

**PROVINCIAL COURT OF NOVA SCOTIA**  
**Citation:** R. v. Malcolm George, 2004 NSPC 28

**Date:** 20040202  
**Docket:** 1268090  
**Registry:** Kentville

**Between:**

Her Majesty the Queen

v.

Malcolm J. George

---

**LIBRARY HEADING**

---

**Judge:** The Honourable Judge Alan T. Tufts

**Heard:** December 18., 2003 in Kentville, Nova Scotia

**Wirtten Decision:** May 11, 2004

**Subject:** Section 103(1) Motor Vehicle Act

**Summary:** The defendant was charged under s. 103 of the Motor Vehicle Act and there was no dispute that he was exceeding the speed limit. There was also no dispute that there were no children present “on that portion of the highway” nor outside the school, but school was in session at the time of the offence.

**Issue:** Whether children inside a building, which building is within 30 metres of the centre line of the highway constitutes “when children are present” as that term is used in s. 103(1) of the Motor Vehicle Act.

**Result:** “Children present on the land” does not include situations where the children are inside the building, even if the building is within 30 metres of the centre line of the highway.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***