1. That we have carried on (or that we intend to carry on) trade and business as at
in partnership under the name of
(or I or we) the undersigned of in
hereby certify that I (or we) have carried on (or intend to carry on) trade and business as at
in partnership with of and
of (as the case may be).

2. That the said partnership has subsisted since the day of one thousand

3. And that (I or we) and the said
and are and have been since the said day the only members of the said partnership.

Witness our hands at this
day of one thousand

8. This Ordinance or any provision thereof shall come into force on such day or days as may be fixed by the Commissioner.
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CHAPTER 9

ORDINANCES OF THE YUKON TERRITORY

1977 (Second Session)

AN ORDINANCE TO AMEND THE
SOCIETY OF INDUSTRIAL ACCOUNTANTS ORDINANCE

(Assented to November 21, 1977)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. The *Society of Industrial Accountants Ordinance* is amended by repealing the title thereof and substituting therefor the following:

SOCIETY OF MANAGEMENT ACCOUNTANTS ORDINANCE

2. The said Ordinance is further amended by repealing subsection 1.(1) thereof and substituting therefor the following:

1.(1) This Ordinance may be cited as the *Society of Management Accountants Ordinance*.

3. The said Ordinance is further amended by adding immediately after subsection 3.(1) thereof the following subsection:

(1.1) The Society of Industrial Accountants of the Yukon, constituted a body corporate by subsection (1) and herein referred to as the Society, shall be known henceforth as the Society of Management Accountants of the Yukon.

4. The said Ordinance is further amended by repealing subsection 17.(1) thereof and substituting therefor the following:

17.(1) The Professional Conduct Committee shall be the Professional Conduct Committee of the Society of Management Accountants of British Columbia.

CHAPTER 10
ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

AN ORDINANCE TO AMEND THE WORKMEN'S COMPENSATION ORDINANCE

(Assented to December 15, 1977)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

- 1.(1) The *Workmen's Compensation Ordinance* is amended:
- (a) by deleting the word "WORKMEN'S" where it appears in the title thereof and substituting therefor the word "WORKERS";
 - (b) by deleting the word "*Workmen's*" when it appears in Section 1 thereof and substituting therefor the word "*Workers*";
 - (c) by deleting the word "WORKMAN" where it appears in the heading immediately preceding Section 38 thereof and substituting therefor the word "WORKER";
 - (d) by deleting the word "Workmen's" where it appears throughout the Ordinance and substituting therefor the word "Workers";
 - (e) by deleting the word "workman" when it appears throughout the Ordinance and substituting therefor the word "worker";
 - (f) by deleting the word "workmen" when it appears throughout the Ordinance and substituting therefor the word "workers";
 - (g) by deleting the word "workman's" where it appears throughout the Ordinance and substituting therefor the word "worker's"; and
 - (h) by deleting the word "workmen's" where it appears throughout the Ordinance and substituting therefor the word "workers'".
- (2) Where any Ordinance, regulation, rule, order or by-law made under an Ordinance enacted before the coming into force of this Ordinance refers to the *Workmen's Compensation Ordinance*, that reference shall be deemed to be a reference to the *Workers' Compensation Ordinance*.

2. Subsection 2(1) of the said Ordinance is amended
 - (a) by adding immediately after the definition "accident" the following definitions:
 - "Secretary" means the Secretary appointed by the Board pursuant to subsection 10.1(2);
 - "Board" means the Workers' Compensation Board established pursuant to subsection 10(1);
 - (b) by adding immediately after the definition "child" the following definition:
 - "Commissioner" means the Commissioner of the Yukon Territory or such other person as may be authorized by the Commissioner to act on his behalf, including the Workers' Compensation Board;
 - (c) by repealing the definition "flight crew member".

- 3.(1) Paragraphs 5(1)(b), (c) and (d) of the said Ordinance are repealed and the following substituted therefor:
 - (b) an outworker, or
 - (c) a domestic servant.

- (2) Section 5 of the said Ordinance is further amended by adding immediately after subsection (2) thereof the following subsection:
 - (3) Notwithstanding subsection (1) or (2), compensation may, upon the application of an employer therefor and subject to such terms, conditions and period of time as the Commissioner considers satisfactory, be paid with respect to a worker who suffers injury or death by accident arising out of and in the course of employment where that worker is
 - (a) employed in employment of a casual nature otherwise than for the purposes of the employer's industry,
 - (b) an outworker,
 - (c) a domestic servant, or
 - (d) a person who is exempted from the application of this Ordinance by subsection (2).

4. Subsections 6(8) and (9) of the said Ordinance are repealed and the following substituted therefor:
 - (8) The Commissioner may enter into an agreement with the Workers' Compensation Board of any province providing for the payment of compensation in conformity with the provisions of this Ordinance for injuries to workers who

are employed under such conditions that part of the work incidental to the employment is performed in the Yukon and part of the work in another province, the purpose of such agreement being to ensure that such workers or their dependants receive compensation either in conformity with this Ordinance or in conformity with the Act in force in the other province relating to Workers' Compensation, as the case may be, and to avoid a duplication of assessments.

(9) Payment out of the Compensation Fund of money required to be paid pursuant to an agreement made under subsection (8) may be made to the Workers' Compensation Board of any province, and all money received by the Commissioner of the Yukon pursuant to any such agreement shall be paid by him into the Compensation Fund.

5. Subsections 8(2) and (6) of the said Ordinance are repealed and the following substituted therefor:

(2) The application shall be made by the employer and shall contain the names of all the members of his family employed by him together with a statement of the estimated amount of their wages for the current year or balance thereof, or where no regular wage is paid or received, a stated sum in lieu of wages not exceeding the maximum wage rate and not less than such amount as the Commissioner may prescribe;

(6) the application shall be made by the employer and shall contain the stated sum for which compensation coverage is desired in an amount not exceeding the maximum wage rate and not less than such amount as the Commissioner may prescribe, and such assessment as the Commissioner fixes in respect of such application shall be levied on such sum for the period during which coverage is to be provided.

6. The said Ordinance is further amended

(a) by repealing section 10 thereof, and the heading immediately preceeding section 10, and substituting the following therefor:

WORKERS' COMPENSATION BOARD

Workers' 10.(1)
Compensation
Board

- There is hereby established a body corporate, to be known as the Workers' Compensation Board consisting of four members appointed by the Commissioner as follows:
- (a) one member shall be appointed from among representatives of industry in the Territory;
 - (b) one member shall be appointed from among representatives of labour in the Territory;
 - (c) the remaining members shall be appointed from among representatives of the public-at-large in the Territory, one of whom shall be designated as Chairman.
- (2) Members of the Board shall hold office during good behaviour for such term, not exceeding three years, as may be designated by the Commissioner upon their appointment, and may be reappointed upon the expiration of such term.
- (3) The Commissioner shall fix the remuneration of each member of the Board and such remuneration shall be paid out of the Compensation Fund.
- (4) Three members of the Board constitute a quorum and the Board may act on all matters and things required to be done by it on the decision of the quorum of the members.
- (5) The Chairman shall be the chief executive officer of the Board, having the supervision over and direction of the work of the Board, and shall not engage in any other business or employment for remuneration during the term of his appointment which may create a conflict of interest with his duties as Chairman.
- (6) Where the Chairman of the Board is ill, absent or unable to act, the Board may appoint an acting Chairman from amongst the members who, for the period of his appointment has all the power and shall perform all the duties of the Chairman in respect of whom he is acting.

- (7) No vacancy on the Board impairs the right of the remaining members to act.

- (b) by adding immediately after section 10 thereof the following heading and section:

JURISDICTION OF THE BOARD

- 10.1(1) The Board may administer this Ordinance on behalf of the Commissioner and the Commissioner shall delegate to the Board all administrative duties under this Ordinance that are not inconsistent with the provisions of the *Yukon Act*. Jurisdiction of Board
- (2) The Board shall appoint a Secretary and a staff of such other persons as it considers necessary for carrying out the provisions of this Ordinance and it may designate their duties.
- (3) The Board may delegate all or any of its powers of administration to such of the staff as it designates.
- (4) The Secretary and the staff shall be members of the Public Service of the Yukon.
- (5) The office of the Board shall be situated at Whitehorse, but meetings of the Board may be held at Whitehorse or at such other place in the Yukon as the Board may direct.
- (6) The Board shall sit at such times, not less often than once each month, and conduct its proceedings in such manner as it considers most satisfactory for the proper discharge and speedy dispatch of its business.
- (7) The Board may from time to time appoint one or more persons having special technical or other knowledge to enquire into and report on any matter before the Board or in respect of which the Board deems it necessary to have information.
- (8) The Commissioner shall designate the Board to act as referee, to have and exercise all powers, duties, responsibility and jurisdiction vested in the referee pursuant to this Ordinance.

- (9) The Board shall report to the Commissioner once in each year or more often as directed on all matters respecting the administration of the Ordinance including reports on
- (a) investment policies concerning the assets of the Compensation Fund,
 - (b) actuarial reviews of assessment rates,
 - (c) actuarial reviews of the liabilities of the pension and other reserves and provisions forming part of the Compensation Fund,
 - (d) financial and management practices, plans and policies, and
 - (e) such other matters as the Commissioner requests
- and the Commissioner shall lay the report or reports of the Board before the next session of the Territorial Council.

7. The said Ordinance is further amended

- (a) by repealing Section 16 thereof and substituting the following therefor:

- 16.(1) No action lies for the recovery of compensation and all claims for compensation shall be determined pursuant to the provisions of this Ordinance.
- (2) The provisions of this Ordinance and the regulations are in lieu of all rights and causes of action, statutory or otherwise, to which a worker or his legal personal representative or his dependants are or might become entitled against the employer of the worker by reason of personal injury to or the death of the worker arising out of any accident happening to the worker in the course of his employment and no action in respect of such personal injury or death lies against the employer.
- (3) Any party to an action may, upon notice to any other parties thereto, apply to the Commissioner for adjudication and determination of the question of plaintiff's right to compensation under this Ordinance and the regulations and his adjudication and determination is final and conclusive.

(4) Where an accident happens to a worker in the course of employment entitling him or his dependants to compensation under this Ordinance and the circumstances of the accident are such as to also entitle the worker, his legal personal representative or his dependants to an action against some person other than his employer, the Commissioner is subrogated to the cause of action of the worker, his legal personal representative or his dependants against each other person for or in respect of the personal injury to or death of the worker.

(b) by adding immediately after Section 16 thereof the following sections:

16.1(1) Where the Commissioner has become subrogated to the rights of a worker or his personal representative or his dependants under section 16: Sub-rogation

- (a) no payment or settlement shall be made to or with the worker or his legal personal representative or dependants for or in respect of those rights or for or in respect of any claim, cause of action or judgements arising therefrom except with the consent of the Commissioner, and any payment or settlement made in contravention of this clause is void;
- (b) an action may be taken against any person arising out of injury to or death of a worker
 - (i) by the worker or his legal personal representative or his dependants with the consent of the Commissioner, or
 - (ii) by the Commissioner in the name of the worker or his legal personal representative or his dependants, as the case may be, without the consent of the person in whose name the action is taken;
- (c) the Commissioner shall indemnify and save harmless the worker, his legal personal representative or his dependants from and against all costs or damages incurred in respect of any action, including costs or damages awarded by the court to the defendant, but excluding any costs which have been incurred by the worker, his legal personal representative or his dependants without authority of the Commissioner; and

- (d) the Commissioner may at any time, whether or not action has been taken by the Commissioner or the worker, his legal personal representative or his dependants and whether or not judgement has been given in any action, effect a settlement of the claim for such amount as he considers satisfactory.
- (2) Where in any action in which the Commissioner is subrogated to the rights of the worker, his legal personal representative or dependants, payment into court is made pursuant to the Yukon Rules of Court, the clerk of the court, upon receipt of notice by the Commissioner of his subrogation in the matter, shall not make payment out of court except with the consent of the Commissioner.
- (3) Notice to the clerk of the court under subsection (2) may be made in the same manner as is provided in the Yukon Rules of Court for service by registered mail.
- (4) Where money is received by the Commissioner because he is subrogated to the rights of a worker or his legal personal representative or his dependants:
 - (a) the Commissioner may accept the money and give a receipt therefor and, where the money is accepted in full settlement, may release the person paying the money or on whose behalf the money is paid from liability in respect of the personal injury to or death of the worker resulting from the accident;
 - (b) if the judgement of the court under which the money is received clearly indicates that a portion of the award is for pain and suffering suffered by the worker and resulting from the injury, the Commissioner may pay to the worker from the money remaining in his hands after payment of all legal costs incurred in recovering that money, an amount that bears the same proportion to the money remaining in his hands as the portion of the award that is attributable to pain and suffering bears to the total award;
 - (c) if the money is received as a result of action taken or negotiations carried on by the worker, his legal personal representative or his dependants, the Commissioner may pay to that person, from the money remaining in his hands after payment of all legal costs incurred in

- recovering the money, an amount equal to twenty-five percent of the gross amount received by the Commissioner, but in any case where payment is made to the worker under the provisions of paragraph (b), payment to the worker under the provision of this paragraph shall be made only to the extent by which twenty-five percent of the money received exceeds the payment made to the worker under the provisions of paragraph (b);
- (d) if the balance of the money remaining in the Commissioner's hands after payment of all legal costs incurred in recovering the money and after payment of such amounts, if any, as are required to be paid under paragraphs (b) and (c), exceeds the costs of the accident to the Commissioner, including the capital cost of any pension award, the excess shall be paid over to the worker, his legal representative or his dependants, as the case may be.

- 16.2(1) Where the conduct of a worker or the employer of a worker causes or contributes to the injury or death of another who is, or whose dependants are, entitled to compensation under this Ordinance, neither the worker suffering injury or death, his legal personal representative, his dependants nor his employer has, in respect of the personal injury suffered by, or the death of, the worker arising out of and in the course of his employment, any cause of action against any other worker or employer except a worker or the employer of a worker who, pursuant to the the provisions of Section 5, is not eligible to be paid compensation or is exempted from the application of this Ordinance. Contributory negligence
- (2) In an action taken pursuant to paragraph 16.1(1)(b) arising out of injury to or death of a worker, a defendant may not bring third party or other proceedings against any employer or worker whom the plaintiff may not bring an action against because of the provisions of this Ordinance, but where the court is of the opinion that such employer or worker, by his fault or negligence, contributed to the damage or loss of the plaintiff it shall hold the defendant liable only for that portion of the damage or loss occasioned by the defendant's own fault or negligence.

8. Section 22 of the said Ordinance is repealed and the following substituted therefor:

- 22.(1) Where a worker alleges that
- (a) he has a greater disability than that which he has been found to have,
 - (b) he has a right to continuation of compensation beyond the period for which compensation has been awarded,
 - (c) an error, relating to his physical condition, was made in some feature or circumstance of the determination of his claim, or
 - (d) the medical opinion upon which the determination of his claim was made is erroneous,

and makes a request in writing to the Commissioner for examination pursuant to the provisions of this section, the Commissioner shall refer the claim to the referee who, after consultation with the worker and his attending medical practitioner, if any, may nominate a duly qualified medical practitioner.

- (2) The referee may of his own motion or at the request of the employer require a worker to be examined under the provisions of this section and, where he so requires, the referee shall
- (a) nominate a duly qualified medical practitioner, and
 - (b) notify, in writing, the worker and the employer of the name of the medical practitioner so nominated,
- and thereafter the provisions of subsections (3) and (4) apply in respect of the examination.

- (3) The medical practitioner selected pursuant to subsection (1) or (2) shall examine the worker and certify to the referee:
- (a) the condition of the worker;
 - (b) his fitness for employment;
 - (c) if he is unfit for employment, the cause of such unfitness;
 - (d) the extent of his temporary or permanent disability by reason of the injury in respect of which he has claimed compensation; and
 - (e) such other matters as may, in his opinion, be pertinent to the claim.

- (4) A certificate given pursuant to subsection (3) is conclusive as to the matters certified therein, unless the referee at any time directs otherwise.

9. Section 30 of the said Ordinance is amended

(a) by repealing paragraphs (1)(d), (e) and (f) thereof and substituting therefor the following:

(d) to a dependant widow or widower, a monthly payment of two hundred seventy-five dollars;

(e) to a dependant child under the age of sixteen years, other than a dependant invalid child, a monthly payment of ninety dollars to continue until the child attains the age of sixteen years or dies before attaining that age;

(f) to a dependant invalid child of any age, monthly payments of one hundred five dollars, the payment to be continued for as long as, in the opinion of the referee, it might reasonably have been expected that, had the worker lived, he would have continued to contribute to the support of the child;

(b) by repealing subsection (2) thereof and substituting therefor the following:

(2) Where it appears to the referee to be desirable to continue the existing household of a deceased worker who has died leaving no surviving spouse, or to continue the existing household of the surviving spouse of a deceased worker, when that surviving spouse has subsequently died, an amount of compensation equal to the compensation that would be paid to the surviving spouse shall be paid to the person acting as a foster parent while that person acts in a manner satisfactory to the referee in keeping up the household and maintaining and caring for the children who are entitled to compensation.

(c) by adding immediately after subsection (2) thereof the following subsection:

- (3) for the purposes of subsection (2), "existing household" in respect of a worker who dies means a household wherein all of the children entitled to compensation at the time of the worker's death are maintained and cared for by a person acting as a foster parent to each of the children.

10. Section 31 of the said Ordinance is repealed and the following substituted therefor:

31.(1) Where a worker who dies leaving no dependant spouse

- (a) cohabited immediately preceding his death with a person of the opposite sex who was dependant on him for maintenance and support and by whom he had one or more children, or
- (b) cohabited for the three years immediately preceding his death, with a person of the opposite sex who was dependant on him for maintenance and support,

the compensation to which the dependant spouse of the worker would have been entitled under this Ordinance may be paid to the person who was dependant on him for maintenance and support until that person marries or commences to cohabit with another person of the opposite sex.

- (2) A person who receives or is eligible to receive compensation pursuant to subsection (1) is not entitled to receive any compensation pursuant to subsection 30(2).

11. Subsection 33(1) of the said Ordinance is repealed and the following substituted therefor:

33.(1) Where the only dependants of a worker who dies as a result of an accident are persons other than those to whom compensation is payable pursuant to subsections 30(1), 31(1) and 32(1), any such dependant is entitled to be paid compensation in a reasonable amount, to be determined by the referee, that takes into account the pecuniary loss to the dependant caused by the worker's death.

12. The said Ordinance is further amended by adding immediately after Section 51 thereof the following section:
- 51.1(1) Where any worker entitled to be paid compensation under this Ordinance suffers injury by accident arising out of and in the course of his employment, the employer of that worker shall, where conveyance of the worker is necessary, Transport
of injured
workers
- (a) immediately provide the worker with transportation to such place as his condition requires him to be taken, including
 - (i) a hospital,
 - (ii) the office of a medical practitioner, or
 - (iii) the home of the worker, and
 - (b) subsequently provide the worker with transportation to such place as, in the opinion of the Commissioner, the condition of the worker requires him to be sent.
- (2) Where an employer fails to provide transportation for an injured worker as required under subsection (1), the Commissioner may authorize from and out of the Compensation Fund the payment of such expenses as were necessarily incurred with respect to the conveyance of the injured worker, and the employer is liable to pay to the Commissioner the amount so paid, the repayment of which may be enforced in the same manner as the payment of an assessment may be enforced.
13. Section 52 of the said Ordinance is amended by adding immediately after subsection (2) thereof the following subsections:
- (3) The Commissioner may delete from the accounts in whole or in part any obligation or debt due the Compensation Fund.
 - (4) The obligations or debts deleted from the accounts under this section during any year shall be reported in the accounts for that year.
14. Section 54 of the said Ordinance is amended by adding immediately after subsection (1) thereof the following subsection:
- (1.1) Where a worker has been injured, or killed owing, in the Commissioner's opinion, wholly or partially to the negligence of an employer who is not the employer of that worker, or wholly or partially to the negligence of a worker of that employer,

the costs of any claim respecting that worker suffering injury or death shall be included in the experience account of that employer in proportion to such degree of negligence as the Commissioner attributes to that employer or his worker and, where that employer is classified, may be charged to the class in which that employer is included in the same manner as if those costs had been incurred with respect to a claim by a worker of that employer.

15. Subsection 59(1) of the said Ordinance is repealed and the following substituted therefor:
 - 59.(1) No assessment of less than twenty-five dollars shall be levied in respect of any industry to which this Ordinance applies.

16. Subsection 71(1) of the said Ordinance is repealed and the following substituted therefor:
 - 71.(1) Any employer who refuses or neglects to make or transmit any payroll return or other statement required to be furnished by him under any of the provisions of this Ordinance or any regulation or order made hereunder, or who refuses or neglects to pay any assessment, or the provisional amount of any assessment or any installment or part thereof, shall, in addition to any penalty or other liability to which he may be subject, pay to the Commissioner a sum of money, not exceeding one-half of the amount of compensation payable and not exceeding in any case one thousand dollars in respect of any accident to a worker in his employ that happens during the period of the default, and the payment of the amount may be enforced in the same manner as the payment of an assessment may be enforced.

17. Subsection 77(1) of the said Ordinance is repealed and the following substituted therefor:
 - 77.(1) Where an employer engaged in an industry to which this Ordinance applies directs a worker who is working in that industry to do other work that is not in an industry to which this Ordinance

applies, and the workman is injured in the course of that other work, that other work shall be deemed to be in the industry of the employer to which this Ordinance applies and the employer shall pay to the Commissioner in respect of that other work an additional assessment equal to the full cost of the claim in respect of the injury up to a maximum of five hundred dollars.

18. Subsection 80 (3) of the said Ordinance is repealed and the following substituted therefor:
 - (3) The amount of the maximum wage rate to be proclaimed by the Commissioner from time to time pursuant to subsection (2) shall be the annual earnings of a worker paid at the weekly rate established by Statistics Canada as the average weekly earnings of workers in the Territory pursuant to the industrial composite of average weekly wages and salaries for the Territory.

 19. This Ordinance or any provision thereof shall come into force on such day or days as may be fixed by the Commissioner.
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CHAPTER 11
ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

AN ORDINANCE RESPECTING ASSESSMENT IN THE CITY OF WHITEHORSE

(Assented to December 15, 1977)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

- | | | |
|-------|---|--|
| (1) | In this Ordinance:
"assessor" means the assessor for the Territory appointed pursuant to the <i>Taxation Ordinance</i> ;
"Court of Revision" means a Court of Revision constituted under the <i>Taxation Ordinance</i> ;
"taxing authority" means taxing authority as defined in the <i>Taxation Ordinance</i> . | Definitions
"assessor"

"Court of Revision"

"taxing authority" |
| 2.(1) | Where, in the opinion of the Commissioner, any provision of the <i>Taxation Ordinance</i> or <i>Municipal Ordinance</i> prescribing a date or limiting the time for the doing of any thing with respect to the assessment roll and the levying of taxes in the City of Whitehorse is, because of special circumstances, insufficient to enable,
(a) the assessor,
(b) the taxing authority,
(c) the person liable to taxation,
(d) the Court of Revision, or
(e) a judge to whom an appeal from a decision of the Court of Revision is taken,
to comply with that provision, the Commissioner may, by regulation, substitute a new date or extend the time for the doing of that thing as he considers necessary under those circumstances, notwithstanding the provisions of the <i>Taxation Ordinance</i> or <i>Municipal Ordinance</i> . | Regulations |
| (2) | Where the Commissioner substitutes a new date or extends the time for the doing of any thing pursuant to subsection (1), he may, by regulation, substitute a new date or abridge or extend the time for the doing of any other thing with respect to the assessment roll and the levying of taxes in the City of Whitehorse, notwithstanding the provisions of the <i>Taxation Ordinance</i> or <i>Municipal Ordinance</i> . | |

Coming
into
force

- 3.(1) This Ordinance, and any regulation made pursuant to this Ordinance, shall be deemed to have come into force on the fifteenth day of October, 1977.

 - (2) This Ordinance expires on the thirty-first day of December 1978.
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CHAPTER 12.
ORDINANCES OF THE YUKON TERRITORY
1977 (Second Session)

METRIC INFORMATION AGREEMENT ORDINANCE

(Assented to November 21, 1977)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

- | | | |
|-------|--|---|
| 1.(1) | This Ordinance may be cited as the <i>Metric Information Agreement Ordinance</i> . | Short
title |
| 2.(1) | The Commissioner may, on behalf of the Government of the Yukon Territory, enter into an agreement with the Government of Canada for the purposes of providing information about the International System of Units and the plans, progress and implications of metric conversion relating to individual enterprises and organizations directly involved in the economic process within the Territory. | Commissioner
may enter
agreement |
| 3.(1) | The Commissioner is authorized to do every act and exercise every power for the purpose of implementing every obligation assumed by the Government of the Yukon Territory under the agreement entered into pursuant to this Ordinance. | Commissioner
may
implement
agreement |
-

TABLE OF CONSOLIDATED ORDINANCES

Legend:

In. = Included in	Am. = Amended
En. = Enacted	Sp. = Spent
Rp. = Repealed	History = from the earlier of
Re. = Re-enacted	(i) enactment; or
---- = To be consolidated	(ii) inclusion in R.O.Y.T., 1971

<u>ORDINANCES</u>	<u>CONSOLIDATION CHAPTER NO.</u>	<u>HISTORY</u>
Age of Majority	A-01	En. O.Y.T. 1972 (1st), c.1
Animal Protection	----	En. O.Y.T. 1977 (2nd), c.1
Apprentice Training	A-1	In. R.O.Y.T. 1971, c. A-1
Arbitration	A-2	In. R.O.Y.T. 1971, c. A-2
Archives	A-3	In. R.O.Y.T. 1971, c. A-3
Area Development	A-4	In. R.O.Y.T. 1971, c. A-4; Am. O.Y.T. 1975 (3rd), c. 3
Assignment of Book Debts	A-5	In. R.O.Y.T. 1971, c. A-5
Bills of Sale	B-1	In. R.O.Y.T. 1971, c. B-1
Blasting	B-2	In. R.O.Y.T. 1971, c. B-2
Brands	B-3	In. R.O.Y.T. 1971, c. B-3
Building Standards	B-3.1	En. O.Y.T. 1973 (1st), c.1
Bulk Sales	B-4	In. R.O.Y.T. 1971, c. B-4
Business Licence	B-5	In. R.O.Y.T. 1971, c. B-5
Cancer Diagnosis	C-1	In. R.O.Y.T. 1971, c. C-1
Cemeteries and Burial Sites	C-2	In. R.O.Y.T. 1971, c. C-2
Change of Name	C-3	In. R.O.Y.T. 1971, c. C-3
Child Welfare	C-4	In. R.O.Y.T. 1971, c. C-4; Am. O.Y.T. 1972 (1st), c. 15
Chiropractic	C-5	In. R.O.Y.T. 1971, c. C-5; Am. O.Y.T. 1972 (1st), c. 16
Choses in Action	C-6	In. R.O.Y.T. 1971, c. C-6
Citizenship Instruction Agreement	C-7	In. R.O.Y.T. 1971, c. C-7
Civil Emergency Measures	C-8	In. R.O.Y.T. 1971, c. C-8
Collection	C-9	In. R.O.Y.T. 1971, c. C-9
Community Assistance	C-9.1	En. O.Y.T. 1975 (1st), c. 1; Am. O.Y.T. 1975 (3rd), c. 4; Am. O.Y.T. 1976 (1st), c. 4; Am. O.Y.T. 1977 (1st), c. 8

Companies	C-10	In. R.O.Y.T. 1971, c. C-10; Am. O.Y.T. 1975 (3rd), c. 5
Compensation for Victims of Crime	C-10.1	En. O.Y.T. 1975 (1st), c. 2; Am. O.Y.T. 1976 (1st), c. 5
Conditional Sales	C-11	In. R.O.Y.T. 1971, c. C-11
Condominium	C-12	En. R.O.Y.T. 1971, c. C-12; Am. O.Y.T. 1977 (2nd), c. 5
Conflict of Laws (Traffic Accidents)	C-12.1	En. O.Y.T. 1972 (1st), c. 3
Consumers' Protection	C-13	In. R.O.Y.T. 1971, c. C-13
Contributory Negligence	C-14	In. R.O.Y.T. 1971, c. C-14
Controverted Elections	C-15	In. R.O.Y.T. 1971, c. C-15; Am. O.Y.T. 1977 (2nd), c. 3, s.103
Co-operative Associations	C-16	In. R.O.Y.T. 1971, c. C-16; Am. O.Y.T. 1973 (1st), c. 8; Am. O.Y.T. 1975 (2nd), c. 7
Cornea Transplant	C-17	In. R.O.Y.T. 1971, c. C-17
Coroners	C-18	In. R.O.Y.T. 1971, c. C-18; Am. O.Y.T. 1972 (2nd), c. 17
Corporation Securities Registration	C-19	In. R.O.Y.T. 1971, c. C-19
Corrections	C-19.1	En. O.Y.T. 1973 (1st), c. 2
Court of Appeal	C-20	In. R.O.Y.T. 1971, c. C-20
Credit Union	---	En. O.Y.T. 1977 (1st) c. 2
Credit Unions	C-21	In. R.O.Y.T. 1971, c. C-21; Am. O.Y.T. 1975 (2nd), c. 8; Am. O.Y.T. 1976 (1st), c. 6; Rp. O.Y.T. 1977 (1st), c. 2, s.158
Creditors' Relief	C-22	In. R.O.Y.T. 1971, c. C-22
Curfew	C-23	In. R.O.Y.T. 1971, c. C-23
Dawson Historic Sites Aid Grants	----	En. O.Y.T. 1977 (1st), c. 21
Defamation	D-1	In. R.O.Y.T. 1971, c. D-1
Dental Profession	D-2	In. R.O.Y.T. 1971, c. D-2; Am. O.Y.T. 1973 (1st), c. 9
Dependants' Relief	D-3	In. R.O.Y.T. 1971, c. D-3
Devolution of Real Property	D-4	In. R.O.Y.T. 1971, c. D-4
Disabled Persons' Allowance	D-5	In. R.O.Y.T. 1971, c. D-5; Rp. O.Y.T. 1975(1st), c.11
Distress	D-6	In. R.O.Y.T. 1971, c. D-6
Dog	D-7	In. R.O.Y.T. 1971, c. D-7

Elections	E-1	In. R.O.Y.T. 1971, c. E-1; Am. O.Y.T. 1974 (2nd), c. 5; Am. O.Y.T. 1975 (3rd), c. 6; Am. O.Y.T. 1977 (1st), c. 9; Am. O.Y.T. 1977 (2nd), c. 2; Rp. O.Y.T. 1977 (2nd), c. 3, s.104
Elections, 1977	----	En. O.Y.T. 1977 (2nd), c. 3
Electoral District Boundaries	----	En. O.Y.T. 1977 (2nd), c. 2
Electoral District Boundaries Commission	E-1.1	En. O.Y.T. 1974 (2nd), c. 1 Sp. June 17, 1974
Electoral District Boundaries Commission	----	En. O.Y.T. 1977 (1st), c. 3 Sp. November 7, 1977
Electrical Protection	E-2	In. R.O.Y.T. 1971, c. E-2 Rp/Re. O.Y.T. 1976 (3rd), c. 3
Electrical Public Utilities	E-2.1	En. O.Y.T. 1972 (1st), c. 4 Am. O.Y.T. 1974 (2nd), c. 6
Elevator and Fixed Conveyances	E-3	In. R.O.Y.T. 1971, c. E-3
Emergency Medical Aid	E-3.1	En. O.Y.T., 1976(3rd), c.1
Employment Agencies	E-4	In. R.O.Y.T. 1971, c. E-4 Rp/Re. O.Y.T. 1972 (1st), c.5
Engineering Profession	E-5	In. R.O.Y.T. 1971, c. E-5
Evidence	E-6	In. R.O.Y.T. 1971, c. E-6
Exemptions	E-7	In. R.O.Y.T. 1971, c. E-7
Expropriation	E-8	In. R.O.Y.T. 1971, c. E-8
Factors	F-1	In. R.O.Y.T. 1971, c. F-1
Fair Practices	F-2	In. R.O.Y.T. 1971, c. F-2; Am. O.Y.T. 1974 (2nd), c. 7
Fatal Accidents	F-3	In. R.O.Y.T. 1971, c. F-3
Financial Administration	F-4	In. R.O.Y.T. 1971, c. F-4; Rp/Re. O.Y.T. 1976 (3rd), c. 4
Fire Prevention	F-5	In. R.O.Y.T. 1971, c. F-5; Am. O.Y.T. 1972 (1st), c. 18; Am. O.Y.T. 1973 (1st), c. 10
Fitness and Amateur Sport Agreement	F-6	In. R.O.Y.T. 1971, c. F-6
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Floral Emblem	F-8	In. R.O.Y.T. 1971, c. F-8
Forest Protection	F-9	In. R.O.Y.T. 1971, c. F-9
Fraudulent Preferences and Conveyances	F-9.1	En. O.Y.T. 1973 (1st), c. 3
Frustrated Contracts	F-10	In. R.O.Y.T. 1971, c. F-10

Fuel Oil Tax	F-11	In. R.O.Y.T. 1971, c. F-11; Rp/Re. O.Y.T. 1973 (1st), c. 4; Am. O.Y.T. 1975 (2nd), c. 9
Fur Export	F-12	In. R.O.Y.T. 1971, c. F-12
Game	G-1	In. R.O.Y.T. 1971, c. G-1; Am. O.Y.T. 1972 (1st), c. 19; Am. O.Y.T. 1973 (1st), c. 11; Am. O.Y.T. 1975 (2nd), c. 10; Am. O.Y.T. 1975 (3rd), c. 7
Gaols	G-2	In. R.O.Y.T. 1971, c. G-2
Garage Keepers' Lien	G-3	In. R.O.Y.T. 1971, c. G-3
Garnishee	G-4	In. R.O.Y.T. 1971, c. G-4
Gasoline Handling	G-5	En. O.Y.T. 1972 (1st), c. 6
General Development Agreement	----	En. O.Y.T. 1977 (1st), c. 4
Government Employee Housing Plan	G-6	En. O.Y.T. 1975 (1st), c. 5
Health Care Insurance Plan	H-1	In. R.O.Y.T. 1971, c. H-1
Highways	H-1.1	En. O.Y.T. 1975 (3rd), c. 1; Am. O.Y.T. 1976 (3rd), c. 5
Historic Sites and Monuments	H-2	In. R.O.Y.T. 1971, c. H-2; Am. O.Y.T. 1975 (2nd), c. 11
Home Owner's Grant	H-2.1	En. O.Y.T. 1976 (1st), c.1; Am. O.Y.T. 1976 (3rd), c.6
Hospital Insurance Services	H-3	In. R.O.Y.T. 1971, c. H-3; Am. O.Y.T. 1975 (3rd), c. 8
Hotels and Tourist Establishments	H-4	In. R.O.Y.T. 1971, c. H-4
Housing	H-5	In. R.O.Y.T. 1971, c. H-5
Housing Corporation	H-5.1	En. O.Y.T. 1972 (1st), c. 6
Housing Development	H-6	In. R.O.Y.T. 1971, c. H-6; Am. O.Y.T. 1975 (2nd), c. 12
Immunity of Members	I-1	In. R.O.Y.T. 1971, c. I-1
Institute of Chartered Accountants	I-1.1	En. O.Y.T. 1976 (3rd), c. 2
Insurance	I-2	In. R.O.Y.T. 1971, c. I-2; Rp. O.Y.T. 1977 (1st), c.1, s.236; En. O.Y.T. 1977 (1st), c. 1; Am. O.Y.T. 1977 (2nd), c.4, s.257
Insurance Premium Tax	I-2.1	En. O.Y.T. 1976 (1st), c. 2; Am. O.Y.T. 1976 (3rd), c. 7
Interpretation	I-3	In. R.O.Y.T. 1971, c. I-3; Am. O.Y.T. 1973 (1st), c. 12; Am. O.Y.T. 1974 (2nd), c. 8
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Land Acquisition	L-1.1	En. O.Y.T. 1976 (2nd), c. 1
Landlord and Tenant	L-2	In. R.O.Y.T. 1971, c. L-2; Am. O.Y.T. 1972 (1st), c. 20
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Legal Profession	L-4	In. R.O.Y.T. 1971, c. L-4; Am. O.Y.T. 1975 (3rd), c. 10
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Liquor Tax	L-8.1	En. O.Y.T. 1976 (1st), c. 3; Am. O.Y.T. 1977 (1st), c. 10
Local Improvement District	L-9	In. R.O.Y.T. 1971, c. L-9; Am. O.Y.T. 1972 (1st), c. 21; Am. O.Y.T. 1972 (2nd), c. 22; Am. O.Y.T. 1977 (1st), c. 11; Am. O.Y.T. 1977 (1st), c. 22; Am. O.Y.T. 1977 (2nd), c. 6
Lord's Day	L-10	In. R.O.Y.T. 1971, c. L-10
Lotteries	L-10.1	En. O.Y.T. 1974 (2nd), c. 2
Low Cost Housing	L-11	In. R.O.Y.T. 1971, c. L-11
Magistrate's Court	M-1	In. R.O.Y.T. 1971, c. M-1
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Married Women's Property	M-4	In. R.O.Y.T. 1971, c. M-4
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Medical Profession	M-6	In. R.O.Y.T. 1971, c. M-6; Am. O.Y.T. 1975 (3rd), c. 11

Mental Health	M-7	In. R.O.Y.T. 1971, c. M-7; Am. O.Y.T. 1973 (1st), c. 14
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Municipal	M-12	En. O.Y.T. 1959 (2nd), c. 1; Rp/Re. O.Y.T. 1972 (1st), c. 10; Am. O.Y.T. 1975 (1st), c. 16; Am. O.Y.T. 1975 (2nd), c. 14; Am. O.Y.T. 1976 (3rd), c. 10; Am. O.Y.T. 1977 (2nd), c. 7
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Municipal Elections	M-14	En. O.Y.T. 1972 (1st), c. 12
Municipal Employees Benefits	M-15	En. O.Y.T. 1975 (2nd), c. 1
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Old Age Assistance and Blind Persons' Allowance	O-1	In. R.O.Y.T. 1971, c. O-1; Rp. O.Y.T. 1975 (1st), c. 12
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Real Estate Agents' Licensing	----	En. O.Y.T. 1977 (1st), c. 5
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Scientists and Explorers	S-4	In. R.O.Y.T. 1971, c. S-4
Securities	S-5	In. R.O.Y.T. 1971, c. S-5; Am. O.Y.T. 1976 (3rd), c. 12
Social Assistance	S-6	In. R.O.Y.T. 1971, c. S-6
Societies	S-7	In. R.O.Y.T. 1971, c. S-7; Am. O.Y.T. 1974 (2nd), c. 15
Society of Industrial Accountants	S-7.1	En. O.Y.T. 1975 (2nd), c. 2; Am. O.Y.T. 1977 (2nd), c. 9
Stabilization Loan Fund	----	En. O.Y.T. 1977 (1st), c. 7
Steam Boilers	S-8	In. R.O.Y.T. 1971, c. S-8
Students' Financial Assistance	S-8.1	En. O.Y.T. 1975 (2nd), c. 3
Students' Grants	S-9	In. R.O.Y.T. 1971, c. S-9; Rp. O.Y.T. 1975 (2nd), c. 6
Superannuation, Territorial Employees	S-10	In. R.O.Y.T. 1971, c. S-10; Am. O.Y.T. 1975 (2nd), c. 16
Survivorship	S-11	In. R.O.Y.T. 1971, c. S-11

Taxation	T-01	En. O.Y.T. 1959 (2nd), c. 2; Rp/Re. O.Y.T. 1972 (1st), c. 13; Am. O.Y.T. 1975 (1st), c. 18; Am. O.Y.T. 1975 (2nd), c. 15; Am. O.Y.T. 1976 (1st), c. 7, 8; Am. O.Y.T. 1976 (2nd), c. 5; Am. O.Y.T. 1977 (1st), c. 12
Tenants in Common	T-1	In. R.O.Y.T. 1971, c. T-1
Territorial Court	T-2	In. R.O.Y.T. 1971, c. T-2
Tobacco Tax	T-2.1	En. O.Y.T. 1974 (2nd), c. 3; Am. O.Y.T. 1976 (1st), c. 9
Trade Schools Regulation	T-3	In. R.O.Y.T. 1971, c. T-3
Transport Public Utilities	T-4	In. R.O.Y.T. 1971, c. T-4
Travel for Medical Treatment	T-4.1	En. O.Y.T. 1975 (2nd), c. 4
Trustee	T-5	In. R.O.Y.T. 1971, c. T-5
Variation of Trusts	V-1	In. R.O.Y.T. 1971, c. V-1
Vital Statistics	V-2	In. R.O.Y.T. 1971, c. V-2; Am. O.Y.T. 1973 (1st), c. 18
Wages Recovery	W-1	In. R.O.Y.T. 1971, c. W-1
Warehousemen's Lien	W-2	In. R.O.Y.T. 1971, c. W-2
Wills	W-3	In. R.O.Y.T. 1971, c. W-3
Woodmen's Lien	W-4	In. R.O.Y.T. 1971, c. W-4
Workmen's Compensation	W-5	In. R.O.Y.T. 1971, c. W-5; Rp/Re. O.Y.T. 1973 (3rd), c. 6; Am. O.Y.T. 1975 (3rd), c. 6, s. 4; Am. O.Y.T. 1977 (2nd), c. 10
Workmen's Compensation Supplementary Benefits	W-6	En. O.Y.T. 1973 (3rd), c. 7

