

1990-91
CHAPTER 35

An Act to amend references to the Criminal Code in Certain Acts and Regulations and respecting Consequential Amendments to Certain Acts and Regulations resulting from the enactment of the Criminal Code, R.S.C. 1985, c.C-46

(Assented to June 18, 1991)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title1 This Act may be cited as The Criminal Code References Amendment Act, 1991.

R.S.S. 1978, c.A-35, new section 66

2 Section 66 of The Automobile Accident Insurance Act is repealed and the following substituted:

Proof of intoxication, etc.

“66(1) In any action, cause or proceeding in which any of the provisions of this Act are invoked and in which it is material to establish that a person using or operating a vehicle was so using or operating a vehicle while under the influence of intoxicating liquor or drugs to such an extent as to be for the time being incapable of the proper control of the vehicle, there shall be received as admissible evidence on the issue of proof that that person has been convicted of an offence committed at the material time under:

- (a) section 234, 234.1, 235 or 236 of the Criminal Code, as those sections existed on December 3, 1985;
- (b) section 237, subsection 238(5) or subsection 239(2) or (3) of the Criminal Code, as those provisions existed on December 11, 1988, by means of a motor vehicle;
- (c) section 253, subsection 254(5) or subsection 255(2) or (3) of the Criminal Code, by means of a motor vehicle;
- (d) subsection 168(1), (2) or (5) of The Vehicles Act, 1983; or
- (e) subsection 92(1), (2) or (5) of The Highway Traffic Act;

whether or not that person is a party to the action, cause or proceeding, whether or not he or she is a witness at the trial and whether or not he or she has first been questioned as to whether he or she has been convicted of that offence.

“(2) For the purpose of subsection (1), a certificate containing the substance and effect only of the conviction of a person for an offence committed under:

- (a) section 234, 234.1, 235 or 236 of the Criminal Code, as those sections existed on December 3, 1985;
- (b) section 237, subsection 238(5) or subsection 239(2) or (3) of the Criminal Code, as those provisions existed on December 11, 1988, by means of a motor vehicle;
- (c) section 253, subsection 254(5) or subsection 255(2) or (3) of the Criminal Code, by means of a motor vehicle;
- (d) subsection 168(1), (2) or (5) of The Vehicles Act, 1983; or
- (e) subsection 92(1), (2) or (5) of The Highway Traffic Act;

and purporting to be signed by the convicting judge or by the officer having the custody of the records of the court in which the person was convicted, or by the deputy of that officer, on proof of the identity of the person so convicted, shall be sufficient evidence of the conviction without proof of the signature or official character of the person by whom the certificate purports to have been signed.

“(3) Proof of a conviction for an offence committed under:

- (a) section 234, 234.1, 235 or 236 of the Criminal Code, as those sections existed on December 3, 1985;
- (b) section 237, subsection 238(5) or subsection 239(2) or (3) of the Criminal Code, as those provisions existed on December 11, 1988, by means of a motor vehicle;
- (c) section 253, subsection 254(5) or subsection 255(2) or (3) of the Criminal Code, by means of a motor vehicle;
- (d) subsection 168(1), (2) or (5) of The Vehicles Act, 1983; or
- (e) subsection 92(1), (2) or (5) of The Highway Traffic Act;

shall be conclusive evidence that the person so convicted was, at the time of the commission of the offence, using or operating a vehicle while under the influence of intoxicating liquor or drugs to such an extent as to be for the time being incapable of the proper control of the vehicle within the meaning of this Act”.

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R.S.S. 1978, c.I-11, section 27 amended

3 Subsection 27(3) of The Interpretation Act is repealed.

S.S. 1986, c.V-2.1, amended

4 The Vehicle Administration Act is amended:

- (a) by striking out "section 243" and substituting "section 260" in section 7; and
- (b) by repealing clause 71(c) and substituting the following clause:

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“(c) ‘offence’ means:

- (i) an offence under section 203, 204, or 219 of the Criminal Code, as those sections existed on December 3, 1985, committed by means of a motor vehicle, or under subsection 233(1), (2) or (4), section 234 or 234.1, subsection 235(2) or section 236 of the Criminal Code, as those provisions existed on December 3, 1985;
- (ii) an offence under section 203, 204 or 219, subsection 233(3) or (4), section 236, clause 237(a) or (b), subsection 239(2) or (3) or subsection 242(4) of the Criminal Code, as those provisions existed on December 11, 1988, committed by means of a motor vehicle;
- (iii) an offence under clause 233(1)(a) of the Criminal Code, as that provision existed on December 11, 1988;
- (iv) an offence under subsection 238(5) of the Criminal Code, as that provision existed on December 11, 1988, for failure or refusal to comply with a demand made under section 238 of the Criminal Code, as that section existed on December 11, 1988, where the offender, within the two hours preceding the offence, operated, or had the care or control of, a motor vehicle;
- (v) an offence under clause 249(1)(a) of the Criminal Code;
- (vi) an offence under section 220, 221, 236, subsection 249(3) or (4), section 252, clause 253(a) or (b), subsection 255(2) or (3) or subsection 259(4) of the Criminal Code committed by means of a motor vehicle;
- (vii) an offence under subsection 254(5) of the Criminal Code for failure or refusal to comply with a demand made under section 254 of the Criminal Code where the offender, within the two hours preceding the offence, operated, or had the care or control of, a motor vehicle;
- (viii) an offence under section 165 of The Vehicles Act, 1983, as that section existed on June 1, 1985, subsection 165(2) or section 168 of The Vehicles Act, 1983 or section 247.1 of The Vehicles Act, as that section existed on May 19, 1981;
- (ix) an offence under subsection 89(1) or section 92 of The Highway Traffic Act”.

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Sask. Reg. 2/81 amended

5 The Automobile Accident Insurance Regulations, 1981, being Saskatchewan Regulations 2/81, are amended:

(a) by striking out "section 242" in clause 15(2.1)(b) and substituting "section 259"; and

(b) by repealing clauses 10(a) to (c) of Appendix B and substituting the following:

"(a) an offence under subsection 233(1), (2) or (4), section 234, section 234.1, subsection 235(2) or section 236 of the Criminal Code, as those provisions existed on December 3, 1985;

"(b) an offence under:

(i) section 203, 204 or 219; or

(ii) section 236, section 237, subsection 238(5), subsection 239(2) or (3) or subsection 242(4);

of the Criminal Code, as those provisions existed on December 11, 1988, committed by means of a motor vehicle;

"(c) an offence under clause 233(1)(a) or subsection 233(3) or (4) of the Criminal Code, as those provisions existed on December 11, 1988;

"(c.1) an offence under:

(i) section 220, 221 or 236; or

(ii) section 252 or 253, subsection 255(2) or (3) or subsection 259(4);

of the Criminal Code, committed by means of a motor vehicle;

"(c.2) an offence under clause 249(1)(a) or subsection 249(3) or (4) of the Criminal Code".

R.R.S. c.V-2.1 Reg 2 amended

6 The Driver Suspension Regulations, 1986, being chapter V-2.1 Reg 2 of The Revised Regulations of Saskatchewan, are amended:

(a) by repealing clause 5(1)(b) and substituting the following:

"(b) an offence under section 237 of the Criminal Code, as that section existed on December 11, 1988, committed by means of a motor vehicle;

"(b.1) an offence under section 253 of the Criminal Code, committed by means of a motor vehicle";

(b) by repealing clause 6(1)(b) and substituting the following clauses:

"(b) an offence under section 237 of the Criminal Code, as that section existed on December 11, 1988, committed by means of a motor vehicle;

"(b.1) an offence under section 253 of the Criminal Code, committed by means of a motor vehicle";

(c) by striking out "section 242 of the Criminal Code" in subsection 6(2) and substituting "section 242 of the Criminal Code, as that section existed on December 11, 1988, or section 259 of the Criminal Code"; and

(d) by repealing subsection 6(3) and substituting the following subsection:

"(3) A person is not eligible to make an application pursuant to this section if at the time the period of disqualification was determined he or she, within the period of five years immediately prior to and including the date of the conviction, had been convicted of:

(a) an offence under subsection 233(1), (2) or (4), section 234.1 or subsection 235(2) of the Criminal Code, as those provisions existed on December 3, 1985;

(b) an offence under:

(i) section 203, 204 or 219;

(ii) section 236, subsection 238(5), subsection 239(2) or (3); or

(iii) subsection 242(4);

of the Criminal Code, as those provisions existed on December 11, 1988, committed by means of a motor vehicle;

(c) an offence under clause 233(1)(a) or subsection 233(3) or (4) of the Criminal Code, as those provisions existed on December 11, 1988;

(d) an offence under:

(i) section 220, 221, or 236;

(ii) section 252, subsection 254(5) or subsection 255(2) or (3); or

(iii) subsection 259(4);

of the Criminal Code, committed by means of a motor vehicle;

(e) an offence under clause 249(1)(a) or subsection 249(3) or (4) of the Criminal Code;

(f) an offence under subsection 89(1) or subsection 92(5) of The Highway Traffic Act;

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- (g) an offence under section 247.1 of The Vehicles Act, as that section existed on May 19, 1981;
- (h) an offence under section 165 of The Vehicles Act, 1983, as that section existed on June 1, 1985; or
- (i) an offence under subsection 165(2) or 168(5) of The Vehicles Act, 1983".

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References in Acts amended

7 The Acts listed in column 1 of Schedule 1 are amended in the provisions listed opposite them in column 2 by striking out the words listed in column 3 and substituting the words listed in column 4.

References in regulations amended

8 The regulations listed in column 1 of Schedule 2 are amended in the provisions listed opposite them in column 2 by striking out the words listed in column 3 and substituting the words listed in column 4.

Coming into force⁹ This Act comes into force on the day of assent but is retroactive and is deemed to have been in force on and from December 12, 1988.

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SCHEDULE 1
[Section 7]

Column 1 (Act)	Column 2 (Provision)	Column 3 (Strike Out)	Column 4 (Substitution)
The Business Corporations Act, R.S.S. 1978, c.B-10	226	122 124	133 136
The Credit Union Act, 1985, S.S. 1984-85-86, c.C-45.1	138(2)(b)	122 124	133 136
The Election Act, R.S.S. 1978, c.E-6	27(d) 198(4)	545 Part XVIII	617 Part XXI
The Non-profit Corporations Act, S.S. 1979, c.N-4.1	208	122 124	133 136
The Ombudsman Act, R.S.S. 1978, c.O-4	22(3)	120	131
The Provincial Court Act, R.S.S. 1978 (Supp.), c.P-30.1	4(2)(c)	Part XVI	Part XIX
The Queen's Bench Act, R.S.S. 1978, c.Q-1	9(2)	Part XVI	Part XIX
The Urban Municipality Act, 1984, S.S. 1983-84, c.U-11	135.2(11)	Part XXIV	Part XXVII
The Victims of Crime Act, S.S. 1990-91, c.V-6.01	5(2)(b)	655.9	727.9

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SCHEDULE 2

[Section 8]

Column 1 (Act)	Column 2 (Provision)	Column 3 (Strike Out)	Column 4 (Substitution)
The Department of Consumer and Commercial Affairs Regulations, R.R.S., c.G-5.1 Reg 4	3(d)	190(c)	207(c)
The Fine Option Program Regulations, 1991, R.S.S., c.S-63.1 Reg 1	4(1)	646.1	718.1
The Legal Aid Regulations, R.R.S., c.L-9.1 Reg 1	4(3)(b)(i)(F)	745	810