

2009

CHAPTER 29

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

(Assented to May 14, 2009)

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, 2009*.

S.S. 1990-91, c.S-63.1, new sections 32.41 to 32.45

2 *The Summary Offences Procedure Act, 1990* is amended by adding the following sections after section 32.4:

“Appointment of director

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

- (a) **‘claimant’** means a person in whose favour a restitution order has been made pursuant to section 32.2, section 32.3 or the *Criminal Code*;
- (b) **‘Crown’** means the Crown in right of Saskatchewan and includes a ministry, agency, board or other body of the Government of Saskatchewan and a Crown corporation;
- (c) **‘director’** means the director appointed pursuant to subsection (2) and includes any deputy director.

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

“Effect of filing

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

- (a) the director may enforce the restitution order as a debt due to Saskatchewan, including any means of enforcement pursuant to sections 32 and 32.1;
- (b) only the director may, on behalf of a claimant, commence, continue or discontinue proceedings to enforce a restitution order;
- (c) no person other than the director shall take steps to enforce the restitution order;
- (d) the director may sign all documents with respect to the enforcement of a restitution order; and
- (e) for the purposes of enforcement, the director stands in the place of the claimant.

“Moneys paid to director

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

(2) The director shall keep a record of:

(a) all moneys received and paid out by the director; and

(b) the persons to whom and by whom the moneys mentioned in clause (a) have been paid.

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

“Access to information

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

“Immunity

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

Coming into force

3 This Act comes into force on assent.