

# *The Young Offenders' Services Act*

*Repealed*

by [Chapter Y-2, of \*The Statutes of Saskatchewan\*, 2003](#)  
(effective August 1, 2003).

*Formerly*

[Chapter Y-1 of the \*Statutes of Saskatchewan\*, 1990-91](#)  
(effective September 1, 1990) as amended by the  
[Statutes of Saskatchewan](#), 1993, c.C-39.1; and [1997, c.55](#).

## **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 Y-1

### An Act respecting the Administration of Young Offenders' Services

#### SHORT TITLE AND INTERPRETATION

##### Short Title

1 This Act may be cited as *The Young Offenders' Services Act*.

##### Interpretation

2(1) In this Act:

(a) **“custody facility”** means:

(i) any centre, home, institution, camp or other place or facility designated pursuant to the federal Act as a place of open custody for the purposes of that Act and includes a place or facility within a class of places or facilities so designated;

(ii) a place designated pursuant to the federal Act as a place of temporary detention pursuant to that Act and includes a place within a class of those places so designated; or

(iii) a place or facility designated pursuant to the federal Act as a place of secure custody and includes a place or facility within a class of those places or facilities so designated;

(b) **“federal Act”** means the *Young Offenders Act* (Canada), as amended from time to time;

(c) **“minister”** means the member of the Executive Council to whom, for the time being, the administration of this Act is assigned;

(d) **“provincial director”** means a provincial director designated pursuant to subsection 5(1);

(e) **“young offenders' services”** means:

(i) services that are consistent with the principles set out in section 3 of the federal Act and are designed to assist young persons who have or are alleged to have committed offences to become accountable for their actions and responsible members of society;

(ii) services with respect to any disposition made pursuant to subsection 20(1) of the federal Act;

(iii) without limiting the generality of subclause (ii), supervision, detention, custody, interim release and probation services provided pursuant to the federal Act, *The Summary Offences Procedure Act, 1990* or *The Correctional Services Act*;

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(iv) alternative measures to judicial proceedings to deal with persons over 12 years of age and under 18 years of age who are alleged to have committed offences; or

(v) preventative or educational programs or services for persons under the age of 18 years who may be at risk of becoming young offenders to encourage them to engage in lawful conduct;

(f) **“young person”** means:

(i) a young person as defined by the federal Act;

(ii) a juvenile offender as defined by *The Summary Offences Procedure Act, 1990*; or

(iii) a person who is 16 or 17 years of age and is charged with or convicted of an offence against an Act of the Legislature or any order or regulation made pursuant to an Act of the Legislature.

(2) Except where a contrary intention is expressed in this Act, words and expressions used in this Act have the meaning given to them in the federal Act or *The Summary Offences Procedure Act, 1990*.

1990-91, c.Y-1, s.2; 1993, c.C-39.1, s.65.

**FACILITIES AND YOUNG OFFENDERS' SERVICES****Facilities**

**3** The minister may establish, maintain and operate any facilities that the minister considers advisable to provide for the necessary custody, detention, support and education of persons to whom young offenders' services are provided.

1990-91, c.Y-1, s.3.

**Young offenders' services**

**4** The minister may:

(a) establish and provide young offenders' services; and

(b) enter into arrangements with any person for the provision of the services mentioned in clause (a) including arrangements by which the minister is obliged to make payments for the provision of those services.

1990-91, c.Y-1, s.4.

**Provincial director**

**5(1)** The minister may designate one or more members of the public service of Saskatchewan as a provincial director to exercise the powers and perform the duties and functions, generally or in specific cases, conferred or imposed on a provincial director by the federal Act, *The Summary Offences Procedure Act, 1990*, *The Correctional Services Act* or this Act.

(2) In the absence or inability to act of a provincial director, the minister may designate a person as provincial director to act during the absence or inability.

1990-91, c.Y-1, s.5; 1993, c.C-39.1, s.65.

**Youth workers**

6(1) A provincial director may appoint as youth workers, generally or in specific cases, one or more persons who are employed in or assist in the administration of this Act.

(2) Youth workers appointed pursuant to subsection (1) may exercise the powers conferred and shall perform the duties and functions imposed on youth workers pursuant to the federal Act or this Act.

1990-91, c.Y-1, s.6.

**Delegation of powers and duties of provincial director**

7(1) A provincial director, with respect to any powers, duties or functions conferred or imposed on a provincial director by *The Summary Offences Procedure Act, 1990*, *The Correctional Services Act* or by this Act or any regulations made pursuant to this Act, may authorize, generally or in specific cases, any youth worker to exercise the powers and perform the duties and functions.

(2) Where, pursuant to subsection (1), a provincial director authorizes a youth worker to exercise any powers and perform any duties and functions, the exercise of the powers and the performance of the duties and functions by the youth worker is deemed to be the exercise of the powers and the performance of the duties and functions by the provincial director.

1990-91, c.Y-1, s.7; 1993, c.C-39.1, s.65.

**Application of certain provisions of *Correctional Services Act***

8(1) Section 12 of *The Correctional Services Act* applies, with any necessary modification, to:

- (a) any provincial director;
- (b) the directors of custody facilities;
- (c) youth workers employed in or assisting in the administration of custody facilities;
- (d) employees of custody facilities, other than employees described in clause (c), who are designated by the minister to be persons or categories of persons to whom section 49 of that Act so applies; and
- (e) operators or conductors of private-service homes:
  - (i) who are the holders of valid and subsisting certificates of approval pursuant to *The Residential Services Act* to operate or conduct the homes; and
  - (ii) whose homes have been designated as places of open custody pursuant to the federal Act.

(2) Section 30 of *The Correctional Services Act* applies, with any necessary modification, to young persons detained in an open custody facility pursuant to subsection 36(3) of *The Summary Offences Procedure Act, 1990*.

1990-91, c.Y-1, s.8; 1993, c.C-39.1, s.65.

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**9(1)** Where a young person is:

- (a) convicted of an offence pursuant to an Act; and
- (b) placed in an open custody facility pursuant to *The Summary Offences Procedure Act, 1990*;

a provincial director, subject to any terms and conditions that the provincial director considers desirable, may authorize the temporary release of the young person for any of the purposes set out in clauses 35(1)(a) and (b) of the federal Act.

(2) A provincial director, at any time, may revoke the temporary release of a young person made pursuant to subsection (1).

(3) Where:

- (a) a provincial director revokes the temporary release of a young person pursuant to subsection (2); or
- (b) a young person fails to comply with a term or condition of his or her temporary release;

the young person may be arrested without a warrant and returned to custody.

1990-91, c.Y-1, s.9; 1993, c.C-39.1, s.65.

**Separate detention**

**10** Where a young person is taken into custody pursuant to section 52 of *The Summary Offences Procedure Act, 1990*, the young person, wherever practicable, shall be held separate and apart from any adult who is held in custody.

1990-91, c.Y-1, s.10; 1993, c.C-39.1, s.65.

**Fund**

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

- (a) authorizing the minister to establish and administer one or more trust funds of moneys received by the minister from any source:
  - (i) on behalf of;
  - (ii) for the benefit of; or
  - (iii) otherwise in trust for;

young persons resident in custody facilities;

(b) subject to the terms of any trust pursuant to which the moneys are received:

- (i) designating and governing moneys that may be deposited in the funds;
- (ii) designating and governing the purposes for which moneys in the trust funds may be used, including prescribing circumstances under which deductions from the trust funds can be made;

- (c) designating the fiscal year of the trust funds;
  - (d) respecting any other matters necessary for the administration of the funds.
- (2) The Provincial Auditor or any other auditor that the Lieutenant Governor in Council may designate shall audit annually or at any other times that the Lieutenant Governor in Council may require the trust funds established pursuant to subsection (1).

1990-91, c.Y-1, s.11.

#### No liability

**12(1)** No action lies or shall be instituted against the minister, a provincial director, any youth worker or employee or agent of the department over which the minister presides, where that person is acting pursuant to the authority of this Act or the regulations made pursuant to this Act, for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise of or supposed exercise of any power conferred by this Act or those regulations or in the performing or supposed performing of any function or duty imposed by this Act or the regulations.

(2) For the purposes of subsection (1), “**agent of the department over which the minister presides**” includes a youth justice committee appointed by the Attorney General for Saskatchewan pursuant to section 69 of the *Young Offenders Act* (Canada) and each member of a youth justice committee.

1990-91, c.Y-1, s.12; 1997, c.55, s.2.

#### Regulations

**13** The Lieutenant Governor in Council may make regulations:

- (a) establishing categories of custody facilities;
- (b) establishing standards for the design and construction of custody facilities or of any category or categories of custody facilities and requiring those standards to be complied with;
- (c) governing the establishment, operation, maintenance, management and use of custody facilities or any category or categories of custody facilities;
- (d) governing the establishment, operation and management of young offenders' services;
- (e) prescribing:
  - (i) reports to be prepared with respect to persons to whom young offenders' services are provided pursuant to this Act;
  - (ii) the information to be contained in and the form of the reports mentioned in subclause (i); and
  - (iii) the person to whom the reports mentioned in subclause (i) are to be sent and the times when they are to be sent;

- (f) governing the powers, duties and functions of any person designated or appointed pursuant to this Act to provide young offenders' services pursuant to this Act;
- (g) governing the conduct, discipline and privileges of persons:
  - (i) detained in a custody facility; or
  - (ii) participating in a program or service offered pursuant to this Act;
- (h) prescribing procedures for the admission of persons to and their discharge from any custody facility or premises in which young offenders' services are provided pursuant to this Act, including the procedures for the temporary release of young persons from a custody facility;
- (i) governing the records to be kept by any person or category of persons who provides young offenders' services pursuant to this Act or the regulations;
- (j) governing access of any person or category of persons to any records made or kept pursuant to this Act or the regulations;
- (k) prescribing conditions governing the confidentiality of records of persons who provide young offenders' services pursuant to this Act or the regulations;
- (l) respecting any matter considered necessary or advisable to carry out effectively the intent and purpose of this Act.

1990-91, c.Y-1, s.13.

#### CONSEQUENTIAL AMENDMENT AND COMING INTO FORCE

##### **R.S.S. 1978, c.S-63, section 2 amended**

**14** Clause 2(j) of *The Summary Offences Procedure Act* is repealed and the following substituted:

“(j) **‘provincial director’** means provincial director as defined in *The Young Offenders' Services Act*”.

1990-91, c.Y-1, s.14.