

The Automobile Accident Insurance (Injury) Regulations

being

Chapter A-35 Reg 5 (effective January 1, 2003) as amended by Saskatchewan Regulations [71/2007](#), [77/2007](#), [10/2016](#) and [98/2016](#).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

PART I		PART IV	
Title, Interpretation and Application		Calculation of Permanent Injury Benefits	
1	Title	17	Compensation for permanent impairments - Schedule of Permanent Impairments
2	Interpretation	18	Evaluation of impairment to symmetrical parts of the body
3	Application	19	Application of section 18
PART II		20	Percentage fixed for deficit existing prior to the accident
Determining Who is a Resident of Saskatchewan		21	Computation of more than one permanent impairment
4	Saskatchewan resident	22	Section 21 not to be applied to percentage based on enhancement factor
5	Loss of status as Saskatchewan resident	23	Enhancement factor to be added after computation of combined value impairment rating
6	Retention of status as Saskatchewan resident	PART V	
7	Status of minor child	Indexation of Benefits	
PART II.1		24	CPI not published
Structured Compensation Orders		25	Change in method of Statistics Canada
7.1	Structured compensation order and security	PART V.I	
7.2	Structured compensation proposal	Applications, Examinations and Interest	
PART III		25.1	Form of application
Calculation of Death Benefits		25.2	Medical examination
8	Manner of determining insured's net income	25.3	Calculation of interest
9	Maximum yearly employment income	PART VI	
10	Industrial average wage not published	Coming into Force	
11	Change in method by Statistics Canada	26	Coming into force
12	Calculation of yearly employment income – not derived from self-employment		
13	Calculation of yearly employment income – self-employed insured		
14	Calculation of net income		
15	Dependant benefit		
16	Capitalization		

CHAPTER A-35 REG 5
The Automobile Accident Insurance Act

PART I
Title, Interpretation and Application

Title

1 These regulations may be cited as *The Automobile Accident Insurance (Injury) Regulations*.

Interpretation

2(1) In these regulations:

- (a) **“Act”** means *The Automobile Accident Insurance Act*;
- (a.1) **“business revenues”** means the revenues allocated to an insured who is self-employed according to his or her ownership interest;
- (b) **“catastrophic injury”** means:
 - (i) paraplegia or quadriplegia within the meaning of Division 2, Subdivision 2, Part 1 or Part 2 of the Schedule of Permanent Impairments;
 - (ii) amputation resulting in two or more impairments within the meaning of:
 - (A) Division 1, Subdivision 1, Parts 1, section 1.1 of the Schedule of Permanent Impairments; or
 - (B) Division 1, Subdivision 2, Part 1, section 1.1 or Part 2, section 2.1 of the Schedule of Permanent Impairments;
 - (iii) total loss of functional vision within the meaning of Division 4 of the Schedule of Permanent Impairments resulting in an impairment of 80% or more of the entire visual system;
 - (iv) a functional alteration of the brain within the meaning of Division 2, Subdivision 1, Parts 4.6, 4.7 and 4.8 of the Schedule of Permanent Impairments resulting in a combined impairment of 50% or more;
 - (v) a total impairment of 80% or more calculated using the Table of Combined Value Impairment Rating based on a combination of one or more of the following from the Schedule of Permanent Impairments:
 - (A) those impairments identified in subclauses (i) to (iv);
 - (B) a Division 1, Subdivision 1, Part 2.1 or 3.1(a) impairment;
 - (C) a Division 1, Subdivision 2, Part 3.1 impairment;
 - (D) a Division 2, Subdivision 2, Part 3 impairment;
 - (E) an impairment of 50% or more from Division 4;

(F) an impairment of 30% or more from Division 2, Subdivision 1, Parts 4.6, 4.7 and 4.8;

(G) an impairment of 30% or more from Division 2, Subdivision 1, Parts 4.1 and 4.2;

(c) **Repealed.** 23 Dec 2016 SR 98/2016 s3.

(c.1) **“motorcycle”** means a motorcycle as defined in *The Vehicle Equipment Regulations, 1987*;

(d) **“net business income”** means the business revenues allocated by the insurer to self-employment, less any expense that relates to that revenue and that is allowed pursuant to the *Income Tax Act (Canada)* and *The Income Tax Act, 2000*, but does not include:

(i) any capital cost allowance or allowance on eligible property;

(ii) any capital gain or loss;

(iii) any loss deductible pursuant to section 111 of the *Income Tax Act (Canada)*; or

(iv) any mandatory or optional inventory adjustments pursuant to section 28 of the *Income Tax Act (Canada)*;

(e) **“Schedule of Permanent Impairments”** means the Schedule of Permanent Impairments as set out in Appendix B to *The Personal Injury Benefits Regulations*;

(e.1) **“self-employment”** and **“self-employed”** means, with respect to an insured, the state of being a significant influence shareholder or carrying on business by way of a proprietorship or a partnership”;

(e.2) **“significant influence shareholder”** means a shareholder in a private corporation who:

(i) holds 20% or more of the voting rights in the corporation; and

(ii) can demonstrate an active, authoritative influence over the day-to-day financial and administrative operations of the corporation;

(f) **Repealed.** 23 Dec 2016 SR 98/2016 s3.

(g) **“Table of Combined Value Impairment Rating”** means the Table of Combined Value Impairment Rating as set out in Appendix C to *The Personal Injury Benefits Regulations*.

(1.1) Unless otherwise specified in these regulations, a nurse practitioner is a prescribed practitioner for the purposes of subclause 2(1)(ii)(x) of the Act.

(2) For the purpose of subclause 25(1)(b)(ii) and subclause 35.25(1)(b)(ii) of the Act, **“practitioner”** means a physician or surgeon.

- (3) **Repealed.** 4 Mar 2016 SR 10/2016 s3.
- (4) The Schedule of Permanent Impairments and the Table of Combined Value Impairment Rating apply, with any necessary modification, to these regulations.
- (5) The following vehicles are prescribed motor vehicles for the purposes of subclauses 20(3)(b)(vii) and 35.11(2)(b)(ii) of the Act:
- (a) a golf cart as defined in *The Registration Exemption and Reciprocity Regulations, 2014*;
 - (b) a power-assisted bicycle as defined in *The Vehicle Equipment Regulations, 1987*;
 - (c) every non-highway motor vehicle.
- (6) For the purposes of subsection (5), “**non-highway motor vehicle**” means a member of a class of motor vehicles that cannot be operated on a highway because, as a result of their design and construction, they do not meet the requirements of *The Vehicle Equipment Regulations, 1987*, but does not include any of the following motor vehicles:
- (a) a fire engine or a fire department apparatus, including a command bus, water truck or any other vehicle used to support firefighting at the scene of a fire;
 - (b) a motor vehicle for which a permit or certificate of registration has been issued in another jurisdiction.
- (7) The following motorcycles and motorcycle owners are prescribed for the purposes of clause 35.12(4)(c) of the Act:
- (a) a motorcycle that is registered in Class L pursuant to *The Vehicle Classification and Registration Regulations*;
 - (b) a motorcycle that is registered in Class GC pursuant to *The Vehicle Classification and Registration Regulations*;
 - (c) a motorcycle that is registered in Saskatchewan pursuant to the IRP (International Registration Plan) as defined in *The Automobile Accident Insurance (General) Regulations, 2002*;
 - (d) a motorcycle that is an antique vehicle as defined in *The Automobile Accident Insurance (General) Regulations, 2002*;
 - (e) a motorcycle that is a U-Drive vehicle as defined in *The Automobile Accident Insurance (General) Regulations, 2002*;
 - (f) a motorcycle that is registered to a police service;
 - (g) a motorcycle that is registered to an Indian Band, a corporation or two or more persons associated in a partnership, joint venture or syndicate, whether for profit or not.

Application

3 Unless otherwise specified in these regulations, these regulations apply to accidents that are governed by Part II, Part II.1 or Part IV of the Act.

4 Mar 2016 SR 10/2016 s4; 23 Dec 2016 SR
98/2016 s4.

PART II
Determining Who is a Resident of Saskatchewan

Saskatchewan resident

4 For the purposes of sections 35.12 and 40.2 of the Act and in these regulations, “**Saskatchewan resident**” means an individual who meets the requirements of subsections 2(2) and (3) of *The Traffic Safety (Residency) Regulations*.

4 Mar 2016 SR 10/2016 s5.

Loss of status as Saskatchewan resident

5 Subject to section 6, an individual loses his or her status as a Saskatchewan resident if he or she is no longer considered a resident pursuant to *The Traffic Safety (Residency) Regulations*.

4 Mar 2016 SR 10/2016 s5.

Retention of status as Saskatchewan resident

6 An individual retains his or her status as a Saskatchewan resident if he or she meets the requirements of section 6 of *The Traffic Safety (Residency) Regulations*.

4 Mar 2016 SR 10/2016 s5.

Status of minor child

7 A minor child is presumed to be a person resident in Saskatchewan when the person with whom he or she usually lives is a person resident in Saskatchewan.

13 Dec 2002 cA-35 Reg 5 s7.

PART II.1
Structured Compensation Orders

Structured compensation order and security

7.1(1) Before directing that any compensation payable pursuant to subsection 41.1(4), 41.12(7) or 41.15(5) of the Act be provided for in the form of a structured compensation order, the judge of the Court of Queen’s Bench making the order must be satisfied that the security for payment is adequate.

(2) For the purposes of subsection (1), the judge may require the party against whom the damages are awarded or that party's liability insurer to purchase an annuity from a life insurance company that is licensed pursuant to *The Saskatchewan Insurance Act* and that has sufficient assets to ensure that its obligations will be met.

23 Dec 2016 SR 98/2016 s5.

Structured compensation proposal

7.2(1) In structuring compensation, a judge of the Court of Queen's Bench may take into consideration any proposal for structuring compensation made by a party to the action.

(2) In order to assist the judge in assessing any proposal for structuring compensation or in structuring the compensation, the judge may order the insurer to engage the services of a qualified independent expert to assess any proposal or to make recommendations respecting structuring the compensation.

23 Dec 2016 SR 98/2016 s5.

PART III
Calculation of Death Benefits

Manner of determining insured's net income

8(1) In this section, "**maximum yearly employment income**" means the amount prescribed in subsection (2) as adjusted in accordance with section 9.

(2) For the purposes of these regulations, the maximum yearly employment income is \$94,539.

(3) For the purposes of sections 27 and 35.3 of the Act, an insured's weekly net income is the amount WNI calculated in accordance with the following formula:

$$\text{WNI} = \frac{\text{YEI} - \text{D}}{52}$$

where:

YEI is the lesser of:

- (a) the insured's yearly employment income as determined in the manner set out in section 12 or 13 of these regulations; and
- (b) the maximum yearly employment income;

D is the amount calculated by the insurer in accordance with section 14 that is payable by the insured for income tax pursuant to *The Income Tax Act, 2000* and the *Income Tax Act* (Canada), premiums pursuant to the *Employment Insurance Act* (Canada) and contributions pursuant to the *Canada Pension Plan*.

13 Dec 2002 cA-35 Reg 5 s8; 4 Mar 2016 SR
10/2016 s6; 23 Dec 2016 SR 98/2016 s6.

Maximum yearly employment income

9(1) The amount of the maximum yearly employment income prescribed in section 8 shall be adjusted on January 1 of each year in the manner set out below.

(2) The maximum yearly employment income in 2003 and each year after 2003 is the amount MYEI calculated in accordance with the following formula:

$$\text{MYEI} = \$50,000 \times \frac{\text{IAWY}}{\text{IAW95}}$$

where:

IAWY is the average of the average industrial average wage for the 12 months before July 1 of the year before the year for which the maximum yearly employment income is being calculated; and

IAW95 is the average of the industrial average wage for the 12 months before July 1, 1994.

(3) For the purposes of this section, the insurer shall use the most recent data available from Statistics Canada on October 1 of the year before the year for which the maximum yearly employment income is being calculated.

(4) For the purposes of this section, if no figure for the industrial aggregate average weekly earnings for all employees in Saskatchewan is published by Statistics Canada for a month, the insurer shall determine a figure for that month in accordance with section 10.

(5) For the purposes of this section, if, after the day this Part comes into force, Statistics Canada uses a new method to determine the industrial aggregate average weekly earnings for all employees for Saskatchewan for a particular month and the new method results in a change of more than 1% when compared with the former method, the insurer shall determine a figure in accordance with section 11.

13 Dec 2002 cA-35 Reg 5 s9; 24 Aug 2007 SR
71/2007 s4.

Industrial average wage not published

10(1) For the purposes of subsection 9(4), where no figure for the industrial aggregate average weekly earnings for all employees in Saskatchewan is published by Statistics Canada for a month, the insurer shall determine a figure for that month in accordance with the following formula:

$$M = \frac{S}{12}$$

where:

M is the industrial aggregate average weekly earnings for that month; and

S is the sum of the industrial aggregate average weekly earnings, as published by Statistics Canada, for the 12 months before that month.

(2) The insurer may adjust the amount calculated pursuant to this section to take account of any exceptional circumstances that occurred during the 12 months before the month for which the amount is being calculated.

13 Dec 2002 cA-35 Reg 5 s10.

Change in method by Statistics Canada

11(1) For the purpose of subsection 9(5), the insurer shall determine a figure for the industrial aggregate average weekly earnings based on the lower of the actual change created by the new method and the average of the new method and former method for the 12-month period before the introduction of the new method.

(2) After the new method has been utilized by Statistics Canada for 12 months, the insurer shall calculate a figure based on the new method.

13 Dec 2002 cA-35 Reg 5 s11.

Calculation of yearly employment income – not derived from self-employment

12(1) In this section, “**work cycle**” means the length of time or the number of hours of work, as determined by the insured’s employer, that an insured must complete to earn the insured’s regular salary or wages.

(2) An insured’s yearly employment income not derived from self-employment is to be calculated on the sum of the following:

- (a) the greater of:
 - (i) the salary or wages regularly payable, excluding the benefits or commissions mentioned in clauses (b) and (c), earned in the work cycle immediately before the accident in which the insured is entitled to a weekly benefit multiplied by the number of work cycles in a normal 12-month period; and
 - (ii) the salary or wages regularly payable, excluding the benefits or commissions mentioned in clauses (b) and (c), earned in the 12 months before the accident;
- (b) any of the following benefits, to the extent that the benefit is not received as a result of the accident and is regularly payable to the insured:
 - (i) a bonus earned in the 12-month period before the accident;
 - (ii) tips, in the amount that is the greater of:
 - (A) the amount reported in the insured’s personal income tax return in the calendar year before the accident; and
 - (B) the amount reported in the insured’s personal income tax return for the calendar year in which the accident occurred;
 - (iii) remuneration for overtime hours that is earned in the 12-month period before the accident;
 - (iv) the cash value from a profit-sharing plan allocation earned in the 12-month period before the accident;
 - (v) the value of the personal use of a motor vehicle provided by an employer at the date of the accident, in the amount reported in the insured’s personal income tax return in the calendar year before the accident or, if no amount was reported, in an amount calculated pursuant to clause 6(1)(e) of the *Income Tax Act* (Canada) as an annualized benefit;

- (vi) the cash value of premiums of employer-funded benefit plans paid to the insured in the 12-month period before the accident;
- (vii) the cash value of any other benefit received or that the insured was entitled to receive in the 12-month period before the accident, excluding employer-funded benefit plans;
- (c) commissions, in the amount that is the greatest of the commissions earned or to which the insured was entitled:
 - (i) for the 12-month period before the accident;
 - (ii) for the calendar year before the accident; or
 - (iii) for the three calendar years before the accident divided by three.
- (3) Notwithstanding clauses (2)(b) and (c), if an insured did not hold the employment held at the date of the accident in the 12 months before the accident and the insured can prove that he or she would have earned in the year after the accident a regular benefit or commission, the insurer shall include that benefit or commission in the calculation of the insured's yearly employment income.

13 Dec 2002 cA-35 Reg 5 s12.

Calculation of yearly employment income – self-employed insured

- 13(1) In this section “**fiscal year**” means the insured's fiscal year.
- (2) The insured's yearly employment income derived from self-employment is the greatest amount of net business income that the insured earned within the following periods:
 - (a) the 12 months before the accident;
 - (b) the fiscal year before the year before the accident;
 - (c) if the insured has been self-employed for not less than two fiscal years before the date of the accident, the two fiscal years before the year before the accident divided by two;
 - (d) if the insured has been self-employed for not less than three fiscal years before the date of the accident, the three fiscal years before the year before the accident divided by three.
- (3) For the purposes of subsection (2):
 - (a) the insured's net business income must be determined in accordance with generally accepted accounting principles; and
 - (b) the net business income for each period set out in subsection (2) must be calculated in a consistent manner.

13 Dec 2002 cA-35 Reg 5 s13; 24 Aug 2007 SR
71/2007 s5.

Calculation of net income

14(1) In this section:

- (a) **“taxable income”** means an insured’s yearly employment income less any amount of yearly employment income that would have been exempt from the insured’s income tax pursuant to paragraph 81(1)(a) of the *Income Tax Act* (Canada) as that paragraph existed at the date of the accident;
 - (b) **“yearly employment income”** means an insured’s yearly employment income calculated pursuant to section 12 or 13 of these regulations.
- (2) In these regulations, the net income of an insured is the insured’s yearly employment income less all of the following deductions:
- (a) any income tax payable by the insured calculated pursuant to subsection (3);
 - (b) any premiums payable by the insured respecting employment insurance calculated pursuant to subsection (4);
 - (c) any contributions payable by the insured pursuant to the *Canada Pension Plan* calculated pursuant to subsection (5).
- (3) For the purposes of clause (2)(a), income tax payable by an insured is the amount payable in accordance with the *Income Tax Act* (Canada) and *The Income Tax Act, 2000* for the insured’s taxable income allowing only the following credits:
- (a) the credits allowed pursuant to section 118.7 of the *Income Tax Act* (Canada) and section 28 of *The Income Tax Act, 2000*, where “B” in that section is the total of:
 - (i) the premium payable by the insured mentioned in clause (2)(b); and
 - (ii) the contributions payable to the *Canada Pension Plan* mentioned in clause (2)(c);
 - (b) the credits allowed in:
 - (i) sections 11, 12, 13, 14, 15, 17, 19, 20, 23 and 29 of *The Income Tax Act, 2000*; and
 - (ii) subsections 118(1) and (2) and sections 118.3 and 118.8 of the *Income Tax Act* (Canada).
- (4) For the purposes of clause (2)(b), the premiums payable by the insured are the yearly contributions payable pursuant to the *Employment Insurance Act* (Canada) that an insured would be obligated to pay if the insured’s yearly employment income was considered insurable earnings pursuant to that Act, and those premiums:
- (a) must be based on the rate established at the time the insured’s net income is calculated; and
 - (b) must not exceed the maximum amount payable pursuant to that Act.

(5) For the purposes of clause (2)(c), the contributions payable by the insured are the yearly contributions payable pursuant to the *Canada Pension Plan* that an insured would be obligated to pay if the insured's yearly employment income was considered pensionable earnings pursuant to that Act, and those contributions:

(a) must be based on the rate established at the time the insured's net income is calculated; and

(b) must not exceed the maximum amount payable pursuant to that Act.

(6) For the purpose of determining an insured's net income, the amounts of the deductions mentioned in clauses (2)(a) to (c) must be deducted from the insured's yearly employment income in the manner set out in these regulations whether or not the insured:

(a) has already deducted and paid those amounts; or

(b) is obligated by law to deduct those amounts and has yet to pay those amounts.

24 Aug 2007 SR 71/2007 s6.

Dependant benefit

15 If there is more than one dependant entitled to death benefits pursuant to section 27.1 or 35.31 of the Act, the insurer shall calculate and pay the death benefits in accordance with the following rules:

(a) the death benefit mentioned in subsection 27(2) or 35.3(1) of the Act must be calculated on the basis of the youngest dependant being considered the spouse;

(b) the death benefits payable in clause (a) are payable until the youngest dependant reaches 21 years of age and each dependant is entitled to an equal share of the death benefits as long as that dependant remains under 21 years of age;

(c) the death benefits mentioned in subsection 27(5) or 35.3(4) of the Act must be calculated on the number of dependants, not including the youngest dependant, and must be paid until the second youngest dependant reaches 21 years of age;

(d) a dependant is entitled to an equal share of the death benefits mentioned in clause (c) as long as that dependant remains under 21 years of age.

13 Dec 2002 cA-35 Reg 5 s15; 4 Mar 2016 SR
10/2016 s7.

Capitalization

16 For the purposes of section 27.2 and section 35.32 of the Act, the insurer shall determine the capitalized value of the spouse's benefit based on standard mortality tables published by Statistics Canada using a discount rate of 3% per year.

13 Dec 2002 cA-35 Reg 5 s16; 4 Mar 2016 SR
10/2016 s8.

PART IV
Calculation of Permanent Injury Benefits

Compensation for permanent impairments - Schedule of Permanent Impairments

17 Compensation for permanent impairment is to be determined on the basis of the Schedule of Permanent Impairments set out in Appendix B to *The Personal Injury Benefits Regulations*.

24 Aug 2007 SR 71/2007 s7.

Evaluation of impairment to symmetrical parts of the body

18 Subject to sections 19 and 20 and the Schedule of Permanent Impairments, if a permanent anatomical or physiological deficit resulting from an accident impairs symmetrical parts of the body, or impairs a part of the body that is symmetrical to a part of the body that was permanently impaired before the accident, the percentage of the permanent impairment for that deficit for the purposes of Division 4 of Part II of the Act and Division 5 of Part II.1 of the Act is determined in accordance with the following formula:

$$P = PB + (TB \times 0.25)$$

where:

P is the percentage to be used pursuant to Division 4 of Part II of the Act or Division 5 of Part II.1 of the Act, as the case may be;

PB is the percentage attributed to the deficit arising from the accident; and

TB is the total percentage of anatomical or physiological deficits impairing the more severely impaired symmetrical part of an insured's body.

4 Mar 2016 SR 10/2016 s9.

Application of section 18

19 Section 18 does not apply to an anatomical or physiological deficit that:

- (a) affects an internal organ;
- (b) affects an organ controlling vision, balance or hearing; or
- (c) results from an injury to the central nervous system.

13 Dec 2002 cA-35 Reg 5 s19.

Percentage fixed for deficit existing prior to the accident

20 For the purposes of section 18, the percentage of an anatomical or physiological deficit existing before an accident is to be determined using the Schedule of Permanent Impairments or, if the anatomical or physiological deficit does not appear in the Schedule of Permanent Impairments, by using the Schedule of Permanent Impairments as a guideline.

13 Dec 2002 cA-35 Reg 5 s20.

Computation of more than one permanent impairment

21(1) In this section:

- (a) “**Appendix B**” means Appendix B to *The Personal Injury Benefits Regulations*;
 - (b) “**Appendix C**” means Appendix C to *The Personal Injury Benefits Regulations*.
- (2) In calculating the percentage of permanent impairment to be assigned to an insured who has more than one impairment:
- (a) the impairments within each subdivision of a particular Division in Appendix B are to be added together; or
 - (b) if a Division in Appendix B has no separate subdivision, the impairments within the Parts of a Division are to be added together.
- (3) Subject to subsection (3.1), if an insured has more than one impairment as calculated in the manner set out in subsection (2), the percentage of the most severe impairment must be computed on the basis of 100% and the percentage of the other impairments, starting with the highest, must be computed in accordance with the Table as set out in Appendix C.
- (3.1) For the purposes of subsection (3), the percentage of an impairment pursuant to Division 12, Subdivision 1 of Appendix B must be computed last.
- (4) Before using the Table in accordance with subsection (3), the insurer shall round the percentage of impairment within each subdivision or Division, as the case may be, to the nearest percentage.

24 Aug 2007 SR 71/2007 s8; 23 Dec 2016 SR 98/2016 s7.

Section 21 not to be applied to percentage based on enhancement factor

22 Section 21 does not apply to the percentage obtained by applying the enhancement factor mentioned in section 18.

13 Dec 2002 cA-35 Reg 5 s22.

Enhancement factor to be added after computation of combined value impairment rating

23 If sections 17 to 21 apply to an insured, the percentage resulting from the enhancement factor mentioned in section 18 is added to the other percentages of deficits after the combined value impairment rating has been computed.

23 Dec 2016 SR 98/2016 s8.

PART V

Indexation of Benefits

CPI not published

24(1) For the purpose of subsection 30(3) and subsection 35.8(3) of the Act, if no figure for the “all-items” Consumer Price Index for Saskatchewan is published by Statistics Canada for a month, the insurer shall determine a figure for that month in accordance with the following formula:

$$\text{CPI} - \frac{\text{SCPI}}{12}$$

where:

CPI is the consumer price index to be used in the month; and

SCPI is the sum of the “all items” Consumer Price Index for Saskatchewan, as published by Statistics Canada, for the 12 months before that month.

(2) The insurer may adjust the amount calculated pursuant to this section to take account of any exceptional circumstances that occurred during the 12 months before the month for which the amount is being calculated.

13 Dec 2002 cA-35 Reg 5 s24; 4 Mar 2016 SR
10/2016 s10; 23 Dec 2016 SR 98/2016 s9.

Change in method of Statistics Canada

25(1) For the purposes of subsection 30(4) and subsection 35.8(4) of the Act, the insurer shall determine a figure for the “all-items” Consumer Price Index for Saskatchewan based on the lower of the actual change created by the new method and the average of the new method and former method for the 12-month period before the introduction of the new method.

(2) After the new method has been utilized by Statistics Canada for 12 months, the insurer shall calculate a figure based on the new method.

13 Dec 2002 cA-35 Reg 5 s25; 4 Mar 2016 SR
10/2016 s11.

PART VI

Applications, Examinations and Interest

Form of application

25.1(1) Subject to subsection (2), a claimant shall:

- (a) apply on a form provided by or acceptable to the insurer; and
- (b) sign his or her application.

(2) If a claimant is incapable of conducting his or her own affairs or is otherwise incapable, a claim on behalf of that claimant may be submitted and signed by a person authorized to represent the claimant.

(3) A person who submits a claim on behalf of another shall state in what capacity he or she is acting and provide proof of his or her capacity to act.

4 Mar 2016 SR 10/2016 s12.

Medical examination

25.2(1) If, at the request of the insurer, the insured is required to undergo an examination by a practitioner, the examination must include the following points with respect to the insured:

- (a) a case history, including:
 - (i) the reasons for consultation;
 - (ii) any concurrent or pre-existing disorders and diseases;

- (iii) signs or symptoms of concurrent or pre-existing physical or mental disorders at the time of the examination; and
 - (iv) a record of treatments prescribed for concurrent or pre-existing physical or mental disorders and the results of those treatments;
 - (b) an occupational history, including:
 - (i) previous occupations and reasons for departure; and
 - (ii) actual or presumed occupation and the abilities required to carry out that occupation in relation to the insured's present condition;
 - (c) a physical or mental examination showing in detail the signs and symptoms of bodily injury caused by the accident;
 - (d) an analysis of all medical reports in relation to bodily injury;
 - (e) a summary of the causal relationship between:
 - (i) the accident and the bodily injury;
 - (ii) the bodily injury and the permanent impairment; and
 - (iii) the bodily injury and the insured's inability to hold a real or presumed occupation;
 - (f) any additional information required by the insurer.
- (2) A written report required to be submitted by a practitioner pursuant to the Act must include the information mentioned in subsection (1).

4 Mar 2016 SR 10/2016 s12.

Calculation of interest

25.3 Interest payable pursuant to Part II or Part II.1 of the Act is to be calculated in accordance with *The Pre-judgment Interest Act*.

4 Mar 2016 SR 10/2016 s12.

PART VI Coming into Force

Coming into force

26(1) These regulations come into force on the day on which section 9 of *The Automobile Accident Insurance Amendment Act, 2002* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 9 of *The Automobile Accident Insurance Amendment Act, 2002* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

13 Dec 2002 cA-35 Reg 5 s26.