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<p>CHAPTER ii – CHAPITRE ii : Interpretation and Application Interprétation et application</p>	<p>Readers are referred to the list of Related Documents at the end of this Policy for additional information. Les lecteurs peuvent se référer à la liste des documents connexes notés à la fin de cette politique pour information supplémentaire.</p>	

INTERPRETATION

1. General Guidelines Concerning Interpretation

In this Manual, the following general guidelines apply:

- (a) a word importing a masculine gender includes the feminine gender, and a word importing a feminine gender includes the masculine gender;
- (b) a word in the singular includes the plural, and a word in the plural includes the singular; and
- (c) where a word is defined, other parts of speech and tenses of the same word have corresponding meaning.

2. Specific Definitions

In this Manual, except where the context requires otherwise, each of the following words and phrases has the corresponding meaning that is set out below:

“approval” or **“consent”** means prior approval or consent where possible; and *ex post facto* reporting of the decision where it was not possible to obtain prior approval or consent;

“Crown Prosecutor” means counsel responsible for criminal and quasi-criminal prosecutions and related matters on behalf of the Attorney General, and includes outside prosecutors and *ad hoc* prosecutors;

“employee” means an employee of Public Prosecution Services, and includes the Director of Public Prosecutions, Executive Director of Public Prosecutions, Director of Specialized Prosecutions, Regional Directors, Crown Prosecutors, and administrative and support staff;

“exceptional circumstances” means a circumstance in which the public safety or the public interest is demonstrably better served by a deviation from the policy, but does not include a circumstance where there is a need or desire for expediency;

“may” indicates that there is an issue to consider or a discretion to exercise, and that a decision or action may, or may not, be taken;

“offence” means a criminal or quasi-criminal act or omission contrary to a federal or provincial statute, and includes alleged offences;

“shall” or “must” indicates a requirement, and usually relate to a legal obligation or procedural necessity;

“should” indicates that there is an expectation that a task will be carried out, but recognizes that it may not always be possible or desirable to do so in the particular circumstances of a case;

“will” indicates that there is an expectation that a task will be carried out or an outcome will occur, but may not always be the case, because Public Prosecution Services may not have the authority to control the result.

3. Sources Consulted

The authorities and sources cited in this section of this Policy are referred to or have been consulted in the preparation of this Manual.

3.1 Legislation

Where the statutes and regulations cited below are referred to elsewhere in this Manual, the short title or citation established by the statute or regulation is used.

An Act Respecting the Role of the Attorney General, R.S.N.B. 2011, c. 116.

Canada Evidence Act, R.S.C. 1985, c. C-5.

Canadian Charter of Rights and Freedoms, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.

Civil Forfeiture Act, S.N.B. 2010, c. C-4.5.

Civil Service Act, S.N.B. 1984, c. C-5.1.

Constitution Act, 1967 (U.K.), 30 & 31 Vict., c. 3.

Controlled Drugs and Substances Act, S.C. 1996, c. 19.

Coroners Act, R.S.N.B. 1973, c. C-23.

Corruption of Foreign Public Officials Act, S.C. 1998, c. 34.

Criminal Code, R.S.C. 1985, c. C-46.

Criminal Records Act, R.S.C. 1985, c. C-47.

Divorce Act, R.S.C. 1985, c. 3.

Extradition Act, S.C. 1999, c. 18.

Family Services Act, S.N.B. 1980, c. F-2.2.

Firearms Act, S.C. 1995, c. 39.

Foreign Missions and International Organizations Act, S.C. 1991, c. 41.

Hague Convention on the Civil Aspects of International Child Abduction, 25 October 1980, Hague XXVII (entered into force 1 December 1983, ratified by Canada 2 June, 1983) [HCCH].

Immigration and Refugee Protection Act, 2001, c. 27.

International Child Abduction Act, R.S.N.B. 2011, c. 175.

Judicature Act, R.S.N.B. 1973, c. J-2.

Jury Act, S.N.B. 1980, c. J-3.1.

Law Society Act, 1996, S.N.B. 1996, c. 89 and *General Rules*.

Management of Seized and Forfeited Property Act, S.N.B. 2008, c. M-0.5.

Medical Act, S.N.B. 1981, c. 87.

Motor Vehicle Act, R.S.N.B. 1973, c. M-17.

Rules of Court, N.B. Reg. 82-73 (*Judicature Act*, R.S.N.B. 1973, c. J-2).

Official Languages Act, S.N.B. 2002, c. O-0.5.

Police Act, S.N.B. 1977, c. P-9.2.

Provincial Offences Procedure Act, S.N.B. 1987, c. P-22.1.

Provincial Offences Procedure for Young Persons, S.N.B. 1987, c. P-22.2.

Right to Information and Protection of Privacy Act, S.N.B. 2009, c. R-10.6.

Royal Canadian Mount Police Act, R.S.C. 1984, c. R-10.

Rules of the Supreme Court of Canada, S.O.R./2002-156 (*Supreme Court Act*, *infra*).

Sex Offender Information Registration Act, S.C. 2004, c. 10.

Supreme Court Act, R.S.C. 1985, c. S-27.

The New Brunswick Rules of Provincial Court Practice 2011 (*Criminal Code*, *supra*).

Victims Services Act, S.N.B. 1987, c. V-2.1.

Witness Protection Program Act, S.C. 1996, c. 15.

Youth Criminal Justice Act, S.C. 2002, c. 1.

3.2 Jurisprudence

R. v. Boucher, [1955] S.C.R. 16, 1954 CanLII 3.

R. v. Broyles, [1991] 3 S.C.R. 595, [1992] 1 W.W.R. 289, 68 C.C.C. (3d) 308, 9 C.R. (4th) 1, 8 C.R.R. (2d) 274; 84 Alta. L.R. (2d) 1, 1991 CanLII 15.

R. v. Cook, [1997] 1 S.C.R. 1113, 188 N.B.R. (2d) 161, 146 D.L.R. (4th) 437, 114 C.C.C. (3d) 481, 7 C.R. (5th) 51, 1997 CanLII 392.

R. v. Fisher, [1997] S.J. No. 530, 1997 CarswellSask 821, (Sask. Q.B) (QL).

R. v. Leipert, [1997] 1 S.C.R. 281, 143 D.L.R. (4th) 38, [1997] 3 W.W.R. 457; 112 C.C.C. (3d) 385; 4 C.R. (5th) 259; 41 C.R.R. (2d) 266, 1997 CanLII 367.

R. v. McNeil, 2009 SCC 3, [2009] 1 S.C.R. 66, 301 D.L.R. (4th) 1, 238 C.C.C. (3d) 353, 62 C.R. (6th) 1, 185 C.R.R. (2d) 26, 246 O.A.C. 154, 2009 SCC 3.

R. v. Rowbotham (1988), 41 C.C.C. (3d) 1, 63 C.R. (3d) 113, 35 C.R.R. 207, 25 O.A.C. 321, 1988 CanLII 147 (Ont. C.A.).

R. v. Sappier; R. v. Gray, 2006 SCC 54, [2006] 2 S.C.R. 686, 309 N.B.R. (2d) 199, 274 D.L.R. (4th) 75, 214 C.C.C. (3d) 161, [2007] 1 C.N.L.R. 359.

3.3 Operational Manuals and Policies

Public Prosecution Services owes much for its current revision to several sources. A debt of gratitude is acknowledged to these and all other sources.

Guidebook of Policies and Procedures for the Conduct of Criminal Prosecutions in Newfoundland and Labrador, (October 2007), online: Government of Newfoundland and Labrador <http://www.justice.gov.nl.ca/just/prosecutions/pp_guide_book.pdf>.

Guidebook of Policies and Procedures for the Conduct of Criminal Prosecutions in Prince Edward Island, (November 2009), online: Government of Prince Edward Island <http://www.gov.pe.ca/photos/original/jps_crownconduc.pdf>.

Coroners Manual, issued by the Chief Coroner, Province of New Brunswick (Fredericton: Government of New Brunswick, 1 June 1995).

Crown Attorney Manual: Prosecution and Administrative Policies for the PPS (2006), online: Government of Nova Scotia <http://www.gov.ns.ca/pps/ca_manual.htm>.

Crown Counsel Policy Manual (18 November 2005), online: Government of British Columbia <<http://www.ag.gov.bc.ca/prosecution-service/policy-man/index.htm>>.

Crown Policy Manual – 2005 (2008), online: Government of Ontario <<http://www.attorneygeneral.jus.gov.on.ca/english/crim/cpm/default.asp>>.

Crown Prosecutors' Policy Manual (15 January 2009), online: Government of Alberta <http://justice.alberta.ca/programs_services/criminal_pros/Publications%20Library%20%20Criminal%20Prosecutions/CrownProsecutors'PolicyManual.aspx/DispForm.aspx?ID=3>.

Manitoba Prosecution Services, *Prosecution Polices* (2003), online: Government of Manitoba <<http://www.gov.mb.ca/justice/prosecutions/policy/index.html>>.

Saskatchewan Public Prosecutions Division, *Public Prosecution Polices*, online: Government of Saskatchewan <<http://www.justice.gov.sk.ca/ppp>>.

The Federal Prosecution Service Deskbook (2000), online: Public Prosecution Service of Canada <<http://www.ppsc-sppc.gc.ca/eng/fps-sfp/fpd/toc.html>>.

3.4 Administrative Directives

Government of New Brunswick, “Policy on Conflict of Interest”, AD-2915.

Government of New Brunswick, “Travel Policy”, AD-2801.

3.5 Internet Sites

Mental Health Court Canada (2003), online: <<http://www.mentalhealthcourt-sj.com/home.html>>.

3.6 Government Protocols

Child Victims of Abuse and Neglect Protocols (Fredericton: Government of New Brunswick, March 2005).

Woman Abuse Protocols (Fredericton: Government of New Brunswick, February 2004).

3.7 News Releases

Justice and Consumer Affairs, News Release, "Health to Wellness Court Pilot Project to Begin on Elsipogtog First Nation" (20 August 2010), online: Government of New Brunswick <http://www2.gnb.ca/content/gnb/en/news/news_release.2010.08.1476.html>.

Justice and Consumer Affairs & Status of Women, News Release, "Domestic Violence Court in Moncton Made Permanent" (31 March 2011), online: Government of New Brunswick <http://www2.gnb.ca/content/gnb/en/news/news_release.2011.03.0376.html>.

3.8 Professional Publications

Federation of Law Societies of Canada, "Model Code of Professional Conduct" (15 October 2009), online: LSNB <<http://www.lawsociety-barreau.nb.ca/emain.asp?914>>.

Law Society of New Brunswick, "Code of Professional Conduct" (18 August 2003), online: LSNB <<http://www.lawsociety-barreau.nb.ca/emain.asp?164>>.

Law Society of New Brunswick *et al*, "Interaction Between Lawyers and Physicians in Litigation" (January 2002), online: LSNB <<http://www.lawsociety-barreau.nb.ca/emain.asp?458>>.

The Canadian Bar Association, "Code of Professional Conduct" (Ottawa: August 2009), online: CBA <<http://www.cba.org/CBA/activities/code>>.