

**PROVINCIAL COURT OF NOVA SCOTIA**

**Citation:** R. v. Sanford, 2003 NSPC 64

**Date:** 20031215

**Docket:** 1273288

**Registry:** Kentville

**Between:**

Her Majesty the Queen

v.

Jason Glen Sanford

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**LIBRARY HEADING**

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

**Heard:** November 3, 2003 in Windsor, Nova Scotia

**Written Decision:** May 14, 2004

**Subject:** **Hunter Education Safety and Training Regulations, s. 13(1)**  
**Failure to wear “hunter orange” while hunting**  
**Wildlife Act of Nova Scotia, s. 3(1)(ad)**  
**Definition of “hunting”**

**Summary:** **The defendant entered the woods to hunt. The defendant was taking a break or leaving the woods and was about to have lunch and relieve himself. The defendant wore a back brace which was required to be removed in order to remove or lower his trousers. He was wearing his hunter orange vest until that time and removed it to disengage the back brace, putting the vest in his knapsack after removing it.**

**When the wildlife officers made contact with the defendant he was walking down a path or woods road. He had either eaten his lunch or was about to do so, but had not yet relieved himself. He was carrying a loaded rifle, indicating he did not want to lay it down for safety reasons.**

**Issue:** **Whether the defendant was a person who did take, hunt or kill wildlife or attempt to do so**  
**If the defendant meets this criteria, whether the defence of due diligence can succeed**

**Result:**

**Concluded that the defendant was attempting to take, hunt or kill wildlife and was obliged to wear hunter orange.**

**That the actions described in the definition of “hunting” are continuous actions, which begin when the hunter enters the woods and do not cease until he/she has finally exited the woods and broken down the firearm.**

**Given the unique back ailment and the unusual circumstances of the defendant's need to disengage the back brace the defence of due diligence succeeds and he is found not guilty.**

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