

The Victims of Crime Act

Repealed by

Chapter V-6.011 of the *Statutes of Saskatchewan, 1995*
(effective February 21, 1997).

Formerly

Chapter V-6.01 of the *Statutes of Saskatchewan, 1989-90*
(effective August 1, 1989) as amended by the *Statutes of
Saskatchewan, 1990-91 c.35; 1992 c.80 and 1993 c.19.*

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 V-6.01

An Act respecting Victims of Crime

PART I

Short Title and Interpretation

Short title

1 This Act may be cited as *The Victims of Crime Act*.

Interpretation

1.1 In this Act:

- (a) **“board”** means The Crimes Compensation Board as that board existed on the day before the coming into force of this section;
- (b) **“fund”** means the victims’ fund established pursuant to section 5;
- (c) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned.

1992, c.80, s.4.

PART II

Victims’ Fund

Interpretation

2 In this Part:

- (a) **“enactment”** means:
 - (i) an Act;
 - (ii) a regulation made pursuant to an Act; or
 - (iii) any part of an Act or regulation;that is not excluded from the operation of this Act by regulation;
- (b) **Repealed.** 1992, c.80, s.6.
- (c) **Repealed.** 1992, c.80, s.6.
- (d) **“surcharge”** means a surcharge imposed pursuant to section 9;
- (e) **“victim”** means a person who has suffered harm, including:
 - (i) physical or mental injury;
 - (ii) emotional suffering; or

(iii) economic loss;

by reason of an act that is in violation of criminal laws.

1989-90, c.V-6.01, s.2; 1992, c.80, s.6.

Purpose

3 The purpose of this Part is to establish a fund to be used to promote the following principles:

(a) victims should:

(i) be treated with courtesy and compassion and with respect for their dignity and privacy; and

(ii) suffer the minimum of necessary inconvenience from their involvement with the criminal justice system;

(b) the views and concerns of victims should be taken into account and appropriate assistance and information should be provided to them throughout the criminal process, where appropriate and consistent with criminal law and procedure;

(c) whenever reasonably possible, victims should receive, through formal and informal procedures, prompt and fair redress for the harm that they have suffered.

1989-90, c.V-6.01, s.3; 1992, c.80, s.7.

Act does not affect other rights or remedies

4 Nothing in this Act establishes, supplements or derogates from any right, power, remedy, cause of action or appeal for or with respect to damages, compensation or restitution by, on behalf of or on account of a victim against the Crown or any other person.

1989-90, c.V-6.01, s.4.

Victims' services fund

5(1) The victims' fund is established.

(2) The fund consists of:

(a) all surcharges;

(b) all victim fine surcharges imposed by a court in Saskatchewan pursuant to section 727.9 of the *Criminal Code*, as amended from time to time;

(c) all moneys donated, bequeathed or given to the fund;

(d) advances from the consolidated fund for the purposes of the fund;

(e) all moneys appropriated by the Legislature for the purposes of the fund;

(f) all investments of the fund and earnings on those investments;

(f.1) any moneys that are the property of or owing to the board on the day that this clause comes into force;

- (f.2) any moneys that are payable to the minister pursuant to Part III;
 - (g) any other moneys that may be designated by order of the Lieutenant Governor in Council.
- (3) Notwithstanding *The Financial Administration Act*, the moneys described in subsection (2) shall be deposited in the fund and not the consolidated fund.
- (4) The minister shall administer the fund in accordance with this Act.
- (5) The fiscal year of the fund is the period commencing on April 1 in one year and ending on March 31 in the following year.
- (6) With respect to each fiscal year of the fund, the minister shall, in accordance with *The Tabling of Documents Act*, submit to the Lieutenant Governor in Council:
- (a) a report on the business of the fund for the immediately preceding fiscal year; and
 - (b) a financial statement showing the business of the fund for the immediately preceding fiscal year, in any form that the Treasury Board may require.
- (7) The minister shall, in accordance with *The Tabling of Documents Act*, lay before the Legislative Assembly each report and statement mentioned in subsection (6).
- (8) The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may designate shall audit the accounts and transactions of the fund:
- (a) annually; and
 - (b) at any other times that the Lieutenant Governor in Council may specify.

1989-90, c.V-6.01, s.5; 1990-91, c.35, s.7; 1992, c.80, s.8.

Investments of fund

- 6(1) The minister may invest any moneys in the fund, not presently required for the purposes of the fund, in any class of investments authorized for the investment of money in the consolidated fund pursuant to *The Financial Administration Act*.
- (2) The minister may dispose of any securities in which any part of the fund has been invested pursuant to subsection (1), subject to the terms of the investment, in any manner and on any terms that the minister considers advisable.

1989-90, c.V-6.01, s.6.

Powers of minister

- 7(1) The minister may:
- (a) enter into any agreement;
 - (b) engage the services of or retain any technical, professional or other advisors, specialists or consultants; or

- (c) do any other things;

that the minister considers necessary for the purposes of managing, investing or disposing of all or any part of the assets of the fund.

- (2) The:

- (a) costs incurred pursuant to subsection (1) in; and
- (b) other expenses related to;

managing, investing or disposing of all or any part of the assets of the fund are a charge on and payable out of the fund.

1989-90, c.V-6.01, s.7.

Treasury Board orders and directives

8 The fund is subject to any orders made and any directives issued by Treasury Board pursuant to *The Financial Administration Act*.

1989-90, c.V-6.01, s.8.

Surcharge

- 9(1) Where:

- (a) a person is convicted of an offence pursuant to an enactment; and
- (b) the offence has not been excluded from the application of this section by the regulations;

a surcharge is conclusively deemed to have been imposed against the person and that person shall pay the surcharge.

- (2) The minister may cause the surcharge to be collected in the same manner as a fine.

- (3) Where a fine and surcharge are imposed on a person convicted of an offence described in subsection (1):

- (a) the surcharge is to be collected with the fine; and
- (b) any payment made by or on behalf of the person convicted of the offence is to be applied first to payment in full of the surcharge and then to payment of the fine.

- (4) The amount of the surcharge is:

- (a) the amount; or
- (b) the proportion of the fine;

prescribed in the regulations.

1989-90, c.V-6.01, s.9.

Use of fund

10(1) The Lieutenant Governor in Council may establish by regulation programs for the use of moneys in the fund for the following purposes:

- (a) to promote and deliver services and benefits to victims;
 - (b) to conduct research into victims' services, needs and concerns;
 - (c) to distribute information respecting victims' services, needs and concerns;
 - (d) crime prevention;
 - (e) for any other purpose that the Lieutenant Governor in Council considers necessary to further the intent of this Act.
- (2) The minister may use moneys in the fund:
- (a) for the programs mentioned in subsection (1), subject to any limitations and conditions prescribed in the regulations;
 - (b) to pay the administrative costs of any programs mentioned in subsection (1);
 - (c) to repay to the consolidated fund any advances made from the consolidated fund.
 - (d) to pay compensation granted pursuant to Part III or paid pursuant to subsection 11.6(1).
- (3) A regulation made pursuant to subsection (1) may be made retroactive to a date not earlier than April 1, 1992.

1989-90, c.V-6.01, s.10; 1992, c.80, s.9.

Regulations

11(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word used in this Part but not defined in this Part;
 - (b) designating all or any part of Acts and regulations made pursuant to Acts with respect to which a surcharge is deemed not to be imposed;
 - (c) prescribing offences with respect to which a surcharge is deemed not to be imposed;
 - (d) prescribing, as a proportion of a fine or as a sum certain, the amount of surcharge;
 - (e) establishing and prescribing limitations and conditions on programs for the use of moneys in the fund;
 - (f) prescribing any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the purposes of this Part.
- (2) A regulation made pursuant to subsection (1) may be made retroactive to a date not earlier than April 1, 1992.

1989-90, c.V-6.01, s.11; 1992, c.80, s.10.

PART III
Compensation for Victims

Interpretation of Part

11.1(1) In this Part:

- (a) **“applicant”** means a victim, dependant or a person described in section 11.2 who makes an application on behalf of a victim or dependant;
 - (b) **“child”** includes a stepchild, an unborn child and a child with respect to whom a victim stands in the place of a parent;
 - (c) **“compensation”** means compensation granted pursuant to section 11.21;
 - (d) **“department”** means the department over which the minister presides;
 - (e) **“dependant”** means a child or other person who was, in whole or in part, dependent on a deceased victim’s income at the time of the victim’s death;
 - (f) **“injury”** means injury as defined in the regulations;
 - (g) **“victim”** means a person to whom or with respect to whom or for whose benefit compensation is or may be payable.
- (2) For the purposes of this Part, a person is deemed to have intended an act or omission that causes an injury or death for which compensation is payable, whether or not that person is legally capable of forming a criminal intent.

1992, c.80, s.11.

Application for loss

11.11(1) A victim or dependant may apply to the minister for compensation with respect to the victim’s injury or death if the injury or death:

- (a) was the result of the act or omission of another person that occurred in Saskatchewan and that is one of the criminal offences described in the regulations; or
 - (b) was the result of the victim’s assisting a peace officer in Saskatchewan in the carrying out of the duties of that peace officer with respect to the enforcement of the law.
- (2) Subject to subsection (3), a victim or dependant who applies pursuant to subsection (1) shall apply in the manner prescribed in the regulations and before the expiry of one year from the date of the injury or death.
- (3) Where an application for compensation pursuant to subsection (1) is based on a criminal offence described in the regulations for the purposes of this subsection, the one-year period mentioned in subsection (2) begins to run when the victim understands the nature of the injuries and recognizes the effects of the misconduct.

1992, c.80, s.11; 1993, c.19, s.3.

Application on behalf of certain persons

11.2 Where a person who is entitled to make an application under this Part is:

- (a) an infant, the application may be made on the infant's behalf by his or her parent or guardian or by any other person that the minister may allow;
- (b) a person of unsound mind, the application may be made on that person's behalf by any person that the minister may allow;
- (c) a dependent adult, the application may be made by the dependent adult's property guardian or personal guardian.

1992, c.80, s.11.

Compensation

11.21(1) On receipt of an application pursuant to this Part, the minister may grant compensation to or on behalf of a victim or dependant if the minister is satisfied that:

- (a) the applicant has complied with this Part and the regulations; and
 - (b) the victim or dependant qualifies for compensation pursuant to this Part and the regulations.
- (2) Subject to the regulations, the minister may grant compensation in an amount that, in the opinion of the minister, will compensate the victim or dependant for monetary loss resulting from the victim's injury or death.
- (3) For the purpose of determining the amount of compensation to grant, the minister may require the applicant to supply the minister with any information that the minister may require respecting the monetary losses of the victim or dependant resulting from the victim's injury or death.
- (4) When granting compensation, the minister may impose any terms and conditions that the minister considers appropriate respecting the payment, disposition, allotment or apportionment of the compensation to or for the benefit of the victim or dependant.
- (5) The minister may pay any compensation granted under this Part respecting any expenses to any person who, in the opinion of the minister, is entitled to take any proceedings to recover those expenses.

1992, c.80, s.11.

Amounts to be considered before granting compensation

11.3 In determining the amount of compensation, if any, to be granted to or on behalf of a victim or dependant, the minister shall deduct any amount received or to be received by the victim with respect to the injury or by the victim's dependants with respect to the death of the victim:

- (a) under any other Act or Act of the Parliament of Canada or of another province or territory of Canada;

- (b) 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; and
- (c) from any other source prescribed in the regulations.

1992, c.80, s.11.

Right to bring action

11.31 Where a victim or dependant has a right of action against any other person with respect to the victim's injury or death, the victim or dependant may bring that action notwithstanding that the victim or dependant has been granted compensation.

1992, c.80, s.11.

Minister's right to bring action

11.4(1) In this section and in sections 11.41 to 11.7, "**compensation**" includes compensation awarded by the board pursuant to *The Criminal Injuries Compensation Act*, as that Act existed before the coming into force of this Part.

(2) Where compensation has been granted or awarded, the minister, on assuming liability for payment of that compensation or on the board's assuming liability for payment of that compensation, is deemed to be an assignee and is subrogated to all rights of recovery of the victim or dependant to or with respect to whom or for whose benefit the payment of compensation is assumed to the extent of the compensation payable.

(3) Where, pursuant to section 32 of *The Criminal Injuries Compensation Act*, as that Act existed before the coming into force of this Part, the board has been deemed to be an assignee, the minister, on the coming into force of this Part, is deemed to be an assignee and is subrogated to all the rights of recovery of the victim or dependant to or with respect to whom or for whose benefit the payment of compensation was assumed to the extent of the compensation payable.

(4) Notwithstanding subsection 4(1) of *The Fatal Accidents Act*, the minister, in exercising his or her rights pursuant to subsection (2) or (3):

- (a) may either:
 - (i) bring an action in the minister's own name to recover the amount of compensation paid or payable; or
 - (ii) join with the victim or dependant to whom or with respect to whom or for whose benefit the compensation was paid or is payable to bring an action in the name of that victim or dependant for recovery of the damages resulting from the injury or death; and
- (b) is entitled to repayment of any compensation from any judgment, settlement, restitution, insurance or any other source of funds paid or payable to the victim or dependant.

(5) Where the victim or dependant receives a payment of the kind described in clause (4)(b), the victim or dependant shall refund to the minister:

- (a) if the amount of the payment is equal to or more than the amount of compensation, the amount of the compensation;
- (b) if the amount of the payment is less than the amount of the compensation, the amount of the payment.

(6) The minister may recover as a debt due to Her Majesty in right of Saskatchewan any amounts that are required pursuant to this section to be repaid or refunded.

1992, c.80, s.11.

Notice of action

11.41(1) A victim or dependant who has been granted or awarded compensation shall give written notice to the minister of his or her intention to maintain an action or otherwise take steps to recover damages which resulted from the injury or death for which compensation was granted or awarded, including making a claim for insurance or restitution.

(2) The minister shall give written notice to the victim or dependant of the minister's intention to maintain an action pursuant to his or her right given by section 11.4.

(3) Failure to give notice pursuant to this section does not affect the validity of a cause of action.

1992, c.80, s.11.

Compensation not subject to garnishee, etc.

11.5(1) Subject to subsection (2), any compensation paid or payable is not subject to garnishment or attachment or seizure or any legal process and is not assignable.

(2) Where:

- (a) compensation has been granted or awarded with respect to the injury or death of a person;
- (b) a person who is responsible for the injury or death mentioned in clause (a) applies to the minister for compensation with respect to the same or a different offence; and
- (c) the minister grants compensation to the person mentioned in clause (b);

the minister shall deduct from the amount of compensation granted to the person mentioned in clause (b) the amount of compensation mentioned in clause (a) that has not been otherwise recovered by the minister or the board.

1992, c.80, s.11.

Periodic payments

11.6(1) If the board made an order for the payment of compensation which provides for periodic payments and all the payments ordered by the board have not been paid, the minister shall continue to make the periodic payments as ordered by the board.

(2) Notwithstanding subsection (1), the minister may review, rescind or vary the order under which compensation payments are made:

(a) on an application by or on behalf of the person to whom or for whose benefit periodic payments have been awarded by the board; or

(b) on the minister's own initiative.

(3) If the minister grants compensation in the form of periodic payments to or on behalf of a victim or dependant, the minister may review, rescind or vary the grant of compensation:

(a) on the application of the victim or dependant to whom or for whose benefit periodic payments have been granted; or

(b) on the minister's own initiative.

(4) The minister may impose any terms and conditions that the minister considers appropriate on a decision made pursuant to subsection (2) or (3).

1992, c.80, s.11.

Supplementary benefits

11.7 If the board has made an order allowing a person to reapply to the board for compensation at the end of a period specified in the order, the person may apply to the minister for compensation under this Act.

1992, c.80, s.11.

Regulations

11.8(1) The Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Part but not defined in this Part;

(b) describing criminal offences for the purposes of clause 11.11(1)(a) and subsection 11.11(3);

(c) prescribing the procedures to be followed with respect to applications to the minister and with respect to other proceedings under this Part;

(d) prescribing the form and content of applications to the minister under this Part;

(e) prescribing the classes of monetary loss with respect to which the minister may grant compensation;

(f) prescribing the maximum amount of compensation that the minister may grant with respect to any one application;

- (g) prescribing the maximum amount of compensation the minister may grant with respect to any class of monetary loss;
 - (h) prescribing payments or amounts received or to be received by victims or dependants that the minister shall consider in determining the amount of compensation, if any, to be granted;
 - (i) respecting any matter or thing that the Lieutenant Governor in Council considers necessary to carry out the purposes of this Part.
- (2) Regulations made pursuant to subsection (1) may be made retroactive to a date not earlier than April 1, 1992.

1992, c.80, s.11; 1993, c.19, s.4.

False statements

11.81(1) No person shall, in any application or in any proceeding under this Part make a false or misleading statement to the minister or to any officer or employee of the department with respect to any material fact.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000.

1992, c.80, s.11.

Recovery of compensation

11.9 If a person is convicted of an offence under section 11.81, any compensation paid to that person is a debt due to Her Majesty in right of Saskatchewan and may be recovered by the minister in any manner allowed by law.

1992, c.80, s.11.

Delegation

11.91(1) The minister may delegate to any officer or employee of the department any of the minister's duties or powers under this Part or the regulations.

(2) Where the minister has delegated any of the minister's duties or powers pursuant to subsection (1), the fulfilment of the minister's duties and the exercise of the minister's powers by that officer or employee is deemed to be the fulfilment or exercise by the minister.

1992, c.80, s.11.

