COURT OF KING'S BENCH
FOR SASKATCHEWAN

TRAFFIC OFFENCE CONVICTION APPEAL GUIDE

This guide is intended to provide legal information about how to appeal your traffic offence conviction. It is not a substitute for professional legal advice. The information in this guide also does not bind the Courts. This guide will provide you with a general overview of the appeal process and the forms required.

For more specific information about appeals as well as information about legal options and strategies, you may wish to consult with a lawyer

APPEAL PROCESS

Certain decisions of a Provincial Court Judge or a Justice of the Peace of Traffic Safety Court may be appealed to the Court of King's Bench in accordance with *The Summary Offences Procedures Act* (SOPA) and the Court's Practice Directives and Rules.

The following decisions of a Provincial Court Judge or Justice of the Peace of Traffic Safety Court may be appealed to the Court of King's Bench:

- The decision rendered after a trial to convict;
- The sentence imposed following a conviction; or
- The decision to dismiss an application brought pursuant to section 15.1 or 23 of SOPA to set aside a default conviction entered without a trial.

Note about Court of King's Bench Jurisdiction on Appeals:
The Saskatchewan Court of Appeal in *R v Kimery,* 2010 SKCA 153 has held that the Court of Queen's Bench (now King's Bench) **does not** have jurisdiction to entertain an appeal from a default conviction rendered without a trial, where the accused failed to appear in Traffic Safety Court on the scheduled date. SOPA creates a special regime for default convictions that operates as an exception to the general rights of appeal and appeal procedures under the *Criminal Code*.

A default conviction is a conviction entered without a trial in the absence of the accused pursuant to section 15 or 22 of SOPA. Pursuant to section 15.1, for a Summons Ticket or section 23 for an Offence Notice Ticket, an offender may apply in Provincial Court for a hearing to set aside a default conviction within 60 days from the date the default conviction was recorded.

If it has been more than 60 days, there is a process to request to extend the time to apply for a reconsideration hearing. Applying to set aside a default conviction or extend the time to apply forms can be found here: https://sasklawcourts.ca/provincial-court/traffic-court/.

Questions should be directed to the appropriate Provincial Court or Traffic Safety Court office.

STEP 1- Complete the Notice of Appeal **FORM 1**

Pursuant to Criminal Practice Directive #14, you must file your **Notice of Appeal** in **FORM 1** (contained in this guide) with the Local Registrar within 30 days after the imposition of any sentence, or within 30 days of the decision to not set aside a default conviction.

In counting 30 days, the count commences on the day after one of the two above events, and it ends at 4:00 p.m. on the 30th day. In other words, the first day is excluded and the last day is included in the count. Weekends and holidays are included within the 30-day count. However, if the 30th day falls on a Sunday or another day when the Local Registrar's office is closed, the time to file the appeal is extended to the next day when the Local Registrar's office is open.

You are the "Appellant". Don't forget to sign and date the form.

STEP 2 - File the completed **FORM 1** with the Local Registrar at the nearest King's Bench Court House to where the traffic offense proceeding was held. A list of all court locations can be found here: https://sasklawcourts.ca/kings-bench/about-the-court/contact-the-court/. The Court of King's Bench does not accept documents by e-mail. You may attend the court registry office in person, or courier or fax the documents to the appropriate location.

The Local Registrar will serve your Notice of Appeal on the Crown (the "Respondent") for you. If your contact information provided in FORM 1 changes at any time, you will need to let the Local Registrar's Office know. ***Please make sure to keep a copy of FORM 1 for your records.***

STEP 3 - Order a transcript of the proceedings in the summary conviction or traffic safety court from Transcript Services as soon as possible and no later than 14 days after filing your Notice of Appeal. The order form is contained within this guide. **Ensure that a copy of your Notice of Appeal is attached.** Transcript Services will provide you with email confirmation once your deposit is paid. Transcript Services will not commence the transcript until your deposit is paid. If your appeal is only of the sentence imposed, then only a transcript of the sentencing proceedings is required. To avoid additional expense, inform Transcript Services that only a transcript of the sentencing proceedings is required.

You are responsible for the cost of typing the transcript of the proceedings that occurred in the summary conviction court. After you deliver the Transcript Order Form, Transcript Services will advise you of the estimated cost of typing the transcript. You must deposit this amount with Transcript Services prior to the transcript being prepared. For appeal purposes the cost of transcription is estimated at $3.00 per page. One hour of court time is approximately 50 pages of transcript. Fee Waiver Certificates do not apply to transcript fees.

STEP 4 - Within 14 days of filing your appeal, provide proof to the Local Registrar that you have ordered a transcript of the proceedings. You may file the confirmation email that is sent to you by Transcript Services to the Local Registrar as proof.

You must pursue your appeal diligently. If you do not, or fail to file proof that a transcript has been ordered, either the prosecutor or the Local Registrar can ask the Court whether your appeal should be dismissed.

STEP 5 – File a copy of your transcript with the Court and serve a copy of the transcript on the Crown within 10 days after you receive the transcript from Transcript Services.

The best way to serve the Crown is by delivering a copy of the transcript to their office[2] personally. Alternatively, you can call their office to ask if they will accept service by other means (for example, by email or fax). A list of the Prosecution Regional Offices and their location can be found on the Saskatchewan Government website at the following webpage address https://www.saskatchewan.ca/government/directory?ou=ef856174-c1b5-4503-adb2-080a64884fde

You will have to prove that you have served a copy of the transcript on the Crown. As proof of service, you may ask the Crown to sign an **ACKNOWLEDGEMENT OF SERVICE** (contained within this guide).

STEP 6 - File Proof of Service of the Transcript on Crown. Once proof of service is filed the Local Registrar will notify you and the Crown of when the appeal is scheduled to be heard. You will be notified at the address for service you provided in your Notice of Appeal. If you move, it is your responsibility to notify the Local Registrar's office of your new address.

STEP 7 - Complete an Appellant's Memorandum of Argument in **FORM 4** (contained within this guide) You **must serve and file** the Appellant's Memorandum of Argument at least 30 days prior to the date set for your hearing of the appeal.

See Step 5 for how you may serve your Memorandum of Argument on the Crown and the type of Acknowledgment of Service form you must file with the Court.

STEP 8 - The **Crown must serve and file the Respondent's Memorandum of Argument** at least 15 days before the date set for the hearing of the appeal. The Crown will have to serve you with the Memorandum of Argument and will have to prove that they have done so.

STEP 9 - You or your lawyer must **appear in Court** at the date, time and place provided to you by the Local Registrar for your appeal hearing. At this time, you or your lawyer will explain to the judge why you believe that the decision of the summary conviction court was legally incorrect and should be overturned or changed. Because you will have already included this information in your Notice of Appeal and your Appellant's Memorandum of Argument, you should bring copies of those documents with you so you can refer to them. If you wish, you may choose to simply rely upon your Notice of Appeal and Appellant's Memorandum of Argument instead of making an oral presentation to the Appeal Court – you should indicate that this is how you wish to proceed in your Notice of Appeal.

The Judge may make a decision regarding your appeal on the day of hearing once arguments are concluded, or, the Judge might reserve their decision. When a decision is reserved, the Local Registrar will notify you and the Crown when the decision is rendered and send you a copy of the decision to the address you set out in your Notice of Appeal. If you move, it is your responsibility to notify the Local Registrar's office of your new address.

FORM 1

COURT FILE NUMBER _____

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE _____

IN THE MATTER OF HIS MAJESTY THE KING v _____

NOTICE OF APPEAL BY DEFENDANT

THE APPELLANT hereby appeals from: (*check one of the following*)

☐ the order made;

☐ the conviction entered;

☐ the sentence imposed; or

☐ both the conviction entered and the sentence imposed; in the Summary Conviction Court.

Information about the Conviction and/or Sentence under Appeal:

1. Name of Summary Conviction Court: _____
   _____
2. Location of Summary Conviction Court: _____
3. Name of Presiding Judge/Justice in Summary Conviction Court: _____
   _____
4. Date on which the Conviction was Entered: _____
5. Description of Conviction Entered (state fully offence(s) on which convicted): _____
   _____
   _____
6. Date on which Sentence was Imposed: _____
7. Description of Sentence Imposed: _____
   _____

Grounds of Appeal: (*set out briefly the basis of the appeal)*

_____
_____
_____
_____

Order Sought: (*set out briefly what order the appellant is seeking*)

_____
_____
_____
_____

Information about the Appellant:

1. The appellant is: (*check one of the following)*
   ☐ incarcerated at _____; or
   ☐ not incarcerated.

2. The appellant: (*check one of the following)*
   ☐ will be represented by a lawyer on the appeal; or
   ☐ will not be represented by a lawyer on the appeal.

3. The appellant wishes to present the appeal: (*check one of the following)*
   ☐ by memorandum of argument; or
   ☐ by oral presentation and by memorandum of argument.

4. The appellant's address for service is: Mailing

   Address:
   Address of Residence (if different than mailing address):
   Telephone Number:
   Email Address (if applicable):
   Fax Number (if applicable):

DATED at _____, Saskatchewan, this _____day of _____, 2___.

_____
(*signature of appellant or lawyer)*

Ministry of Justice

Transcript Services
310-1855 Victoria Avenue,
Regina SK S4P 3T2

TRANSCRIPT ORDER FORM

Name of Accused/Parties Involved:_____

(D.O.B) _____

Type of proceeding and Court File #: _____ EXAMPLE: Preliminary hearing, Trial, etc.

Appearance date(s): _____

Location of appearance(s): _____

Level of court proceeding heard in: ☐ Provincial ☐ King's Bench ☐ Family/Civil ☐ Other_____

Reason for Transcript Request:

- Appeal Purposes
  - Notice of Appeal filed with King's Bench: Yes or No
  - Notice of Appeal filed with COA Civil: Yes or No
- Other (Must specify) _____

To be heard in:

- Court of Appeal
- Court of King's Bench

How would you like to receive this transcript?

- Electronic (pdf) only
- Hard copy: Original & _____ (#) copies.

If If expedited, specify the date the transcript is required by? _____

Will this transcript be published or shared/distributed on any social media platform? _____.
If so, where? (Please specify site or location) _____.

Requested by: _____

☐ Self Represented ☐ Private Counsel ☐ Legal Aid* ☐ Court Appointed Counsel* *Must provide documentation*

Address: _____City: _____ Prov: _____

Postal Code: _____ Téléphone #: _____

E-mail: _____

Send this form to:

Ministry of Justice, Transcript Services

310-1855 Victoria Avenue, Regina SK S4P 3T2

Phone: (306) 787- 8406 or (306) 787- 4210

Fax: (306) 798-1388

E-mail to: transcript.services@gov.sk.ca

Ministry of Justice

Transcript Services

310-1855 Victoria Avenue, Regina SK S4P 3T2

E-mail to: transcript.services@gov.sk.ca
Fax: (306) 798-1388

▪The transcript is a verbatim record of the proceedings held in Court. Every matter that is heard in court is not transcribed. We transcribe only those matters which are requested in writing and with permission of the courts

▪Transcript Services coordinates the preparation of transcripts of court proceedings.

▪If the proceeding has not been previously transcribed, the completed form will be forwarded to the relevant court office for consideration. If the Court authorizes that the transcript can be prepared, the court office forwards the audio recording and necessary materials to Transcript Services.

▪Transcript Services will estimate the length and cost of the transcript, which is dependent on the length of the audio recording forwarded by the court office. The party submitting the request must deposit funds sufficiently to cover the cost of transcription. The matter will not be transcribed until a deposit is received. **Note:** you may not be required to submit a deposit if the request is made through your lawyer.

▪The cost to transcribe a court proceeding is set out in the Kings Bench Regulations. The cost of transcript preparation is $4.00 per page (6 to 8 week turn around). Transcripts may be requested to be expedited at a cost of $8.50 per page (10-19 business days) or $9.75 per page (5-9 business days). All costs are subject to GST. The time to prepare a transcript begins from the time our service provider receives the audio, not from when the order form is submitted. **Requests for expedited transcripts are at the discretion of Transcript Services, depending on the length of the court proceeding.**

▪If a proceeding has been previously transcribed, the requester will be provided a copy of the completed transcript at a cost of $0.50 per page plus GST.

▪Legal Aid or Court Appointed Counsel must provide supporting documentation with each transcript request to Transcript Services, otherwise, the fees will fall on the requester.

▪You are not bound by that request for deposit. Should you determine that you no longer require the transcript, please contact our office as soon as possible so we may close our file. It is your responsibility to submit your deposit in a timely manner.

▪If your matter is for an appeal (dependent on appeal type), as the appellant you may be responsible for the cost of having the transcript prepared; for summary convictions: the original transcript is to filed with the Appellant Court and each of two copies (one for the respondent / one for the appellant). For civil appeals: the original & 2 copies will be sent to the appellant, who is responsible for providing the original to the Appellant Court, one copy for the respondent and one copy for the appellant.

▪If you are a party to a criminal appeal and you require a court transcript so that your appeal can proceed, please contact the Court location of where your appeal is set to be heard to determine whether you need to order copies of the transcript or to pay for it to be transcribed.

▪If you do not require a transcript of the court matter but would like to have a copy of the audio from a proceeding, you must apply to the Court to determine if you can have a copy of the audio. Your application must be made at the court location where the matter was heard.

NOTE:

It is the requesters responsibility to ensure the information provided on the order form is complete and accurate.

* If the order form is incomplete, it will **not** be accepted and will be sent back to you to be completed fully.
* Please review your order form carefully and follow the instructions of where to submit your order form. for processing.

Transcript Services

310-1855 Victoria Avenue, Regina, SK S4P 3T2
E-mail to: transcript.services@gov.sk.ca

Fax: (306) 798-1388

Ministry of Justice

Terms and Conditions for publication:

▪ You acknowledge that the Government of Saskatchewan (as represented by the Ministry of Justice, Transcript Services) is the owner of the copyright of the transcripts provided pursuant to this request. We grant you a single-copy, single-purpose license to use the transcript copy provided for the purposes indicated in the original request form. You are not granted any permission to duplicate or copy the transcript volumes or copies provided pursuant to this order, or to distribute same, beyond the fair use of extracts from the transcript for the purposes indicated in the original request form. You are only granted permission to duplicate, copy or distribute complete copies of the transcript if we provide explicit written permission for you to do so.

▪ Costs and liabilities have been consented to by agreeing to these terms and conditions.

▪ We hold the right to deny the release of a transcript if we consider the information will be misused, the information is considered sensitive or highly classified. Courts also have the right to deny transcription of a court proceeding.

▪ We do not support the unethical use of this material. Misuse or wrongful distribution of this material may result in the cancellation of the copyright license granted.

▪ Any use of extracts from the transcripts provided must be properly attributed or acknowledged in footnotes, source references etc. in the normal format for the medium in which the extract is used. Please use the following format:

"Copyright © 2026, Transcript Services, Government of Saskatchewan"

▪ If any work in which extracts of the transcript are used or published, Transcript Services must be provided with a notice of the publication via email to our general inbox. **(transcript.services@gov.sk.ca)**

▪ Failure to comply with the copyright license, terms of use outlined, or the unlicensed use may result in civil or criminal liability.

▪ Any breach of the agreement would result in the annulment of copyright under the Copyright Act of Canada.

☐ **I have read and accepted the terms and conditions.**

COURT FILE NUMBER _____

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE _____

IN THE MATTER OF HIS MAJESTY THE KING v _____

ACKNOWLEDGEMENT OF SERVICE

You are asked to fill out and sign this form without delay, and to mail it in the accompanying postage prepaid envelope addressed to _____ or to return it by fax/email to _____(*name and fax number/email address of party effecting service*).

If you do not return this signed and completed Acknowledgement of Service without delay, you may not receive notice of any further proceedings, or any documents may be personally served on you and you will be required to pay the costs of service.

I acknowledge service on me of a copy of the following document(s) (*list documents by title and date*): (select applicable document:

- ☐ Transcript of summary conviction proceedings held on _____ (date) in _____(describe Court)
- ☐ Application to extend time to appeal
- ☐ Application to stay sentence pending appeal
- ☐ Notice of Abandonment of appeal
- ☐ Other document: _____(describe document)

I am:

- ☐ authorized to accept service on behalf of _____ (*name of Respondent*), being _____.

My (Respondent's) name is: _____
(full legal name)

The address for service of the Respondent is (*address in Canada where Court documents may be mailed or left*):

_____

_____

_____

My telephone number is: _____

My fax number is (*optional*): _____

My e-mail address is: _____

_____

(signature)

_____

(Date)

FORM 4

COURT FILE NUMBER _____

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE _____

IN THE MATTER OF HIS MAJESTY THE KING v _____

APPELLANT'S MEMORANDUM OF ARGUMENT

1. INTRODUCTION:

2. JURISDICTION AND STANDARD OF REVIEW:

3. SUMMARY OF FACTS:

4. POINTS IN ISSUE:

5. ARGUMENT:

6. RELIEF:

7. AUTHORITIES:

DATED at _____, Saskatchewan, this _____day of _____, 2___.

_____

(*signature of appellant)*

Address for service:

Name of party: _____

Address for service: _____

(*set out the street address*)

Telephone number: _____

Fax number (*if any*): _____

E-mail address (*if any*): _____

How can I apply to the Court to extend the time for my Traffic Offence appeal, if it is outside the 30 days?

The application may be made by Application without Notice; however, the Court may direct that the application be made with notice to the opposing side by a Notice of Application.

If needed, the Local Registrar can provide you with a guide for making an application to the Court by Notice of Application.

An Application without Notice to extend the time for appeal may be made by completing and filing:

- Form 6-4
- Affidavit of Applicant

FORM 6-4
(Rule 6-4)

COURT FILE NUMBER _____
COURT OF KING'S BENCH FOR SASKATCHEWAN
JUDICIAL CENTRE _____
APPELLANT _____
RESPONDENT HIS MAJESTY THE KING

APPLICATION MADE WITHOUT NOTICE TO EXTEND TIME FOR APPEAL

This application is being made without notice.

Provision authorizing the application to be made without notice:

1. Subsection 4(4) of *The Summary Offence Procedures Act, 1990*.

Remedy claimed or sought:

2. An order extending the time for appeal of an appeal brought pursuant to section 4 of *The Summary Offences Procedure Act, 1990*.

Respecting opposite parties (*mark applicable boxes*):

☐ none of the opposite sides parties is, to my knowledge, represented by a lawyer;

☐ the name(s) of the lawyer(s) representing the opposite party(ies) is (are):

_____
_____
_____

Applicable Acts and Regulations:

3. *The Summary Offences Procedures Act, 1990*

Applicable rules:

4. Rule 6-4 of the Rules of the Court of King's Bench.
   Rule 22, Summary Conviction Appeals Rules, of the Court of King's Bench

Applicable cases relied on (*provide citations and designate the relevant passages*):

5. _____
   _____
   _____

Dated at _____, Saskatchewan, this _____ day of _____, 20_____.

_____
(signature)

CONTACT INFORMATION AND ADDRESS FOR SERVICE

If the party is self-represented:

Name of party: _____

Address for service: _____

(set out the street address)

Telephone number: _____

Fax number (*if any*): _____

E-mail address: _____

FORM 13-31

COURT FILE NUMBER _____

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE _____

APPELLANT _____

RESPONDENT HIS MAJESTY THE KING

AFFIDAVIT

AFFIDAVIT OF _____

(*name of deponent*)

I, _____, of the _____ of _____,

(*full name*) (*city, town, village, etc.*)

Saskatchewan, (if the deponent is a party or the lawyer, officer, director, member or employee of a party, set out the deponents capacity), MAKE OATH AND SAY (or AFFIRM):

(*Set out the statements of fact in consecutively numbered paragraphs, with each paragraph being confirmed as far as possible to a particular statement of fact.*)

1. _____
   _____
   _____

2. _____
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SWORN (OF AFFIRMED) BEFORE ME

at _____, Saskatchewan

this _____ day of _____, 20_____.

_____

A Commissioner for Oaths for Saskatchewan
being a solicitor, or
My appointment expires _____

_____

(*Signature*)

CONTACT INFORMATION AND ADDRESS FOR SERVICE

If the party is self-represented:

Name of party: _____

Address for service: _____

(set out the street address)

Telephone number: _____

Fax number (*if any*): _____

E-mail address: _____