

1990  
CHAPTER S-63.1

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

(Assented to June 22, 1990)

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

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:
- "bylaw"              (a) "bylaw" means a bylaw of:
- (i) a municipality;
  - (ii) the Meewasin Valley Authority;
  - (iii) the Wakamow Valley Authority; or
  - (iv) the Wascana Centre Authority;
- "chief probation officer"       (b) "chief probation officer" means the chief probation officer as defined in The Corrections Act;
- "clerk"                (c) "clerk" means a clerk of the Provincial Court of Saskatchewan;
- "community-training residence"    (d) "community-training residence" means a community-training residence as defined in The Corrections Act;
- "correctional camp"                (e) "correctional camp" means a correctional camp as defined in The Corrections Act;
- "default conviction"                (f) "default conviction" means a conviction entered pursuant to section 22;
- "defendant"                (g) "defendant" means a person on whom a summary offence ticket has been served;
- "director"                (h) "director" means the director as defined in The Corrections Act;

on program"

(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 presiding justice of the peace;

offender"

(k) "juvenile offender" means a person who commits an offence while 12 years of age or more but under 16 years of age;

(l) "minister" means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

ality"

(m) "municipality" means:

(i) a northern municipality within the meaning of The Northern Municipalities Act;

(ii) a rural municipality within the meaning of The Rural Municipality Act, 1989;

(iii) an urban municipality within the meaning of The Urban Municipality Act, 1984;

and includes any other municipality administered by the Minister of Urban Affairs;

notice"

(n) "offence notice" means an offence notice mentioned in subclause 18(1)(a)(ii);

notice ticket"

(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;

tody"

(q) "open custody" means open custody as defined in section 24.1 of the Young Offenders Act (Canada), as amended from time to time;

ficer"

(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, 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 94 of The Urban Municipality Act, 1984 or section 81 of The Northern Municipalities Act;

(viii) a person designated as a peace officer by the Lieutenant Governor in Council;

"place of temporary detention"

(s) "place of temporary detention" means a place of temporary detention designated by the Lieutenant Governor in Council pursuant to subsection 7(1) of the Young Offenders Act (Canada), as amended from time to time;

"probation officer"

(t) "probation officer" means a probation officer as defined in The Corrections Act and includes:

(i) probation officers appointed pursuant to section 39;

(ii) the provincial director with respect to juvenile offenders; and

(iii) the chief probation officer;

"prosecutor"

(u) "prosecutor" means:

(i) the Attorney General and includes a counsel or agent acting on behalf of the Attorney General; and

(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;

"provincial director"

(v) "provincial director" means the provincial director as defined in The Young Offenders' Services Act;

"specified penalty sum"

(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;

"summary offence ticket"

(x) "summary offence ticket" means an offence notice ticket or a summons ticket;

"summons"

(y) "summons" means a summons mentioned in subclause 13(1)(a)(ii);

"summons ticket"

(z) "summons ticket" means a summons ticket mentioned in subsection 13(1);

"supervision"

(aa) "supervision" means the provision of counselling services by a probation officer or provincial director to an offender.

## PART II

## General Summary Procedure

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

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.

(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 717, 721 and 722 and clause 737(1)(c) of the Criminal Code, as amended from time to time, apply, with any necessary modification, to:

- (a) summary conviction proceedings before justices; and
- (b) subject to section 50, appeals from convictions, acquittals, sentencing or other orders made under summary conviction proceedings.

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 in order for the person to whom a summons is directed to comply with section 11;
  - (f) prescribing procedures the Lieutenant Governor in Council considers necessary for the purposes of section 11;
  - (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.

#### 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.

## 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 subclause 18(2)(b)(iii) indicated on the offence notice ticket.

## Service

- 8(1) Subject to subsections (2) and (3), a summons or offence notice 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.

## 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.

#### 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) 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.
- (5) Where written notice has been sent pursuant to clause (4)(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) 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.

#### Discharge by fine option

- 11(1) Where a summons permitting payment of a specified penalty sum pursuant to section 10 or an offence notice is served on a defendant and the defendant pleads guilty to the charge, the defendant may discharge the specified penalty sum, if, on or before the date indicated on the offence notice or summons, the defendant:
- (a) signs the plea of guilty endorsed on the summons or offence notice;
  - (b) delivers the summons or offence notice to a place indicated on the summons or offence notice; and
  - (c) registers in the fine option program within the time specified on the summons or offence notice for that purpose.
- (2) Where a defendant registers in the fine option program pursuant to this section, the defendant is deemed:
- (a) to have entered a plea of guilty; and
  - (b) to have been convicted of the offence charged on the summons or offence notice;
- whether or not the plea of guilty on the summons or offence notice is signed.
- (3) Where an offender who has registered in the fine option program pursuant to subsection (2) does not complete the fine option program in the time prescribed and in the manner provided by the regulations:



- (a) the conviction continues but the amount of the fine not discharged 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:
    - (i) the fine option program has not been completed;
    - (ii) the conviction continues; and
    - (iii) the amount of the fine that has not been discharged remains outstanding.
- (4) Where written notice is sent pursuant to clause (3)(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 written notice was sent.
- (5) Where written notice has been sent pursuant to clause (3)(b) to an offender who had been served with an offence notice, the amount of the fine that has not been discharged will be considered to be in default 15 days after the written notice was sent.

### 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) Part IV does not apply to proceedings commenced pursuant to this Part.

#### 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.

#### 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;
  - (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;
  - (c) where the defendant obtains an adjournment of the proceedings prior to the court appearance date; or
  - (d) where:
    - (i) the regulations or a bylaw authorize the defendant to participate in a fine option program with respect to the offence;
    - (ii) the summons states that the defendant may discharge the amount of the specified penalty sum by participation in a fine option program; and
    - (iii) the defendant proceeds pursuant to section 11.
- (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, to pay the specified penalty sum or to register in the fine option program 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.

- 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).

## 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) Part III does not apply to proceedings commenced pursuant to this Part.
- 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.
- 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.

## 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

(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.

## 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.

## 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, 11, 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, shall, 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.

- (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.

#### 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.

#### PART V Enforcement

#### Failure to appear in answer to summons

24 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.

#### Maximum penalty for offence notice

25 Notwithstanding any other Act or regulation but subject to section 31 of this Act, if the proceedings have been commenced under Part IV with respect to an offence:

- (a) the maximum fine that may be imposed with respect to that offence is \$400; and
- (b) the offender is not liable to imprisonment.

#### 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 at any time 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.

#### Default

- 27 Subject to subsections 10(6), 11(5) 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.



## 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.

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

(4) Notwithstanding The Financial Administration Act, 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 Vehicle Administration Act.

## 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) Where:

- (a) proceedings have been commenced:
  - (i) by information pursuant to the Criminal Code, as amended from time to time; 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;

that offender shall be imprisoned for:

- (d) where the fine imposed is \$75 or less, three days; or
  - (e) where the fine imposed exceeds \$75, one day for each \$25, or portion of \$25, of the fine.
- (3) For the purpose of determining the length of imprisonment in subsection (2), 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.

#### Licence non-renewal

- 30(1) In this section, "offender in default" means an offender in default as defined in section 23.1 of The Vehicle Administration Act.
- (2) For the purposes of section 23.1 of The Vehicle Administration Act, the Lieutenant Governor in Council may make regulations designating offences or categories of offences under:
- (a) The Highway Traffic 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 14 of The Vehicle Administration Act.
- (3) The administrator designated pursuant to The Vehicle Administration Act shall refuse to issue to an offender in default, a driver's licence until the offender in default:
  - (a) fully pays; or
  - (b) otherwise fully discharges;
 the fine and any late payment charge imposed.
- (4) The administrator shall not 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 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; 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).

PART VI

Juvenile Offenders

Service on others

33 Where an alleged juvenile offender 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 alleged juvenile offender; or
- (b) a person who stands in the place of a parent to the alleged juvenile offender.

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 an alleged juvenile offender does not invalidate any proceedings or action otherwise authorized under this Act.

Powers of court re service

35 Where an alleged juvenile offender 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 alleged juvenile offender's parent or a person who stands in the place of a parent.

Detention of persons 12 to 17

36(1) Subject to subsection (2), where a person who appears to be a juvenile offender or who is 16 or 17 years of age:

- (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 an open custody facility.

## PART VII

## Probation

- Application of Part 37 This Part applies to all offences pursuant to an Act, regulation or bylaw other than offences that are designated in the regulations.
- Probation officer 38(1) Subject to subsection (2), where:  
 (a) a justice orders an offender to be placed on probation; and  
 (b) one of the conditions of the order specifically requires the offender to report to and be under the supervision of a probation officer;  
 the chief probation officer or any other probation officer designated by the chief probation officer for the purpose shall exercise supervision over and provide guidance and other help to the offender.  
 (2) Where the offender placed on probation pursuant to an order is a juvenile offender, the provincial director shall act as the probation officer.
- Volunteer probation officer 39 The chief probation officer may:  
 (a) appoint, in writing, a person with that person's consent to be the probation officer for a specified offender; and  
 (b) in an appointment pursuant to clause (a), specify the powers that the person may exercise and responsibilities that the person shall fulfil.
- Order of probation in lieu of fine, etc. 40 Notwithstanding any provision of The Alcohol Control Act or The Highway Traffic Act requiring the imposition on an offender of a minimum fine or a minimum period of imprisonment in default of payment of the fine, a justice may make an order pursuant to this Part with respect to the offender.
- Powers of probation officer 41 Every probation officer, including the provincial director, has the powers of a peace officer in the performance of the duties required to be discharged by the probation officer pursuant to this Act.

## Role of probation officer

- 42(1) A probation officer shall, whenever requested by a justice to do so:
- (a) carry out or make pre-sentence investigations for the justice; and
  - (b) supervise, guide and counsel an offender placed on probation and assigned to the probation officer.
- (2) A probation officer shall:
- (a) procure and report in writing, in the manner prescribed by the chief probation officer, information about the:
    - (i) personal history, including family history, previous convictions and employment history;
    - (ii) character; and
    - (iii) any other information;respecting any offender that the justice may require;
  - (b) supervise, under the direction of the chief probation officer, the employment, conduct and general condition under which an offender may be placed during the period of probation imposed by the justice;
  - (c) report to a prosecutor if the offender is not carrying out the terms imposed by the justice;
  - (d) do all other things that the chief probation officer may from time to time consider advisable to assist the justice.
- (3) No investigation shall be conducted or carried out by a probation officer for the sole purpose of determining the guilt or innocence of a defendant.

## Pre-sentence report

- 43(1) Before passing sentence on an offender, the justice may request in writing:
- (a) in the case of an adult offender, that a probation officer;
  - (b) in the case of a juvenile offender, that the provincial director;
- conduct an investigation respecting the offender and file a written pre-sentence report with the justice about the offender for the purpose of assisting the justice in imposing sentence.
- (2) A justice shall enter as an exhibit a pre-sentence report prepared pursuant to this section by a probation officer or the provincial director.

## Remand on bail or recognizance, etc.

- 44 Where a justice requests that an investigation be conducted under section 43, the justice may:
- (a) remand the offender to appear for sentencing before the justice;

- (b) place the offender on bail; or
- (c) release the offender on recognizance, with or without sureties, to ensure the offender's appearance at sentencing.

## Probation service

45 Where:

- (a) as a result of an investigation, a probation officer recommends to the justice before sentence is passed that an offender be placed on probation; and
- (b) the justice places the offender on probation with a condition requiring the offender to report to a probation officer;

a probation officer shall receive the offender on probation and shall provide for the offender's supervision.

## Release on probation

46(1) Where, having regard to an offender's age, character, history and rehabilitative prospects, a justice considers it appropriate to place the offender on probation, the justice may place the offender on probation subject to the conditions the justice places in the probation order and the conditions prescribed in this section.

(2) Every probation order is deemed to include the conditions that the offender shall:

- (a) keep the peace;
- (b) be of good behaviour; and
- (c) appear before the justice when required to do so by the justice.

(3) In addition to the conditions set out in subsection (2), the justice may require that an adult offender meet any one or more of the following conditions:

- (a) report to and be under the supervision of the chief probation officer or a probation officer designated by the chief probation officer;
- (b) provide for the support of the offender's spouse or any other dependant for whom he or she is liable;
- (c) abstain from the consumption of alcohol or drugs absolutely or on any terms that the justice may specify;
- (d) make restitution or reparation to any person aggrieved or injured by the commission of the offence for the actual loss or damage sustained by that person as a result of the offence;
- (e) remain within the jurisdiction of the court and notify the court or the person mentioned in clause (a) of any change in the offender's address or employment or occupation;



- (f) make reasonable efforts to find and maintain suitable employment for himself or herself;
  - (g) reside in a community-training residence or correctional camp for a period of time specified by the justice;
  - (h) attend school or any other place of learning, training or recreation that is appropriate if the justice is satisfied that a suitable program is available for the offender at that place;
  - (i) comply with any other reasonable conditions that the justice considers desirable to:
    - (i) secure the good conduct of the offender; and
    - (ii) prevent a repetition by the offender of the same offence or the commission of other offences.
- (4) In addition to the conditions set out in subsection (2), the justice may require that a juvenile offender meet any one or more of the following conditions:
- (a) report to and be under the supervision of the provincial director;
  - (b) remain within the jurisdiction of the court and notify the court or the provincial director of any change of address;
  - (c) make reasonable efforts to obtain and maintain suitable employment for himself or herself;
  - (d) attend school or any other place of learning, training or recreation that is appropriate if the justice is satisfied that a suitable program is available for the juvenile offender at that place;
  - (e) reside with a parent or other adult, as the justice considers appropriate, who is willing to provide for the juvenile offender's care and maintenance;
  - (f) reside in a place that the provincial director may specify;
  - (g) comply with any other reasonable conditions the justice considers desirable to:
    - (i) secure the juvenile offender's good conduct; and
    - (ii) prevent a repetition by the juvenile offender of the same offence or the commission of other offences.
- (5) The justice shall specify in a probation order the period for which it is to remain in force.
- (6) No probation order is to be in force for a period of more than six months.

- (7) The justice making a probation order shall:
  - (a) cause the order to be read to the offender;
  - (b) cause a copy of the order to be given to the offender; and
  - (c) inform the offender of the provisions of section 47.
- (8) Where an offender is placed on probation, the prosecutor or the offender may apply to a justice to amend the probation order.
- (9) After hearing the offender and the prosecutor, the justice may:
  - (a) make any changes, deletions or additions to the conditions in the probation order that the justice considers desirable in the circumstances; or
  - (b) decrease the period for which the probation order is to remain in force.

#### Offence for contravention of probation

- 47(1) An offender who:
  - (a) is bound by a probation order; and
  - (b) wilfully fails or refuses to comply with that order;
 is guilty of an offence and liable to the penalty prescribed in subsection (2).
- (2) Where a justice is satisfied by evidence given under oath that an offender described in subsection (1) has wilfully failed or refused to comply with the conditions of that probation order, the justice may:
  - (a) sentence the offender for the offence of which the offender was convicted; and
  - (b) impose a fine of not more than \$500.

#### Application of Criminal Code

48 Subject to this Act, proceedings under this Part are governed by the provisions of the Criminal Code, as amended from time to time, relating to sentence for offenders to the extent that those provisions are applicable.

### PART VIII Miscellaneous

#### Application of Corrections Act

49 Subject to this Act and any other Act, The Corrections Act applies, with any necessary modification, to the imprisoning of and providing correctional services to offenders convicted as a result of the proceedings commenced pursuant to this Act.

## Appeals re municipal offence

- 50(1) In this section:
- (a) "chief judge" means the chief judge of the appellate court;
  - (b) "appellate court" means the Provincial Court of Saskatchewan;
  - (c) "judge" means a judge of the appellate court.
- (2) Subject to this section, Part XXVII of the Criminal Code, as amended from time to time, applies to appeals with respect to offences against bylaws.
- (3) The offender or the prosecutor, may appeal to a judge a conviction, sentence or dismissal of an information or a summary offence ticket by a presiding justice of the peace in connection with an offence against a bylaw and tried pursuant to this Act.
- (4) A person who appeals pursuant to subsection (3) shall serve a notice of appeal on the chief judge and:
- (a) where the offender is the appellant, on the prosecutor; and
  - (b) where the prosecutor is the appellant, on the offender.
- (5) The notice of appeal mentioned in subsection (4):
- (a) shall be served within 30 days of the day on which:
    - (i) the conviction was made;
    - (ii) the sentence imposed; or
    - (iii) the information or summary offence ticket was dismissed;as the case may be; and
  - (b) shall be in the form prescribed in the regulations.
- (6) On being served with a notice of appeal pursuant to subsection (4), the chief judge shall designate a judge to act in the matter of the appeal.
- (7) On the judge's designation, the judge has jurisdiction to hear and dispose of the matter.
- (8) The judge designated to hear an appeal pursuant to this section shall, on proof of service pursuant to subsection (4):
- (a) set a date for hearing the appeal; and
  - (b) give any directions to the appellant and respondent that the judge considers necessary.
- (9) A judge may make any order on an appeal pursuant to this section that the judge considers ought to have been made by the presiding justice of the peace.

- (10) An appeal from a decision of a judge pursuant to this section lies on a question of law to Her Majesty's Court of Queen's Bench for Saskatchewan.
- (11) There is no further appeal from a decision of a judge of Her Majesty's Court of Queen's Bench for Saskatchewan made pursuant to this section.
- (12) A notice of appeal may be served personally on the person to be served or by sending it by registered mail to the person to be served at his or her address as indicated on the information, summons or offence notice.
- (13) Service of a notice of appeal pursuant to this section is sufficiently proved by affidavit of the person by whom the notice is served or mailed accompanied:
- (a) where the notice is served personally, by a copy or duplicate of the notice of appeal;
  - (b) where the notice is served by registered mail, by the postmaster's receipt for the envelope containing the notice of appeal and a copy or duplicate of the notice of appeal.

## 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.

## Temporary custody for intoxicated persons, "custodian"

52(1) In this section, "custodian" means the person responsible for holding in custody a person taken into custody pursuant to this section.

(2) Subject to section 53, where:

(a) a peace 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 peace officer, no other person capable of and willing to take care of the person mentioned in clause (a);

the peace officer may take the person into custody and deal with that person in accordance with this section in lieu of proceeding pursuant to section 142 of The Alcohol Control Act with respect to an offence against section 129 or 130 of that Act or a provision respecting intoxication in a bylaw.

- (3) Where:
- (a) a peace 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 peace officer, no other person capable and willing to take care of the person mentioned in clause (a);
- the peace 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 an open custody facility 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 open custody facility.
- (7) Failure to give notice pursuant to subsection (6) to a parent of or person who stands in the place of a parent to an alleged juvenile offender does not invalidate any proceedings or action otherwise authorized under this section.

#### Charge against intoxicated persons

##### 53 Where:

- (a) a peace officer finds in a public place a person who the peace 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 peace officer may, in addition to taking the person into custody and dealing with that person according to section 52, proceed pursuant to section 142 of The Alcohol Control Act with respect to an offence against section 129 or 130 of that Act or a provision respecting intoxication in any bylaw, as the case requires.

#### Exemption from liability

54 No action lies against a peace 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.

#### 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 section 28;
- (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;
- (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) prescribing amounts that may be deducted pursuant to:
  - (i) subsection 80(7.1) of The Northern Municipalities Act;
  - (ii) subsection 174(7.1) of The Rural Municipality Act, 1989; or
  - (iii) subsection 92(7.2) of The Urban Municipality Act, 1984;
- (u) prescribing any other matter or thing that is authorized or required by this Act to be prescribed in the regulations.

Deemed service

56 Where:

- (a) a summons or offence notice is served on the driver of a vehicle with respect to an offence under:
  - (i) The Highway Traffic Act;
  - (ii) The Highways and Transportation Act;
  - (iii) The Livestock Inspection and Transportation Regulations;
  - (iv) The Motor Carrier Act; or
  - (v) The Vehicle Administration 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.

Fines, penalties belong to the Crown

57 Subject to 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.

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.

#### PART IX

##### Repeal and Transition

R.S.S. 1978, c.S-63 repealed

59 The Summary Offences Procedure Act is repealed.

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.



## PART X

## Consequential and Coming into Force

R.S.S. 1978, c.C-40, section 8 amended

61 Subsection 8(1) of The Corrections Act is amended by striking out "Part III of The Summary Offences Procedure Act" and substituting "Part VII of The Summary Offences Procedure Act, 1990".

R.S.S. 1978, c.D-23, section 14 amended

62 Clause 14(a) of The Department of Social Services Act is amended by striking out "section 10.2 of The Summary Offences Procedure Act" and substituting "section 35 of The Summary Offences Procedure Act, 1990".

S.S. 1984-85-86, c.E-9.2, section 41 amended

63 Subsection 41(8) of The Enforcement of Maintenance Orders Act is amended by adding ", 1990" after "The Summary Offences Procedure Act".

S.S. 1986, c.H-3.1, section 89 amended

64 Subsection 89(3) of The Highway Traffic Act is repealed and the following substituted:

"(3) Any person who drives a motor vehicle on a highway while:

(a) a refusal by the administrator to issue the person a driver's licence is still in effect; or

(b) the person's driver's licence is suspended or revoked;

pursuant to any provision of The Vehicle Administration Act other than the one described in section 78 of that Act is guilty of an offence and liable on summary conviction:

(c) to a fine of not more than \$1,000;

(d) in the case of a second, third or subsequent conviction for an offence pursuant to this section, to a fine of not more than \$2,000, to imprisonment for a term of not more than two years or to both that fine and imprisonment".

R.S.S. 1978, c.I-11, sections 27 to 31 repealed

65 Sections 27 to 31 of The Interpretation Act are repealed.

S.S. 1983, c.N-5.1, section 80 amended

66 Section 80 of The Northern Municipalities Act is amended:

(a) by adding "but subject to subsections (7.1) and (9) of this section" after "Notwithstanding any other Act" in subsection (7); and

(b) by adding the following subsection after subsection (7):

"(7.1) In addition to any amount deducted pursuant to subsection (9), an amount prescribed for the purpose by regulation made pursuant to The Summary Offences Procedure Act, 1990 of the fine imposed may be deducted from fine revenues due to the northern municipality and paid to the Government of Saskatchewan to compensate the Government of Saskatchewan for administering summary offence proceedings and enforcing the payment of fines".

S.S. 1986, c.P-1.1, section 31 amended

67 Subsection 31(4) of The Parks Act is amended by adding ", 1990" after "The Summary Offences Procedure Act".

R.S.S. 1978 (Supp.), c.P-30.1, section 20 amended

68 Subsection 20(1) of The Provincial Court Act is amended by adding ", 1990" after "The Summary Offences Procedure Act".

S.S. 1989-90, c.R-26.1, section 174 amended

69 Section 174 of The Rural Municipality Act, 1989 is amended:

- (a) by adding "but subject to subsections (7.1) and (9) of this section" after "Notwithstanding any other Act" in subsection (7); and
- (b) by adding the following subsection after subsection (7):

"(7.1) In addition to any amount deducted pursuant to subsection (9), an amount prescribed for the purpose by regulations made pursuant to The Summary Offences Procedure Act, 1990 of the fine imposed may be deducted from fine revenues due to the municipality and paid to the Government of Saskatchewan to compensate the Government of Saskatchewan for administering summary offence proceedings and enforcing the payment of fines".

S.S. 1983-84, c.U-11, section 92 amended

70 Section 92 of The Urban Municipality Act, 1984 is amended:

- (a) by adding "but subject to subsections (7.2) and (9) of this section" after "Notwithstanding any other Act" in subsection (7); and
- (b) by adding the following subsection after subsection (7.1):

"(7.2) In addition to any amount deducted pursuant to subsection (9), an amount prescribed for the purpose by regulations made pursuant to The Summary Offences Procedure Act, 1990 of the fine imposed may be deducted from fine revenues due to the urban municipality and paid to the Government of Saskatchewan to compensate the Government of Saskatchewan for administering summary offence proceedings and enforcing the payment of fines".

S.S. 1986, c.V-2.1, new section 23.1

Licence refusal

71 The following section is added after section 23 of The Vehicle Administration Act:

"23.1(1) In this section, 'offender in default' means an offender, as defined in The Summary Offences Procedure Act, 1990, who:

- (a) has been convicted of an offence or one of a category of offences:
  - (i) for which an offence notice ticket was issued in accordance with The Summary Offences Procedure Act, 1990; and
  - (ii) that is designated for the purposes of this section by regulations made pursuant to The Summary Offences Procedure Act, 1990; and
- (b) is in default of payment of the fine imposed pursuant to The Summary Offences Procedure Act, 1990.

"(2) The administrator shall refuse to issue to an offender in default a driver's licence until the offender in default:

- (a) fully pays; or
- (b) otherwise fully discharges;

the fine and any late payment charge imposed pursuant to The Summary Offences Procedure Act, 1990.

"(3) The administrator shall not 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 of The Summary Offences Procedure Act, 1990 with respect to an offence designated for the purposes of this section by regulations made pursuant to that Act, even though any late payment charge imposed pursuant to section 28 of that Act or any surcharge imposed pursuant to The Victims of Crime Act on that person remains unpaid".

Coming into force

72 This Act or any provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.