

The Law

This pamphlet explains who makes laws in Canada and things you should know about getting legal advice.

To learn more about the different **courts in Nova Scotia**, visit www.courts.ns.ca. For court contact information, visit www.gov.ns.ca/just/Court_Services/justice_centres.asp.

The federal Parliament website has an online publication about the **Constitution and our system of government**:

www.parl.gc.ca/About/Parliament/SenatorEugeneForsey/Home/Index-e.html

To find out more about the **Charter of Rights and Freedoms**, visit <http://laws.justice.gc.ca/eng/charter/page-1.html>

For more information on **Duty Counsel**, go to: www.nslegalaid.ca/provided.php

List of **Nova Scotia Legal Aid** offices: www.nslegalaid.ca/contact.php

Dalhousie Legal Aid Service:

Phone: 902-423-8105, or email legalaid@dal.ca
They do not give legal advice by email.

The Halifax Refugee Clinic:

1581 Grafton Street, Halifax NS, B3J 2C3.
Phone: 902-422-6736, or visit their website at <http://halifaxrefugeeclinic.org>

Information kits about **representing yourself in court**: www.courts.ns.ca/self_rep/self_rep_kits.htm

To **pay tickets** on line: www.gov.ns.ca/snsmr/access/online-services.asp

This pamphlet provides general legal information. It does not give legal advice.



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● How do I pay a fine for a traffic ticket?

There are instructions on the ticket on how to pay it. You can usually pay on line, in person or by mail. Visit the Nova Scotia government website at nsjustice.com for more information about how to pay ticket fines, or call 1-877-445-4012.

Parking tickets are dealt with by municipal government and you need to visit your municipal government website to find out ways you can pay for a parking ticket. If you do not pay traffic or other tickets you will get a notice to go to court.

Information

Start with **LISNS' online legal information**. You'll find the answers to many legal questions: www.legalinfo.org

Call our **Legal Information Line** at 1-800-665-9779 or 455-3135 to get free legal information.

Need a lawyer? Call our **Lawyer Referral Service** at 1-800-665-9779 or 455-3135 to request a lawyer referral. You can plan a 30-minute meeting with a lawyer for \$20 + HST. This will give you answers to important questions. If you are in police custody or criminal court, you can get free interpretation services.

Just want to listen to a recorded message on a particular legal topic? Call **Dial-a-law** at 420-1888.

You can find more information about statutes online at:

Statutes of Canada: <http://laws.justice.gc.ca>

Statutes of Nova Scotia: <http://nslegislature.ca/legc/index.htm>

Municipal by-laws: <http://www.gov.ns.ca/snsmr/muns/>

● I applied for Legal Aid and I have been approved for a Legal Aid Certificate. What is this?

A Legal Aid Certificate means you can hire a lawyer in private practice (a lawyer who does not work in a Legal Aid office) who is willing to represent you at the Legal Aid rates. Legal Aid will pay their fees. Each Legal Aid Office has a list of local lawyers who have accepted Certificates in the past or have said they will accept Certificates. If you find a local lawyer not on the list, Legal Aid can issue a Certificate to that lawyer.

● What can I do if Legal Aid turns me down?

A person turned down by Nova Scotia Legal Aid has the right to appeal that decision. You have to write a letter to the Appeal Committee that explains the reasons you believe Legal Aid should be granted. You will be given a 15-minute appeal appointment. You can have the appointment in person or by phone, or you can ask them to just read your letter. If you have the appointment in person, you can bring a support person.

The Appeal Committee will let you know its decision by letter or a phone call, usually within one week.

● I have received a notice to appear in court. Where do I go?

The address will be on the notice along with the date and time you need to come to court. For court addresses and locations, see the link about the different courts in Nova Scotia at the end of this pamphlet.

● Do I need to have lawyer when I go to court?

No, you are usually allowed to represent yourself in court. This is called self-representation. You cannot self-represent in Bankruptcy court. If you want to self-represent, you may want to read the information kit on representing yourself that is on the Courts Nova Scotia website. Even if you are representing yourself in court, it is a good idea to get legal advice before you go to court.

Law is a system of rules and guidelines that state our rights and responsibilities and regulate behaviour. They reflect the values of society. In Canada there are three levels of government that make laws: federal, provincial and municipal (local community) government.

● How are Canadian laws made?

Laws are made in two ways in Canada:

Statutes are made by the federal and provincial governments. They are also called Acts. For example, the Canadian Human Rights Act is a federal law that protects everyone who is discriminated against because of their sex, disability, or religion.

Laws made by the federal government, called the Government of Canada, apply across the country. Examples are criminal laws and the laws on divorce.

Laws made by a province only apply in that province. Examples are landlord and tenant laws and education laws.

Municipalities, cities and towns have power to make by-laws for people who live there. Examples are parking laws and noise laws.

Case law is made by judges through the legal decisions they make in court cases.

The courts interpret the law. They also decide when people have disobeyed the law and what their punishment will be.

● What is the difference between criminal law and civil law?

Criminal law sets out actions that are against the law because they threaten public safety and personal well being. These actions are called crimes or offences. Criminal law also sets out punishments for these crimes.

Some examples of criminal law are laws against drinking and driving, stealing and assault. Assault means hurting another person on purpose. Any person who is charged with breaking a criminal law has a right to a trial before a judge. For more information on criminal law, see the pamphlet called *What Newcomers Need To Know About Criminal Law*.

Civil law is about disagreements between people, or between a person and a group or business. Some examples are employment law, landlord and tenant law, insurance law and family law.

● What is the Charter of Rights and Freedoms?

The Canadian Charter of Rights and Freedoms states the basic rights and freedoms of Canadian residents and of all Canadian citizens. It is part of the Canadian Constitution. The Constitution is a document that sets out the country's system of government and the civil rights of its citizens. Some rights and freedoms are only for Canadian citizens, such as the right to vote. Other rights and freedoms are for all residents of Canada, such as freedom of speech and rights on arrest.

● When do I need a lawyer?

There are many times when you may need to hire a lawyer to give you legal advice. For example, you may need a lawyer if you are setting up a business, buying or selling a house, or making a will.

You may also need legal advice if you want to take someone to court or someone is taking you to court, you are injured in a car accident or you are charged with a crime. At these times, you might also need to hire a lawyer to act for you in court.

In Nova Scotia, only qualified, licensed, insured lawyers can give legal advice. The Nova Scotia Barristers' Society keeps a list of qualified lawyers on its website: www.nsbs.org

● How do I find a lawyer?

Ask your friends and relatives to refer you to a good lawyer who has done work for them. If the lawyer does not practice the kind of law you need, ask the lawyer to suggest someone else.

Call the Legal Information Society of Nova Scotia for information on the Lawyer Referral Service.

Or, look under "Lawyers" in the Yellow Pages in the phone book.

● What information does my lawyer need?

When you have an appointment with your lawyer, be prepared. Bring information with you about your case, such as papers showing court dates and times, and court orders. Your lawyer needs your up-to-date address and telephone number.

Do not be afraid to ask your lawyer about the cost of hiring him or her and how long the case will take. Most lawyers will ask for part of the fee before they do any work for you. This fee is called a "retainer."

After you hire a lawyer, he or she should be the person to have contact with the lawyer acting on the other side. You should not sign any legal papers or make agreements without first checking with your lawyer.

If you cannot keep your appointment time with your lawyer, tell him or her as soon as possible and arrange a new date for the meeting.

If you have questions about your case, you should talk to your lawyer. Your lawyer must act in your best interest. She or he will give advice about your situation and about what you should do. Think about the advice your lawyer gives you. You do not have to follow your lawyer's advice, but you must tell your lawyer what you want to do.

You must be in court when your lawyer wants you to be there. If you do not come to court or provide your lawyer with instructions, your lawyer may quit. If your lawyer feels that your instructions are unreasonable, he or she may refuse to continue as your lawyer.

● If I do not have a lawyer, can I get help if I have to go to court?

A Duty Counsel lawyer can offer you legal advice at some courts. You can call the court or Nova Scotia Legal Aid to find out if their duty counsel is available at the court you are going to. Duty counsel can give you free summary advice. "Summary advice" means getting general legal advice or information during a short phone call or brief meeting with a lawyer based on the information you provide to the lawyer.

A Duty Counsel lawyer will not represent you in court.

● How can I get free Legal Aid?

Nova Scotia Legal Aid gives free legal help to people who can't afford to pay a lawyer. Nova Scotia Legal Aid deals with some family and criminal cases. It also provides some other help on other types of legal problems. You can contact the Nova Scotia Legal Aid to see if they can help you.

Dalhousie Legal Aid Service also does community outreach and works on "test cases" to fight for the rights of persons with low incomes in Nova Scotia.

Immigration cases, including Refugee Hearings, are not eligible for any Legal Aid. The Halifax Refugee Clinic may provide help if you are a refugee. Their contact information is at the end of the pamphlet.

To qualify for Legal Aid, you must be receiving Income Assistance or have a very low income.

You can apply for Legal Aid by calling or visiting your local Legal Aid office.

You will have to give Legal Aid the following information:

- Proof of your income, such as a pay stub and copy of your most recent Income Tax Return or Notice of Assessment
- Court documents, papers about a criminal charge and court orders related to your case
- Identification, such as your Health Card or driver's licence