

# *The Criminal Injuries Compensation Act*

*being*

Chapter C-47 of *The Revised Statutes of Saskatchewan, 1978*  
(effective February 26, 1979).

**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.

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## CHAPTER C-47

### An Act to provide for the Payment of Compensation in respect of Persons Injured or Killed by Certain Criminal Acts or Omissions

#### Short title

1 This Act may be cited as *The Criminal Injuries Compensation Act*.

R.S.S. 1978, c.C-47, s.1.

## INTERPRETATION

#### Interpretation

2 In this Act:

#### “board”

(a) “**board**” means The Crimes Compensation Board continued under section 3;

#### “child”

(b) “**child**” includes a stepchild, an illegitimate child, a child *en ventre sa mere* and a child with respect to whom a victim stands in *loco parentis*;

#### “dependent”

(c) “**dependent**” means a child or other relative of a deceased victim who was, in whole or in part, dependent upon the income of the victim at the time of his death;

#### “injury”

(d) “**injury**” means actual bodily harm and includes pregnancy and mental or nervous shock;

#### “victim”

(e) “**victim**” means a person to whom or in respect of whom compensation is or may be payable under this Act.

1967, c.84, s.2; R.S.S. 1978, c.C-47, s.2.

## COMPENSATION BOARD

#### Board Continued

3(1) The Crimes Compensation Board is continued

(2) The board shall be composed of three members appointed by the Lieutenant Governor in Council, one of whom shall be named as chairman and another who shall be named as vice-chairman.

1967, c.84, s.3; R.S.S. 1978, c.C-47, s.3.

#### Chairman to preside at meetings, etc.

4(1) The chairman shall be the chief executive officer of the board and shall preside at all meetings, inquiries and hearings of the board.

(2) During the illness or absence of the chairman for any other reason, or if the office of chairman is vacant, the vice-chairman shall act in his place.

1967, c.84, s.4; R.S.S. 1978, c.C-47, s.4

**Quorum**

**5(1)** Two members of the board constitute a quorum for the transaction of business.

(2) Notwithstanding subsection (1), in the event of a vacancy on the board the remaining members may exercise the powers and carry out the duties of the board; and any one member of the board may, with respect to an application for the payment of compensation under this Act, hold an inquiry or conduct a hearing for the board.

1967, c.84, s.5; R.S.S. 1978, c.C-47, s.5.

**Non-liability of board, etc.**

**6** Neither the board nor any member thereof nor any person acting under its instructions or under the instructions of a member thereof or under the authority of this Act or the regulations shall be personally liable for any loss or damage suffered by any person by reason of anything in good faith done, or omitted to be done, pursuant to or in the exercise of or supposed exercise of the powers conferred by this Act or the regulations.

1972, c.25, s.2; R.S.S. 1978, c.C-47, s.6.

**Members, etc., not compellable witnesses**

**7** No member of the board and no person who is engaged by the board or by a member thereof or is an employee of the board or a member thereof shall be compelled to give testimony in a court of civil jurisdiction with regard to information obtained by him in the discharge of his official duty, or to produce in civil proceedings any magnetic or other tapes of evidence, shorthand or other notes of evidence, files, papers, information, reports, correspondence or other documents relating to the business of the board.

1972, c.25, s.2; R.S.S. 1978, c.C-47, s.7.

**Powers**

**8** The board and each member thereof, for the purposes of this Act, have all the powers that are or may be conferred upon commissioners appointed under *The Public Inquiries Act*.

1967, c.84, s.6; R.S.S. 1978, c.C-47, s.8.

**Payment for services of members**

**9** The members of the board may be paid such remuneration for their services and such allowances for travelling and other expenses as the Lieutenant Governor in Council may determine.

1967, c.84, s.7; R.S.S. 1978, c.C-47, s.9.

## PAYMENT OF COMPENSATION

**Compensation in the event of certain injuries and deaths**

**10(1)** Where a person is injured or killed and the injury or death:

- (a) is the result of an act or omission of another person that occurred in Saskatchewan on or after the first day of September, 1966, and is within the description of any of the criminal offences set out in the schedule to this Act;
- (b) resulted to the person while he was on or after the first day of September, 1966, arresting or attempting to arrest a person who committed, or was committing or who was suspected of committing or having committed, a criminal offence; or
- (c) resulted to the person while he was on or after the first day of September, 1966, rendering assistance to any law enforcement officer in Saskatchewan who was carrying out his duties with respect to the enforcement of law;

the board may, in its absolute discretion, upon receipt of an application in writing, make an order in accordance with this Act for the payment of compensation:

- (d) to or for the benefit of the injured person;
  - (e) to a person, in respect of pecuniary loss suffered or expenses incurred by the person, as the result of an injury to or the death of a victim that occurred on or after the first day of April, 1972, where the maintenance of the victim is or was the responsibility of the person;
  - (f) to any one or more of the dependents of a victim.
- (2) Notwithstanding that a person for any reason is legally incapable of forming a criminal intent, he shall, for the purposes of this Act, be deemed to have intended an act or omission that caused injury or death for which compensation is payable under this Act.

1967, c.84, s.8; 1968, c.16, s.2; 1972, c.25, s.3;  
R.S.S. 1978, c.C-47, s.10.

**Consideration with respect to payment of compensation**

**11** The board, in making an order under section 10, shall consider and take into account all such circumstances as it considers relevant to the making of the order and, without limiting the generality of the foregoing, the board shall consider and take into account:

- (a) any behaviour that directly or indirectly contributed to the injury or death of the victim;
- (b) the financial need of the person who was injured or of the dependents of the victim.

1967, c.84, s.9; R.S.S. 1978, c.C-47, s.11.

**Conditions precedent to board's order**

**12(1)** The board shall not make an order for compensation under section 10:

- (a) where the application for compensation is made after the expiration of one year from the date of the injury or death, as the case may be;
- (b) where the injury or death, as the case may be, and the act or omission or the event resulting in the injury or death are not reported within a reasonable time after the happening thereof to the proper law enforcement authority;
- (c) where the injury or death of the person in respect of which compensation is claimed is the result of an act, omission or event that occurred prior to the first day of September, 1966.

(2) Notwithstanding clause (a) of subsection (1), the board may, where it considers it to be advisable, extend the time for making an application for compensation under section 10.

1967, c.84, s.10; 1968, c.16, s.3; 1973, c.23, s.1;  
R.S.S. 1978, c.C-47, s.12.

**Compensation for certain matters**

**13** Compensation may be awarded by the board under this Act in respect of any one or more of the following matters:

- (a) expenses actually and reasonably incurred as a result of the victim's injury or death and any other expenses that, in the opinion of the board, it is reasonable to incur;
- (b) pecuniary loss to the victim resulting from the total or partial incapacity of the victim to work;
- (c) pecuniary loss to dependents as a result of the victim's death;
- (d) other pecuniary loss resulting from the victim's injury;
- (e) pain and suffering of the victim.

1967, c.84, s.11; 1970, c.12, s.2; R.S.S. 1978,  
c.C-47, s.13.

**PROCEDURE OF BOARD****Board to fix time and place for hearings and to give notice**

**14(1)** The board shall, upon receipt of an application for payment of compensation under section 10 or upon receipt of an application under subsection (2) of section 12, fix a time and place for the hearing of the application and shall cause written notice thereof to be served upon the applicant.

(2) Any other person may appear before the board or any member and be heard in a proceeding under this Act upon satisfying the board or the member that he has a substantial interest in the proceeding.

1970, c.12, s.3; R.S.S. 1978, c.C-47, s.14.

**Hearings to be public**

**15** Subject to section 16, the hearing by the board of an application for the payment of compensation under this act shall, except where the board considers that the hearing or part thereof should be held *in camera*, be open to the public.

1967, c.84, s.13; R.S.S. 1978, c.C-47, s.15.

**Certain hearings to be in private**

**16** All hearings by the board of an application for the payment of compensation under this Act shall be held *in camera* where:

- (a) the person whose act or omission caused the injury or death has not been charged with a criminal offence or, if charged, was not convicted of any criminal offence;
- (b) it would not be in the interests of the victim, or of the dependents of the victim, of an alleged sexual offence to hold the hearings in public;
- (c) it would not be in the interests of public morality to hold the hearings in public.

1967, c.84, s.14; R.S.S. 1978, c.C-47, s.16.

**Application on behalf of persons under disability**

**17** Where a person, entitled to make an application for the payment of compensation under this Act:

- (a) is an infant, the application shall be made on his behalf by his parent or guardian or by such person as the board may direct;
- (b) is a person of unsound mind, the application shall be made on his behalf by his committee, or if the person has no committee, by such person as the board may direct.

1967, c.84, s.15; R.S.S. 1978, c.C-47, s.17.

**Service upon personal representative and persons under disability**

**18** Where any notice or other document under this Act is required to be served:

- (a) on a person of unsound mind for whom no committee or guardian has been appointed, the notice or document may be served upon the Administrator of Estates and from the time of the service the Administrator of Estates shall attend actively to the interests of that person before the board;
- (b) on an infant who is residing at the home of his parents or guardian, the notice or document may be served upon either of the parents or upon the guardian, as the case may require, and from the time of the service the parent or guardian shall attend actively to the interests of the infant before the board;
- (c) on an infant who does not reside with his parents or guardian in Saskatchewan or who has no parent or guardian residing in Saskatchewan, the notice or document may be served upon the Official Guardian and from the time of service the Official Guardian shall attend actively to the interests of the infant before the board;

(d) on a person who is deceased and has no personal representative, the notice or document may be served upon the official administrator for the judicial centre nearest to which the deceased person had his fixed place of abode at the time of his death or, if the deceased person had no fixed place of abode in Saskatchewan at the time of his death, the notice or document may be served upon the official administrator for the judicial centre of Regina, and from the time of service the official administrator shall be deemed the representative of the deceased person for all purposes of the proceeding and shall attend actively to the interests of the deceased person before the board.

1970, c.12, s.4; R.S.S. 1978, c.C-47, s.18.

**Persons may appear by legal counsel**

**19** Any person appearing before the board in respect of an application for the payment of compensation under this Act may appear and be represented by counsel.

1967, c.84, s.16; R.S.S. 1978, c.C-47, s.19.

**Procedure of board**

**20** Except as otherwise provided in this Act or the regulations the board may determine its own procedure.

1967, c.84, s.17; R.S.S. 1978, c.C-47, s.20.

**Evidence**

**21(1)** The board may receive in evidence any statement, document, information or matter that, in its opinion, may assist it to deal effectually with the matter before it whether or not the statement, document, information or matter would be admissible as evidence in any court of law.

(2) If a person is convicted of a criminal offence in respect of an act or omission on which a claim under this Act is based, proof of the conviction:

- (a) shall, if no appeal was taken and the time for an appeal has expired;
- (b) shall, if an appeal was taken, it was dismissed and no further appeal is available; or
- (c) if an appeal was taken and dismissed and a further appeal that was available, with or without leave, was not taken and no application was made for leave to take a further appeal or to extend the time within which to take a further appeal, shall after sixty days of the dismissal of the appeal;

be taken as conclusive evidence that the offence has been committed.

1967, c.84, s.18; 1970, c.12, s.5; 1971, c.50, s.10;  
R.S.S. 1978, c.C-47, s.21.



## AMOUNT OF COMPENSATION

**Amount of compensation that may be awarded by the board, may be prescribed by Lieutenant Governor in Council**

**22(1)** Subject to subsections (2) and (3), where the board makes an order for the payment of compensation it may award such amount as it thinks fit and compensation so awarded may be a lump sum or periodical payments during such period as the board thinks fit, or both.

(2) The Lieutenant Governor in Council may, by order, fix the maximum amount of compensation that may be awarded in respect of any of the matters set out in section 13.

(3) The board shall not make an order for the payment of compensation where the amount of compensation to be awarded is less than fifty dollars.

1967, c.84, s.19; R.S.S. 1978, c.C-47, s.22.

**Certain amounts received to be considered by board before awarding compensation**

**23(1)** Subject to subsections (2) and (3), in determining the amount of compensation, if any, to be awarded to an applicant, the board shall deduct:

(a) any amount received or to be received by the victim in respect of his injury, or by his dependents in respect of the death of the victim, under or pursuant to any other Act of Canada or of Saskatchewan or of any other province or territory of Canada;

(b) any amount recovered from the person whose act or omission resulted in the injury or death, whether as damages or compensation, pursuant to an action at law or otherwise.

(2) An amount received or to be received under or pursuant to a superannuation plan or program provided under an Act of Canada or of Saskatchewan or of any other province or territory of Canada shall not be taken into consideration by the board in determining the amount of compensation to be awarded under this Act.

(3) The Lieutenant Governor in Council may, by order, designate certain payments or amounts, or certain classes of payments or amounts, received or to be received by a victim or his dependents that shall not be considered by the board in determining compensation under this Act.

1967, c.84, s.20; R.S.S. 1978, c.C-47, s.23.

**Orders for compensation to be sent to Attorney General**

**24** Where the board makes an order for the payment of compensation under this Act a copy of the order shall be sent by the board to the Attorney General.

1967, c.84, s.21; R.S.S. 1978, c.C-47, s.24.

**Orders for compensation may be made subject to terms, etc.**

**25** An order for the payment of compensation under this Act may be made subject to such terms and conditions as the board thinks fit with respect to the payment, disposition, allotment or apportionment of the compensation to or for the benefit of the victim or the dependents or any of them, or to any other person, or as to the holding of the compensation or any part thereof in trust for the victim or the dependents or any of them whether as a fund for a class or otherwise.

1967, c.84, s.22; 1970, c.12, s.6; R.S.S. 1978, c.C-47, s.25.

**Payment of expenses to persons entitled thereto**

**26** Compensation payable under this Act in respect of any expenses may be ordered by the board to be paid to any person entitled to take proceedings for the recovery of those expenses.

1970, c.12, s.7; R.S.S. 1978, c.C-47, s.26.

**Power of board to vary orders**

**27(1)** The board may at any time, on the application of the Attorney General or the victim or any dependent or the offender, vary an order for payment of compensation made under this Act in such manner as the board thinks fit, whether as to terms of the order or by increasing or decreasing the amount ordered to be paid or otherwise.

(2) In dealing with an application under subsection (1), the board shall consider:

- (a) any new evidence that has become available;
- (b) any change of circumstances that has occurred since the making of the order or any variation thereof, as the case may be, or that is likely to occur;
- (c) any other matter the board considers relevant.

1967, c.84, s.23; R.S.S. 1978, c.C-47, s.27.

**Power to board to rehear applications**

**28** The board may of its own motion rehear any application made under this Act and may review, rescind or vary any order or decision made by it under this Act with respect to the application.

1972, c.25, s.4; R.S.S. 1978, c.C-47, s.28.

## RECOVERY OF COMPENSATION

**From offender**

**29(1)** Where a person is convicted of a criminal offence in respect of an act or omission that occurred on or after the first day of September, 1967, and an order for the payment of compensation is or has been made under this Act in respect of the injury or death resulting from the act or omission constituting the offence, the Board may, on the application of the Attorney General, require the person to appear before the board and show cause why an order should not be made directing the person to pay to the board all or any part of the amount of compensation paid or payable.

(2) The board may, after giving the convicted person an opportunity to be heard and after considering the financial situation of the person, his family responsibilities and such other factors as the board considers relevant, make an order directing the person to pay to the board all or part of the amount of compensation paid or payable in respect of the injury or death resulting from the act or omission constituting the offence for which he was convicted.

(3) An order made under subsection (2) may be made subject to such terms and conditions as the board may prescribe and may be varied by the board on application made by the Attorney General or the convicted person.

(4) In dealing with an application to vary an order under subsection (3) the board shall consider:

- (a) any new evidence that has become available;
- (b) any change of circumstances that has occurred since the making of the order or any variation thereof, as the case may be, or that is likely to occur;
- (c) any other matter the board considers relevant.

1967, c.84, s.24; 1968, c.16, s.5; 1970, c.12, s.8;  
R.S.S. 1978, c.C-47, s.29.

**Order filed and enforced as court order**

**30** An order made under subsection (2) of section 29 may be filed in the Court of Queen's Bench or the district court, as the case may require, and thereupon the order may be enforced as a judgment of the court.

1967, c.84, s.25; R.S.S. 1978, c.C-47, s.30.

**Attorney General may bring certain actions**

**31** Where the board makes an award of compensation under this Act and the person injured or any dependent of the person killed by the act or omission in respect of which the compensation is awarded does not pursue a cause of action against the offender, the Attorney General may, in order to recover all or part of the compensation awarded, bring and maintain any action against the offender that could have been brought by the person injured or by the dependents of the person killed.

1967, c.84, s.26; R.S.S. 1978, c.C-47, s.31.

**Repayment of certain amounts by victim**

**32(1)** Where compensation is awarded under this Act to a person injured or to a dependent of a person killed and the person or the dependent receives an amount from the offender pursuant to a judgment delivered in an action brought against the offender causing the injury or death or otherwise, the person or dependent shall refund to the board:

- (a) the compensation awarded to him under this Act if the amount received by the person or dependent is equal to or more than the compensation; or
- (b) the amount received if the amount is less than the compensation paid or payable to him under this Act.

(2) Any compensation or amount required to be refunded under subsection (1) may be recovered by the Attorney General as a debt due to Her Majesty.

1967, c.84, s.27; R.S.S. 1978, c.C-47, s.32.

## APPEAL

**Orders, etc., of board other than repayment of compensation, not subject to judicial review**

**33(1)** Subject to subsection (2), there shall be no appeal from an order or decision of the board under this Act and its proceedings, orders and decisions shall not be reviewable by any court of law or by *certiorari*, *mandamus*, prohibition, injunction or other proceeding.

(2) A person who is ordered under subsection (2) of section 29 to pay an amount in respect of compensation may appeal to a judge of the district court who may make such order with respect to the matter and as to costs as he thinks fit.

1967, c.84, s.28; R.S.S. 1978, c.C-47, s.33.

**False statement, etc.**

**34** A person who, in any hearing, inquiry or other proceeding under this Act, makes a false statement to the board or a member thereof or misleads or attempts to mislead the board is guilty of an offence and liable on summary conviction to a fine of not less than \$25 or more than \$500.

1967, c.84, s.29; R.S.S. 1978, c.C-47, s.34.

**Recovery of compensation where order made on the basis of false statement, etc.**

**35** Where a person is convicted of an offence under section 34 and the board has made an award of compensation on the basis of the evidence of the convicted person, the Attorney General may recover from the person to whom the compensation was paid all or a portion of such compensation.

1967, c.84, s.30; R.S.S. 1978, c.C-47, s.34.

## REGULATIONS

**Regulations**

**36** For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make such regulations as are ancillary thereto and are not inconsistent therewith; and every regulation made under, and in accordance with the authority granted by, this section has the force of law; and, without restricting the generality of the foregoing, the Lieutenant Governor in Council may make such regulations, not inconsistent with any other provision of this Act:

- (a) prescribing the procedure to be followed in respect of applications to the board and in respect of any proceedings under this Act, including the procedure for the service of notices and documents;
- (b) prescribing fees to be paid in respect of applications or proceedings under this Act;
- (c) prescribing the form and contents of applications to the board.

1967, c.84, s.31; 1970, c.12, s.9; R.S.S. 1978, c.C-47, s.36.

**Power of Lieutenant Governor in Council to amend schedule**

**37** The Lieutenant Governor in Council may, by order, amend the schedule to this Act by:

- (a) adding thereto a description of any criminal offence;
- (b) deleting therefrom the description of any criminal offence set out therein.

1967, c.84, s.32; R.S.S. 1978, c.C-47, s.37.

## GENERAL

**Refunds and repayments to be deposited in consolidation fund**

**38** Any compensation or amount refunded or repaid under this Act shall be deposited in the consolidated fund.

1967, c.84, s.33; R.S.S. 1978, c.C-47, s.38.

**Compensation not subject to garnishee, etc.**

**39** Any compensation or other amount awarded as costs paid or payable under this Act shall not be subject to garnishment or attachment or seizure or any legal process and shall be unassignable.

1967, c.84, s.34; R.S.S. 1978, c.C-47, s.39.

**Appropriation**

**40** Sums required for the purposes of this Act may be paid out of moneys appropriated by the Legislature for the purpose.

1967, c.84, s.35; R.S.S. 1978, c.C-47, s.40.

**Board may order costs**

**41** The board may, with respect to any hearing, inquiry or other proceeding under this Act, make such order as to costs as it thinks fit.

1967, c.84, s.36; R.S.S. 1978, c.C-47, s.41.

## SCHEDULE

*Section of  
Criminal Code**Offence*

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79	Intentionally cause injury with explosives
144	Rape
145	Attempted rape
200	Abandoning child
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202	Criminal negligence
203	Causing death by criminal negligence
204	Causing bodily harm by criminal negligence
218	Murder
219	Manslaughter
222	Attempted murder
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229	Administering noxious thing
230	Overcoming resistance to commission of offence

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## CRIMINAL INJURIES COMPENSATION

231	Setting traps
232	Interfering with transportation facilities
233	Criminal negligence in operation of motor vehicle; dangerous driving
234	Impaired driving
240 (1) & (4)	Dangerous operation of vessel, etc.
245	Assault; attempted assault
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