

Publisher's Note

2019 — Release 2

Previous release was 2019-1

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McLeod, Takach, Segal

Criminal Code Driving Offences

This release features a comprehensive revision of Chapter 3 (The Offence of Failing to Remain), in order to reflect the coming into force of Part 2 of *An Act to amend the Criminal Code (offences relating to conveyances and to make consequential amendments to other Acts)*, which, effective December 18, 2018, repealed and replaced the driving offences regime found in the *Criminal Code* (ss. 249-261) with new Part VIII.1.

Future releases will feature similar adjustment to the commentary in other chapters in this service, to reflect this significant legislative development, as well as the jurisprudence that develops from it.

Case Highlights

Revised Chapter 3 discusses the offence of failing to remain at the scene of an accident according to the following topical structure:

- *Criminal Code* provisions: ss. 320.16-320.22, and 320.24
- Introductory commentary
- The wording of the information
- The ingredients of the offence
- “operates”
- “at the time of operating the conveyance knows that, or is reckless”

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- “the conveyance”
- “involved in an accident”
- “with a person or other conveyance”
- “fails to stop his conveyance”
- “[fails to] give their name and address”
- “and, where any person has been injured or appears to require assistance, offer assistance”
- “without reasonable excuse”
- Necessity of *voir dire*
- The effect of the *Canadian Charter of Rights and Freedoms* on s. 320.18
- The delict
- Included offences
- Other issues
- Sentencing