



The Provincial Court of Saskatchewan

PRACTICE DIRECTIVE VII

Forfeiture Orders

1. When counsel representing the Crown is seeking forfeiture of any item in a criminal proceeding, they may, where they feel it is required, or where the Court directs, file a draft Forfeiture Order (Form A). Where necessary, Form A may be modified to suit the case as required. Items listed must have sufficient detail to be clearly identifiable. Crown counsel must be careful that property of third parties are not included in the draft Forfeiture Order.
2. Where counsel elects, or the Court directs that Form A be filed, the Crown shall do so no later than 10 days after the direction from the Court, or 10 days after the making of the oral Forfeiture Order by the Court.
3. Where applicable the draft Order should be signed by defence counsel consenting to the form and content of the Order.
4. Nothing in paragraph 3 will prevent counsel from filing the draft Forfeiture Order (Form A) prior to any sentencing proceeding.

Form A



IN THE PROVINCIAL COURT OF SASKATCHEWAN

FORFEITURE ORDER

Date: _____

INFORMATION: _____

Location: _____

OCCURRENCE NUMBERS: _____

IN THE MATTER OF AN APPLICATION PURSUANT TO
SECTION _____ OF THE _____

(Cite Act)

FOR AN ORDER FOR FORFEITURE WITH RESPECT TO CERTAIN SEIZED PROPERTY

Between:

(Print your name)

Applicant

And

Her Majesty the Queen, as represented by
the Office of the Director of Public Prosecutions
or an agent thereof
(or Attorney General for Saskatchewan)

Respondent

BEFORE THE HONOURABLE
JUDGE _____

)
)

On _____, the _____ day
of _____, A.D. 20_____

WHEREAS _____ (*herein called “the Accused”*) was convicted and sentenced by the Provincial Court, sitting at _____ on the _____ day of _____, A.D., 20____ of the following offences:

1.

AND WHEREAS the Crown, as represented by an agent of the Director of Public Prosecutions [**or** Attorney General of Saskatchewan], seeks an order for forfeiture of all the items listed in Appendix “A”, pursuant to:

1. Section 462.37 of the *Criminal Code* (proceeds of crime); or
2. Section 16 of the *Controlled Drugs and Substances Act* (offence-related property); or
3. Section 490 of the *Criminal Code* (offence-related property); or

AND WHEREAS the Accused is not opposed to the application by the Crown of the forfeiture of the property listed in Appendix “A” [**if by consent**].

THE COURT HEREBY DECLARES that the property listed in Appendix “A” is proceeds of crime pursuant to Section 462.37 of the *Criminal Code* [**or** offence-related property pursuant to Section 16 of the *Controlled Drugs and Substances Act*, or offence-related property pursuant to Section 490 of the *Criminal Code*, **or as the case may be**].

THEREFORE IT IS HEREBY ORDERED that the property listed in Appendix “A” be forfeited to Her Majesty the Queen in Right of Canada [**or** Her Majesty the Queen in Right of Saskatchewan].

AND IT IS HEREBY FURTHER ORDERED that none of the property listed in Appendix “A” be disposed of until after the expiration of 30 days from the date of this Order, or until the disposition of any appeal that may be taken with respect thereto.

AND IT IS HEREBY FURTHER ORDERED that upon the expiration of 30 days from the date of this Order, or until the disposition of any appeal that may be taken with respect thereto, the following items of property shall be returned to _____ :
(*if any property is to be returned*)

1.

Signed at the _____ of _____ ,
in the Province of Saskatchewan,
this _____ day of _____ , 20____ .

Judge of the Provincial Court of Saskatchewan

(If by Consent)

Consented to at the _____ of _____ ,
in the Province of Saskatchewan,
this _____ day of _____ , 20____ .

*Agent of the Director of Public Prosecutions
(or Attorney General of Saskatchewan)*

Consented to at the _____ of _____ ,
in the Province of Saskatchewan,
this _____ day of _____ , 20____ .

Counsel for the Respondent

APPENDIX A

This is Appendix “A” to the order of the Honourable Judge _____ at the _____ of _____ , in the Province of Saskatchewan, this _____ day of _____ , 20____ .

Property Forfeited:

- 1.
- 2.
- 3.
- 4.