

2000

CHAPTER 29

An Act to amend *The Summary Offences Procedure Act, 1990* and to make a consequential amendment

(Assented to June 21, 2000)

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, 2000*.

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(1) Subsection 4(3) is amended by adding “unless the prosecutor and the defendant agree to waive the six-month limitation” after “arose”.

(2) The following subsections are added after subsection 4(4):

“(4.1) Subject to subsection (4.2), sections 487, 487.01, 487.02, 487.091, 487.11, 487.3, 488, 489, 489.1, 490, 490.01, 491.1, 492.1 and 492.2 of the *Criminal Code* apply, with any necessary modification, to the enforcement of every Act to which this Act applies.

“(4.2) No warrant issued pursuant to section 487.01 of the *Criminal Code* is to authorize the use of a television camera or other similar electronic device in circumstances where the person engaged in the activity to be observed has a reasonable expectation of privacy.

“(4.3) The provisions of the *Criminal Code* mentioned in subsection (4.1) are in addition to, and not in substitution for, any provision in an Act or regulation respecting inspections, searches and seizures”.

(3) Subsection 4(4.1) of *The Summary Offences Procedure Act, 1990*, as enacted by this Act, is amended by striking out “487.091” and substituting “487.092”.

Section 8 amended

4 Subsection 8(1) is amended in the portion preceding clause (a) by adding “and the regulations” after “subsection (2)”.

Section 30 amended

5(1) Subsection 30(1) is repealed and the following substituted:

“(1) In this section, ‘**offender in default**’ means a person who:

(a) has been convicted of an offence designated in the regulations for the purposes of this section and for which:

(i) an offence notice was issued and a fine was imposed pursuant to this Act;

(ii) a fine was imposed pursuant to the *Criminal Code*; or

(iii) a fine was imposed in accordance with the law of another jurisdiction; and

(b) is in default of payment of the fine pursuant to section 27, subsection 734(3) of the *Criminal Code* or the law of the jurisdiction where the ticket was issued”.

(2) The following clauses are added after clause 30(2)(h):

“(i) the *Criminal Code*;

“(j) the *Contraventions Act* (Canada)”.

Section 55 amended

6 The following clauses are added after clause 55(p):

“(p.1) respecting the service of an offence notice where the offence relates to evidence obtained by a red light camera system authorized pursuant to *The Highway Traffic Act*;

“(p.2) designating offences for the purposes of section 30”.

New section 58.1

7 The following section is added after section 58:

“**Summary offence tickets not court records**

58.1 Summary offence tickets are not court records for the purposes of *The Archives Act*”.

S.S. 1986, c.V-2.1 amended

8 Subsection 23.1(1) of *The Vehicle Administration Act* is repealed and the following substituted:

- “(1) In this section, ‘**offender in default**’ means a person who:
- (a) has been convicted of an offence designated in the regulations made pursuant to *The Summary Offences Procedure Act, 1990* for the purposes of this section and for which:
 - (i) an offence notice was issued and a fine was imposed pursuant to that Act;
 - (ii) a fine was imposed pursuant to the *Criminal Code*; or
 - (iii) a fine was imposed in accordance with the law of another jurisdiction; and
 - (b) is in default of payment of the fine pursuant to section 27 of *The Summary Offences Procedure Act, 1990*, subsection 734(3) of the *Criminal Code* or the law of the jurisdiction where the ticket was issued”.

Coming into force

- 9(1)** Subject to subsection (2), this Act comes into force on proclamation.
- (2) Subject to subsection (3), subsection 3(3) comes into force on the day on which section 23 of the *DNA Identification Act* (Canada) comes into force.
- (3) If section 23 of the *DNA Identification Act* (Canada) comes into force before this Act comes into force, subsection 3(3) of this Act comes into force on the day on which this Act comes into force.

