

Common Questions from Newcomers

What is Assault?

Assault is applying or attempting to apply force to another person without their consent. It includes hitting, punching, kicking, slapping, striking, spitting on someone, etc. A person cannot assault anyone, including their spouse.

Sexual assault is a type of assault that includes unwanted sexual activity of any kind, for example kissing, touching, intercourse, etc. It is applying force to another person without their consent for a sexual purpose.

Criminal Code Definition of Assault:

265 (1) A person commits an assault when

- (a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
- (b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or
- (c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.

What should I do if I'm involved in a motor vehicle collision?

A driver involved in a collision with an occupied vehicle that results in injury, death or property damage must(s. 125, 126, 127 MVA):

- Stop at the scene
- Render assistance if injuries
- Provide name, address, licence plate of the vehicle and upon request provide driver's licence information

A driver involved in a collision with an unoccupied vehicle must(s. 128 MVA):

- Stop at the scene
- Locate and notify driver/owner
- Provide name, address of the driver and owner and upon request provide driver's licence information

- If the driver/owner cannot be located, leave a written notice providing name and address of the driver and owner that struck the vehicle and details of what happened.

A driver involved in a collision with other property must(s. 129 MVA):

- Take reasonable steps to locate and notify the owner or person in charge of the property
- Provide name, address and licence plate number and upon request provide driver's licence information

In addition to the above responsibilities all cases where a collision results in injury, death or damage over \$1000 the driver must(s. 130(1) MVA):

- Immediately by the quickest means of communication notify the local police force

Relevant Motor Vehicle Act Sections: s. 125, 126, 127, 128, 129, 130(1)

<http://laws.gnb.ca/en/ShowPdf/cs/M-17.pdf>

125 The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 127, and every such stop shall be made without obstructing traffic more than is necessary.

126 The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of section 127, and every such stop shall be made without obstructing traffic more than is necessary.

127 The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle that is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving and shall upon request and if available exhibit his licence to the person struck, or the driver or occupant of, or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician, surgeon, or hospital facility for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

128 The driver of any vehicle that collides with any vehicle that is unattended shall immediately stop and shall then and there either locate and notify the driver or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or, if unable to locate him, shall leave in a conspicuous place in or on the vehicle struck a written notice giving the name and

address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

129 The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his licence and shall make a report of such accident when and as required in section 130.

130(1) The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of one thousand dollars or more shall immediately by the quickest means of communication available to the driver give notice of such accident and his name and address and the name and address of the owner of the vehicle to the local police department, if such accident occurred within the limits of a municipality or region as defined in the Police Act, otherwise to the Royal Canadian Mounted Police, and, upon the request of a member of the local police department or of the Royal Canadian Mounted Police, shall make an accident report giving all the information required by the registrar on the form for accident reports as provided for by section 133 whether by completing the form himself or by verbally supplying the information required therein.

What should I expect during a traffic stop with police?

When a police vehicle/emergency vehicle is operating with lights and siren drivers must yield the right of way and immediately pull over and stop and remain stopped until the vehicle passes or otherwise directed by the police officer. (s. 168(1) MVA)

During a traffic stop you must remain inside your vehicle – Do NOT get out, the police officer will approach you. Keep your hands visible to the police officer. This is for everyone's safety.

The police officer will:

- Tell you the reason for the stop
- Ask for your driver's licence, registration and proof of insurance - You must provide these documents. Tell the officer where they are kept before you reach for them
- Return to their police vehicle with your documents – remain in your vehicle
- Return to your vehicle and return your documents along with a fine/ticket or warning regarding the offence

Police do NOT collect fines or money during traffic stops. Fines CANNOT be paid to officers. Directions on where to pay fines is included on the fine/ticket.