

# *The Seizure of Criminal Property Regulations, 2009*

*being*

Chapter S-46.002 Reg 1 (effective July 1, 2009)  
as amended by a [Correcting Notice](#) published in Part II of *The Saskatchewan Gazette*, July 3, 2009; and by Saskatchewan  
Regulations [21/2011](#), [105/2014](#) and [45/2017](#).

## **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 S-46.002 REG 1**  
*The Seizure of Criminal Property Act, 2009*

**Title**

**1** These regulations may be cited as *The Seizure of Criminal Property Regulations, 2009*.

1 July 2009 cS-46.002 Reg 1 s1.

**Interpretation**

**2** In these regulations, “**Act**” means *The Seizure of Criminal Property Act, 2009*.

1 July 2009 cS-46.002 Reg 1 s2.

**Claim for costs and expenses**

**3(1)** For the purposes of subsection 3(4) of the Act, the director may claim reasonable costs and expenses, including those incurred by or at the direction of the asset manager, incurred:

- (a) in the bringing of an application pursuant to section 3 or 6 of the Act;
- (b) in complying with sections 4 and 5 of the Act;
- (c) in complying with the terms of an interim order made pursuant to section 6 of the Act;
- (d) in the investigation of a matter leading to an order made pursuant to the Act;
- (e) as legal fees and costs in bringing an application pursuant to section 3 or 6 of the Act; and
- (f) as fees paid to third parties for services used in relation to an application pursuant to section 3 or 6 of the Act.

**(2)** In addition to costs and expenses claimed in accordance with subsection (1), the director may claim reasonable costs and expenses, including those incurred by or at the direction of the asset manager, that are the result of commencing administrative forfeiture proceedings pursuant to Part II.1 of the Act, including costs and expenses incurred:

- (a) in complying with sections 10.2 to 10.4 of the Act;
- (b) in responding to a notice of dispute in accordance with section 10.7 of the Act;
- (c) in carrying out a forfeiture in accordance with section 10.8 of the Act;
- (d) in responding to an application to set aside a forfeiture in accordance with section 10.9 of the Act;

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- (e) in the investigation of a matter leading to the commencement of administrative forfeiture;
- (f) as legal fees and costs in relation to administrative forfeiture proceedings; and
- (g) as fees paid to third parties for services used in relation to administrative forfeiture proceedings

1 July 2009 cS-46.002 Reg 1 s3; 12 Dec 2014 SR 105/2014 s3.

**Asset manager to take possession of forfeited property**

4 For the purposes of subclause 27(2)(e)(ii) of the Act, the asset manager is responsible for taking possession of and managing property forfeited to the Crown pursuant to section 186 of *The Traffic Safety Act*.

1 July 2009 cS-46.002 Reg 1 s4.

**Procedure for application pursuant to the Act**

4.1(1) An application to set aside a forfeiture order pursuant to subsection 10.9(1) of the Act may be commenced by an originating application.

(2) An application pursuant to subclause 10.9(6)(b)(ii) of the Act may be commenced by an originating application.

12 Dec 2014 SR 105/2014 s4.

**Fair market value of property for administrative forfeiture proceedings**

4.2 For the purposes of clause 10.2(1)(d) of the Act, the director may commence administrative forfeiture proceedings against property if the director has reason to believe that the fair market value of the property is less than \$75,000.

12 Dec 2014 SR 105/2014 s5.

**Forms**

4.3(1) A notice of dispute pursuant to section 10.6 of the Act is to be in Form A of the Appendix.

(2) A notice of forfeiture pursuant to section 10.8 of the Act is to be in Form B of the Appendix.

12 Dec 2014 SR 105/2014 s5.

**Service on law enforcement agencies**

4.4(1) For the purposes of clause 10.3(1)(b) of the Act, a written notice of administrative forfeiture proceedings may be given to a law enforcement agency by:

- (a) personal service;
  - (b) registered mail;
  - (c) courier;
  - (d) fax; or
  - (e) email.
- (2) If a notice is given:
- (a) by registered mail pursuant to clause (1)(b), subsections 10.3(4) and (5) of the Act apply;
  - (b) in any other manner mentioned in subsection (1), it is deemed to be given at the time it is sent or transmitted, as the case may be.

12 Dec 2014 SR 105/2014 s5.

**Use of fund**

4.5 For the purposes of clause 34(2)(e) of the Act, money paid into the fund pursuant to clause 30(2)(a) of the Act may be used to support community programs or activities designed to promote public safety.

26 May 2017 SR 45/2017 s2.

**R.R.S. c.S-46.001 Reg 1 repealed**

5 *The Seizure of Criminal Property Regulations* are repealed.

1 July 2009 cS-46.002 Reg 1 s5.

**Coming into force**

6(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Seizure of Criminal Property Act, 2009* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the coming into force of section 1 of *The Seizure of Criminal Property Act, 2009*, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

1 July 2009 cS-46.002 Reg 1 s6.

**Appendix****Form A**

[Subsection 4.3(1)]

**NOTICE OF DISPUTE**(Section 10.6 of *The Seizure of Criminal Property Act, 2009*)

By submitting a completed Notice of Dispute, I am claiming an interest in the subject property described below, and oppose its forfeiture under *The Seizure of Criminal Property Act, 2009*. (If further space is required, please attach additional pages.)

**The subject property is:**

(Note: You may use the same description of subject property included in the notice of administrative forfeiture provided by the director.)

**I claim to have the following interest in the subject property:****The reason I am disputing forfeiture of the subject property is:**

(Please attach any documentation that supports the basis of your dispute.)

**All future documents for this proceeding can be served on me at the following address:**

(Note: If the above address changes, you must notify the director at [insert contact information].)

I, \_\_\_\_\_ (*print name*), solemnly declare that the submissions set forth above are, insofar as they are matters of fact, true to the best of my information, knowledge and belief, and, insofar as they are matters of opinion, are reasonably and honestly believed by me.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me

at \_\_\_\_\_,

this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
(*signature*)

A Commissioner, *etc.*

[Must be declared before a Commissioner for Oaths, Notary Public, Justice of the Peace or other competent authority authorized to administer oaths, affirmations and declarations]

\_\_\_\_\_  
(*signature*)

**Form B**  
[Subsection 4.3(2)]



**NOTICE OF FORFEITURE**  
(Section 10.8 of *The Seizure of Criminal Property Act, 2009*)

To: \_\_\_\_\_  
(law enforcement agency)

I, \_\_\_\_\_, director appointed pursuant to *The Seizure of Criminal Property Act, 2009*, am providing notice that the following subject property, which has been seized by your agency, has been duly forfeited to the Crown in right of Saskatchewan pursuant to section 10.8 of *The Seizure of Criminal Property Act, 2009*:

(Insert description of subject property)

I THEREFORE DIRECT you to release the above-described subject property to \_\_\_\_\_, asset manager, in accordance with subsection 10.8(5) of *The Seizure of Criminal Property Act, 2009*.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
(Director)

\_\_\_\_\_  
(Director's Phone Number)

