

# 2010

## CHAPTER 33

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

(Assented to May 20, 2010)

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, 2010*.

#### 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 8 amended

**3(1)** Subsection 8(1) is amended in the portion preceding clause (a) by striking out “subsection (2)” and substituting “subsections (2) and (3)”.

**(2)** The following subsections are added after subsection 8(2):

“(3) Subject to the regulations, when a summons or offence notice issued pursuant to this Act cannot reasonably be served in accordance with subsection (1) at the time of the offence on a defendant who is an individual, the summons or offence notice may be served on that individual by mail, in the manner prescribed in the regulations, addressed to the last known address of that person.

“(4) A summons or offence notice sent by mail in accordance with subsection (3) is deemed to have been served at the time prescribed in the regulations”.

#### New section 15.1

**4** The following section is added after section 15:

##### “Application for hearing

**15.1(1)** If not more than 15 days have elapsed since the conviction first came to the attention of the offender, the offender may appear in person or by agent 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 an offender makes an appearance pursuant to subsection (1), the justice shall, if the justice is satisfied after hearing any evidence of the offender 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:

- (a) set aside the conviction; and
- (b) either:
  - (i) give the defendant a notice of trial; or
  - (ii) enter a conviction and permit the offender to make submissions respecting the penalty”.

**Section 55 amended**

**5 Section 55 is amended by adding the following clause after clause (p):**

“(p.01) for the purposes of subsections 8(3) and (4), respecting the service of a summons or offence notice issued pursuant to this Act including:

- (i) prescribing the manner of service by mail;
- (ii) prescribing the circumstances in which service may be made on an individual by mail;
- (iii) prescribing the manner of proving service; and
- (iv) prescribing the time at which a summons or offence notice is deemed to have been served”.

**Coming into force**

**6** This Act comes into force on proclamation.