

The Collection

Agents Act

being

Chapter C-15 of the *Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Revised Statutes of Saskatchewan, 1978 (Supp.)* c.6; and as amended by the *Statutes of Saskatchewan, 1998, c.C-45.2; 2000, c.53; and 2015, c.21.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

| | | | |
|----|---|----|---|
| | SHORT TITLE | | EXEMPTIONS |
| 1 | Short title | 22 | Non-application of Act |
| | INTERPRETATION | | APPEAL FROM REGISTRAR'S DECISION |
| 2 | Interpretation | 23 | Appeal to Queen's Bench |
| 3 | Designation of registrar | | FORMS AND RECORDS |
| | LICENCES | 24 | Filing of forms and prohibition respecting the use of certain forms |
| 4 | Collection agent and collector required to be licensed | 25 | Records and accounts |
| 5 | Prohibition respecting holding out | 26 | Auditors |
| 6 | Application for licence | 27 | Annual report |
| 7 | Address for service | 28 | Accounting for any payment of money collected |
| 8 | Licensing of firm or partnership | 29 | Unlawful practices |
| 9 | Designation of official by corporation | | INVESTIGATIONS |
| 10 | Licence for collector | 30 | Investigation by registrar or other person |
| 11 | Collector or official deemed to be authorized to act for collection agent | 31 | Production of books, etc. |
| 12 | Collection agent to notify registrar of the cessation of representation | 32 | Certificate of registrar <i>prima facie</i> proof |
| 13 | Transfer of collector's licence prohibited | 33 | Regulations |
| 14 | Granting or refusing a licence | | OFFENCES AND PENALTIES |
| 15 | Licence may be subject to terms and conditions | 34 | Offences |
| 16 | Expiry date of licence | 35 | Employment of unlicensed agent prohibited |
| 17 | Suspension or cancellation of licence | 36 | Penalty |
| 18 | Effect of cancellation | 37 | Evidence of carrying on of business |
| 19 | Requirement of further information | 38 | Limitation of prosecution |
| 20 | Request for hearing | | |
| 21 | Bond | | |

CHAPTER C-15

An Act respecting Collection Agents

SHORT TITLE

Short title

- 1 This Act may be cited as *The Collection Agents Act*.

INTERPRETATION

Interpretation

- 2 In this Act:

- (a) **“authorized official”** means a person who is authorized to act as the representative of a collection agent and is named in the licence of the collection agent;
- (b) **“collection agent”** means a person other than a collector who:
- (i) collects debts for others;
 - (ii) offers or undertakes to collect debts for others;
 - (iii) solicits accounts for collection;
 - (iv) collects debts owed to him under a name which differs from that under which he is the creditor;
 - (v) mails to debtors or offers or undertakes to mail to debtors, on behalf of a creditor collection letters;
 - (vi) for a fee or other consideration or hope or promise thereof, enters into an arrangement under the terms of which he agrees or undertakes to pay to a vendor any amount in respect of goods or services sold or supplied by the vendor to a person other than the collection agent;
 - (vii) offers or undertakes to act for a debtor in arrangements or negotiations with his creditors; or
 - (viii) receives money periodically from a debtor for distribution to his creditors;

and includes a person who takes an assignment of a debt or debts due at the date of assignment from a specified debtor or debtors;

- (c) **“collector”** means a person who on behalf of a collection agent:
- (i) does anything referred to in the definition of collection agent; or
 - (ii) sells or offers for sale any of the services of a collection agent.

c. C-15

COLLECTION AGENTS

- (d) **“licence”** means a valid and subsisting licence granted under this Act;
- (e) **“minister”** means the member of the Executive Council to whom for the time being is assigned the administration of this Act.
- (f) **“official”** includes the president, vice-president, secretary, treasurer, secretary treasurer, managing director, general manager, department manager, branch office manager and any person acting in a similar capacity whether so designated or not;
- (g) **“registrar”** means the person designated by the minister to act as registrar for the purposes of this Act.

R.S.S. 1978, c.C-15, s.2.

Designation of registrar

- 3** The minister shall designate a person to act as registrar.

R.S.S. 1978, c.C-15, s.3.

LICENCES

Collection agent and collector required to be licensed

- 4** Except as may be otherwise permitted under this Act, no person shall:
- (a) carry on business as a collection agent unless he is the holder of a licence as a collection agent; or
 - (b) act as a collector unless he is the holder of a licence as a collector of a licensed collection agent.

R.S.S. 1978, c.C-15, s.4.

Prohibition respecting holding out

- 5** No person shall hold himself out as a collection agent or collector unless he is the holder of a licence granted for the purpose.

R.S.S. 1978, c.C-15, s.5.

Application for licence

- 6(1)** Every application for a licence shall be made to the registrar upon a form provided by him and shall be accompanied by the fee prescribed in the regulations.
- (2) Every applicant or person acting on behalf of an applicant may be required by the registrar to verify by affidavit or otherwise the statements made by him in the application.
- (3) An applicant for licence as a collection agent shall file with the registrar as part of the application:
- (a) two copies of each form of agreement that the collection agent uses or proposes to use when entering into agreement with persons for whom he acts;

COLLECTION AGENTS

c. C-15

- (b) two copies of each form or form letter that the collection agent uses or proposes to use in making demands for the collection of debts; and
 - (c) a bond of a guarantee company licensed under *The Saskatchewan Insurance Act*.
- (4) The agreement referred to in subsection (3) shall set out particulars of the fees charged or proposed to be charged by the collection agent.

R.S.S. 1978, c.C-15, s.6.

Address for service

7(1) Every applicant for a licence shall state in the application an address for service in Saskatchewan, and any notice under this Act or the regulations shall for all purposes be sufficiently served if delivered or sent by registered mail to that address or to the address for service stated or shown in a notice given pursuant to subsection (2).

(2) Every licensee shall notify the registrar in writing of any change in his address for service.

R.S.S. 1978, c.C-15, s.7.

Licensing of firm or partnership

8(1) In this section, the word “**firm**” means:

- (a) a person who is a sole proprietor of a business and who uses as his business name a name other than his own or uses his own name with the addition of some other word or phrase; or
- (b) persons who are associated as partners in a business;

and the name in which the firm carries on its business is called the firm name.

(2) A firm may apply for and obtain a licence as a collection agent in the firm name; and no firm shall carry on business as a collection agent under a name other than the name shown in its licence.

(3) Every firm shall, in its application for a licence, state the firm name and if a sole proprietor, the name of the sole proprietor or, if a partnership, the names of the partners, and designate one partner as the authorized official of the firm.

(4) The licence, if granted to the firm, shall be deemed to be issued in the name of the sole proprietor, or in the names of the partners, as the person or persons carrying on business in the firm name, and the licence shall indicate thereon the authorized official who, in the case of a sole proprietorship, shall be the sole proprietor and, in the case of a partnership, the partner designated in the application for the purpose.

(5) Upon the granting of a licence to the firm, the authorized official thereof may act as a collector on behalf of the firm without a licence but no other person shall so act unless he is licensed as a collector.

(6) Any change in the membership of a firm or in the name thereof shall be deemed to create a new firm and to terminate any existing licence.

R.S.S. 1978, c.C-15, s.8.

Designation of official by corporation

9 A corporation shall in its application for a licence designate an official thereof as an authorized official of the corporation; and the licence, if granted, shall state the name of the official so designated; and thereupon that person may act without a licence as a collector on behalf of the corporation.

R.S.S. 1978, c.C-15, s.9.

Licence for collector

10(1) Every application for a licence as a collector shall be accompanied by a statement in writing given by a licensed collection agent that the applicant, if granted a licence, is authorized to act as a collector representing that collection agent.

(2) A licence issued to a collector shall indicate thereon the name of the collection agent who furnished the statement required under subsection (1) and on whose behalf the collector is authorized to act as a collector.

R.S.S. 1978, c.C-15, s.10.

Collector or official deemed to be authorized to act for collection agent

11 A collector who is the holder of a licence is deemed to be authorized by the collection agent specified in the licence to act for or on behalf of that collection agent.

R.S.S. 1978, c.C-15, s.11.

Collection agent to notify registrar of the cessation of representation

12(1) Where a collector ceases to represent a collection agent the collection agent shall forthwith give notice in writing to the registrar that the collector has ceased to represent him and the receipt of such notice by the registrar shall operate as a termination of the licence of the collector.

(2) A collection agent who fails to give the notice mentioned in subsection (1) within five days after the collector has ceased to represent him is guilty of an offence.

R.S.S. 1978, c.C-15, s.12.

Transfer of collector's licence prohibited

13(1) The transfer of the licence of a collector from one collection agent to another is prohibited.

(2) Where a collector whose licence is terminated is appointed by another collection agent, or is reappointed by the collection agent with whom he was previously licensed, the collector shall make a new application to the registrar for a licence.

R.S.S. 1978, c.C-15, s.13.

Granting or refusing a licence

14 The registrar may grant a licence where, in his opinion, the applicant is suitable to be licensed and the proposed licensing is not for any reason objectionable; but the registrar may refuse to grant a licence if after investigation he is for any reason of the opinion that the applicant should not be granted a licence.

R.S.S. 1978, c.C-15, s.14.

Licence may be subject to terms and conditions

15(1) The registrar:

- (a) may grant a licence; or
- (b) may, where a licence is already granted, by notice to the licensee make the licence;

subject to such terms, conditions and restrictions as he considers necessary.

(2) Where a licence has been granted, the registrar by notice to the licensee, may attach terms, conditions and restrictions, or may vary, add to or revoke the terms, conditions and restrictions, to which the licence shall be subject.

(3) Every licensee shall comply with the terms, conditions and restrictions to which his licence is subject.

R.S.S. 1978, c.C-15, s.15.

Expiry date of licence

16 Unless previously cancelled, every licence expires five years from the day on which it was issued.

R.S.S. 1978 (Supp), c.6, s.2.

Suspension or cancellation of licence

17(1) The registrar may suspend or cancel a licence upon any ground on which he might have refused to grant the licence or where he is satisfied that the licensee:

- (a) has violated any provision of this Act or has failed to comply with any of the terms, conditions or restrictions to which his licence is subject;
- (b) has made a material mis-statement in the application for his licence or in any of the information or material submitted by him to the registrar pursuant to section 19;
- (c) is guilty of misrepresentation, fraud, or dishonesty; or
- (d) has demonstrated his incompetency, unfitness, or untrustworthiness to carry on the business in respect of which his licence was granted.

(2) Where a bond filed under this Act is terminated, the licence of the collection agent shall automatically be suspended and shall remain so suspended until the collection agent files with the registrar a new bond in the amount and form required.

(3) Where the licence of a collection agent is suspended or cancelled, the licences of all collectors of the collection agent shall be automatically terminated.

R.S.S. 1978, c.C-15, s.17.

Effect of cancellation

18 A person whose licence is cancelled is not entitled to a new licence until the expiration of one year after the cancellation.

R.S.S. 1978, c.C-15, s.18.

Requirement of further information

19 The registrar may at any time require further information or material to be submitted by an applicant for a licence or by a licensee within a specified time and may require verification by affidavit or otherwise of any information or material so submitted or previously submitted.

R.S.S. 1978, c.C-15, s.19.

Request for hearing

20(1) An applicant for a licence or a licensee who is dissatisfied with a decision of the registrar under this Act may within thirty days after the date of the decision apply in writing to the registrar for a hearing and thereupon the registrar shall fix a date for the hearing which, unless otherwise agreed, shall be held not later than seven days after the date of the receipt of the application for the hearing.

(2) The registrar shall in writing within ten days of the conclusion of the hearing render a decision to the applicant or licensee and he shall in his decision give reasons therefor.

(3) The applicant or licensee may in any hearing before the registrar be represented by counsel.

(4) For the purpose of holding a hearing the registrar:

(a) may require and may take and receive affidavits, statutory declarations and depositions;

(b) may examine witnesses upon oath and may administer the oath;

(c) has the same power that any court has in civil cases to:

(i) summon persons to attend as witnesses and to give evidence;

(ii) enforce the attendance of witnesses; and

(iii) compel witnesses to produce books, documents and things.

R.S.S. 1978, c.C-15, s.20.

Bond

21(1) The registrar may require any applicant for a licence or any licensee to furnish him within a specified time with a bond in such form and amount as he may prescribe.

(2) Notwithstanding that Her Majesty in right of Saskatchewan has not suffered any loss or damages, every bond delivered to the registrar under subsection (1) shall be construed as being a penal bond and where any such bond is forfeited pursuant to subsection (3), the amount due and owing as a debt to Her Majesty in right of Saskatchewan by the person bound thereby shall be determined as if Her Majesty suffered such loss or damages as would entitle Her Majesty to be indemnified to the maximum amount of liability prescribed by the bond.

(3) Every bond furnished under subsection (1) shall be forfeited where:

(a) the person in respect of whose conduct the bond is conditioned or any representative or collector of that person has been convicted of an offence:

(i) under this Act or regulation;

(ii) involving fraud or theft or conspiracy to commit an offence involving fraud or theft under the *Criminal Code*.

and there is no further appeal or the time for all appeals therefrom has elapsed;

(b) final judgment in respect of a claim arising out of a contract has been given against the person in respect of whose conduct the bond is conditioned or against any representative or collector of that person;

(c) the person in respect of whose conduct the bond is conditioned commits an act of bankruptcy, whether or not proceedings have been taken under the *Bankruptcy Act* (Canada); or

(d) a decision has been rendered by the registrar in writing stating in effect that after consideration and investigation of a complaint, he is satisfied that the person in respect of whose conduct the bond is conditioned or any representative or collector of that person:

(i) has violated a provision of this Act or has failed to comply with any of the terms, conditions or restrictions to which his licence is subject or is in breach of a contract; and

(ii) has departed from Saskatchewan, or being out of Saskatchewan remains out of Saskatchewan, or departs from his dwelling house or otherwise absents himself, or in the case of a corporation, the name thereof has been struck off the register of companies;

and there is no further appeal or the time for all appeals therefrom has elapsed.

- (4) Where a bond secured by the deposit with the registrar of collateral security is forfeited under subsection (3), the registrar may sell the collateral security at the current market price.
- (5) The registrar may pay any money recovered under a forfeited bond or realized from the sale of any collateral security to:
- (a) the local registrar of the Court of Queen's Bench in trust for those persons who may become judgment creditors of the person named in the bond for claims arising out of contracts on any terms the registrar considers appropriate;
 - (b) any trustee, custodian, interim receiver, receiver or liquidator of the person named in the bond on any terms the registrar considers appropriate; or
 - (c) any person that the registrar considers entitled to the money for a claim arising out of a contract with the person named in the bond or any representative or collector of that person.
- (6) The registrar shall pay any money not paid pursuant to subsection (5) to the surety or obligor under the bond after the payment of any expenditures incurred by the registrar in connection with the forfeiture of the bond and the determination and settlement of valid claims.
- (7) In this section “**contract**” means an agreement, whether verbal or in writing, for the doing of anything referred to in the definition of “collection agent”.

R.S.S. 1978, c.C-15, s.21; 2000, c.53, s.2; 2015, c.21, s.10.

EXEMPTIONS

Non-application of Act

- 22(1)** This Act except subsection (2) of section 29 does not apply to:
- (a) any barrister or solicitor or his employee, in the regular practice of his profession;
 - (b) an insurer or agent or employee of an insurer or agent in respect of the collection of insurance premiums;
 - (c) a real estate broker or his employee, in respect of the collection of moneys incidental to his business as a real estate broker;
 - (d) a person acting as an officer of or under the process or authority of any court;
 - (e) a person appointed by or under any Act, in respect of the collection of debts in the due performance of his duty;

- (f) any bank to which the *Bank Act* (Canada) applies, or loan corporation or trust company registered under *The Companies Act*, or to employees thereof in the regular course of their employment;
 - (g) any credit union or federation of credit unions registered under *The Credit Union Act, 1998*, or to employees thereof in the regular course of their employment; or
 - (h) an isolated collection made by a person whose usual business is not collecting debts for other persons.
- (2) Subsection (1) of section 21 does not apply to a person who engages solely in collecting debts owed to him within the meaning of subclause (iv) of clause (b) of section 2.

R.S.S. 1978, c.C-15, s.22; 1998, c.C-45.2, s.476.

APPEAL FROM REGISTRAR'S DECISION

Appeal to Queen's Bench

23(1) A person who is dissatisfied with a decision of the registrar under this Act may, instead of applying under section 20 to the registrar for a hearing, within thirty days from the date of the decision, appeal to a judge of the Court of Queen's Bench who may upon hearing the appeal by order do any one or more of the following things:

- (a) dismiss the appeal;
 - (b) allow the appeal;
 - (c) allow the appeal subject to terms and conditions;
 - (d) vary the decision appealed against;
 - (e) refer the matter back to the registrar for further consideration and decision;
 - (f) award costs of the appeal;
 - (g) make such other order as to him seems just.
- (2) The appeal shall be by notice of motion and a copy thereof shall be served upon the registrar not less than ten days before the day on which the motion is returnable.
- (3) There shall be no further appeal.

R.S.S. 1978, c.C-15, s.23.

FORMS AND RECORDS

Filing of forms and prohibition respecting the use of certain forms

24(1) Every collection agent shall file with the registrar:

- (a) two copies of each form of agreement that he uses or proposes to use when entering into agreement with persons for whom he acts;
 - (b) two copies of each form or form letter that he uses or proposes to use in making demands for the collection of debts.
- (2) No collection agent shall use a form of agreement or other form or form letter filed under subsection (1) of this section or under subsection (3) of section 6 unless:
- (a) a copy of the form has been returned to him bearing an endorsement by the registrar to the effect that the form has been accepted for filing; and
 - (b) the form was accepted for filing by the registrar within thirteen months of the date of its use.
- (3) The registrar may refuse to accept for filing any form that he finds to be objectionable.
- (4) Where the registrar refuses to accept a form for filing he shall, on being so requested, specify the reasons therefor.

R.S.S. 1978, c.C-15, s.24.

Records and accounts

25(1) Every holder of a collection agent's licence shall:

- (a) keep proper records and books of account showing moneys received and moneys paid out, including a receipt book, cash book, clients' ledger, debtors' ledger, and journal or equivalent machine accounting records satisfactory to the registrar; and
 - (b) maintain a trust account in a chartered bank, credit union or trust company, and shall deposit all moneys received on behalf of a client in the trust account.
- (2) No money may be drawn from a trust account, except:
- (a) money paid to or on behalf of a client from funds which have been deposited in a trust account to the client's credit;
 - (b) money required for payment to the collection agent of his charges pursuant to an agreement to collect debts or disbursements made on behalf of a client from money belonging to the client; or
 - (c) money paid in to the trust account by mistake.

R.S.S. 1978, c.C-15, s.25.

Auditors

26(1) Every licensed collection agent shall appoint one or more auditors, satisfactory to the registrar.

(2) The auditor or auditors shall have a right of access at all times to all books, documents, accounts, and vouchers of the collection agent, and are entitled to receive from the collection agent and from the employees of the collection agent any information or explanation necessary for the performance of their duties as auditors, and each of those employees shall at all reasonable times provide such information or explanations to the auditor or auditors.

(3) The auditor or auditors shall make a report to the collection agent on the accounts examined by them and on the balance sheet of the business of the collection agent, and the report shall state:

(a) whether or not they have obtained all the information and explanations they requested;

(b) whether in their opinion the balance sheet referred to in the report is properly drawn up so as to exhibit truly and correctly the state of the affairs of the business of the collection agent according to the best of their information and the explanations given to them and as shown by the books of the business of the collection agent;

(c) in what respect they find the books, documents, accounts, or vouchers incorrect, or not in accordance with law;

(d) the appropriateness or otherwise of the several forms of account kept by the collection agent; and

(e) the gross amount of the moneys collected for the preceding twelve months.

(4) The auditor or auditors shall forward to the registrar a copy of every report made by him or them.

R.S.S. 1978, c.C-15, s.26.

Annual report

27 Every licensed collection agent shall in each year cause to be prepared at the close of his fiscal year, a report on the affairs of the business of the collection agent for the preceding fiscal year, and a balance sheet of the business of the collection agent and a statement of profit and loss during the period covered by the report; and the report, balance sheet and statement of profit and loss shall be signed by the collection agent, certified by the auditor or auditors and forwarded to the registrar not later than three months after the close of the fiscal year to which they relate.

R.S.S. 1978, c.C-15, s.27.

Accounting for any payment of money collected

28(1) Every collection agent shall, without notice or demand, account for all moneys collected within thirty days after the end of the calendar month in which they are collected, and pay them, less his proper charges, to the person entitled thereto; but where the moneys collected are less than ten dollars, payment shall be made within sixty days after the end of the calendar month in which they are collected.

(2) Every collection agent shall, upon demand made by a person entitled to an accounting, or by the registrar, account for all moneys received on behalf of the person and pay the moneys, less the proper fees of the collection agent, to the person.

(3) Where a collection agent is unable to locate the person entitled to moneys collected by him within six months after they have been collected, he shall pay the moneys less his proper charges to the minister with a statement thereof, showing the full names and last known addresses of the persons entitled thereto, and the minister shall give to him a receipt therefor, which shall be an effective discharge to him.

R.S.S. 1978, c.C-15, s.28.

Unlawful practices

29(1) No collection agent or collector shall:

- (a) collect or attempt to collect for a person for whom he acts any moneys in addition to the amount owing by the debtor;
- (b) make any charge against a person for whom he acts in addition to those contained in the agreement with that person;
- (c) send any telegram or make any telephone call, for which the charges are payable by the addressee or the person to whom the call is made, to a debtor for the purpose of demanding payment of a debt;
- (d) enter into any agreement with a person for whom the collection agent acts unless a copy of the form of the agreement is filed with the registrar;
- (e) use any form or form of letter to collect or attempt to collect money from a debtor unless a copy of the form or form of letter is filed with the registrar;
- (f) use, without lawful authority, any summons, notice, or demand, or other document, expressed in language of the general style or purport of any form used in any court in the province, or printed or written or in the general appearance or format of any such form.
- (g) make telephone calls or personal calls of such nature or with such frequency as to constitute harassment of the debtor, his spouse or any member of his family;

COLLECTION AGENTS

c. C-15

- (h) make telephone calls or personal calls for the purpose of demanding payment of a debt:
 - (i) on a Sunday;
 - (ii) on a holiday; or
 - (iii) on any other day except between the hours of eight o'clock in the forenoon and nine o'clock in the afternoon;
 - (i) give, by implication, inference or statement, directly or indirectly, any false information to any person that may be detrimental to a debtor, his spouse or any member of his family;
 - (j) give, or threaten to give, by implication, inference or statement, directly or indirectly, to the person who employs a debtor, his spouse or any member of his family information that may adversely affect the employment or employment opportunities of the debtor, his spouse or any member of his family;
 - (k) make a demand by telephone, by personal call or by writing for payment of an account without indicating the name of the creditor with whom the account was incurred, the balance of the account and the identity and authority of the person making the demand;
 - (l) make telephone calls or personal calls of such nature or with such frequency as to constitute harassment of any person in an effort to determine the present whereabouts of the debtor, his spouse or any member of his family; or
 - (m) commence or continue an action for the recovery of a debt in the name of the collection agent or collector as plaintiff unless such debt has been assigned to the collection agent or collector, as the case may be, in good faith by instrument in writing for valuable consideration and notice of such assignment has been given to the debtor.
- (2) Notwithstanding any agreement to the contrary between a debtor and a creditor, any costs incurred by a collection agent or by the creditor in employing a collection agent to collect the debt shall be deemed not to be a part of the amount owing by the debtor and shall not be recoverable by the creditor or by the collection agent acting on behalf of the creditor.

R.S.S. 1978, c.C-15, s.29.

INVESTIGATIONS

Investigation by registrar or other person

30 The registrar, or any person authorized by him in writing, may investigate and inquire into any matter the investigation of which he deems expedient for the due administration of this Act.

R.S.S. 1978, c.C-15, s.30.

Production of books, etc.

31 The person making an investigation may at all reasonable times demand the production of and inspect all or any of the books, documents, papers, correspondence and records of the person in respect of whom the investigation is being made, and any person who has the custody, possession or control of any such books, documents, papers, correspondence or records shall produce them and permit the inspection thereof by the person making the investigation.

R.S.S. 1978, c.C-15, s.31.

MISCELLANEOUS

Certificate of registrar *prima facie* proof

32 A certificate under the hand of the registrar stating that:

- (a) a collection agent, collector or other person named in the certificate was or was not licensed under this Act;
- (b) a licence was granted to a collection agent or collector; or
- (c) the licence of a collection agent or collector was suspended, cancelled or reinstated;

is admissible in evidence as *prima facie* proof of the facts stated in the certificate.

R.S.S. 1978, c.C-15, s.32.

Regulations

33 For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make such regulations as are ancillary thereto and are not inconsistent therewith; and every regulation made under, and in accordance with the authority granted by this section has the force of law; and, without restricting the generality of the foregoing, the Lieutenant Governor in Council may make such regulations, not inconsistent with any other provision of this Act:

- (a) prescribing the fees payable for licences and other services in connection with the administration of this Act;
- (b) prescribing requirements respecting applicants for licences;
- (c) exempting any person or any class of persons from any provision of this Act;
- (d) respecting the disposition of moneys paid to the minister pursuant to section 28;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

R.S.S. 1978, c.C-15, s.33.

OFFENCES AND PENALTIES

Offences

34 A person who:

- (a) does anything that is prohibited by this Act; or
- (b) omits to do anything that is required by this Act to be done;

is guilty of an offence against this Act.

R.S.S. 1978, c.C-15, s.34.

Employment of unlicensed agent prohibited

35(1) Every person who knowingly employs an unlicensed collection agent or causes or procures letters or notices to be sent or verbal demands to be made upon debtors by an unlicensed collection agent is guilty of an offence.

(2) No prosecution for an offence under subsection (1) shall be commenced without the prior consent of the Attorney General.

R.S.S. 1978, c.C-15, s.35.

Penalty

36(1) A person who is guilty of an offence against this Act is liable on summary conviction to a fine of not less than \$50 or more than \$1,000 and in default to imprisonment for a term not exceeding six months.

(2) Notwithstanding subsection (1), where the person convicted of an offence under this Act is a corporation, the maximum penalty may be increased to \$5,000.

R.S.S. 1978, c.C-15, s.36.

Evidence of carrying on of business

37 Where in a prosecution for an offence under this Act it is alleged that the accused carried on the business of a collection agency without being the holder of a licence, evidence of one transaction is *prima facie* evidence that the accused carried on such business.

R.S.S. 1978, c.C-15, s.37.

Limitation of prosecution

38 No prosecution for an offence under this Act shall be commenced after two years from the date of the offence.

R.S.S. 1978, c.C-15, s.38.

