



**APPLICATION TO SET ASIDE A DEEMED CONVICTION**

Pursuant to  
*The Summary Offences Procedure Act, 1990*

If you have been deemed convicted of a traffic offence or other regulatory offence in Provincial Court because of a failure to appear in court on your court date, you may apply in writing to have the conviction set aside by completing and submitting this form. **Applications must be received by Provincial Court staff within 15 days of the date you became aware of the conviction.** Only the person named on the ticket or an agent for that person may apply. If the ticket is in the name of a corporation or business, then an authorized representative of the corporation or business may apply. **See the reverse side for instructions on how to complete this application form.**

1. On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, (the date you first learned of the deemed conviction, **NOT the offence date or the date you received the ticket**) I, \_\_\_\_\_ (name on the ticket) was made aware a conviction was entered against me on the following ticket(s): (list each ticket #)

\_\_\_\_\_  
\_\_\_\_\_

2. My current mailing address, including the postal code, is:

\_\_\_\_\_

3. My current daytime telephone number, including the area code, is: \_\_\_\_\_

4. The reason(s) I did not attend court on my court date is: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Applicant Signature)

Please mail or deliver your application to the Court Services Office for the Provincial Court in Regina at Main Floor, 1815 Smith Street, Regina, SK S4P 2N5, or in Saskatoon at 9<sup>th</sup> Floor, First Nations Bank Building, 224-4<sup>th</sup> Avenue S., Saskatoon, SK S7K 5M5.

## Information and Instructions for Completing the Application

Complete the Application to Set Aside a Deemed Conviction and return it to one of the court locations noted on the front of the form. Please provide all information requested. A date will be set for the hearing of your application, and you will be advised of that date by Court Services staff. **It is important that you or your agent attend the hearing to support your application and make your argument about the reasons you feel the deemed conviction should be set aside. If you or your agent do not attend the hearing, your application may be dismissed.**

Decisions about whether to set aside a deemed conviction are made by the court under sections 15.1 and 23 of *The Summary Offences Procedure Act, 1990* (see below for the applicable sections). An application to set aside a deemed conviction cannot be used to request a change in your SGI demerit points or to request additional time to pay your fine. Contact SGI directly about demerit points. Contact Court Services to request a Fine Payment Extension form.

**In completing the Application to Set Aside a Deemed Conviction form please note:**

- The date you became aware of the deemed conviction is the date you learned that you had been convicted of the offence identified on your ticket as a result of a failure to appear in court on your court date. This is **NOT** the date of the offence or the date you received the ticket.
- The ticket number is in the upper right or upper left corner of your ticket. If you do not have your ticket, please contact Court Services to obtain your ticket number.
- You need to provide your current mailing address on the form and include your postal code. If you move before receiving a response, you will need to provide an updated address to Court Services.
- **You need to provide the reason you did not appear in court on your court date. DO NOT** provide any information about why you think you are guilty or not guilty of the offence or what your plea will be if the deemed conviction is set aside, or any information about the amount of the fine including whether you think the fine should be lowered.

If your application to set aside the deemed conviction is granted at the hearing, you will be required to enter a plea to the charge identified on your ticket. If your plea is not guilty, a trial date will be set. If your plea is guilty, the court will proceed to determine the appropriate sentence in your case. If your application is denied, and the due date to pay your fine has passed, you may be given a new due date to pay the fine.

### *The Summary Offences Procedure Act, 1990*

#### **Summons Tickets**

15.1(1) If not more than 15 days have elapsed since the conviction first came to the attention of the offender, the offender may appear in person or by agent before a justice to request a hearing on the grounds that the offender did not have an opportunity: (a) to dispute the charge; or (b) to appear in person or by agent at the trial.

(2) If an offender makes an appearance pursuant to subsection (1), the justice shall, if the justice is satisfied after hearing any evidence of the offender that the offender did not have an opportunity to dispute the charge or appear in person or by agent at the trial and that it would be equitable to do so: (a) set aside the conviction; and (b) either: (i) give the defendant a notice of trial; or (ii) enter a conviction and permit the offender to make submissions respecting the penalty.

#### **Offence Notice Tickets**

23(1) If not more than 15 days have elapsed since the conviction first came to the attention of the offender, the offender may appear before a justice to request a hearing on the grounds that the offender did not have an opportunity: (a) to dispute the charge; or (b) to appear in person or by agent at the trial.

(2) If: (a) an offender makes an appearance pursuant to subsection (1); and (b) after hearing any evidence of the offender, the justice is satisfied that the offender did not have an opportunity to dispute the charge or appear in person or by agent at the trial and that it would be equitable to do so; the justice shall: (c) set aside the conviction; and (d) either: (i) give the defendant a notice of trial in accordance with section 19; or (ii) enter a conviction and proceed in accordance with section 21.