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PART II/PARTIE II

REVISED REGULATIONS OF SASKATCHEWAN/ RÈGLEMENTS RÉVISÉS DE LA SASKATCHEWAN

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REVISED REGULATIONS OF SASKATCHEWAN

SASKATCHEWAN REGULATIONS 101/2008*The Traffic Safety Act*

Section 287

Order in Council 737/2008, dated October 22, 2008

(Filed October 23, 2008)

Title

1 These regulations may be cited as *The Driver Licensing and Suspension Amendment Regulations, 2008*.

R.R.S. c.T-18.1 Reg 2 amended

2 *The Driver Licensing and Suspension Regulations, 2006* are amended in the manner set forth in these regulations.

Section 2 amended

3 **Clause 2(1)(b) is repealed and the following substituted:**

“(b) **‘addictions counsellor’** means a person who:

- (i) is employed as an addictions counsellor by a regional health authority governed by *The Regional Health Services Act*;
- (ii) is working as an addictions counsellor under contract to a regional health authority governed by *The Regional Health Services Act*; or
- (iii) in the opinion of the administrator, is qualified to provide services as an addictions counsellor”.

Section 11 amended

4 **The following subsection is added after subsection 11(5):**

“(5.1) Subject to subclause 2(1)(i)(ii), no Class 2, 3, 4, 5 or 7 driver’s licence permits its holder operate a truck that is towing a vehicle or combination of vehicles where the combined gross weight of the vehicles being towed is in excess of 4 600 kilograms unless the licence bears an endorsement permitting the holder of the licence to do so”.

Section 21 amended

5 **The following clauses are added after clause 21(2)(c):**

- “(d) Intoxilyzer 8000 C;
- “(e) DataMaster DMT-C”.

New section 30.1

6 **Section 30.1 is repealed and the following substituted:**

“Specified period for subsequent convictions - section 142 of Act and sections 39 and 40.1 of regulations

30.1(1) In this section, **‘specified date’** means:

- (a) the date of the conviction; or
- (b) if the court delays sentencing pursuant to subsection 720(2) of the *Criminal Code*, the date of sentencing.

(2) For the purposes of section 142 of the Act and sections 39 and 40.1 of these regulations, **'specified period'** means:

- (a) for the year in which this section comes into force, the period that is seven years before the specified date;
- (b) for the year commencing on January 1, 2008, the period that is eight years before the specified date;
- (c) for the year commencing on January 1, 2009, the period that is nine years before the specified date;
- (d) for the year commencing on January 1, 2010 and for each subsequent year, the period that is 10 years before the specified date”.

Section 36 amended

7 Clause 36(d) is amended by striking out “section 209.1 or”.

Section 38 amended

8 Subsection 38(2) is repealed and the following substituted:

“(2) An application pursuant to this section may be made:

- (a) in the case of a disqualification described in clause 141(3)(a) of the Act, six months after the date of sentencing for the conviction that resulted in the disqualification;
- (b) in the case of a disqualification described in clause 141(3)(b) of the Act, 18 months after the date of sentencing for the conviction that resulted in the disqualification;
- (c) in the case of a disqualification described in clause 141(3)(c) of the Act, 30 months after the date of sentencing for the conviction that resulted in the disqualification;
- (d) in the case of a disqualification described in clause 141(3)(d) of the Act, 30 months after the date of sentencing for the conviction that resulted in the disqualification; and
- (e) in no case before the expiration of any order of prohibition made pursuant to section 259 of the *Criminal Code*”.

Section 39 amended

9(1) Clause 39(2)(b) is repealed.

(2) Clause 39(2.1)(b) is repealed and the following substituted:

- “(b) the expiry of:
- (i) in the case of a first offence pursuant to either of those provisions, three months after the date of sentencing for the conviction;
 - (ii) in the case of a second offence within the specified period, six months after the date of sentencing for the current conviction; or
 - (iii) in the case of a third or subsequent offence within the specified period, 12 months after the date of sentencing for the current conviction”.

(3) Subsection 39(7) is repealed.

Section 40.1 amended

10 Subsection 40.1(2) is amended:

- (a) **by repealing subclause (a)(i) and substituting the following:**
 - “(i) one year from the date of sentencing for the conviction”;
- (b) **by repealing subclause (b)(i) and substituting the following:**
 - “(i) two years from the date of sentencing for the second conviction”;**and**
- (c) **by repealing subclause (c)(i) and substituting the following:**
 - “(i) three years from the date of sentencing for the last conviction”.

New Appendix

11 The Appendix is repealed and the following substituted:

“Appendix

“PART I

Notice and Order of Suspension, Disqualification or Prohibition

[Section 54]

DRIVER INFORMATION	SGI NO: _____	Police Report No.: _____
Name: _____ <small>(last / first / initial)</small>	Date of Birth: ____/____/____ <small>(year) (month) (day)</small>	
Address: _____	Sex: Male <input type="checkbox"/> Female <input type="checkbox"/>	Telephone: (____) _____
Driver’s Licence No. _____	<input type="checkbox"/> Sask. <input type="checkbox"/> Other _____ <small>(jurisdiction)</small>	
Type of <input type="checkbox"/> Regular <input type="checkbox"/> Learner <input type="checkbox"/> Novice 1 <input type="checkbox"/> Novice 2		
Licence: <input type="checkbox"/> Restricted <input type="checkbox"/> Provisional <input type="checkbox"/> No type indicated		
Licence or permit seized: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Vehicle: Make _____ Model _____ Year _____ Plate No. _____ Province _____		

NOTICE AND ORDER OF SUSPENSION, DISQUALIFICATION OR PROHIBITION

On ____/____/____ at or about _____ hours at or near _____
(year) (month) (day)

in Saskatchewan, in relation to the operation or having care or control of a motor vehicle within the meaning of *The Traffic Safety Act*, the undersigned Peace Officer:

(In the case of learner, novice 1, novice 2, restricted or provisional drivers)

A. has reason to believe:
 (i) by reason of analysis of your breath or blood; or
 (ii) by reason of reasonable grounds; *(observations noted on the back of the form)*
 that you, either as a learner, novice 1, novice 2, restricted or provisional driver, have consumed alcohol and, as a result, you are hereby, on behalf of the Administrator, immediately suspended from applying for or holding a driver’s licence or permit in Saskatchewan and from operating a motor vehicle on a highway in Saskatchewan for 30 days.
 30-day Suspension Start Date: ____/____/____ Time: _____
(year) (month) (day) (24-hour clock)

(In the case of experienced drivers)

B. has reason to believe:
 (i) by reason of analysis of your breath or blood; or
 (ii) by reason of reasonable grounds; *(observations noted on the back of the form)*
 that you, as an experienced driver, have consumed alcohol in such a quantity that the concentration of alcohol exceeds 40 milligrams of alcohol in 100 millilitres of blood and, as a result, you are hereby, on behalf of the Administrator, immediately suspended from operating a motor vehicle on a highway for 24 hours and applying for or holding a driver’s licence or permit in Saskatchewan for 24 hours.
 24-hour Suspension Start Date: ____/____/____ Time: _____
(year) (month) (day) (24-hour clock)

(In the case of any driver charged under section 253 or 254 of the Criminal Code)

C. has reason to believe by reason of analysis of your breath or blood that:
 (i) you have consumed alcohol in such quantity that the concentration of alcohol in your blood exceeds 80 milligrams of alcohol in 100 millilitres of blood; or
 (ii) you have either consumed alcohol or drugs and have failed to supply or refused to comply with a demand to either supply a sample of your breath or blood or to complete an evaluation to determine if your ability to operate a motor vehicle is impaired;
 and, as a result, you are hereby, on behalf of the Administrator, immediately suspended for 24 hours from operating a motor vehicle or from applying for or holding a driver’s licence or permit in Saskatchewan for 24 hours and, subject to the issuance of a temporary driving permit, after the 24-hour period has expired are suspended from applying for or holding a driver’s licence or permit in Saskatchewan and from operating a motor vehicle on a highway in Saskatchewan for 90 days.
 24-hour Suspension Start Date: ____/____/____ Time: _____
(year) (month) (day) (24-hour clock)

TEMPORARY DRIVING PERMIT

(issued only if the driver holds a valid driver’s licence)

Subject to the terms and conditions set out in section 148 of *The Traffic Safety Act*, this Temporary Driving Permit is, on the expiry of the 24-hour Suspension, Disqualification or Prohibition, in effect for seven days.

This temporary driver’s licence is valid ____/____/____ Time: _____ until ____/____/____ Time: _____
(year) (month) (day) (year) (month) (day)

or on the expiry of your driver’s licence, whichever is earlier.

90-day Suspension Start Date: ____/____/____ Time: _____
(year) (month) (day) (24-hour clock)

I acknowledge receipt of this Notice and Order of Suspension, Disqualification or Prohibition.

(signature of driver) (date)

(signature of peace officer) (detachment) (date)

PART II
Notice and Order of Suspension, Disqualification and Prohibition
[Section 54]

DRIVER INFORMATION	SGI NO: _____	Police Report No.: _____
Name: _____ <small>(last / first / initial)</small>	Date of Birth: _____ / _____ / _____ <small>(year) (month) (day)</small>	
Address: _____	Sex: Male <input type="checkbox"/> Female <input type="checkbox"/>	Telephone: (_____) _____
Driver's Licence No. _____	<input type="checkbox"/> Sask. <input type="checkbox"/> Other _____ <small>(jurisdiction)</small>	
Type of Licence: <input type="checkbox"/> Regular <input type="checkbox"/> Learner <input type="checkbox"/> Novice 1 <input type="checkbox"/> Novice 2		
<input type="checkbox"/> Restricted <input type="checkbox"/> Provisional <input type="checkbox"/> No type indicated		
Licence or permit seized: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Vehicle: Make _____ Model _____ Year _____ Plate No. _____ Province _____		

NOTICE AND ORDER OF SUSPENSION, DISQUALIFICATION OR PROHIBITION

On _____ / _____ / _____ at or about _____ hours at or near _____
(year) (month) (day)
 in Saskatchewan, in relation to the operation or having care or control of a motor vehicle within the meaning of *The Traffic Safety Act*, the undersigned Peace Officer:

(In the case of learner, novice 1, novice 2, restricted or provisional drivers)

A. has reason to believe that you have consumed alcohol and having been required to undergo a field sobriety test you have:

(i) _____ refused to undergo a field sobriety test;
 (ii) _____ failed to follow instructions regarding the field sobriety test; or
 (iii) _____ failed the field sobriety test

and as a result, you are hereby, on behalf of the Administrator, immediately suspended from operating a motor vehicle on a highway for 24 hours and applying for or holding a driver's licence or permit in Saskatchewan for 24 hours.

24-hour Suspension Start Date: _____ / _____ / _____ Time: _____
(year) (month) (day) (24-hour clock)

(In the case of experienced drivers)

B. has reason to believe that you have consumed alcohol in such a quantity that the concentration of alcohol in your blood exceeds 40 milligrams of alcohol in 100 millilitres of blood and having been required to undergo a field sobriety test you have:

(i) _____ refused to undergo a field sobriety test;
 (ii) _____ failed to follow instructions regarding the field sobriety test; or
 (iii) _____ failed the field sobriety test

and as a result, you are hereby, on behalf of the Administrator, immediately suspended from operating a motor vehicle on a highway for 24 hours and applying for or holding a driver's licence or permit in Saskatchewan for 24 hours.

24-hour Suspension Start Date: _____ / _____ / _____ Time: _____
(year) (month) (day) (24-hour clock)

(In the case of any drivers)

C. has reason to believe that you have consumed a drug or substance that causes you to be unable to safely operate a vehicle and having been required to undergo a field sobriety test you have:

(i) _____ refused to undergo a field sobriety test;
 (ii) _____ failed to follow instructions regarding the field sobriety test; or
 (iii) _____ failed the field sobriety test

and as a result, you are hereby, on behalf of the Administrator, immediately suspended from operating a motor vehicle on a highway for 24 hours and applying for or holding a driver's licence or permit in Saskatchewan for 24 hours.

24-hour Suspension Start Date: _____ / _____ / _____ Time: _____
(year) (month) (day) (24-hour clock)

I acknowledge receipt of this Notice and Order of Suspension, Disqualification or Prohibition.

(signature of driver) (date)

(signature of peace officer) (detachment) (date)

“PART III
[Subclause 23(1)(c)(ii)]

Points

“Motor Vehicle Accidents

A motor vehicle accident where:

- (a) loss or damage arises on account of which the insurer makes a payment of \$305 or more pursuant to the Act; and
- (b) subject to clause 2(b), a new driver is determined to be at least 50% at fault for the accident

6

“Motor Vehicle Accidents

A motor vehicle accident where:

- (a) loss or damage arises on account of which the insurer makes a payment of \$305 or more pursuant to the Act; and
- (b) each driver involved in the motor vehicle accident is determined to be 50% at fault for the accident

3

“Convictions pursuant to *The Traffic Safety Act*

A conviction registered against a driver for any of the following offences pursuant to *The Traffic Safety Act* or any offence pursuant to the law of any province or state or a bylaw of a municipal corporation or duly constituted authority in Canada or the United States of America that is substantially similar to the following offences:

Offence	Provision	Points
1 Driving a motor vehicle on a highway without an appropriate driver’s licence	32(1)	1
2 Holding more than one licence	35(1)	1
3 Defacing or altering a driver’s licence	35(2)(a)	1
4 Defacing or altering a photo identification card	35(2)(b)	1
5 Allowing another person to use licence	35(5)	1
6 Driving a motor vehicle in violation of a licence endorsement	38	1
7 Failing to produce a licence	39(1)	1
8 Producing another person’s licence	39(2)	1
9 Driving an unregistered vehicle	57(1)	1
10 Unauthorized use of plate	59(1)	1
11 Deface or alter registration	59(2)	1
12 Failing to produce a certificate of registration	61	1
13 Using registration permit in prohibited manner	74(1)	1
14 Defacing or altering a registration permit	74(2)	1
15 Failing to properly display registration permit	74(3)	1
16 Driving while on a 24-hour suspension	140(3)	4
17 Driving while the administrator has refused to issue, suspended or cancelled a licence under the Act	140(5)	4
18 Failing to display a licence plate	192(1)	1

19	Displaying an unauthorized licence plate	192(3)	1
20	Defacing or altering a licence plate	192(4)	1
21	Failing to display a current validation sticker on plate	192(5)	1
22	Obstructing a licence plate	192(6)	1
23	Driving in excess of 80 kilometres per hour	199(1)(a)	1
24	Driving in excess of the maximum speed indicated by signs on highway or at entrance to park	199(1)(b)	1
25	Exceeding the posted speed by 50 kilometres or more	199(2)	4
26	Exceeding a speed that is reasonable and safe	199(3)	4
27	Driving at a speed that impedes traffic	199(4)	3
28	Exceeding the speed limit in a school zone	200(2)	3
29	Exceeding the speed in a speed zone marked by signs	201	1
30	Speeding in parks	202(1)(2)	1
31	Exceeding 60 kilometres per hour when passing a highway worker or flag person	203(1)	3
32	Failing to obey a flag person or peace officer	203(3)	3
33	Exceeding 60 kilometres per hour when passing a stopped emergency vehicle that has its emergency lights in operation	204(1)	3
34	Exceeding 60 kilometres per hour when passing a stopped tow truck that has its amber lights in operation	205(1)	3
35	Failing to obey traffic control device	208(2)	4
36	Failing to obey directions of a peace officer	208(3)	3
37	Stopping improperly on a highway	209(2)	1
38	Failing to sufficiently mark a stationary vehicle	209(3)(a), (b)	1
39	Tampering with flares or hazzard lights	209(5)	1
40	Failing to obey a stop sign	209(6)(a)	4
41	Failing to obey a stop signal at a railway crossing	209(6)(b)	4
42	Failing to stop for a crossing guard	209(6)(c)	4
43	Bus transporting passengers failing to stop at a level railway crossing	209(7)(a)	4
44	Vehicle transporting goods and required to be placarded failing to stop at a level railway crossing	209(7)(b)	4
45	After stopping at a level crossing, proceeding while it is unsafe	209(8)	4
46	Failing to comply with the request of a peace officer	209.1(3)	3
47	Passing a school bus that has its safety lights in operation	212(2)	4
48	Failing to stop five metres from the rear of a school bus that has its safety lights and stop arm in operation	212(3)	4
49	Failing to stop five metres from the front of a school bus that has its safety lights and stop arm in operation	212(4)	4
50	Driving without due care and attention	213(1)	4
51	Driving without reasonable consideration of others	213(2)	4

52	Driving in a contest of speed or racing with another vehicle on the highway	214(1)	4
53	Driver performing an activity on a highway that is likely to distract, startle or interfere with other users of the road	214(2)	4
54	Failing keep right of the centre of the highway	217(1)(a)	1
55	Passing to the right of a vehicle	217(1)(b)	4
56	Passing at an intersection (same direction) when it is unsafe	217(3)	1
57	Moving, when it is unsafe, in front of a person or vehicle after passing	217(4)	1
58	Increasing speed when being overtaken	217(5)	3
59	Passing without a clear view of the highway	217(6)	1
60	Making a right turn from the wrong lane	218(1)	1
61	Making a left turn from the wrong lane	218(2)	1
62	Failing to yield the right of way to a vehicle on the right	219(1)	3
63	Failing to yield to right of way when making a left turn	219(3)	3
64	Failing to yield the right of way when entering on a provincial highway	219(4)	3
65	Failing to yield the right of way at a 'yield' sign	219(5)	3
66	Failing to yield the right of way on entering a highway from other than a highway	219(6)	3
67	After yielding the right of way, proceeding while it is unsafe	219(8)	3
68	Driving to the left of the centre of the highway	220(1)	1
69	Proceeding the wrong way on a one-way highway	221	3
70	Backing a vehicle on or onto a highway when it is unsafe	222	1
71	Failing to yield the right of way to pedestrians at a highway intersection or marked pedestrian crossing in the required manner	223(1)	3
72	Driver failing to stop the vehicle for a pedestrian at a marked pedestrian crossing in the required manner	223(1.1)	3
73	Passing a vehicle stopped for pedestrians	223(2)	3
74	Following too closely	225(1)	1
75	Failing to leave sufficient space when following	225(2)	1
76	Entering or leaving a controlled access highway except where the right to do so is indicated by a sign	226	4
77	Crossing a highway unlawfully	227	1
78	Changing lanes when it is unsafe	228(1)(a)	1
79	Crossing solid lines unlawfully to change lanes	228(1)(b)	1
80	Driving to the left of solid centre line	228(1)(c)	1
81	Driving motorcycle more than two abreast	228(1)(e)	1

82	Driving motorcycle beside a vehicle other than a motorcycle	228(1)(f)	1
83	Driving on the left-hand side of median	229(1)	4
85	Crossing a median unlawfully	229(2)	4
85	Driving without lights as prescribed in the regulations	230(1)	1
86	Failing to dim headlights when approaching	230(2)(a)	1
87	Failing to dim headlights when following	230(2)(b)	1
88	Failing to dim headlights when passing	230(2)(c)	1
89	Failing to dim headlights when being overtaken	230(2)(d)	1
90	Failing to dim headlights when stationary	230(4)	1
91	Failing to extinguish spot light	231	1
92	Failing to extinguish loading lamp	232	1
93	Using an amber beacon or flashing light when prohibited	233	1
94	Failing to use a signalling device to warn of the intention to turn, to stop or to abruptly reduce speed	234(1)	3
95	Driving contrary to a sign at an intersection with a green light	235(2)(a)	3
96	Failing to stop at a crosswalk against an amber light	235(3)(a)	3
97	Failing to yield the right of way to a pedestrian at a marked crosswalk displaying only an amber light	235(4)	3
98	Failing to stop at a red light at an intersection	235(5)(a)	4
99	Making a right turn at a red light when prohibited by a sign	235(5)(b)	3
100	Failing to stop at an intersection of two one-way streets	235(6)(a)	4
101	Making a left turn at a red light when prohibited by a sign	235(6)(b)	3
102	Failing to stop at a red light at a place other than an intersection	235(7)	1
103	Proceeding at an intersection in a direction not indicated by a green arrow	235(8)	3
104	Failing to yield at an intersection displaying a red light with a green arrow	235(9)	3
105	Failing to yield at a place other than an intersection displaying a red light with a green arrow	235(10)	3
106	Proceeding contrary to a green arrow	235(11)	3
107	Failing to obey a red flashing light, stopping at the wrong place or failing to stop or proceeding while it is unsafe to do so	235(13)	4
108	Failing to proceed cautiously at a flashing amber light	235(14)	3
109	Making a U-turn at an intersection with a traffic light	235(15)	1
110	Failing to yield the right of way to pedestrians at a 'walk' signal	237(2)(b)	3
111	Failing to yield to an emergency vehicle	238(9)	4

112	Permitting a person to hold on to a moving motor vehicle or attach a device	240(2)	1
113	Driving a commercial vehicle on a highway that is equipped with, contains or is carrying a radar warning device	242(2)(a)	3
114	Permitting a commercial vehicle to become or remain equipped with a radar warning device	242(2)(b)	3
115	Permitting a person to ride on the exterior part of a motor vehicle	244(1)	3
116	Permitting an over-crowded driving compartment	245(3)	3
117	Driving without clear view of highway to both the front and to both sides of the vehicle	246(1)	1
118	Failing to have a clear view to the rear	246(2)	1
119	Driving with an obstructed windshield or window	246(3)	1
120	Driver failing to wear a safety helmet on a motorcycle	247(1)	1
121	Driver failing to wear prescribed eye protection on a motorcycle without a windshield	247(3)	1
122	Driving a motorcycle side saddle	247(5)	1
123	Allowing a passenger under 16 years of age to ride without a helmet or eye protection	247(8)(a)	1
124	Allowing more than one passenger on a motorcycle	247(8)(b)	1
125	Allowing a passenger to ride in front of the motorcycle driver	247(8)(c)	1
126	Allowing a passenger under 16 years of age to ride side saddle	247(8)(d)	1
127	Allowing a passenger on a motorcycle not equipped for passengers	247(8)(e)	1
128	Allowing more than one person in a side car	247(8)(f)	1
129	Driver failing to wear a seat-belt assembly	248(1)	3
130	Driving a vehicle with an unrestrained passenger under 16 years of age	248(4) or (5)	3
131	Failure to report an accident	253(2) or (3)	4
132	Providing a false statement	272	4 ”.

Coming into force

12(1) Subject to subsection (2), these regulations come into force on November 12, 2008.

(2) If these regulations are filed with the Registrar of Regulations after November 12, 2008, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 102/2008*The Wildlife Habitat Protection Act*

Sections 3 and 9

Order in Council 738/2008, dated October 22, 2008

(Filed October 23, 2008)

Title

1 These regulations may be cited as *The Treaty Land Entitlement Withdrawal Amendment Regulations, 2008*.

R.R.S. c.W-13.2 Reg 2, Appendix amended

2 The Appendix to *The Treaty Land Entitlement Withdrawal Regulations* is amended by adding the following item after item 88:

“89 The south-east quarter of Section 29, in Township 34, in Range 4, west of the Third Meridian”.

Coming into force

3 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 103/2008*The Milk Control Act, 1992*

Section 10

Board Order, dated October 24, 2008

(Filed October 24, 2008)

Title

1 These regulations may be cited as *The Milk Control Amendment Regulations, 2008 (No.10)*.

R.R.S. c.M-15 Reg 1, Appendix amended

2 Subsection 3(1) of Part II of the Appendix to *The Milk Control Regulations* is amended by repealing clauses (m) to (o) and substituting the following:

“(m) in the case of class 5a milk:

- (i) \$4.2454 per kilogram of butterfat;
- (ii) \$7.2073 per kilogram of protein;
- (iii) \$0.0563 per kilogram of other solids;

“(n) in the case of class 5b milk:

- (i) \$4.2454 per kilogram of butterfat;
- (ii) \$2.4393 per kilogram of protein;
- (iii) \$2.4393 per kilogram of other solids;

- “(o) in the case of class 5c milk:
- (i) \$3.7595 per kilogram of butterfat;
 - (ii) \$2.1413 per kilogram of protein;
 - (iii) \$2.1413 per kilogram of other solids”.

Coming into force

- 3** These regulations come into force on November 1, 2008.
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SASKATCHEWAN REGULATIONS 110/2008

The Consumer Protection Act

Section 77.28

Order in Council 767/2008, dated November 6, 2008

(Filed November 6, 2008)

Title

- 1** These regulations may be cited as *The Consumer Protection Amendment Regulations, 2008*.

R.R.S. c.C-30.1 Reg 2, new Part VII.1

- 2** *The Consumer Protection Regulations, 2007* are amended by adding the following Part after Part VII:

**“PART VII.1
Prepaid Purchase Cards**

“Exemption - where nothing of value provided for prepaid purchase card

40.1(1) The prohibition set out in section 77.13 of the Act does not apply to a person who issues a prepaid purchase card to a consumer in the following circumstances:

- (a) when the prepaid purchase card is issued for a charitable purpose;
 - (b) when the consumer provides nothing of value for the prepaid purchase card.
- (2) Section 77.15 of the Act does not apply to a person who issues a prepaid purchase card to a consumer in the following circumstances:
- (a) when the prepaid purchase card is issued for a charitable purpose;
 - (b) when the consumer provides nothing of value for the prepaid purchase card.

“Exemption - replacement of plastic card or written certificate

40.2 A person may issue or sell a prepaid purchase card that has an expiry date provided that:

- (a) the expiry date applies only to the plastic card or written certificate;
- (b) the balance, if any, remaining on the prepaid purchase card does not expire; and
- (c) if there is a remaining balance on the prepaid purchase card, the issuer or seller:
 - (i) replaces the plastic card or written certificate with a new plastic card or written certificate in the amount of that balance; and
 - (ii) in accordance with section 77.15 of the Act, does not charge any fees to the holder of the prepaid purchase card for replacing the plastic card or written certificate as provided in subclause (i).

“Permitted fees

40.3 A person who issues or sells a prepaid purchase card may charge the following fees in relation to the prepaid purchase card:

- (a) a fee for replacing a lost or stolen prepaid purchase card;
- (b) a fee for customizing the prepaid purchase card.

“Disclosure

40.4(1) At the time a prepaid purchase card is issued or sold, the issuer or seller must provide the consumer with the following information:

- (a) a description of all restrictions, limitations and conditions that the issuer or seller imposes on the use of the prepaid purchase card, including any permitted fee or expiry date;
 - (b) a description of the way in which the consumer can obtain information respecting the prepaid purchase card, including any remaining balance.
- (2) The issuer or seller of a prepaid purchase card must provide the consumer with the information required by subsection (1) in a clear manner and in a way likely to bring it to the consumer’s attention”.

Coming into force

3(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Consumer Protection Amendment Act, 2008* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the coming into force of section 1 of *The Consumer Protection Amendment Act, 2008*, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

