

2005

CHAPTER 42

An Act to amend *The Summary Offences Procedure Act, 1990* and to make consequential amendments to other Acts

(Assented to December 2, 2005)

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, 2005*.

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 2 amended

3 Clause 2(a) is repealed and the following substituted:

“(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”.

Section 4 amended

4 Subsection 4(4.1) is amended by adding “487.011 to 487.017,” after “sections 487, 487.01,”.

Section 8 amended

5 Subsection 8(1) is amended by adding “, section 32.53” after “Subject to subsection (2)”.

Section 10 amended

6(1) Subsection 10(3) is amended by striking out “The recording” and substituting “Subject to subsections (7) to (9), the recording”.

(2) The following subsection is added after subsection 10(4):

“(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”.

(3) Subsection 10(5) is amended by adding “or (4.1)(b)” after “clause (4)(b)”.**(4) Subsection 10(6) is amended by adding “or (4.1)(b)” after “clause (4)(b)”.****(5) The following subsections are added after subsection 10(6):**

“(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”.

Section 12 amended

7 Subsection 12(2) is amended by striking out “Part IV does” and substituting “Parts IV and V.1 do”.

Section 14 amended

8 Subsection 14(2) is amended:

- (a) in subclause (a)(iii) by adding “before the court appearance date” after “specified penalty sum”;
- (b) by adding “or” after clause (b); and
- (c) by striking out “or” after clause (c).

Section 15 amended

9 Subsection 15(1) is amended in the portion preceding clause (a) by striking out “, to pay the specified penalty sum or to register in the fine option program” and substituting “or to pay the specified penalty sum”.

Section 17 amended

10 Subsection 17(2) is amended by striking out “Part III does” and substituting “Parts III and V.1 do”.

Section 22 amended

11(1) Subclause 22(2)(b)(i) is amended by striking out “shall” and substituting “may”.

(2) The following subsection is added after subsection 22(2):

“(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”.

New section 25

12 Section 25 is repealed and the following substituted:

“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”.

Section 27 amended

13 Section 27 is amended by striking out “subsections 10(6), 11(5)” and substituting “subsection 10(6)”.

Section 28 amended

14 Clause 28(2)(b) is amended by striking out “*The Victims of Crime Act*” and substituting “*The Victims of Crime Act, 1995*”.

Section 29 amended

15(1) Subsection 29(2) is repealed and the following substituted:

“(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*”.

(2) Subsection 29(3) is amended by striking out “subsection (2)” and substituting “subsection (2.1)”.

Section 30 amended

16 Subsection 30(4) is amended by striking out “*The Victims of Crime Act*” and substituting “*The Victims of Crime Act, 1995*”.

Section 32 amended

17 Subclause 32(3)(a)(ii) is amended by striking out “*The Victims of Crime Act*” and substituting “*The Victims of Crime Act, 1995*”.

New Part V.1

18(1) The following Part is added after Part V:

“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 Highway Traffic Act*;

(g) **‘vehicle owner’** means the owner of a motor vehicle as defined in *The Vehicle Administration Act*, and includes the person operating the vehicle at the time of the parking offence.

“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.

“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.

“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 Vehicle Administration Act*.

“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.

“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.

“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.

“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.

“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.

**“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.

“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.

“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 Highway Traffic Act*, the name and address of the registered owner;
 - (c) if the vehicle is not registered pursuant to *The Highway Traffic 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 Highway Traffic 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.

“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.

“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.

“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.

“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.

“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.

**“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”.

(2) Section 32.5 is amended:

(a) in clause (f) by striking out “*The Highway Traffic Act*” and substituting “*The Traffic Safety Act*”; and

(b) in clause (g) by striking out “*The Vehicle Administration Act*” and substituting “*The Traffic Safety Act*”.

(3) Section 32.53 is amended by striking out “*The Vehicle Administration Act*” and substituting “*The Traffic Safety Act*”.

(4) Section 32.82 is amended:

(a) in clause (2)(b) by striking out “*The Highway Traffic Act*” and substituting “*The Traffic Safety Act*”;

(b) in clause (2)(c) by striking out “*The Highway Traffic Act*” and substituting “*The Traffic Safety Act*”; and

(c) in clause (4)(a) by striking out “*The Highway Traffic Act*” and substituting “*The Traffic Safety Act*”.

New heading to Part VI

19 The heading preceding section 33 is struck out and the following substituted:

**“PART VI
Young Persons”.**

Section 51.2 amended

20 Section 51.2 is amended in the portion preceding clause (a) by striking out “clauses 8(2)(f) and (h) of *The Cities Act* do” and substituting “clause 8(2)(h) of *The Cities Act* does”.

Section 52 amended**21(1) Subsection 52(1) is repealed and the following substituted:**

- “(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) Subsection 52(2) is amended by striking out “peace officer” wherever it appears and in each case substituting “police officer”.

(3) Subsection 52(3) is amended by striking out “peace officer” wherever it appears and in each case substituting “police officer”.

Section 53 amended

22 Section 53 is amended by striking out “peace officer” wherever it appears and in each case substituting “police officer”.

Section 54 amended

23 Section 54 is amended by striking out “peace officer” and substituting “police officer”.

Section 55 amended

24 Section 55 is amended:

(a) in clause (o) by striking out “section 28” and substituting “sections 28 and 32.8”;

(b) by adding the following clause after clause (p.2):

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

(c) by repealing clause (t) and substituting the following:

“(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)”; **and**

(d) by adding the following clause after clause (t.1):

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

New section 57

25 Section 57 is repealed and the following substituted:**“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”.

S.S. 2002, c.C-11.1, new section 345

26 Section 345 of *The Cities Act* is repealed and the following substituted:

“Fines and penalties

345 Subject to subsection 57(4) of *The Summary Offences Procedure Act, 1990* and any regulations made for the purposes of that subsection, fines and penalties imposed on a conviction for an offence against this Act or a bylaw are amounts owing to the city in which the offence occurred”.

S.S. 2005, c.M-36.1, new section 388

27 Section 388 of *The Municipalities Act* is repealed and the following substituted:

“Fines and penalties

388 Subject to subsection 57(4) of *The Summary Offences Procedure Act, 1990* and any regulations made for the purposes of that subsection, fines and penalties imposed on a conviction for an offence against this Act or a bylaw are amounts owing to the municipality in which the offence occurred”.

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

28 Subsections 80(6) to (9) of *The Northern Municipalities Act* are repealed and the following substituted:

“(6) Subject to subsection 57(4) of *The Summary Offences Procedure Act, 1990* and any regulations made for the purposes of that subsection, fines and penalties imposed on a conviction for an offence against this Act or a bylaw are amounts owing to the northern municipality in which the offence occurred”.

Coming into force

29(1) Subject to subsections (2) and (3), this Act comes into force on proclamation.

(2) If section 1 of *The Traffic Safety Act* is not in force on the day on which subsection 18(1) of this Act comes into force, subsections 18(2) to (4) of this Act come into force on the day on which section 1 of *The Traffic Safety Act* comes into force.

(3) Sections 4, 6, 8, 9, 12 to 14, 16, 17, 19, and 21 to 23 of this Act come into force on assent.