

The Summary Offences Procedure Act, 1990

being

Chapter S-63.1* of the *Statutes of Saskatchewan, 1990-91* (effective January 1, 1991) as amended by the *Statutes of Saskatchewan, 1992, c.40; 1993, c.C-39.1 and 45; 1994, c.22; 1996, c.32 and 61; 1997, c.W-13.11; 1998, c.W-13.12; 2000, c.29; 2002, c.C-11.1; 2003, c.Y-2, 15 and 18; 2004, c.T-18.1 and 10; 2005, c.M-36.1 and 42; 2009, c.29 and c.35; and 2010, c.N-5.2, c.33 and c.15.*

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

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.

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CHAPTER S-63.1

An Act respecting Summary Offences Procedure and Certain consequential amendments resulting from the enactment of this Act

PART I

Short Title and Interpretation

Short title

1 This Act may be cited as *The Summary Offences Procedure Act, 1990*.

Interpretation

2 In this Act:

- (a) **“authority”** means:
 - (i) a municipality;
 - (ii) the Meewasin Valley Authority;
 - (iii) the Wakamow Valley Authority;
 - (iv) the Wascana Centre Authority;
 - (v) the University of Regina; or
 - (vi) the University of Saskatchewan;
- (a.1) **“bylaw”** means a bylaw made by an authority;
- (b) **Repealed.** 1993, c.C-39.1, s.64.
- (c) **“clerk”** means a clerk of the Provincial Court of Saskatchewan;
- (d) **Repealed.** 1993, c.C-39.1, s.64.
- (e) **Repealed.** 1993, c.C-39.1, s.64.
- (f) **“default conviction”** means a conviction entered pursuant to section 22;
- (g) **“defendant”** means a person on whom a summary offence ticket has been served;
- (h) **Repealed.** 1993, c.C-39.1, s.64.
- (i) **“fine option program”** means a program established pursuant to section 5;
- (j) **“justice”** means a judge of the Provincial Court of Saskatchewan or a justice of the peace;
- (k) **Repealed.** 2003, c.Y-2, s.20.

- (l) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (m) **Repealed.** 2002, c.C-11.1, s.411.
- (n) **“offence notice”** means an offence notice mentioned in subclause 18(1)(a)(ii);
- (o) **“offence notice ticket”** means a ticket mentioned in subsection 18(1);
- (p) **“offender”** means a person who pursuant to this Act pleads guilty to or has been convicted of an offence governed by this Act or against whom a default conviction has been entered;
- (q) **Repealed.** 2003, c.Y-2, s.20.
- (r) **“peace officer”** includes:
- (i) a member of the Royal Canadian Mounted Police;
 - (ii) a police officer or a constable appointed pursuant to any Act;
 - (iii) a wildlife officer or deputy wildlife officer appointed pursuant to *The Wildlife Act, 1998*, while enforcing the provisions of that Act;
 - (iv) a duly appointed park warden while enforcing the *National Parks Act* (Canada), as amended from time to time;
 - (v) a person appointed pursuant to *The Police Act, 1990* as a special constable or peace officer;
 - (vi) an enforcement officer while enforcing the provisions of *The Litter Control Act*;
 - (vii) a bylaw enforcement officer appointed pursuant to section 337 of *The Cities Act*, section 373 of *The Municipalities Act* or section 394 of *The Northern Municipalities Act, 2010*;
 - (viii) a person designated as a peace officer by the Lieutenant Governor in Council;
- (r.1) **“place of open custody”** means a place of open custody as defined in *The Youth Justice Administration Act*;
- (s) **“place of temporary detention”** means a place of temporary detention as defined in *The Youth Justice Administration Act*;
- (t) **Repealed.** 1993, c.C-39.1, s.64.
- (u) **“prosecutor”** means:
- (i) the Attorney General or, where the Attorney General does not intervene, the informant or the person who issued the ticket, and includes counsel or the agent acting on behalf of the Attorney General, the informant or the person who issued the ticket;
 - (ii) with respect to a bylaw, anyone authorized by a municipality or by a body corporate mentioned in subclauses (a)(ii) to (iv) to prosecute bylaws on its behalf;

- (v) “**provincial director**” means the provincial director as defined in *The Youth Justice Administration Act*;
- (w) “**specified penalty sum**” means:
- (i) in the case of an offence under a bylaw, the sum provided in the bylaw for an offence;
 - (ii) in the case of an offence under an Act or regulation for which a summary offence ticket may be used, the sum provided in the regulations made pursuant to this Act;
- (x) “**summary offence ticket**” means an offence notice ticket or a summons ticket;
- (y) “**summons**” means a summons mentioned in subclause 13(1)(a)(ii);
- (z) “**summons ticket**” means a summons ticket mentioned in subsection 13(1);
- (aa) **Repealed.** 1993, c.C-39.1, s.64;
- (bb) “**young person**”:
- (i) for the purposes of sections 33, 34 and 35 and subsection 52(7), means a person who is or, in the absence of evidence to the contrary, appears to be 12 years of age or older but less than 16 years of age;
 - (ii) for the purposes of section 36, means a person who is or, in the absence of evidence to the contrary, appears to be 12 years of age or older but less than 18 years of age; and
 - (iii) if the context requires it, includes a person who, while he or she was a young person, is charged with having committed an offence or is found guilty of an offence.

1990-91, c.S-63.1, s.2; 1993, c.C-39.1, s.64; 1996, c.32, s.13 and c.61, s.3; 1997, c.W-13.11, s.92; 1998, c.W-13.12, s.90; 2002, c.C-11.1, s.411; 2003, c.18, s.72; 2003, c.Y-2, s.20; 2005, c.M-36.1, s.471; 2005, c.42, s.3; 2010, c.15, s.5; 2010, c.N-5.2, s.470.

PART II

General Summary Procedure

No conviction under 12 years

3 No person under the age of 12 years is liable to be convicted of an offence under any Act, regulation or bylaw.

1990-91, c.S-63.1, s.3.

Procedure generally

4(1) Subject to this Act, any other Act or any regulation, proceedings to enforce an Act, regulation or bylaw by fine, penalty or imprisonment may be brought summarily before a justice under the summary conviction provisions of the *Criminal Code*, as amended from time to time.

(2) In an Act or regulation, the words “**on summary conviction**” mean under and by virtue of the summary conviction provisions mentioned in subsection (1).

(3) If, in the applicable Act or regulation relating to a particular offence, no time limit is specified for laying an information or issuing a summary offence ticket, the information shall be laid or the summary offence ticket shall be issued within six months from the time when the matter of the complaint or information arose unless the prosecutor and the defendant agree to waive the six-month limitation.

(4) Subject to this Act, any other Act or any regulation, Parts XXII, XXVI and XXVII, other than section 840, and sections 20, 21, 22, 484 and 527 insofar as it relates to a witness, sections 718.3, 719, subsection 732(1) and section 734.8 of the *Criminal Code*, as amended from time to time, apply, with any necessary modification, to:

- (a) summary conviction proceedings before justices; and
- (b) appeals from convictions, acquittals, sentencing or other orders made under summary conviction proceedings.

(4.1) Subject to subsection (4.2), sections 487, 487.01, 487.011 to 487.017, 487.02, 487.092, 487.11, 487.3, 488, 489, 489.1, 490, 490.01, 491.1, 492.1 and 492.2 of the *Criminal Code* apply, with any necessary modification, to the enforcement of every Act to which this Act applies.

(4.2) No warrant issued pursuant to section 487.01 of the *Criminal Code* is to authorize the use of a television camera or other similar electronic device in circumstances where the person engaged in the activity to be observed has a reasonable expectation of privacy.

(4.3) The provisions of the *Criminal Code* mentioned in subsection (4.1) are in addition to, and not in substitution for, any provision in an Act or regulation respecting inspections, searches and seizures.

(5) Notwithstanding subsections (1) to (4), the information issued for a violation of those bylaw offences that are prescribed in the regulations is not required to be laid under oath, and the information and summons are not required to be issued by a justice of the peace.

1990-91, c.S-63.1, s.4; 1992, c.40, s.3; 1994, c.22, s.3; 1996, c.61, s.4; 2000, c.29, s.3; 2005, c.42, s.4.

Fine option

5(1) The Lieutenant Governor in Council may make regulations:

- (a) establishing a program to provide to an offender on whom a fine has been imposed an option:
 - (i) to discharge any part of the fine; or
 - (ii) in the case of default of payment of the fine, to reduce any portion of any term of imprisonment imposed;

by the proportion that credits earned for the performance of the work under the program bear to the total penalty;

- (b) specifying the rate at which credits are earned;
 - (c) providing for the manner of crediting any amounts earned against the fine;
 - (d) prescribing offences under any Act, regulation or bylaw with respect to which a person may choose to participate in the fine option program without appearing in court;
 - (e) prescribing the length of time for the discharge of a specified penalty sum by participating in a fine option program;
 - (f) **Repealed.** 1992, c.40, s.4.
 - (g) specifying the places or areas in Saskatchewan where the procedures for discharging a penalty sum by participating in a fine option program are to apply;
 - (h) prescribing any other matters that the Lieutenant Governor in Council considers necessary for or incidental to carrying out the program.
- (2) The Lieutenant Governor in Council may enter into any agreement that the Lieutenant Governor in Council considers necessary to effect the purposes of this section with the government of any other province or territory of Canada.

1990-91, c.S-63.1, s.5; 1992, c.40, s.4.

Use of ticket authorized

- 6(1) In this section, “**summons**” means a summons issued pursuant to the *Criminal Code*, as amended from time to time.
- (2) Where the Lieutenant Governor in Council has designated offences in the regulations for the purpose, the procedure set out in Part III or IV, as the case may be, may be followed with respect to those offences instead of the procedure set out in the *Criminal Code*, as amended from time to time, for laying an information and issuing a summons.
- (3) The use on a summary offence ticket of a word, figure or expression or any combination of them authorized by a regulation to designate an offence under an Act, regulation or bylaw is sufficient for all purposes to describe the designated offence.
- (4) Failure to complete any information required in a summary offence ticket does not invalidate the ticket or any part of it if:
- (a) the defendant is identified with reasonable clarity;
 - (b) the offence with which the defendant is charged is specified in accordance with this Act and the regulations; and
 - (c) the date on which the offence is alleged to have occurred is specified.

1990-91, c.S-63.1, s.6.

Procedures for use of ticket

7(1) Every summary offence ticket:

- (a) shall be completed and signed by the peace officer who issues it; and
- (b) does not need to be sworn.

(2) The peace officer who signs the summary offence ticket shall file the certificate of offence part of the ticket with the Provincial Court of Saskatchewan prior to:

- (a) in the case of a summons ticket, the court appearance date indicated on the summons ticket;
- (b) in the case of an offence notice ticket, the date mentioned in sub-clause 18(2)(b)(iii) indicated on the offence notice ticket.

1990-91, c.S-63.1, s.7.

Service

8(1) Subject to subsections (2) and (3), section 32.53 and the regulations, a summons or offence notice issued pursuant to this Act or a summons issued pursuant to the *Criminal Code* shall be served:

- (a) in the case of a defendant who is an individual:
 - (i) by delivering it personally to the defendant; or
 - (ii) if the defendant cannot conveniently be found by leaving it for the defendant at the defendant's residence with a person at that residence who appears to be at least 18 years of age;
- (b) in the case of a defendant that is a municipality, by delivering it personally to:
 - (i) the mayor or reeve; or
 - (ii) the clerk or administrator of the municipality;
- (c) in the case of a defendant that is a corporation other than a municipality:
 - (i) by sending it by registered mail to the registered office of the corporation; or
 - (ii) by delivering it personally to the manager, secretary or other executive officer of the corporation or the person in charge of any office or other place where the corporation carries on business in Saskatchewan.

(2) On application and on being satisfied that service cannot be made effectively on a corporation in accordance with clause (1)(c), a justice may authorize, by order, another method of service.

(3) Subject to the regulations, when a summons or offence notice issued pursuant to this Act cannot reasonably be served in accordance with subsection (1) at the time of the offence on a defendant who is an individual, the summons or offence notice may be served on that individual by mail, in the manner prescribed in the regulations, addressed to the last known address of that person.

(4) A summons or offence notice sent by mail in accordance with subsection (3) is deemed to have been served at the time prescribed in the regulations.

1990-91, c.S-63.1, s.8; 1994, c.22, s.4; 2000, c.29, s.4; 2005, c.42, s.5; 2010, c.33, s.3.

Evidence of service

9(1) If the summons or offence notice portion of a summary offence ticket is served by the peace officer who issued the ticket, the peace officer shall:

- (a) complete and sign the certificate of service on the ticket indicating that he or she personally served the summons or offence notice on the defendant charged; and
- (b) indicate the date of service on the certificate of service.

(2) A certificate of service is not required to be sworn.

(3) If a summons or offence notice is served by a peace officer other than the peace officer who issued the summary offence ticket, the peace officer who served the summons or offence notice shall complete an affidavit of service.

(4) A certificate of service or an affidavit of service is admissible in evidence and is proof, in the absence of other evidence to the contrary, of personal service.

(5) An affidavit signed by the peace officer who made service attesting to the fact that service was made on the defendant is admissible in evidence as proof of that service without proof of the signature of the peace officer making the affidavit.

1990-91, c.S-63.1, s.9.

Voluntary payments

10(1) When authorized by the regulations or a bylaw and if indicated on a summons, a defendant who has been served with a summons and who wishes to plead guilty may deliver:

- (a) the summons; and
- (b) an amount equal to the specified penalty sum for the offence;

to a place indicated on the summons on or before the date specified on the summons.

(2) A defendant who:

- (a) has been served with an offence notice; and
- (b) wishes to plead guilty to the charge;

may deliver the offence notice and payment in the amount of the specified penalty sum to a place indicated on the offence notice on or before the date specified on the offence notice.

(3) Subject to subsections (7) to (9), the recording by the clerk in the court records of receipt of payment of a specified penalty sum under subsection (1) or (2) constitutes:

- (a) an acceptance of a guilty plea; and
- (b) the conviction and the imposition of a fine in the amount of the specified penalty sum.

(4) If a payment of the specified penalty sum is made by cheque and the cheque is dishonoured:

- (a) the conviction continues but the fine remains outstanding whether or not the plea is signed in the manner provided for on the summons or offence notice; and
- (b) the clerk shall give written notice to the offender that the cheque has been dishonoured, the conviction continues and the fine remains outstanding.

(4.1) If a payment of the specified penalty sum is made by credit card and the credit card payment is disputed:

- (a) the conviction continues but the fine remains outstanding whether or not the plea is signed in the manner provided for on the summons or offence notice; and
- (b) the clerk shall give written notice to the offender that the credit card payment has not been made, the conviction continues and the fine remains outstanding.

(5) Where written notice has been sent pursuant to clause (4)(b) or (4.1)(b) to an offender who had been served with a summons, a warrant of committal for imprisonment pursuant to section 29 with respect to the offender shall not issue until 15 days after the notice was sent.

(6) Where written notice has been sent pursuant to clause (4)(b) or (4.1)(b) to an offender who had been served with an offence notice, the fine will be considered to be in default 15 days after the notice was sent.

(7) On or before the court appearance date specified on the summons or offence notice, a defendant who has been convicted pursuant to subsection (3) may apply to a justice to strike out the conviction and enter a not guilty plea.

(8) On an application pursuant to subsection (7), the justice may do any or all of the following:

- (a) adjourn the application to another date for a hearing;
- (b) on hearing the application:
 - (i) allow the person to plead not guilty and set a date for trial if the justice is satisfied that the person did not intend to plead guilty; or
 - (ii) confirm the conviction and fine.

(9) When a time is set for a trial pursuant to clause (8)(b):

- (a) subsections 15(2) to (5) apply in the case of a summons; and
- (b) Part IV applies in the case of an offence notice.

1990-91, c.S-63.1, s.10; 2005, c.42, s.6.

11 Repealed. 1992, c.40, s.5.

PART III Summary Procedure – Summons Ticket

Use of summons ticket

12(1) Proceedings pursuant to this Part may be commenced by issuing a summons ticket.

(2) Parts IV and V.1 do not apply to proceedings commenced pursuant to this Part.

1990-91, c.S-63.1, s.12; 2005, c.42, s.7.

Summons ticket

13(1) A summons ticket issued pursuant to this Part is required:

- (a) to include:
 - (i) a certificate of offence; and
 - (ii) a summons; and
- (b) to be in a form prescribed by the regulations.

(2) A summons is required to:

- (a) be served on a defendant; and
- (b) indicate how the defendant may respond to the summons.

1990-91, c.S-63.1, s.13.

Appearances

14(1) Subject to subsection (2), the defendant shall appear, either personally or by an agent, before a justice on the court appearance date and at the place stated on the summons:

- (a) to answer that summons;
- (b) to enter a plea; and
- (c) in the case of a plea of not guilty, to obtain a date for trial.

(2) A defendant is not required to appear before a justice on the court appearance date to answer a summons:

- (a) where:
 - (i) the regulations or a bylaw authorize a voluntary payment of a specified penalty sum to be made for the offence;
 - (ii) the summons states that the defendant may make the voluntary payment; and
 - (iii) the defendant pays the specified penalty sum before the court appearance date;
- (b) where the defendant enters a plea of not guilty and obtains a date for trial prior to the court appearance date in the manner and during the time period indicated on the summons for doing so; or
- (c) where the defendant obtains an adjournment of the proceedings prior to the court appearance date;
- (d) **Repealed.** 1992, c.40, s.6.

(3) If:

- (a) it is, in the opinion of a peace officer, in the public interest to compel the defendant to appear before a justice in proceedings under this Part; and
- (b) the regulations authorize the withdrawal of the specified penalty sum option for the offence;

the peace officer may issue a summons that requires the defendant to appear before a justice on the court appearance date without the alternative of paying the specified penalty sum.

(4) If, in the opinion of a prosecutor on or before the court appearance date, it is appropriate, the prosecutor may permit the defendant mentioned in subsection (3) to pay the specified penalty sum.

Failure to answer summons

15(1) If a defendant fails to enter a plea or to pay the specified penalty sum in the manner provided for on the summons on or before the court appearance date, the justice may:

- (a) enter a plea of not guilty on behalf of the defendant and set a time for a trial; or
- (b) issue a warrant for the arrest of the defendant.

(2) When a time is set for a trial pursuant to subsection (1)(a), the justice shall direct that a clerk give notice to the defendant of the date and time fixed for the trial.

(3) Where a defendant fails to appear in court in person or by an agent at the time fixed for the trial, a justice, on proof of service of the notice pursuant to subsection (2):

- (a) if the certificate of offence is complete and regular on its face, shall proceed to conduct the trial in the absence of the defendant;
- (b) on application by the prosecutor, may:
 - (i) adjourn the proceedings;
 - (ii) set a new trial date; and
 - (iii) direct that the defendant be given written notice of the new trial date; or
- (c) if the certificate of offence is not complete and regular on its face, may:
 - (i) quash the proceedings; or
 - (ii) on application by a prosecutor, allow the defects, if they are minor, to be corrected, and conduct a trial in the defendant's absence.

(4) If:

- (a) the proceedings are adjourned under clause (3)(b); and
- (b) the defendant fails to appear at the new trial date;

a justice shall proceed to conduct the trial in the absence of the defendant.

(5) If an offender is convicted at the trial mentioned in clause (3)(a) or subsection (4), the clerk shall give the offender notice of:

- (a) the conviction;
- (b) the amount of fine imposed; and
- (c) the time allowed for payment of the fine.

Application for hearing

15.1(1) If not more than 15 days have elapsed since the conviction first came to the attention of the offender, the offender may appear in person or by agent before a justice to request a hearing on the grounds that the offender did not have an opportunity:

- (a) to dispute the charge; or
- (b) to appear in person or by agent at the trial.

(2) If an offender makes an appearance pursuant to subsection (1), the justice shall, if the justice is satisfied after hearing any evidence of the offender that the offender did not have an opportunity to dispute the charge or appear in person or by agent at the trial and that it would be equitable to do so:

- (a) set aside the conviction; and
- (b) either:
 - (i) give the defendant a notice of trial; or
 - (ii) enter a conviction and permit the offender to make submissions respecting the penalty.

2010, c.33, s.4.

Late payment

16(1) If the specified penalty sum is tendered after the court appearance date specified on a summons, a justice may direct, without a hearing and notwithstanding any action taken pursuant to section 15, that the specified penalty sum be accepted as if it had been made in the time allowed.

(2) Acceptance of a specified penalty sum with respect to a summons under this section constitutes cancellation of a warrant issued under clause 15(1)(b).

1990-91, c.S-63.1, s.16.

PART IV
Summary Procedure – Offence Notice Ticket

Use of offence notice ticket

17(1) Proceedings pursuant to this Part may be commenced by using an offence notice ticket.

(2) Parts III and V.1 do not apply to proceedings commenced pursuant to this Part.

1990-91, c.S-63.1, s.17; 2005, c.42, s.10.

Offence notice ticket

18(1) An offence notice ticket under this Part is required to:

- (a) include:
 - (i) a certificate of offence; and
 - (ii) an offence notice; and
- (b) be in a form prescribed by the regulations.

(2) An offence notice is required to:

- (a) be served on the defendant; and
- (b) indicate:
 - (i) the specified penalty sum for the offence;
 - (ii) how and when the defendant may respond to the offence notice;
 - (iii) that the defendant may be convicted in the defendant's absence without a hearing if the defendant fails to respond to the ticket by the date indicated on the offence notice; and
 - (iv) that payment of the specified penalty sum made more than 15 days after the due date indicated on the offence notice will result in a late payment charge pursuant to section 28.

1990-91, c.S-63.1, s.18.

Trial date

19(1) If an offence notice is served on a defendant, the defendant may plead not guilty by:

- (a) signing the not guilty plea on the offence notice; and
- (b) delivering the offence notice to a place indicated on the offence notice on or before the date prescribed on the offence notice.

(2) On receipt of an offence notice pursuant to subsection (1), the clerk, as soon as is practicable, shall give written notice to the defendant of the time and place of the trial.

1990-91, c.S-63.1, s.19.

Failure to appear

20(1) If:

- (a) a defendant pleads not guilty pursuant to section 19 but fails to appear in court in person or by an agent on the trial date; and
- (b) service pursuant to subsection 19(2) of the notice on the defendant is proved;

the justice:

- (c) if the certificate of offence is complete and regular on its face, shall:
 - (i) proceed to conduct the trial in the absence of the defendant;
 - (ii) on application by a prosecutor:
 - (A) adjourn the proceedings;
 - (B) set a new trial date; and
 - (C) direct that the defendant be notified of the new trial date; or
 - (iii) issue a warrant for the arrest of the defendant to bring the defendant before the justice; or
 - (d) if the certificate of offence is not complete and regular on its face, may:
 - (i) quash the proceedings; or
 - (ii) on application by a prosecutor, allow the defects, if minor, to be corrected, and conduct the trial in the defendant's absence.
- (2) If a defendant fails to appear in court for his or her trial set pursuant to paragraph (1)(c)(ii)(B), the justice shall proceed to conduct the trial in the absence of the defendant.
- (3) If an offender is convicted pursuant to procedures set forth in this section, a clerk shall give written notice to the offender of:
- (a) the conviction;
 - (b) the amount of the fine imposed; and
 - (c) the time allowed for payment.

1990-91, c.S-63.1, s.20; 1992, c.40, s.7.

Guilty plea

- 21(1)** If the defendant does not wish to dispute the charge but wishes to make submissions to a justice respecting the penalty, including the extension of time for payment, the defendant may:
- (a) sign the guilty plea on the offence notice; and
 - (b) deliver the offence notice to a place indicated on the offence notice on or before the date prescribed on the offence notice.
- (2) On receipt of an offence notice pursuant to subsection (1), the clerk:
- (a) shall record receipt of the offence notice; and
 - (b) as soon as is practicable, shall give notice to the offender of the time and place for appearance before a justice to make submissions respecting the penalty.

- (3) The recording by the clerk pursuant to clause (2)(a) of the receipt of the offence notice constitutes entering the conviction.
- (4) The justice may require submissions for the purposes of this section to be made under oath, either orally or by affidavit.
- (5) After hearing any submission respecting the penalty, the justice shall impose a fine equal to the specified penalty sum or a lesser fine permitted by law.

1990-91, c.S-63.1, s.21.

Default conviction

22(1) A defendant who:

- (a) has been served with an offence notice; and
- (b) has not responded in the manner provided for pursuant to section 10, 19 or 21;

is deemed not to wish to dispute the charge.

(2) In the circumstances described in subsection (1), a justice:

- (a) shall examine:
 - (i) the certificate of offence; and
 - (ii) the certificate of service or the affidavit of service; and
- (b) if the certificates mentioned in clause (a) are:
 - (i) complete and regular on their face, may, without a hearing, enter a conviction in the defendant's absence and impose the specified penalty sum; or
 - (ii) not complete and regular on their face, may:
 - (A) quash the proceedings; or
 - (B) on application by a prosecutor, allow any defects, if minor, to be corrected, enter a conviction and impose the specified penalty sum.

(2.1) If the certificates mentioned in clause (2)(a) are complete and regular on their face and the justice does not enter a conviction, the justice shall provide written reasons for the decision.

(3) The clerk shall give written notice to the offender of:

- (a) the conviction;
- (b) the imposition of the specified penalty sum as the amount of the fine; and
- (c) the time allowed for payment of the fine.

1990-91, c.S-63.1, s.22; 1992, c.40, s.8; 2005, c.42, s.11.

Application for hearing

23(1) If not more than 15 days have elapsed since the conviction first came to the attention of the offender, the offender may appear before a justice to request a hearing on the grounds that the offender did not have an opportunity:

- (a) to dispute the charge; or
- (b) to appear in person or by agent at the trial.

(2) If:

- (a) an offender makes an appearance pursuant to subsection (1); and
- (b) after hearing any evidence of the offender, the justice is satisfied that the offender did not have an opportunity to dispute the charge or appear in person or by agent at the trial and that it would be equitable to do so;

the justice shall:

- (c) set aside the conviction; and
- (d) either:
 - (i) give the defendant a notice of trial in accordance with section 19; or
 - (ii) enter a conviction and proceed in accordance with section 21.

1990-91, c.S-63.1, s.23.

PART V Enforcement

Failure to appear in answer to summons

24(1) A defendant to whom:

- (a) a summons; or
- (b) a summons issued pursuant to the *Criminal Code*, as amended from time to time;

is directed who fails to appear in court in person or by agent in answer to the summons is guilty of an offence and liable on summary conviction to a fine of not more than \$500.

(2) A defendant is guilty of an offence and liable on summary conviction to a fine of not more than \$500 if:

- (a) the defendant has been arrested under a warrant as a result of failing to appear pursuant to a summons or a summons issued pursuant to the *Criminal Code* (Canada);
- (b) in connection with the arrest under warrant mentioned in clause (a), the defendant has given a promise to appear to an officer in charge, has given an undertaking to appear to a justice or has entered a recognizance before an officer in charge or justice; an
- (c) the defendant has failed to appear at the time and in the court indicated in the promise to appear, undertaking or recognizance mentioned in clause (b).

1990-91, c.S-63.1, s.24; 1992, c.40, s.9.

Maximum penalty for offence notice

25 Notwithstanding any other Act or regulation but subject to section 31 of this Act, if proceedings have been commenced pursuant to Part IV with respect to an offence, the offender is not liable to imprisonment:

- (a) as a sentence; or
- (b) in the event that a fine is in default or the offender fails to satisfactorily complete the fine option program within the time allowed pursuant to the regulations.

2005, c.42, s.12.

Due date for fines and extensions

26(1) Unless a justice orders otherwise, a fine is due and payable 15 days after its imposition.

(2) Where the justice imposes a fine, the justice may ask the offender if the offender wishes an extension of the time for payment of the fine.

(3) Where the offender requests an extension of the time for payment of the fine, the justice may make any inquiries, on oath or otherwise, of and concerning the offender that the justice considers desirable.

(4) No offender is to be compelled to answer any inquiries made pursuant to subsection (3).

(5) The justice may extend the time for payment beyond the time prescribed in subsection (1) by ordering periodic payments or otherwise.

(6) The offender may file until the time the fine is in default pursuant to section 27 with the clerk an application in the form prescribed by the regulations requesting an extension or further extension of time for payment of a fine.

(7) On receipt of an application pursuant to subsection (6), a justice shall consider the application and make a determination.

(8) Subsections (3) to (5) apply, with any necessary modification, to a determination made pursuant to subsection (7).

(9) If a justice:

- (a) orders immediate payment of a fine pursuant to this section; and
- (b) directs imprisonment of the offender pursuant to section 29 for failure to make immediate payment;

the justice, when issuing a warrant of committal for imprisonment, shall provide written reasons for ordering immediate payment.

1990-91, c.S-63.1, s.26; 1992, c.40, s.10.

Default

27 Subject to subsection 10(6) and any extensions granted under the fine option program or pursuant to section 26, the payment of a fine is in default when any part of the fine is due and unpaid after 15 days.

1990-91, c.S-63.1, s.27; 2005, c.42, s.13.

Late payment charge**28(1)** Where:

- (a) an offender is convicted of the offence pursuant to proceedings commenced pursuant to Part IV; and
- (b) the fine is in default pursuant to section 27;

the offender shall continue to be liable to pay the fine imposed and is also liable to pay the late payment charge prescribed in the regulations.

(2) The provisions of this Act applying to the collection of a fine apply to the collection of:

- (a) the late payment charge mentioned in subsection (1); and
- (b) the surcharge imposed pursuant to *The Victims of Crime Act, 1995*.

(3) The late payment charge is payable to the Government of Saskatchewan.

(4) Notwithstanding *The Financial Administration Act, 1993*, the minister may deduct the proportion of the late payment charge mentioned in subsection (1) that is prescribed in the regulations and pay that proportionate amount to the administrator appointed pursuant to *The Traffic Safety Act*.

1990-91, c.S-63.1, s.28; 2004, c.10, s.18; 2004, c.T-18.1, s.306; 2005, c.42, s.14.

Imprisonment for default**29(1)** Where:

- (a) the proceedings have been commenced by information pursuant to the *Criminal Code*, as amended from time to time, or under Part III; and
- (b) the fine is in default or the offender fails to satisfactorily complete the fine option program within the time allowed pursuant to the regulations;

the justice may direct imprisonment of the offender for a period not exceeding 90 days.

(2) An offender may be imprisoned in accordance with subsection (2.1) if:

- (a) proceedings have been commenced:
 - (i) by information pursuant to the *Criminal Code*; or
 - (ii) under Part III;
- (b) a justice does not direct imprisonment; and
- (c) the fine is in default or the offender fails to satisfactorily complete the fine option program within the time allowed pursuant to the regulations.

- (2.1) The period, in days, that an offender shall be imprisoned for is the lesser of:
- (a) a fraction, rounded down to the nearest whole number of which:
 - (i) the numerator is the unpaid amount of the fine; and
 - (ii) the denominator is equal to eight times the provincial minimum hourly wage at the time of default; and
 - (b) 90 days.
- (2.2) If the length of imprisonment of an offender has been calculated pursuant to subsection (2), as that subsection existed before the coming into force of section 15 of *The Summary Offences Procedure Amendment Act, 2005*, and the offender is still imprisoned on the date that section 15 of that Act comes into force, the length of imprisonment of that offender shall be recalculated in accordance with subsection (2.1) as that subsection is enacted by section 15 of *The Summary Offences Procedure Amendment Act, 2005*.
- (3) For the purpose of determining the length of imprisonment in subsection (2.1), the amount of the fine is to be calculated without reference to:
- (a) any late payment charge imposed pursuant to section 28; or
 - (b) any surcharge imposed pursuant to *The Victims of Crime Act*.
- (4) If an offender is to be imprisoned pursuant to this section, the justice shall issue a warrant in the form prescribed by the regulations for committal of the offender.

1990-91, c.S-63.1, s.29; 2005, c.42, s.15.

Licence non-renewal

30(1) In this section, “**offender in default**” means a person who:

- (a) has been convicted of an offence designated in the regulations for the purposes of this section and for which:
 - (i) an offence notice was issued and a fine was imposed pursuant to this Act;
 - (ii) a fine was imposed pursuant to the *Criminal Code*; or
 - (iii) a fine was imposed in accordance with the law of another jurisdiction; and
- (b) is in default of payment of the fine pursuant to section 27, subsection 734(3) of the *Criminal Code* or the law of the jurisdiction where the ticket was issued.

(2) For the purposes of section 52 of *The Traffic Safety Act*, the Lieutenant Governor in Council may make regulations designating offences or categories of offences under:

- (a) *The Traffic Safety Act*;
- (b) *The All Terrain Vehicles Act*;
- (c) *The Snowmobile Act*;
- (d) regulations respecting traffic in provincial parks other than parking offences;
- (e) *The Vehicle Equipment Regulations, 1987*;
- (f) *The School Bus Operating Regulations*; and
- (g) any traffic bylaw, other than a parking offence, of:
 - (i) any municipality;
 - (ii) the Meewasin Valley Authority;
 - (iii) the Wakamow Valley Authority; or
 - (iv) the Wascana Centre Authority;
- (h) an Act of the Parliament of Canada, an Act of another jurisdiction in Canada or a regulation or bylaw made pursuant to one of those Acts or an enactment of the United States of America or any State of the United States if that Act, regulation, bylaw or enactment:
 - (i) is similar to an Act, regulation or bylaw mentioned in clauses (a) to (g); and
 - (ii) is the subject of an agreement entered into pursuant to section 15 of *The Traffic Safety Act*.
- (i) the *Criminal Code*;
- (j) the *Contraventions Act* (Canada).

(3) Subject to subsection (4), the administrator designated pursuant to *The Traffic Safety Act* shall refuse to issue a driver's licence to an offender in default, until the offender in default fully pays or otherwise fully discharges the fine and any late payment charge imposed.

(3.1) Subject to subsection (4), the administrator designated pursuant to *The Traffic Safety Act* shall suspend or cancel, in accordance with *The Traffic Safety Act*, the driver's licence of an offender in default if the offender in default has not, within the period prescribed in the regulations, fully paid or otherwise fully discharged the fine and any late payment charge imposed.

(4) The administrator shall not suspend or cancel the driver's licence of a person who was an offender in default, or refuse to issue a driver's licence to a person who was an offender in default, if the person has been imprisoned pursuant to section 31 with respect to an offence designated pursuant to subsection (1), even though any late payment charge imposed pursuant to section 28 or any surcharge imposed pursuant to *The Victims of Crime Act, 1995* on that person remains unpaid..

Imprisonment where licence non-renewal unsuccessful**31(1) Where:**

- (a) proceedings with respect to an offence have been commenced pursuant to Part IV;
- (b) either:
 - (i) in the opinion of a justice, proceedings pursuant to section 30 have not resulted in payment within a time that is reasonable in the circumstances; or
 - (ii) the offender has registered in a fine option program and has failed to satisfactorily complete the program; and
- (c) the offender has been given 15 days' written notice by a clerk of the intent to issue a warrant of committal for imprisonment and has had an opportunity to be heard by a justice pursuant to this section;

a justice may issue a warrant in the form prescribed in the regulations for committal of the offender.

- (2) Where a default conviction is entered against an offender and that offender receives a written notice pursuant to clause (1)(c), the offender, not later than the date specified in the notice for payment of the fine and late payment charge, may file a request for a hearing in the form prescribed by the regulations with a justice at a place specified in the notice.
- (3) The offender shall set out the reasons for the failure to pay the fine in the request mentioned in subsection (2).
- (4) Where a justice receives a request filed pursuant to subsection (2):
 - (a) the justice shall fix a date for a hearing; and
 - (b) the clerk shall give at least 15 days' written notice to the offender of the date, time and place of the hearing.
- (5) At the conclusion of the hearing, the justice may:
 - (a) set aside the conviction;
 - (b) confirm the conviction and impose a fine and grant time for payment; or
 - (c) confirm the conviction and issue a warrant of committal for imprisonment.
- (6) Where a justice issues a warrant of committal for imprisonment, subsection 29(2) applies for the purpose of determining the number of days of imprisonment.

Civil recovery

32(1) In this section, “**Court of Queen’s Bench**” means Her Majesty’s Court of Queen’s Bench for Saskatchewan.

(2) Where:

- (a) a fine is imposed on an offender;
- (b) imprisonment of the offender for default of payment is not ordered pursuant to section 29 or 31; and
- (c) the fine is in default;

the minister or a person authorized by the minister may file the conviction with the Court of Queen’s Bench.

(3) On filing of the conviction pursuant to subsection (2), the conviction:

- (a) is deemed to be a judgment in the Court of Queen’s Bench for:
 - (i) the amount of the fine;
 - (ii) the surcharge imposed pursuant to *The Victims of Crime Act, 1995*; and
 - (iii) the late payment charge prescribed in the regulations, if any; and
- (b) is enforceable against the offender as if it were a judgment rendered against the offender in that court in a civil proceeding.

(4) If:

- (a) an Act or regulation provides that any fine or penalty imposed on a conviction for an offence occurring in a municipality is to be applied to the benefit of the municipality; and
- (b) the conviction has not been entered as a judgment pursuant to this section;

an agent of the municipality may enter the amount of a fine payable by the offender for that offence as a judgment pursuant to subsection (3).

1990, c.S-63.1, s.32; 2005, c.42, s.17.

Recovery of fine from corporation by distress

32.1(1) Where a fine is imposed on a corporation and the fine is in default, the minister or a person authorized by the minister may apply to a justice for a warrant of distress.

(2) On an application pursuant to subsection (1), the justice may issue a warrant of distress directed to any sheriff, bailiff or peace officer requiring the sheriff, bailiff or peace officer to levy on the goods and chattels of the corporation the amount of the fine in default that is specified in the warrant together with the costs and charges of the levy and distress.

Restitution where property damaged, etc.

32.2(1) In this section and section 32.3, “**property**” includes:

- (a) real and personal property of every description and deeds and instruments relating to or evidencing the title or right to property, or giving a right to recover or receive money or goods;
 - (b) property originally in the possession or under the control of any person, and any property into or for which it has been converted or exchanged and anything acquired at any time by the conversion or exchange.
- (2) At the sentencing of an offender, on application of the prosecutor or on the justice’s own motion, the justice may order the offender to pay as restitution all or part of the cost of restoring or replacing property damaged, lost or destroyed as a result of the commission of the offence:
- (a) in addition to any other measure imposed on the offender; and
 - (b) if the cost is readily ascertainable.
- (3) The amount ordered to be paid is not to exceed the replacement value of the property as of the date the order is imposed, less the value of any part of the property that is returned to that person as of the date it is returned.

Restitution to person acting in good faith

32.3(1) At the sentencing of an offender, on application of the prosecutor or on the justice’s own motion, the justice, in addition to any other measure imposed on the offender, may order the offender to pay an amount as restitution to a person:

- (a) to whom property obtained in the commission of an offence was transferred where:
 - (i) the property was transferred to the person for valuable consideration, in good faith and without notice; and
 - (ii) the property has been returned to the person from whom it was obtained; or
 - (b) who loaned money to the offender on the security of property obtained in the commission of an offence where:
 - (i) the person who loaned the money acted in good faith and without notice; and
 - (ii) the property has been returned to the person from whom it was obtained.
- (2) The amount ordered to be paid is not to exceed the amount of consideration for that property or the total amount outstanding respecting the loan, as the case may be.

Enforcing restitution order

32.4(1) Where a justice makes an order pursuant to section 32.2 or 32.3, the justice shall ensure that a copy of the order is given to the person to whom the restitution is ordered to be paid.

(2) Where the offender is in default of payment pursuant to the order, the person to whom the amount was ordered to be paid may file the copy of the order, together with an affidavit in the prescribed form that the order has not been satisfied, with the Court of Queen's Bench.

(3) On filing, the order:

(a) is deemed to be a judgment in the Court of Queen's Bench for the amount of the order; and

(b) is enforceable against the offender as if it were a judgment rendered against the offender in that court in a civil proceeding.

(4) A civil remedy for an act or omission is not affected by reason only that an order pursuant to section 32.2 or 32.3 has been made respecting that act or omission.

1996, c.61, s.6.

Appointment of director

32.41(1) In this section, and in sections 32.42 to 32.45:

(a) "**claimant**" means a person in whose favour a restitution order has been made pursuant to section 32.2, section 32.3 or the *Criminal Code*;

(b) "**Crown**" means the Crown in right of Saskatchewan and includes a ministry, agency, board or other body of the Government of Saskatchewan and a Crown corporation;

(c) "**director**" means the director appointed pursuant to subsection (2) and includes any deputy director.

(2) The minister may appoint a person as director and may appoint one or more other persons as deputy directors for the purposes of sections 32.42 to 32.45.

2009, c.29, s.2.

Effect of filing

32.42 When a restitution order is filed in the office of the director:

(a) the director may enforce the restitution order as a debt due to Saskatchewan, including any means of enforcement pursuant to sections 32 and 32.1;

(b) only the director may, on behalf of a claimant, commence, continue or discontinue proceedings to enforce a restitution order;

- (c) no person other than the director shall take steps to enforce the restitution order;
- (d) the director may sign all documents with respect to the enforcement of a restitution order; and
- (e) for the purposes of enforcement, the director stands in the place of the claimant.

2009, c.29, s.2.

Moneys paid to director

32.43(1) The director shall pay to the claimant all moneys the director receives with respect to a restitution order filed in the office of the director to the extent of the claimant's entitlement pursuant to that restitution order.

(2) The director shall keep a record of:

- (a) all moneys received and paid out by the director; and
- (b) the persons to whom and by whom the moneys mentioned in clause (a) have been paid.

(3) On the request of a claimant or offender, the director may provide the claimant or offender with a statement showing the current status of payments required pursuant to a restitution order filed in the office of the director.

2009, c.29, s.2.

Access to information

32.44 Section 13 of *The Enforcement of Maintenance Orders Act, 1997* applies, with any necessary modification, for the purposes of enforcement of a restitution order pursuant to sections 32.41 to 32.43.

2009, c.29, s.2.

Immunity

32.45 Section 15 of *The Enforcement of Maintenance Orders Act, 1997* applies, with any necessary modification, for the purposes of enforcement of a restitution order pursuant to sections 32.41 to 32.43.

2009, c.29, s.2.

PART V.1
Parking Offences

DIVISION 1
Interpretation

Interpretation of Part

32.5 In this Part:

- (a) “**financing statement**” means a financing statement as defined in *The Personal Property Security Act, 1993*;
- (b) “**lien**” means a lien on a vehicle pursuant to section 32.81;
- (c) “**parking offence**” means any unlawful parking or stopping of a vehicle that constitutes an offence pursuant to a bylaw;
- (d) “**Personal Property Registry**” means the Personal Property Registry continued pursuant to *The Personal Property Security Act, 1993*;
- (e) “**purchase-money security interest**” means a purchase-money security interest as defined in *The Personal Property Security Act, 1993*;
- (f) “**vehicle**” means a motor vehicle or a vehicle as defined in *The Traffic Safety Act*;
- (g) “**vehicle owner**” means the owner of a motor vehicle as defined in *The Traffic Safety Act*, and includes the person operating the vehicle at the time of the parking offence.

2005, c.42, s.18.

DIVISION 2
Parking Summons

Use of parking summons

32.51(1) Proceedings pursuant to this Division may be commenced by using a parking summons.

- (2) Parts III and IV do not apply to proceedings commenced pursuant to this Part.

2005, c.42, s.18.

Parking summons

32.52(1) A parking summons issued pursuant to this Part is required to include:

- (a) a certificate of offence in accordance with subsection (2); and
 - (b) a summons in accordance with subsection (3).
- (2) A certificate of offence must include:
- (a) the particulars of the parking offence; and
 - (b) a certificate of service.

- (3) A summons must:
- (a) set out the particulars of the offence;
 - (b) indicate how the vehicle owner may respond to the summons; and
 - (c) indicate that the vehicle owner may be convicted in his or her absence, without a hearing, if he or she fails to respond to the parking summons by the date set out on the parking summons.

2005, c.42, s.18.

Service of summons

32.53 The summons may be served by ordinary mail to the vehicle owner's address as shown on the records of the administrator as defined in *The Traffic Safety Act*.

2005, c.42, s.18.

Appearances

32.6(1) Subject to subsection (2), the vehicle owner shall appear, either personally or by an agent, before a justice on the court appearance date and at the place stated on the summons:

- (a) to answer that summons;
 - (b) to enter a plea; and
 - (c) in the case of a plea of not guilty, to obtain a date for trial.
- (2) A vehicle owner is not required to appear before a justice on the court appearance date to answer a summons:
- (a) if:
 - (i) the regulations or a bylaw authorize a voluntary payment of a specified penalty sum to be made for the offence;
 - (ii) the summons states that the vehicle owner may make the voluntary payment; and
 - (iii) the vehicle owner pays the specified penalty sum before the court appearance date;
 - (b) if:
 - (i) the summons provides that a vehicle owner may enter a plea before the trial date; and
 - (ii) the vehicle owner enters a plea of not guilty and obtains a date for trial before the court appearance date in the manner and during the period indicated on the summons for doing so; or
 - (c) if the vehicle owner obtains an adjournment of the proceedings before the court appearance date.

2005, c.42, s.18.

Failure to appear

- 32.61(1)** A vehicle owner is deemed not to wish to dispute the charge if:
- (a) the vehicle owner pleads not guilty pursuant to section 32.6 but fails to appear in court in person or by an agent on the trial date; or
 - (b) the vehicle owner obtains an adjournment of the proceedings but fails to appear in court in person or by an agent on the adjournment date.
- (2) In the circumstances described in subsection (1), a justice shall examine:
- (a) the certificate of offence;
 - (b) the certificate of service; and
 - (c) the certificate from the authority with respect to the ownership of the vehicle.
- (3) If the certificates mentioned in subsection (2) are complete and regular on their face, the justice may, without a hearing, enter a conviction in the vehicle owner's absence and impose the specified penalty sum.
- (4) If the certificates mentioned in subsection (2) are complete and regular on their face and the justice does not enter a conviction, the justice shall provide written reasons for the decision.
- (5) If the certificates mentioned in subsection (2) are not complete and regular on their face, the justice may:
- (a) quash the proceedings; or
 - (b) on application by a prosecutor, allow any defects, if they are minor, to be corrected, and, without a hearing, enter a conviction in the vehicle owner's absence and impose the specified penalty sum.
- (6) If a vehicle owner is convicted pursuant to this section, the authority shall give the vehicle owner written notice of:
- (a) the conviction;
 - (b) the amount of the fine imposed; and
 - (c) the time allowed for payment of the fine.
- (7) The notice mentioned in subsection (6) is to be served in the manner set out in section 32.53.

Guilty plea

- 32.62**(1) If the vehicle owner does not wish to dispute the charge but wishes to make submissions to a justice respecting the penalty, including the extension of time for payment, the vehicle owner may appear on the court appearance date set out in the summons to plead guilty and make submissions respecting the penalty.
- (2) The justice may require submissions for the purposes of this section to be made under oath, either orally or by affidavit.
- (3) After hearing any submission respecting the penalty, the justice:
- (a) shall impose a fine equal to the specified penalty sum or a lesser fine permitted by law; and
 - (b) may extend the time for payment in accordance with section 26.

2005, c.42, s.18.

Default conviction

- 32.63**(1) A vehicle owner is deemed not to wish to dispute the charge if the vehicle owner:
- (a) has been served with a summons; and
 - (b) has not responded in the manner provided for on the summons.
- (2) In the circumstances described in subsection (1), a justice shall examine:
- (a) the certificate of offence;
 - (b) the certificate of service; and
 - (c) the certificate from the authority with respect to the ownership of the vehicle.
- (3) If the certificates mentioned in subsection (2) are complete and regular on their face, the justice may, without a hearing, enter a conviction in the vehicle owner's absence and impose the specified penalty sum.
- (4) If the certificates mentioned in subsection (2) are complete and regular on their face and the justice does not enter a conviction, the justice shall provide written reasons for the decision.
- (5) If the certificates mentioned in subsection (2) are not complete and regular on their face, the justice may:
- (a) quash the proceedings; or
 - (b) on application by a prosecutor, allow any defects, if they are minor, to be corrected, and, without a hearing, enter a conviction in the vehicle owner's absence and impose the specified penalty sum.

(6) If a vehicle owner is convicted pursuant to this section, the authority shall give the vehicle owner written notice of:

- (a) the conviction;
- (b) the amount of the fine imposed; and
- (c) the time allowed for payment of the fine.

(7) The notice mentioned in subsection (6) is to be served in the manner set out in section 32.53.

2005, c.42, s.18.

Application for hearing

32.7(1) Subject to subsection (3), if not more than 30 days have elapsed since the conviction first came to the attention of the vehicle owner, the vehicle owner may appear in person or by agent before a justice to request a hearing on the grounds that the vehicle owner did not have an opportunity:

- (a) to dispute the charge; or
- (b) to appear in person or by agent at the trial.

(2) If a vehicle owner makes an appearance pursuant to subsection (1), the justice shall, if the justice is satisfied after hearing any evidence of the vehicle owner that the vehicle owner did not have an opportunity to dispute the charge or appear in person or by agent at the trial and that it would be equitable to do so:

- (a) set aside the conviction; or
- (b) either:
 - (i) give the vehicle owner a notice of trial; or
 - (ii) enter a conviction and proceed in accordance with section 32.62.

(3) Subsections (1) and (2) do not apply after one year from the date the alleged parking offence occurred.

2005, c.42, s.18.

Application by authority to set aside conviction

32.71(1) An authority may apply to a justice to request that the conviction of a vehicle owner be set aside if the vehicle owner:

- (a) was convicted of an offence pursuant to this Part; and
- (b) was convicted of the offence as a result of an error made by the authority.

(2) On an application made pursuant to subsection (1), a justice shall set aside the conviction of the vehicle owner if the justice is satisfied that the conviction was the result of an error made by the authority.

(3) If a conviction is set aside pursuant to this section, the authority shall notify the vehicle owner of that fact.

(4) The notice mentioned in subsection (3) is to be served in the manner set out in section 32.53.

2005, c.42, s.18.

DIVISION 3 Enforcement of Parking Offences

Fine in default

32.8(1) Unless a justice orders otherwise, a fine is due and payable 15 days after its imposition.

(2) Subject to subsection 10(6) and any extensions granted by the justice pursuant to section 26 or under the fine option program, the payment of a fine is in default when any part of the fine is due and unpaid after 15 days.

(3) If the fine is in default, the vehicle owner shall continue to be liable to pay the fine imposed and is also liable to pay the late payment charge prescribed in the regulations.

2005, c.42, s.18.

Enforcement by lien

32.81(1) Nothing in this section limits the right of an authority to pursue any other remedy that the authority has for the recovery of a fine, late payment charge and any costs authorized by an Act.

(2) An authority has a lien on a vehicle of a vehicle owner if:

(a) a fine, late payment charge or costs were imposed on the vehicle owner as a result of a conviction for a parking offence for which the vehicle owner was liable;

(b) the fine, late payment charge or costs are in default; and

(c) any portion of the fine, late payment charge or costs is payable to the authority pursuant to an Act.

(3) The lien described in subsection (2) is for the amount of the fine, late payment charge and any costs authorized by an Act.

(4) A lien on a vehicle takes effect when the authority registers a financing statement in the Personal Property Registry with respect to the vehicle.

(5) A lien with respect to which a financing statement is registered in the Personal Property Registry by an authority secures the amount of the following for which the owner is liable to that authority:

- (a) the sum of the fines, late payment charges and costs in default on the date of registration of the financing statement;
- (b) with respect to fines, late payment charges and costs in default subsequent to the date of registration, the sum of all those fines, late payment charges and costs for which the owner is liable before the discharge of the lien.

2005, c.42, s.18.

Notice of lien

32.82(1) An authority shall, within 15 days after registering a financing statement in the Personal Property Registry pursuant to section 32.81, cause a notice to be served on the vehicle owner in accordance with this section.

(2) A notice mentioned in subsection (1) shall state:

- (a) that the authority has a lien pursuant to this Act with respect to unpaid parking fines, late payment charges and costs and has registered a financing statement in the Personal Property Registry with respect to a vehicle of a specified make, model and year;
- (b) if the vehicle is registered pursuant to *The Traffic Safety Act*, the name and address of the registered owner;
- (c) if the vehicle is not registered pursuant to *The Traffic Safety Act*, that there is reason to believe that the vehicle is owned by a person whose name and address are specified;
- (d) the amount of the unpaid parking fines, late payment charges and costs as at the date of registration of the financing statement;
- (e) that, if the amount of the lien is not paid within 15 days after the notice is served, the authority may take possession and dispose of the vehicle; and
- (f) the address and telephone number of the place where further information can be obtained from the authority.

(3) A notice mentioned in subsection (1) shall be served on the vehicle owner:

- (a) by delivering it personally; or
- (b) by ordinary mail.

(4) A notice sent by ordinary mail in accordance with clause (3)(b):

- (a) is sufficiently given if it is sent to the last postal address of the vehicle owner shown in the records of the administrator pursuant to *The Traffic Safety Act*; and
- (b) is deemed to have been served on the seventh day following the date of its mailing unless the person to whom it was mailed establishes that, through no fault of his or her own, the person did not receive the notice or received it at a later date.

2005, c.42, s.18.

Nature of security interest

32.83(1) Subject to subsections (2) to (8), *The Personal Property Security Act, 1993* and the regulations made pursuant to that Act apply, with any necessary modification, to a lien mentioned in this Division.

(2) For the purposes of this section:

(a) an authority is deemed to be a secured party pursuant to *The Personal Property Security Act, 1993*;

(b) an owner is deemed to be a debtor pursuant to that Act; and

(c) a lien is deemed to be a security interest pursuant to that Act.

(3) A lien on a vehicle has priority over every security interest and every claim to or right in the vehicle pursuant to any Act other than:

(a) a purchase-money security interest in the vehicle, if that purchase-money security interest was perfected:

(i) before the registration of a financing statement with respect to the vehicle by the authority; or

(ii) at the time the debtor obtained possession of the vehicle or within 15 days after possession;

(b) a lien pursuant to *The Commercial Liens Act* on the vehicle; and

(c) a security interest created pursuant to federal law.

(4) On registration of a financing statement by an authority in accordance with section 32.81, the lien of the authority is deemed to be a perfected security interest pursuant to *The Personal Property Security Act, 1993*.

(5) A lien with respect to which an authority has registered a financing statement extends to any vehicle of the vehicle owner the serial number of which is not included in that financing statement if an amendment statement adding that vehicle is registered in the Personal Property Registry by an authority.

(6) In addition to the expenses permitted pursuant to *The Personal Property Security Act, 1993* for retaking, holding, repairing, processing, preparing for disposition of and disposing of a vehicle, an authority is entitled to be paid:

(a) any other reasonable expenses incurred by the authority; and

(b) an administrative fee in an amount that the authority may fix by bylaw, but that shall not exceed the maximum amount prescribed by regulation.

Notice re warrant for the committal of the vehicle owner

32.9(1) If a fine is in default pursuant to section 32.8, the authority may cause a notice to be served on the vehicle owner in accordance with subsection (2) advising that:

- (a) a warrant for the committal of the vehicle owner may issue if the vehicle owner does not pay the fine, the late payment charge and any costs authorized pursuant to this Act or any other Act; and
- (b) the vehicle owner may, within 30 days after receiving the notice, request a hearing to determine whether a warrant of committal should issue.

(2) A notice mentioned in subsection (1) shall be served on the vehicle owner by delivering it personally.

2005, c.42, s.18.

Application

32.91(1) If a vehicle owner does not request a hearing pursuant to clause 32.9(1)(b), the prosecutor may apply to a justice and the justice may issue a warrant for the committal of the vehicle owner if:

- (a) the fine, late payment charges and costs are in default; and
- (b) a notice has been delivered to the vehicle owner in accordance with section 32.9.

(2) If a warrant for the committal of the vehicle owner has been issued pursuant to subsection (1), a vehicle owner may appear before a justice in person or by an agent to request a hearing pursuant to section 32.92.

2005, c.42, s.18.

Hearing

32.92(1) On a hearing requested pursuant to clause 32.9(1)(b) or subsection 32.91(2), the justice may:

- (a) order that the vehicle owner may discharge the fine, late payment charges and costs in default, through the fine option program within a period not exceeding two years from the date of the order;
- (b) extend the time for payment of the fine by ordering periodic payments or otherwise; or
- (c) subject to subsection (2), issue a warrant for the committal of the vehicle owner for a period determined in accordance with subsection 29(2.1).

(2) The justice may issue a warrant for the committal of the vehicle owner pursuant to clause (1)(c) if the justice is satisfied that:

- (a) the fine, late payment charges and costs are in default;
- (b) a notice has been sent to the vehicle owner in accordance with section 32.9; and
- (c) the vehicle owner has, without reasonable excuse, failed to pay the fine, late payment charges and costs in default, or discharge them under the fine option program.

2005, c.42, s.18.

Warrant of committal where vehicle owner has failed to comply with order

32.93(1) If the justice has made an order pursuant to clause 32.92(1)(a) or (b) and the vehicle owner has not paid the fine, including any late payment charges and costs in default, or completed the fine option program within the time specified in the order, the authority may apply to the justice and the justice may:

- (a) issue a warrant for the committal of the vehicle owner; or
 - (b) issue a warrant of arrest to bring the vehicle owner before the justice to show cause why the vehicle owner should not be committed.
- (2) On a show cause hearing pursuant to clause (1)(b), the justice may:
- (a) continue the original order made pursuant to clause 32.92(1)(a) or (b) with a warrant for the committal of the vehicle owner to issue if the order is not complied with; or
 - (b) issue a warrant for the committal of the vehicle owner.

2005, c.42, s.18.

Consolidation of parking summons

32.94 For the purposes of sections 32.9 and 32.91, an authority may consolidate all parking summons against a vehicle owner into one notice and one application.

2005, c.42, s.18.

DIVISION 4 Transitional

Transitional

32.95(1) Subject to subsections (2) to (4), all proceedings commenced by service of a summons before the coming into force of this Part shall continue as if this Part had not come into force.

- (2) An offence may be dealt with pursuant to this Part if:
 - (a) before the coming into force of this Part, a person is alleged to have committed a parking offence; and
 - (b) a summons has not been served before the coming into force of this Part.
- (3) Sections 32.81 to 32.83 apply to proceedings commenced before the coming into force of this Part, including circumstances in which a warrant of committal has been issued.
- (4) Sections 32.9 to 32.94 apply to proceedings commenced before the coming into force of this Part if the offender has been convicted of a parking offence and a warrant of committal for imprisonment has not been issued

2005, c.42, s.18.

PART VI
Young Persons

Service on others

33 Where a young person is to be charged with an offence pursuant to an Act, regulation or bylaw, the peace officer who swears the information or issues the summary offence ticket shall make reasonable efforts to serve a copy of the information, summons or offence notice on:

- (a) the parents of the young person; or
- (b) a person who stands in the place of a parent to the young person.

1990, c.S-63.1, s.33; 2003, c.Y-2, s.20.

Proceedings not invalid

34 Failure to serve the copy mentioned in section 33 on a parent of or person who stands in the place of a parent to a young person does not invalidate any proceedings or action otherwise authorized under this Act.

1990, c.S-63.1, s.34; 2003, c.Y-2, s.20.

Powers of court re service

35 Where a young person appears in court unaccompanied by his or her parent or a person who stands in the place of a parent to him or her, the justice may:

- (a) allow the parties to present evidence relating to the efforts made to serve the copy mentioned in section 33;
- (b) adjourn the proceedings to permit further efforts to be made to serve the copy on the young person's parent or a person who stands in the place of a parent.

1990, c.S-63.1, s.35; 2003, c.Y-2, s.20.

Detention of persons 12 to 17

36(1) Subject to subsection (2), where a young person:

- (a) is charged with an offence; and
- (b) is to be detained prior to trial;

that person is to be placed only in a place of temporary detention.

(2) Where a justice is satisfied that:

- (a) a place of temporary detention is not reasonably available; or
- (b) the person described in subsection (1) should not be placed in a place of temporary detention because the person's safety or the safety of others detained in that place will be endangered;

the justice may authorize that a person described in subsection (1) be placed in any alternative place of detention that the justice may specify.

(3) Where a person described in subsection (1):

- (a) is convicted of an offence; and
- (b) is to be detained following conviction;

that person is to be placed only in a place of open custody.

1990, c.S-63.1, s.36; 2003, c.Y-2, s.20.

PART VII

37 to 48 Repealed. 1993, c.C-39.1, s.64.

PART VIII Miscellaneous

49 Repealed. 1993, c.C-39.1, s.64.

Interim release

49.1(1) Where a defendant has been arrested pursuant to this Act under a warrant other than a warrant of committal, the officer in charge may release the defendant, after the defendant has entered into a recognizance in the prescribed form, without sureties, on a condition to appear in court.

(2) Where the defendant is held for the reason only that he or she is not ordinarily resident in Saskatchewan, and the officer in charge believes that he or she will not obey a summons, the officer, in addition to anything required in subsection (1), may require the defendant to deposit cash or other satisfactory negotiable security in an amount not to exceed the maximum fine for the offence or \$500, whichever is less.

1994, c.22 s.5.

50 Repealed. 1994, c.22, s6.

Act prevails

51 Notwithstanding any other Act, where the provisions of this Act and any other Act are in conflict, the provisions of this Act prevail except to the extent that the other Act explicitly by name repeals or amends this Act.

1990-91, c.S-63.1, s.51.

Exceptions re offence notice tickets

51.1 Notwithstanding any other Act, clauses 8(2)(f) and (h) of *The Municipalities Act* and clauses 8(2)(f) and (h) of *The Northern Municipalities Act, 2010* do not apply to bylaws respecting:

- (a) traffic control made pursuant to section 8 of those Acts; or
- (b) regulation of the speed of vehicles pursuant to section 8 of those Acts.

2010, c.N-5.2, s.470.

Exceptions re offence notice tickets - *The Cities Act*

51.2 Notwithstanding any other Act, clause 8(2)(h) of *The Cities Act* does not apply to bylaws respecting:

- (a) traffic control made pursuant to section 8 of that Act; or
- (b) regulation of the speed of vehicles pursuant to section 8 of that Act.

2002, c.C-11.1, s.411; 2005, c.42, s.20.

Temporary custody for intoxicated persons, "custodian"

52(1) In this section and in sections 53 and 54:

- (a) **"custodian"** means the person responsible for holding in custody a person taken into custody pursuant to this section;
 - (b) **"police officer"** means a member of a police service pursuant to *The Police Act, 1990* or a member of the Royal Canadian Mounted Police, but does not include a special constable appointed pursuant to that Act.
- (2) Subject to section 53, where:
- (a) a police officer finds in a public place a person who the police officer reasonably believes:
 - (i) is intoxicated due to the use of alcohol; and
 - (ii) if not detained, is likely to cause injury to himself or herself or be a danger or disturbance to others; and
 - (b) there is, in the opinion of the police officer, no other person capable of and willing to take care of the person mentioned in clause (a);

the police officer may take the person into custody and deal with that person in accordance with this section in lieu of proceeding pursuant to section 139 of *The Alcohol and Gaming Regulation Act, 1997* with respect to an offence against section 126 or 127 of that Act or a provision respecting intoxication in a bylaw.

(3) Where:

- (a) a police officer finds in a public place a person who the police officer reasonably believes:
 - (i) is intoxicated due to the use of a drug or any substance other than alcohol; and
 - (ii) if not detained, is likely to cause injury to himself or herself or to be a danger or disturbance to others; and
- (b) there is, in the opinion of the police officer, no other person capable and willing to take care of the person mentioned in clause (a);

the police officer shall take the person into custody and deal with that person in accordance with this section.

(4) A person taken into custody pursuant to this section is not to be held in custody for more than 24 hours after being taken into custody.

- (5) A person taken into custody pursuant to this section shall be released from custody when, in the opinion of the custodian:
- (a) the person in custody has recovered sufficient capacity that, if released, the person is unlikely to cause injury to himself or herself or be a danger or disturbance to others; or
 - (b) another person who, in the opinion of the custodian, is capable of taking care of the person in custody on his or her release undertakes to do so.
- (6) Where a person over 12 years of age and under 16 years of age is taken into custody pursuant to this section, the custodian or the provincial director shall, as soon as it is practicable:
- (a) release the person to the care of his or her parent or a person who stands in the place of a parent to the person; or
 - (b) place the person in a place of open custody and make reasonable efforts to notify the person's parent or a person who stands in the place of a parent that the person is in the place of open custody.
- (7) Failure to give notice pursuant to subsection (6) to a parent of or person who stands in the place of a parent to a young person does not invalidate any proceedings or action otherwise authorized under this section.

1990-91, c.S-63.1, s.52; 1993, c.45, s.59; 2003, c.15, s.16; 2003, c.Y-2, s.20; 2005, c.42, s.21.

Charge against intoxicated persons

53 Where:

- (a) a police officer finds in a public place a person who the police officer reasonably believes is intoxicated due to the use of alcohol; and
- (b) the person has been taken into custody pursuant to section 52 on two or more previous occasions in the preceding 12-month period;

the police officer may, in addition to taking the person into custody and dealing with that person according to section 52, proceed pursuant to section 139 of *The Alcohol and Gaming Regulation Act, 1997* with respect to an offence against section 126 or 127 of that Act or a provision respecting intoxication in any bylaw, as the case requires.

1990-91, c.S-63.1, s.53; 1993, c.45, s.59; 2003, c.15, s.16; 2005, c.42, s.22.

Exemption from liability

54 No action lies against a police officer or other person for anything done in good faith with respect to the apprehension, custody or release of a person pursuant to section 52.

1990-91, c.S-63.1, s.54; 2005, c.42, s.23.

Regulations

55 The Lieutenant Governor in Council may make regulations:

- (a) respecting the fees payable with respect to any matter under this Act;
- (b) prescribing forms to be used under this Act or the regulations;
- (c) prescribing offences under any Act, regulation or bylaw for which proceedings may be commenced under:
 - (i) Part III; or
 - (ii) Part IV;
- (d) respecting the contents of a summary offence ticket;
- (e) respecting the procedure for the issuance of a summons ticket and offence notice ticket;
- (f) respecting how an offence may be indicated on a summary offence ticket;
- (g) authorizing the use on a summary offence ticket of any word, figure or expression, or any combination of them, to designate an offence;
- (h) prescribing offences under any Act, regulation or bylaw with respect to which a specified penalty sum may be paid without appearing in court;
- (i) prescribing the specified penalty sum payable with respect to any offence prescribed under clause (h);
- (j) prescribing the method of delivery of a specified penalty sum and providing for such other matters of procedure as may be deemed advisable;
- (k) specifying the places or areas in Saskatchewan to which the procedure for payment of a specified penalty sum without court appearance shall apply;
- (l) specifying the place or places where the specified penalty sum shall be paid;
- (m) respecting the manner in which a court appearance date is determined;
- (n) prescribing offences for which a peace officer may require a defendant to appear in court pursuant to subsection 14(3);
- (o) respecting the amounts of late payment charges authorized by sections 28 and 32.8;
- (p) respecting the giving, sending and serving of notices and other documents under this Act where no other provision is made in this Act and the procedures for proving service;
- (p.1) respecting the service of an offence notice where the offence relates to evidence obtained by a red light camera system authorized pursuant to *The Traffic Safety Act*;

(p.01) for the purposes of subsections 8(3) and (4), respecting the service of a summons or offence notice issued pursuant to this Act including:

- (i) prescribing the manner of service by mail;
- (ii) prescribing the circumstances in which service may be made on an individual by mail;
- (iii) prescribing the manner of proving service; and
- (iv) prescribing the time at which a summons or offence notice is deemed to have been served;

(p.2) designating offences for the purposes of section 30;

(p.3) for the purposes of clause 32.83(6)(b), prescribing the amount that an administrative fee shall not exceed;

(q) prescribing offences to which the probation provisions are not applicable;

(r) exempting all or any part of Saskatchewan from the application of section 52;

(s) designating persons or categories of persons as peace officers for the purposes of this Act;

(t) for the purposes of subsection 57(4):

- (i) designating municipalities or categories of municipalities from which the Government of Saskatchewan may deduct the amount prescribed pursuant to subclause (ii) from fines payable; and
- (ii) prescribing the amount that may be deducted by the Government of Saskatchewan, including prescribing a different amount for each municipality or category of municipality designated pursuant to subclause (i);

(t.1) prescribing bylaw offences with respect to which an information is not required to be laid under oath;

(t.2) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;

(u) prescribing any other matter or thing that is authorized or required by this Act to be prescribed in the regulations.

1990-91, c.S-63.1, s.55; 1992, c.40, s.12; 2000, c.29, s.6; 2003, c.18, s.72; 2004, c.T-18.1, s.297; 2005, c.M-36.1, s.471; 2005, c.42, s.24; 2010, c.33, s.5.

Deemed service**56** Where:

- (a) a summons or offence notice is served on the driver of a vehicle with respect to an offence pursuant to:
 - (i) *The Highways and Transportation Act, 1997*;
 - (ii) *The Livestock Inspection and Transportation Regulations*; or
 - (iii) *The Traffic Safety Act*; and
 - (b) the vehicle was in the possession of the driver with the owner's consent;
- delivery of the summons or offence notice to the driver is deemed to be effective service on the owner for the purposes of this Act.

1990-91, c.S-63.1, s.56; 2004, c.T-18.1, s.306.

Fines and penalties

57(1) In this section, "**informant**" means a citizen, a member of a municipal police service or of a police service under contract to the municipality, or any other employee of the municipality but does not include a member of a police service directly or indirectly employed and paid by the Government of Saskatchewan.

(2) Subject to subsections (3) to (6) and a provision in any other Act respecting fines or penalties, any fines or other penalties imposed pursuant to an offence governed by this Act belong to the Crown in right of Saskatchewan.

(3) Notwithstanding any other Act but subject to subsection (4) and any regulations made pursuant to this Act, if, on the information of an informant, a person is convicted or fined for a contravention within a municipality of any provision of any Act or any regulation made pursuant to any Act:

- (a) the fine imposed belongs to the municipality in which the offence occurred; and
- (b) the convicting justice shall dispose of the fine accordingly.

(4) In each fiscal year, the Government of Saskatchewan may deduct from fines payable to a municipality the prescribed amount for the following services:

- (a) prisoner escort services, or prisoner security services, not provided by the police service of or under contract to a municipality;
- (b) the maintenance of a person while he or she is in jail, if that person is imprisoned as a result of a conviction for a contravention of a municipal bylaw;
- (c) administering summary offence proceedings and enforcing the payment of fines.

- (5) The Lieutenant Governor in Council may make regulations:
- (a) prescribing any formula or method of calculation to be used to determine the amount of any fine imposed that is to be distributed to a municipality for a contravention within that municipality of a provision of any Act or any regulation made pursuant to any Act;
 - (b) designating municipalities or categories of municipalities for the purpose of receiving all or a portion of any fine imposed for a contravention within the municipality of any provision of any Act or any regulation made pursuant to any Act;
 - (c) prescribing the contraventions or categories of contraventions for which a municipality is to receive all or a portion of the fine imposed.
- (6) Any regulations made pursuant to subsection (5) may be made retroactive to a day not earlier than January 1, 1999.

2005, c.42, s.25.

Recovery of penalties in unprovided case

58 When a pecuniary penalty or a forfeiture is imposed for the contravention of any Act and:

- (a) if Part XXVII of the *Criminal Code*, as amended from time to time, or the summary offence procedure pursuant to this Act does not apply to the case; and
- (b) if no other mode is prescribed for the recovery of the penalty or forfeiture, or if the mode prescribed is not applicable to the case;

the penalty or forfeiture is recoverable by civil action or proceeding at the suit of the Attorney General in a court having jurisdiction for the amount of the penalty.

1990-91, c.S-63.1, s.58.

Summary offence tickets not court records

58.1 Summary offence tickets are not court records for the purposes of *The Archives Act*.

2000, c.29, s.7.

PART IX
Repeal and Transition

59 Dispensed. This section makes consequential amendments to another Act. The amendments have been incorporated into the corresponding Act.

Transitional

60(1) All proceedings commenced prior to the coming into force of this section pursuant to *The Summary Offences Procedure Act*, as that Act existed on the day before the coming into force of this section, shall be continued pursuant to that Act as if that Act were not repealed.

(2) Where:

(a) any person who, before the coming into force of this section, is alleged to have committed an offence governed by this Act; and

(b) no proceedings with respect to the offence are commenced prior to the coming into force of this section pursuant to *The Summary Offences Procedure Act*, as that Act existed on the day before the coming into force of this section;

the offence may be dealt with pursuant to this Act.

1990-91, c.S-63.1, s.60.

PART X
Consequential and Coming into Force

61 to 71 Dispensed. These sections make consequential amendments to other Acts. The amendments have been incorporated into the corresponding Acts.

Editorial Appendix

Subsections 5(2) and (3) of *The Summary Offences Procedure Amendment Act, 1992*, being chapter 40 of the *Statutes of Saskatchewan, 1992*, provide for transitional application of this Act as follows:

“(2) Notwithstanding the repeal of section 11 of *The Summary Offences Procedure Act, 1990* pursuant to subsection (1), if a defendant is issued a summons ticket or an offence notice ticket prior to, on or within six months after the repeal of section 11 and that ticket permits registration in the fine option program, the defendant may register in the fine option program by:

(a) signing the plea of guilty on the summons or offence notice;

(b) delivering the summons or offence notice to a place indicated on the summons or offence notice; and

(c) registering in the fine option program within the time specified on the summons or offence notice for that purpose.

“(3) If a defendant described in subsection (2) registers in the fine option program in the manner authorized by subsection (2):

(a) that defendant is deemed to have entered a plea of guilty and to have been convicted of the offence on the summons or offence notice, whether or not the plea of guilty on the summons or offence notice is signed; and

(b) notwithstanding the repeal of section 11 of *The Summary Offences Procedure Act, 1990*, subsections 11(3) to (5) continue to apply to that defendant.”

