

The Victims of Interpersonal Violence Regulations

being

Chapter V-6.02 Reg 1 (effective February 1, 1995) as
amended by Saskatchewan Regulations 55/2015.

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 V-6.02 REG 1

The Victims of Domestic Violence Act

Title

1 These regulations may be cited as *The Victims of Interpersonal Violence Regulations*.

5 Jne 2015 SR 55/2015 s3.

Interpretation

2 In these regulations:

- (a) **“Act”** means *The Victims of Interpersonal Violence Act*;
- (b) **“designated person”** means a member of a category of persons designated in section 3;
- (c) **“justice”** means a designated justice of the peace;
- (d) **“peace officer”** means:
 - (i) a member of the Royal Canadian Mounted Police;
 - (ii) a member of a police service, as defined in *The Police Act, 1990*;
 - (iii) an employee of the Royal Canadian Mounted Police or a police service, as defined in *The Police Act, 1990*, who is employed in the area of telecommunications;
- (e) **“telecommunication”** means any transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any nature by a wire, radio, visual or electromagnetic system and includes electronic communication and communication by telephone.

2 Dec 94 cV-6.02 Reg 1 s2; 5 Jne 2015 SR
55/2015 s4.

Designated persons

3 The following categories of persons are designated for the purposes of clause 8(1)(b) of the Act:

- (a) service delivery staff of victim services programs who have received training from the Ministry of Justice for the purposes of making an application pursuant to section 8 of the Act;
- (b) employees of the following who are officers pursuant to section 57 of *The Child and Family Services Act*:
 - (i) The Prince Albert Mobile Crisis Unit Co-operative Ltd.;
 - (ii) Saskatoon Crisis Intervention Service, Inc.;
 - (iii) Mobile Crisis Services, Inc.;
- (c) peace officers.

5 Jne 2015 SR 55/2015 s5.

V-6.02 REG 1**VICTIMS OF INTERPERSONAL VIOLENCE****Application for an emergency intervention order**

- 4(1) An application for an emergency intervention order must be made in person by:
- (a) a victim; or
 - (b) a person on behalf of the victim with leave of the justice.
- (2) An application for an emergency intervention order by a designated person may be made in person or by telecommunication.
- (3) An order based on a telecommunication application has the same effect as an order based on an application made in person.

2 Dec 94 cV-6.02 Reg 1 s4.

Hearing of the application

- 5(1) Where the justice is satisfied that the person making the application for an emergency intervention order is permitted to make the application pursuant to subsection 8(1) of the Act, the justice shall hear and consider:
- (a) the allegation of the applicant; and
 - (b) the evidence of witnesses.
- (2) Where the justice determines that an emergency intervention order should be made, the justice shall make that order in accordance with these regulations and section 3 of the Act.

2 Dec 94 cV-6.02 Reg 1 s5.

Conduct of the hearing of an application

- 6 At the hearing of an application for an emergency intervention order, a justice may do any of the following as long as the hearing is concluded within 24 hours of the application being made:
- (a) adjourn the hearing from time to time;
 - (b) where the taking of evidence by telecommunication becomes unsatisfactory, adjourn the hearing to a time and place where the justice can hear the evidence in person;
 - (c) change the place of the hearing to accommodate any person giving evidence;
 - (d) conduct the hearing in any manner that the justice considers appropriate and that is not inconsistent with the Act or these regulations.

2 Dec 94 cV-6.02 Reg 1 s6.

Record to be made of evidence

- 7(1) At the hearing of an application for an emergency intervention order, a justice shall:
- (a) take the evidence under oath or affirmation or pursuant to a promise to tell the truth in accordance with section 12 of *The Evidence Act*; and

- (b) ensure that a record of the evidence of each person is made:
 - (i) in legible writing in the form of notes of the justice; or
 - (ii) in legible writing in the form of a statement of the person giving the evidence.
- (2) For the purposes of subsection (1):
 - (a) an oath or affirmation may be administered by telecommunication; and
 - (b) an inquiry pursuant to section 12 of *The Evidence Act* and a promise to tell the truth pursuant to that section may be made by telecommunication.

5 Jne 2015 SR 55/2015 s6.

Evidence to be taken in writing

- 8(1) Where a person gives evidence at a hearing for an emergency intervention order, the justice shall:
 - (a) have that person read the record containing that person's evidence or have the evidence read back to the person who gave it; and
 - (b) sign and date the record containing that person's evidence.
- (2) Where the evidence of more than one person is taken in writing, the justice may sign at the end of each person's evidence or at the end of all of the evidence.

2 Dec 94 cV-6.02 Reg 1 s8.

Inability of the justice to continue

- 9 Where a justice begins to hear an application for an emergency intervention order and is unable to continue the hearing for any reason, another justice may:
 - (a) continue hearing the application where the evidence recorded by the previous justice pursuant to section 7 is available for review by the justice; or
 - (b) begin hearing the application as if no evidence had been taken where the evidence recorded pursuant to section 7 is not available for review by the justice.

2 Dec 94 cV-6.02 Reg 1 s9.

Form of the order

- 10(1) Form A of the Appendix is prescribed as the form of the emergency intervention order.
- (2) The order consists of four parts:
 - (a) Part 1 is the original completed by a justice;
 - (b) Part 2 is the copy to be served on the respondent;
 - (c) Part 3 is the copy to be provided to the victim; and
 - (d) Part 4 is the copy to be used by a peace officer for proof of service after Part 2 of the order has been served on the respondent.

2 Dec 94 cV-6.02 Reg 1 s10.

Completion of the order

11 Where a justice decides that an emergency intervention order should be made, the justice shall:

- (a) complete Part 1 of the order; and
- (b) either:
 - (i) complete Parts 2 to 4 of the order; or
 - (ii) direct a peace officer to complete Parts 2 to 4 of the order with the same information and provisions that are contained in Part 1 of the order completed by the justice.

2 Dec 94 cV-6.02 Reg 1 s11.

Service of the order

12(1) The justice shall direct a peace officer to personally serve Part 2 of the emergency intervention order on the respondent as soon as is reasonably possible.

(2) The justice shall arrange for Part 3 of the order to be provided to the victim.

(3) Except where a peace officer completes Parts 2 to 4 of the order pursuant to subclause 11(b)(ii), a justice shall provide a peace officer with Parts 2 and 4, and Part 3 if necessary, by:

- (a) forwarding those Parts to a peace officer personally, by courier delivery or by ordinary mail;
- (b) transmitting those Parts to a peace officer by telecommunication that produces a written record; or
- (c) directing a peace officer to complete those Parts with the same information and provisions that are contained in Part 1 of the order completed by the justice.

(4) An order completed by a peace officer pursuant to this section or section 11 has the same effect as the order completed by the justice.

2 Dec 94 cV-6.02 Reg 1 s12.

Substitutional service of an order

13(1) Where it is impractical for any reason for a peace officer to personally serve a respondent with an emergency intervention order, a peace officer may apply to a justice, in person or by telecommunication, for an order that authorizes substitutional service of the emergency intervention order.

(2) An application for substitutional service is to be supported by evidence setting out why personal service is impractical and proposing a method of service that is likely to bring notice of the order to the respondent.

(3) In making an order that authorizes substitutional service of an emergency intervention order, the justice shall direct, on any terms that the justice considers appropriate, any of the following methods of substitutional service that the justice is satisfied is likely to bring notice of the order to the respondent:

- (a) serving a member of the respondent's family or another person who is able to bring the order to the respondent's attention;

- (b) serving a person with whom the respondent is residing or leaving the order at the place where the respondent is residing;
 - (c) posting the order in a public place;
 - (d) publishing the order in a newspaper;
 - (e) any other method the justice considers appropriate.
- (4) The justice shall forward the order for substitutional service and his or her notes of the evidence supporting the order to the court at the judicial centre mentioned in section 16.
- (5) Service of an emergency intervention order in accordance with the terms of the order for substitutional service is deemed to be personal service on the respondent.

2 Dec 94 cV-6.02 Reg 1 s13.

Service of an order that has been varied

14 Where an emergency intervention order is varied or terminated pursuant to subsection 5(9) of the Act, unless the victim or respondent is present in court, the order is to be served:

- (a) on the victim personally and on the respondent personally by a peace officer; or
- (b) if it is impractical for any reason to serve either or both of the parties personally, in any other manner ordered by the court.

2 Dec 94 cV-6.02 Reg 1 s14.

Copy of order sufficient notice

15 A respondent is bound by the provisions in an emergency intervention order as soon as he or she receives a copy of the order, whether or not it was personally served by a peace officer.

2 Dec 94 cV-6.02 Reg 1 s15.

Where material to be forwarded

16 Where a justice makes an emergency intervention order, the material mentioned in subsection 5(1) of the Act is to be forwarded by the justice to the local registrar of the court at the judicial centre nearest to where the victim resides:

- (a) by personal delivery;
- (b) by ordinary mail;
- (c) by courier delivery; or
- (d) by telecommunication that produces a written record.

2 Dec 94 cV-6.02 Reg 1 s16.

Service of victim's assistance order

17 For the purposes of section 4 of the Act, notice of a victim's assistance order or an order made pursuant to subsection 6(1) of the Act may be given to the respondent:

- (a) in any manner permitted by the Queen's Bench Rules of Court; or
- (b) by oral notice by the judge if the respondent is present in the court.

2 Dec 94 cV-6.02 Reg 1 s17.

Proof of service

18(1) Service of a document may be proved:

- (a) by the oral testimony or affidavit of the person who served it; or
- (b) in the case of the service of an emergency intervention order, by filing a copy of Part 4 of the order with the certificate of service completed by the peace officer serving the order.

(2) A peace officer who serves an emergency intervention order on a respondent shall:

- (a) retain Part 4 of the order with the completed certificate of service; and
- (b) forward a copy of Part 4 of the order with the completed certificate of service to the court at the judicial centre designated by the justice as soon as is practicable after service:
 - (i) by personal delivery;
 - (ii) by ordinary mail;
 - (iii) by courier delivery; or
 - (iv) by telecommunication that produces a written record.

2 Dec 94 cV-6.02 Reg 1 s18.

Summons

19(1) A summons issued pursuant to subsection 5(5) of the Act for a rehearing is to be in Form B of the Appendix and is to:

- (a) be directed to the respondent;
- (b) require the respondent to attend court at a time and place stated in the summons; and
- (c) be served on the respondent personally by a peace officer.

(2) Where the original order that the rehearing is based on was served pursuant to an order for substitutional service made pursuant to section 13, the summons may be served pursuant to that same order for substitutional service, unless the judge who directs the rehearing orders otherwise.

(3) Where the original order that the rehearing is based on was not served pursuant to an order for substitutional service and a peace officer is unable to personally serve the respondent before the return date of the summons, the judge may make any order regarding service that the judge considers appropriate.

(4) Service of a summons in accordance with the terms of an order mentioned in subsection (2) or pursuant to any directions given by a judge pursuant to subsection (3) is deemed to be personal service on the respondent.

2 Dec 94 cV-6.02 Reg 1 s19.

Application for warrant permitting entry

20(1) For the purposes of section 11 of the Act, peace officers are designated as a category of persons who may apply for a warrant.

(2) The person applying for a warrant shall indicate in the application:

- (a) the number of times in the previous six months that an application has been made for a warrant regarding that cohabitant at those premises; and
- (b) if the application was withdrawn or if no warrant was granted, the date that each application was made and the justice to whom each application was made.

2 Dec 94 cV-6.02 Reg 1 s20.

Appendix**FORM A**[Section 3 of *The Victims of Interpersonal Violence Act*]**Emergency Intervention Order**

RE: _____
 (Name of Victim)

AND

 (Name of Respondent)

 (Address)

TO THE RESPONDENT:

You are subject to this EMERGENCY INTERVENTION ORDER. This ORDER was made by a designated justice of the peace pursuant to *The Victims of Interpersonal Violence Act*.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this order is an offence under the *Criminal Code* with punishment, on conviction, of up to two years' imprisonment.

You have the right to apply to the Court of Queen's Bench at _____ to either set aside or change this ORDER.

YOU SHOULD IMMEDIATELY CONTACT A LAWYER for advice as to what your rights are and as to what you are required to do respecting this ORDER.

PROVISIONS:

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 3 of *The Victims of Interpersonal Violence Act*.

I order that:

- ☐ 1. The victim is granted exclusive occupation of the following residence: _____

- ☐ 2. A peace officer remove the respondent from the following residence: _____

- ☐ 3. The respondent may not communicate with or contact the victim and/or any of the following persons through any form of communication, including electronic communication: _____

- ☐ 4. The respondent may communicate with and/or contact the victim or any of the following persons, but only on the following terms: _____

- ☐ 5. A peace officer accompany the person designated below to the residence within the time and date designated below, on one occasion, to supervise the removal of personal belongings: _____

- ☐ 6. The respondent may not attend at, be near or enter any of the following specified places that are attended by the victim or other family members: _____

(date) *Local Registrar*
Court of Queen's Bench, Family Law Division

PART 1 – Original (Court Copy)

FORM A

[Section 3 of *The Victims of Interpersonal Violence Act*]**Emergency Intervention Order**

RE: _____
 (Name of Victim)

AND

 (Name of Respondent)

 (Address)

TO THE RESPONDENT:

You are subject to this EMERGENCY INTERVENTION ORDER. This ORDER was made by a designated justice of the peace pursuant to *The Victims of Interpersonal Violence Act*.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this order is an offence under the *Criminal Code* with punishment, on conviction, of up to two years' imprisonment.

You have the right to apply to the Court of Queen's Bench at _____ to either set aside or change this ORDER.

YOU SHOULD IMMEDIATELY CONTACT A LAWYER for advice as to what your rights are and as to what you are required to do respecting this ORDER.

PROVISIONS:

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 3 of *The Victims of Interpersonal Violence Act*.

I order that:

- ☐ 1. The victim is granted exclusive occupation of the following residence: _____

- ☐ 2. A peace officer remove the respondent from the following residence: _____

- ☐ 3. The respondent may not communicate with or contact the victim and/or any of the following persons through any form of communication, including electronic communication: _____

- ☐ 4. The respondent may communicate with and/or contact the victim or any of the following persons, but only on the following terms: _____

- ☐ 5. A peace officer accompany the person designated below to the residence within the time and date designated below, on one occasion, to supervise the removal of personal belongings: _____

- (Justice of the Peace Number)*

PART 2 – Respondent's Copy

FORM A

[Section 3 of *The Victims of Interpersonal Violence Act*]**Emergency Intervention Order**

RE: _____

(Name of Victim)

AND

*(Name of Respondent)*_____
*(Address)***TO THE RESPONDENT:**

You are subject to this EMERGENCY INTERVENTION ORDER. This ORDER was made by a designated justice of the peace pursuant to *The Victims of Interpersonal Violence Act*.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this order is an offence under the *Criminal Code* with punishment, on conviction, of up to two years' imprisonment.

You have the right to apply to the Court of Queen's Bench at _____ to either set aside or change this ORDER.

YOU SHOULD IMMEDIATELY CONTACT A LAWYER for advice as to what your rights are and as to what you are required to do respecting this ORDER.

PROVISIONS:

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 3 of *The Victims of Interpersonal Violence Act*.

I order that:

- ☐ 1. The victim is granted exclusive occupation of the following residence: _____

- ☐ 2. A peace officer remove the respondent from the following residence: _____

- ☐ 3. The respondent may not communicate with or contact the victim and/or any of the following persons through any form of communication, including electronic communication: _____

- ☐ 4. The respondent may communicate with and/or contact the victim or any of the following persons, but only on the following terms: _____

- ☐ 5. A peace officer accompany the person designated below to the residence within the time and date designated below, on one occasion, to supervise the removal of personal belongings: _____

- ☐ 6. The respondent may not attend at, be near or enter any of the following specified places that are attended by the victim or other family members: _____

(Justice of the Peace Number)

PART 3 – Victim’s Copy

FORM A

[Section 3 of *The Victims of Interpersonal Violence Act*]**Emergency Intervention Order**

RE: _____

(Name of Victim)

AND

*(Name of Respondent)*_____
*(Address)***TO THE RESPONDENT:**

You are subject to this EMERGENCY INTERVENTION ORDER. This ORDER was made by a designated justice of the peace pursuant to *The Victims of Interpersonal Violence Act*.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this order is an offence under the *Criminal Code* with punishment, on conviction, of up to two years’ imprisonment.

You have the right to apply to the Court of Queen’s Bench at _____ to either set aside or change this ORDER.

YOU SHOULD IMMEDIATELY CONTACT A LAWYER for advice as to what your rights are and as to what you are required to do respecting this ORDER.

PROVISIONS:

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 3 of *The Victims of Interpersonal Violence Act*.

I order that:

- ☐ 1. The victim is granted exclusive occupation of the following residence: _____

- ☐ 2. A peace officer remove the respondent from the following residence: _____

- ☐ 3. The respondent may not communicate with or contact the victim and/or any of the following persons through any form of communication, including electronic communication: _____

- ☐ 4. The respondent may communicate with and/or contact the victim or any of the following persons, but only on the following terms: _____

- ☐ 5. A peace officer accompany the person designated below to the residence within the time and date designated below, on one occasion, to supervise the removal of personal belongings: _____

- ☐ 6. The respondent may not attend at, be near or enter any of the following specified places that are attended by the victim or other family members: _____

FORM B

[Section 5 of The Victims of Interpersonal Violence Act]

Summons

You are subject to the attached EMERGENCY INTERVENTION ORDER. The ORDER was made by a designated justice of the peace on _____, 20____.

(month) (day)

The Court of Queen's Bench has ordered a rehearing to determine whether or not the ORDER should be confirmed.

You must appear before a judge of the Court of Queen's Bench at: _____

(State judicial centre and address)

Your court appearance is scheduled for _____ at _____
(date) (time)

This court appearance will give you the opportunity to explain why you think that the attached ORDER should not be confirmed.

Dated at _____, Saskatchewan on _____, 20 ____.

(month) *(day)*

(Local Registrar)

The court may confirm the EMERGENCY INTERVENTION ORDER if you do not attend this rehearing.

The EMERGENCY INTERVENTION ORDER continues in force unless the court changes it at the rehearing.

IT IS AN OFFENCE UNDER THE *CRIMINAL CODE* TO DISOBEY A COURT ORDER

5 Jne 2015 SR 55/2015 s7.