

1992

CHAPTER 40

An Act to amend *The Summary Offences Procedure Act, 1990*

(Assented to July 31, 1992)

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

Short title

1 This Act may be cited as *The Summary Offences Procedure Amendment Act, 1992*.

S.S. 1990-91, c.S-63.1 amended

2 *The Summary Offences Procedure Act, 1990* is amended in the manner set forth in this Act.

Section 4 amended

3 The following subsection is added after subsection 4(4):

“(5) Notwithstanding subsections (1) to (4), an information for a violation of those bylaw offences that are prescribed in the regulations is not required to be laid under oath”.

Section 5 amended

4 Subsection 5(1) is amended:

- (a) **by striking out** “in order for the person to whom a summons is directed to comply with section 11” **in clause (e); and**
- (b) **by repealing clause (f).**

Section 11 repealed and transitional application

5(1) Section 11 is repealed.

(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.**

Section 14 amended

6 Clause 14(2)(d) is repealed.

Section 20 amended

7 Clause 20(1)(c) is amended by adding the following subclause after subclause (ii):

“(iii) issue a warrant for the arrest of the defendant to bring the defendant before the justice; or”.

Section 22 amended

8 Subsection 22(1) is amended by striking out “, 11”.

Section 24 amended

9 Section 24 is amended:

(a) by renumbering it as subsection 24(1); and

(b) by adding the following subsection after subsection (1):

“(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; and

(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)”.

Section 26 amended

10 Subsection 26(6) is amended by striking out “at any time” and substituting “until the time the fine is in default pursuant to section 27”.

Section 50 amended

11 The following subsection is added after subsection 50(5):

“(5.1) On application by the respondent, the appellate court may dismiss an appeal if:

(a) notice of the appeal was served in accordance with subsections (4) and (5); and

(b) the appellate court is satisfied that the appeal has not been expeditiously proceeded with or has been abandoned”.

Section 55 amended

12 The following clause is added after clause 55(t):

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

Coming into force

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