

The Traffic Safety Court of Saskatchewan Act, 1988

Repealed

by Chapter 21 of *The Statutes of Saskatchewan, 2016*
(effective July 1, 2018).

Formerly

Chapter T-19.1* of the *Statutes of Saskatchewan, 1988-89* (effective May 1, 1989) as amended by the *Statutes of Saskatchewan, 1994, c.24; 1997, c.38 and c.10; 2001, c.9; 2002, c.27; 2004, c.67; 2005, c.21; and 2010, c.14.*

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

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 T-19.1

An Act respecting a Traffic Safety Court for Saskatchewan

Short title

1 This Act may be cited as *The Traffic Safety Court of Saskatchewan Act, 1988*.

Interpretation

2 In this Act:

“**court**” means The Traffic Safety Court of Saskatchewan continued pursuant to section 4; («*Tribunal*»)

“**minister**” means the member of the Executive Council to whom for the time being the administration of the Act is assigned; («*ministre*»)

“**motor vehicle**” means a motor vehicle as defined in *The Traffic Safety Act*; («*véhicule automobile*»)

“**traffic justice**” means a justice of the peace who is appointed to hold office as a traffic justice pursuant to section 5 and includes a traffic justice whose appointment is continued pursuant to section 13. («*juge de la sécurité routière*»)

1988-89, c.T-19.1, s.2; 2004, c.67, s.10; 2010,
c.14, s.15.

Application of Act

3(1) This Act applies only to those areas of Saskatchewan that may be designated by the Lieutenant Governor in Council pursuant to:

- (a) subsection (2); or
- (b) *The Traffic Safety Court of Saskatchewan Act* as that Act existed on the day before the coming into force of this Act.

(2) The Lieutenant Governor in Council may:

- (a) designate areas of Saskatchewan to which this Act is to apply;
- (b) with respect to any area designated pursuant to clause (a), declare that this Act applies only to the offences mentioned in section 7 that are alleged to have been committed in:
 - (i) that area; or
 - (ii) that area and any other area that may be specified in the declaration;
- (c) amend, vary, repeal or substitute a designation pursuant to clause (a) or a declaration pursuant to clause (b).

1988-89, c.T-19.1, s.3.

c. T-19.1 TRAFFIC SAFETY COURT OF SASKATCHEWAN, 1988

Traffic Safety Court established

- 4(1) The Traffic Safety Court of Saskatchewan is continued.
- (2) The court is a court of record.
- (3) The court consists of those justices of the peace that are appointed by the Lieutenant Governor in Council to hold office as traffic justices.

1988-89, c.T-19.1, s.4; 2010, c.14, s.15.

Appointment

- 5(1) The Lieutenant Governor in Council may appoint a justice of the peace to hold office as a traffic justice:
- (a) for a term of seven years from the day of his appointment; or
 - (b) until the traffic justice:
 - (i) resigns in accordance with subsection (2);
 - (ii) is removed from his office in accordance with subsection (3); or
 - (iii) reaches the age of retirement prescribed in subsection (5);
 whichever is the earlier.
- (2) A traffic justice may resign by filing a written notice of his resignation with the minister and the resignation is effective on the later of:
- (a) the date the written notice is filed with the minister; or
 - (b) if a date is specified in the notice, the date specified in the written notice.
- (3) Sections 12.1 to 12.9 of *The Justices of the Peace Act, 1988* apply, with any necessary modification, to a traffic justice.
- (4) Without limiting the generality of subsection (3):
- (a) the actions of a traffic justice may be reviewed pursuant to sections 12.1 to 12.9 of *The Justices of the Peace Act, 1988* in accordance with those sections; and
 - (b) the traffic justice may be removed from office in accordance with sections 12.1 to 12.9 of *The Justices of the Peace Act, 1988*.
- (5) Every traffic justice shall retire at the end of the month in which the traffic justice attains the age of 70 years.
- (6) Where a justice of the peace who is appointed to hold office as a traffic justice ceases to be a justice of the peace, he ceases to hold office as a traffic justice on the day on which he ceases to be a justice of the peace.
- (7) A traffic justice is entitled to:
- (a) receive the salary, fees, remuneration and allowances for expenses that are prescribed by the Lieutenant Governor in Council for the performance of his duties; and

(b) participate in any benefits programs that may be established by the Lieutenant Governor in Council in accordance with the conditions prescribed by the Lieutenant Governor in Council.

(8) *The Public Service Superannuation Act* applies to a traffic justice.

1988-89, c.T-19.1, s.5; 1997, c.10, s.10; 2001, c.9, s.15; 2010, c.14, s.15.

Temporary traffic justice

6(1) If a traffic justice is or expects to be absent from his duties pursuant to this Act, the chief judge of the Provincial Court of Saskatchewan may appoint a justice of the peace to act in the place and exercise the powers of that traffic justice during that traffic justice's absence.

(2) During the period of his appointment pursuant to subsection (1), a justice of the peace is deemed to be a traffic justice.

1988-89, c.T-19.1, s.6; 2010, c.14, s.15.

Jurisdiction of traffic justice

7(1) Subject to the provisions of this Act, a traffic justice may try any person who is charged with:

(a) an offence relating to the operation of a motor vehicle against:

(i) *The Traffic Safety Act*;

(ii) a bylaw of:

(A) the Wascana Centre Authority;

(B) the Meewasin Valley Authority;

(C) the Wakamow Valley Authority; or

(D) a municipality;

(b) contravening any provision of a regulation pursuant to section 69 of *The Highways and Transportation Act, 1997*;

(c) contravening any provision of an order pursuant to section 35 of *The Highways and Transportation Act, 1997*;

(d) exceeding the maximum gross weight specified in a permit issued to him or her pursuant to section 36 of *The Highways and Transportation Act, 1997*.

(2) No traffic justice may try pursuant to this Act any person charged with an offence against any bylaw mentioned in subclause (1)(a)(ii) that prohibits, regulates or controls the parking or stopping of motor vehicles.

(3) No provision of this Act limits or otherwise affects the power of a justice of the peace pursuant to any other Act or law.

1988-89, c.T-19.1, s.7; 1997, c.38, s.3; 2002, c.27, s.5; 2004, c.67, s.10; 2005, c.21, s.5; 2010, c.14, s.15.

c. T-19.1 TRAFFIC SAFETY COURT OF SASKATCHEWAN, 1988

Powers of traffic justice

8(1) In this section, “**driver improvement program**” means a course of study or instruction for the improvement of the knowledge, attitudes and skills of persons in the operation of motor vehicles that is approved by the Lieutenant Governor in Council.

(2) Where a person is convicted pursuant to this Act of an offence mentioned in clause 7(1)(a), the traffic justice may, notwithstanding any other Act or law in force in Saskatchewan prescribing a fine or penalty for the offence:

- (a) suspend the passing of sentence on the person;
- (b) impose on the person the prescribed fine or penalty with respect to the offence but suspend the operation of the sentence and direct the person to attend a driver improvement program;
- (c) impose on the person the prescribed fine or penalty with respect to the offence, direct the person to attend a driver improvement program and, in any case where the traffic justice considers it appropriate, reduce the fine or penalty so imposed or order that no fine or penalty be paid with respect to the offence;
- (d) impose no fine or penalty on the person for the offence but direct the person to attend a driver improvement program.

(3) A traffic justice may:

- (a) summon a person who does not attend a driver improvement program as directed by the traffic justice pursuant to clause (2)(b), (c) or (d) to appear before the traffic justice; and
- (b) in the absence of an explanation from the person mentioned in clause (a) for his not attending the driver improvement program that, in the opinion of the traffic justice, is reasonable, impose on the person the prescribed fine or penalty for the offence.

1988-89, c.T-19.1, s.8.

Record of convictions

9(1) In this section, “**administrator**” means the person designated as administrator pursuant to *The Traffic Safety Act*.

(2) Notwithstanding *The Traffic Safety Act*, the administrator shall, on receipt of a written request from a traffic justice, supply to the court a certified copy of the record of the convictions of the person named by the traffic justice in his request, if any, contained in the records maintained by the administrator.

(3) A copy of the record of convictions of a person supplied by the administrator to the court pursuant to subsection (2) becomes part of the record of the court at the time that the record is used by the traffic justice in considering the matter of sentence of the person.

(4) Where a person with respect to whom a record of convictions has been supplied to the court pursuant to subsection (2) is acquitted of the offence with respect to which a request for that record was made, the traffic justice shall return the certified copy of the record of convictions of the person to the administrator.

1988-89, c.T-19.1, s.9; 2004, c.67, s.10.

10 Repealed. 1994, c.24, s.2.**Regulations****11** The Lieutenant Governor in Council may make regulations:

- (a) requiring a traffic justice to prepare and file reports respecting:
 - (i) the disposition of all matters commenced, tried, heard or adjudicated on, by or before him;
 - (ii) the receipt of moneys by him;
 - (iii) any other matters related to the duties of his office pursuant to this Act that may be prescribed by the Lieutenant Governor in Council;
- (b) prescribing the form and manner in which reports required under clause (a) shall be prepared and filed;
- (c) prescribing the salaries, fees and other remuneration and allowances for expenses payable to traffic justices for the performance of their duties pursuant to this Act;
- (d) establishing benefit plans for traffic justices and prescribing the amount and manner of those benefits and conditions pursuant to which traffic justices may participate in those benefit plans.

1988-89, c.T-19.1, s.11.

Existing traffic justices

12(1) Any person who, on the day before this Act comes into force, held office as a traffic justice pursuant to *The Traffic Safety Court of Saskatchewan Act* as that Act existed on the day before this Act comes into force continues to hold office as a traffic justice as if appointed pursuant to this Act.

(2) A traffic justice continued in office pursuant to subsection (1) has a term of office of seven years from the day this Act comes into force.

1988-89, c.T-19.1, s.12.

13 Dispensed. This section makes consequential amendments to another Act. The amendments have been incorporated into the corresponding Act.

Editorial Appendix

Section 3 of *The Traffic Safety Court of Saskatchewan Amendment Act, 1994*, being chapter 24 of *The Statutes of Saskatchewan, 1994*, provides for transitional application of this Act as follows:

“3 Where, at the time this Act comes into force, a notice of appeal has been served pursuant to section 10, that appeal and any further appeal permitted by section 10 are to be dealt with according to that section, notwithstanding its repeal.”

