

CONSOLIDATION OF FINE OPTION ACT
R.S.N.W.T. 1988,c.F-5

(Current to: February 17, 2013)

AS AMENDED BY NORTHWEST TERRITORIES STATUTES:
S.N.W.T. 1997,c.3

AS AMENDED BY NUNAVUT STATUTES:
S.Nu. 2010,c.14,s.8
s.8 in force June 10, 2010

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Territorial Printer
Legislation Division
Department of Justice
Government of Nunavut
P.O. Box 1000, Station 550
Iqaluit, NU X0A 0H0

Tel.: (867) 975-6305
Fax: (867) 975-6189
Email: Territorial.Printer@gov.nu.ca

GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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FINE OPTION ACT

Definitions

1. In this Act,

"Assigning Agency" includes a community agency, band council, service club, church group, inmate self-help organization, council of a municipality and any other group or individual designated as an Assigning Agency under section 4; (*organisme d'accueil*)

"Fine Option Supervisor" means the person appointed as Fine Option Supervisor under section 3; (*surveillant du programme de travaux compensatoires*)

"work option" means the act of participating in community service work as an alternative to incarceration for failure to pay a fine for a summary conviction offence that the person has been ordered to pay by a court of competent jurisdiction. (*travaux compensatoires*)

Fine option program

2. (1) The Minister shall establish a fine option program providing work options to a person on whom a fine for a summary conviction offence has been imposed, to allow that person to discharge all or any part of the fine by means of a work option.

Where fine option program established

(2) The fine option program may be established in all or any part of Nunavut, at the discretion of the Minister. S.Nu. 2010,c.14,s.8.

Appointment of Fine Option Supervisor

3. A Fine Option Supervisor shall be appointed by the Minister.

Designation of Assigning Agencies

4. The Minister may designate Assigning Agencies.

Agreements

5. The Minister may enter into an agreement with an Assigning Agency for the purpose of providing work options for those persons who have been sentenced to a fine for a summary conviction offence and given time to pay as shown on the fine order made by a court of competent jurisdiction. S.N.W.T. 1997,c.3,s.1.

Definition of "territorial director"

6. (1) In subsection (6), "territorial director" means the territorial director as defined in the *Young Offenders Act*.

Refusal to comply with program

(2) Where a convicted person elects to enter into the fine option program and fails or refuses to observe the terms and conditions of the program, the right of the convicted person to continue in the program shall be terminated by the Fine Option Supervisor.

Appeal

(3) Where the right of a convicted person to continue in the fine option program has been terminated, the convicted person shall be informed of this decision immediately and may appeal to the Minister within five days of the termination.

Decision of Minister

(4) The Minister shall consider the appeal and render a decision in writing to the convicted person and the Fine Option Supervisor within 10 days of the receipt of the appeal.

Final decision

(5) The decision of the Minister is final.

Issuing of warrant

(6) If

- (a) no appeal is made under subsection (3), or
- (b) the Minister upholds the termination of the right of the convicted person to continue in the fine option program by the Fine Option Supervisor under subsection (2),

a justice may issue a warrant for the arrest of the convicted person unless the convicted person is a young person, in which case the Fine Option Supervisor shall inform the territorial director of the termination.

Regulations

7. The Commissioner, on the recommendation of the Minister, may make regulations

- (a) concerning the form and content of agreements with Assigning Agencies for the purpose of providing work options for persons who have defaulted in payment of fines for summary conviction offences that a court of competent jurisdiction has ordered them to pay;
- (b) prescribing guidelines for and terms and conditions of the fine option program;
- (c) concerning the amount or rate of credits to be applied against fines;
- (d) concerning provisions for dealing with convicted persons who, because of physical or mental disability, are unable to perform normally in the fine option program;
- (e) concerning any other matter that is necessary for the proper administration of this Act; and
- (f) concerning any liability insurance coverage.