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Impaired Driving and Bill C-46 Amendments: Just What is a Conveyance, Anyway?

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IMPAIRED DRIVING AND BILL C-46 AMENDMENTS: JUST WHAT IS A CONVEYANCE, ANYWAY?

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*Bill C-46*¹ is intended to streamline prosecutions to move away from overly technical arguments. In relation to the introduction of the term “conveyance”, while the language ironically sounds overly technical, the definition itself is quite simplistic. In the history of impaired driving in Canada, this switch of terminology is just a small bump in the road.

WHERE ARE WE NOW?

Typically, when one thinks of impaired driving, one generally thinks of impaired operation of a motor vehicle. With the advent of changes in *Bill C-46*, Parliament opted to introduce a new term into the everyday language of criminal lawyers: “conveyance”. The new impaired operation offences found in sections 320.14(1)(a) and 320.14(1)(b) of the *Criminal Code* now charge Impaired Operation of a Conveyance instead of specifying multiple modes of transportation. The practical effect of using the term conveyance is minimal, as it is an all-encompassing definition. Section 320.11 of the *Criminal Code* states:

Conveyance means a motor vehicle, a vessel, an aircraft or railway equipment.

Prior to the implementation of the changes under *Bill C-46*, the *Criminal Code* had provided some form of definition for motor vehicles, vessels, aircraft and railway equipment individually. The definitions could be found split evenly between section two (motor vehicle & railway equipment) and under the old section 214 operation section (aircraft & vessel).

The definition of motor vehicle and railway equipment have not changed and remain as follows:

Section 2:

“motor vehicle” means a vehicle that is drawn, propelled or driven by any means other than muscular power, but does not include railway equipment.

“railway equipment” means

(a) Any machine that is constructed for movement exclusively on lines of railway whether or not the machine is capable of independent motion, or

(b) Any vehicle that is constructed for movement both on and off lines of railway while the adaptations of that vehicle for movement on lines of railway are in use²;

¹ *Bill C46*, An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts, SC 2018 c 21 [*Bill C46*]

² *Criminal Code*, RSC 1985, c C-46, s. 2.