



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. Only the person named on the ticket 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. **Applications must be received by the court not more than 60 days after the date you were deemed convicted.** If your application is being made outside of this timeframe, you will also need to complete the Extension of Time Request Form. A Prosecutor may or may not consent to the extension of time request. **See the instructions on the back of this form for more details on how to complete this application.**

1. I, _____ (name on the ticket) was deemed convicted of the charges 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. My email address is: _____

5. The reason(s) I did not attend court on my court date is: (for multiple court dates provide a reason for each date)

Date: _____

Applicant Signature: _____

Please mail or deliver this form to the Registry Office for the court appearance location identified on your ticket. This information is available on-line at www.sasklawcourts.ca under Provincial Court, Court Locations and Sittings. Alternatively, call (306) 787-7821 in Regina or 1-888-935-5555 (toll free) for assistance.

Information and Instructions for Completing the Application

Please provide all information requested in the application. After you submit your application, you will be advised of your hearing date by Court Services. **It is important that you attend the hearing to make your argument about the reasons the deemed conviction should be set aside. If you do not attend, your application may be dismissed.**

Your application must be received by the court not more than 60 days after the date you were deemed convicted. This date was provided to you in a letter from Court Services. If you are applying beyond this date, you will need to complete an Extension of Time Request Form and a Prosecutor may or may not consent to the extension. You need to identify your ticket number – it is located in the upper right or upper left corner of your ticket. If you do not have your ticket, contact Court Services to obtain your ticket number. If you move before your hearing date is set, you will need to provide updated address and contact information 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.

Decisions about whether to set aside a deemed conviction are made by the court under sections 15.1 or 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. 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 60 days have elapsed since a conviction was recorded, the offender may apply in writing to a justice to strike out the conviction on the grounds that the offender did not have the opportunity: (a) to dispute the charge; or (b) to appear in person or by agent at the trial.

(2) If the justice is satisfied that the circumstances in subsection (1) apply, the justice may: (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.

(3) A justice may extend the period set out in subsection (1) if, on the application of the offender with the consent of the prosecutor or by the prosecutor directly, the justice is satisfied that the offender was unable to dispute the charge or appear in person or by agent due to circumstances beyond the control of the offender.

Offence Notice Tickets

23(1) If not more than 60 days have elapsed since a default conviction was recorded, the offender may apply in writing to a justice to strike out the conviction on the grounds that the offender did not have the opportunity: (a) to dispute the charge; or (b) to appear in person or by agent at the trial.

(2) If the justice is satisfied that the circumstances in subsection (1) apply, the justice may: (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.

(3) If a conviction is set aside pursuant to this section, any late payment charge imposed pursuant to section 28 is cancelled.

(4) A justice may extend the period set out in subsection (1) if, on the application of the offender with the consent of the prosecutor or by the prosecutor directly, the justice is satisfied that the offender was unable to dispute the charge or appear in person or by agent due to circumstances beyond the control of the offender.