

The Small Claims Enforcement Regulations

Repealed

by chapter S-50.11 Reg 1 (effective February 16, 1998).

Formerly

Chapter S-51 Reg 1 (effective January 30, 1984)
as amended by Saskatchewan Regulations 78/85.

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

- 1 Title
- 2 Interpretation
- 3 Fees
- 4 Witness expenses
- 5 Costs
- 5.1 Motor vehicle claims

CHAPTER S-51 REG 1
The Small Claims Enforcement Act

Title

1 These regulations may be cited as *The Small Claims Enforcement Regulations*.

Interpretation

2 In these regulations:

- (a) “**Act**” means *The Small Claims Enforcement Act*;
- (b) “**claim**” means a claim to which the Act applies.

27 Jan 84 cS-51 Reg 1 s2.

Fees

3 The fee payable for the issuance of a summons:

- (a) in the case of a claim in an amount of \$500 or less, is \$5;
- (b) in the case of a claim in an amount of more than \$500, is 1% of the claim rounded off to the nearest whole dollar;
- (c) in the case of a claim for unliquidated damages, is \$30.

27 Jan 84 cS-51 Reg 1 s3.

Witness expenses

4(1) The fee payable to a witness served with a subpoena for each day or part of a day that he attends in court as a witness is \$10.

(2) A witness, other than a witness who resides in the place where he is attending in court, is entitled to be paid his expenses for necessary travel, accommodation and meals at the rate that is approved for similar expenses incurred by members of the public service, to a maximum of:

- (a) \$50, if the amount of the judgment is \$500 or less;
- (b) 10% of the judgment, if the amount of the judgment is more than \$500.

27 Jan 84 cS-51 Reg 1 s4.

Costs

5 On an appeal, the judge of the appeal court may in his discretion allow the successful party fees and costs in accordance with the tariff of fees and costs of the court appealed to relating to claims under the Act.

27 Jan 84 cS-51 Reg 1 s5.

Motor vehicle claims

5.1(1) Every notice filed pursuant to clause 34.1(1)(a) of the Act is to be in Form A.

(2) When a person who files a notice mentioned in subsection (1) subsequently wishes to pursue his action, he shall apply to a judge for a summons pursuant to section 4 of the Act and file the notice mentioned in subsection (1) together with proof of service of the notice on the defendant or the defendant's insurer, as the case may be.

16 Aug 85 SR 78/85 s3.

AppendixFORM A
(Subsection 5.1(1))

PART A

IN THE PROVINCIAL COURT OF SASKATCHEWAN
NOTICE OF MOTOR VEHICLE CLAIM

TAKE NOTICE THAT _____
of _____ has a claim for damages arising out of a
motor vehicle accident which occurred at _____,
Saskatchewan on the _____ day of _____, 19 ____.
Particulars of the motor vehicle accident are:

Vehicles involved: *(state year, make, model, licence number, name of owner and drive)*

Pedestrians involved: *(state names and addresses)*

Persons injured: *(state full names of persons injured and nature of injuries)*

AND TAKE NOTICE that this document is served pursuant to subsection 34.1(1) of
The Small Claims Enforcement Act.

DATED AT _____, Saskatchewan this _____ day
of _____, 19 _____.

(signature)

Name and Address of Claimant *(please print)*

Every proposed defendant should consult his solicitor and his insurer.

THIS NOTICE IS GIVEN TO THE FOLLOWING PROPOSED DEFENDANT(S):
(state full names and addresses of all proposed defendant(s))

PART B

IN THE PROVINCIAL COURT OF SASKATCHEWAN
CONSENT OF INSURER

Service of a true copy of the Notice of Motor Vehicle Claim is consented to
by _____, as insurer of the following defendant(s):

DATED AT _____, Saskatchewan this _____ day
of _____, 19 _____.

(Signature of Insurer or Authorized Representative)

(Name of Insurer)

TO: The Clerk of the Provincial Court of Saskatchewan.

16 Aug 85 SR 78/85.