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PART II/PARTIE II

REVISED REGULATIONS OF SASKATCHEWAN/ RÈGLEMENTS RÉVISÉS DE LA SASKATCHEWAN

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SASKATCHEWAN REGULATIONS 9/2019*The Missing Persons and Presumption of Death Act*

Section 30

Order in Council 36/2019, dated February 14, 2019

(Filed February 19, 2019)

Title

1 These regulations may be cited as *The Missing Persons and Presumption of Death Amendment Regulations, 2019*.

RRS c M-20.01, Reg 1 amended

2 *The Missing Persons and Presumption of Death Regulations* are amended in the manner set forth in these regulations.

Section 3 amended

3 The following clauses are added after clause 3(l):

“(1.1) Form L.1 is the form for an application for a search order pursuant to section 14.2 of the Act;

“(1.2) Form L.2 is the form for an affidavit of an applicant to be used in conjunction with Form L.1;

“(1.3) Form L.3 is the form for an application for a record access order pursuant to section 14.2 of the Act;

“(1.4) Form L.4 is the form for an affidavit of an applicant to be used in conjunction with Form L.3;

“(1.5) Form L.5 is the form for a demand for records pursuant to section 14.5 of the Act;

“(1.6) Form L.6 is the form for an affidavit of service to be used in conjunction with Form L.5”.

New sections 4.1 to 4.5

4 The following sections are added after section 4:

“Application for search order

4.1 An application for a search order pursuant to section 14.2 of the Act must be made in Forms L.1 and L.2.

“Application for record access order

4.2 An application for a record access order pursuant to section 14.2 of the Act must be made in Forms L.3 and L.4.

“Application for order to comply

4.3 An application for an order directing a person to comply with a demand for records pursuant to section 14.6 of the Act must be in the same form as an application for a record access order pursuant to section 14.2 of the Act.

“Requirement re annual report

4.4 An annual report required pursuant to section 14.94 of the Act must be made available to the public in one or both of the following ways:

- (a) posting the annual report on the police service’s website;
- (b) making the annual report available for review at the head office of the police service.

“Service of orders

4.5 An order pursuant to section 14.2, 14.5 or 14.6 of the Act must be served personally on:

- (a) the person having care and control of the records; or
- (b) an owner or occupant of the dwelling house or other premises”.

Form H amended

5 Form H of the Appendix is amended by repealing item 3 and substituting the following:

“3. I am the _____ (*state relationship if any*) of the person named in the application (the ‘missing person’.)

or I am the public guardian and trustee for Saskatchewan”.

New forms L.1 to L.6

6 The following Forms are added after Form L of the Appendix:

“FORM L.1
[Clause 3(l.1)]

COURT FILE NUMBER _____

COURT OF QUEEN’S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE _____

APPLICANT _____, a peace officer

IN THE MATTER OF _____, a missing person

Application Without Notice for Search Order

1. THIS IS AN APPLICATION WITHOUT NOTICE made pursuant to section 14.2 of *The Missing Persons and Presumption of Death Act*.

2. The Applicant, being a peace officer, seeks an order authorizing peace officers in the service of

_____ to enter, at any time and by force if necessary,
(name of police service)

the premises located at _____, Saskatchewan, to search for

_____, a missing person who is
(name of missing person)

(a minor/vulnerable person/member of category of prescribed persons mentioned in section 14.3 of *The Missing Persons and Presumption of Death Act*.)

3. The following documents are filed with and in support of this application:

a. affidavit of _____

b. _____

c. _____

DATED at _____, in the Province of Saskatchewan,

this _____ day of _____, 20 _____.

(name of applicant)

CONTACT INFORMATION AND ADDRESS FOR SERVICE**If prepared by a lawyer for the Applicant:**

Name of firm: _____

Name of lawyer in charge of file: _____

Address of legal firm: _____
(set out the street address)

Telephone number: _____

Fax number *(if any)*: _____E-mail address *(if any)*: _____*or***If prepared by Applicant::**

Name of Peace Officer: _____

Address for service: _____
(set out the street address)

Telephone number: _____

Fax number *(if any)*: _____E-mail address *(if any)*: _____

“FORM L.2
[Clause 3(l.2)]

COURT FILE NUMBER _____

COURT OF QUEEN’S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE _____

APPLICANT _____, a peace officer

IN THE MATTER OF _____, a missing person

Affidavit in Support of a Search Order

I, _____, of _____, _____,

MAKE OATH AND SAY THAT:

1. I am the applicant and have personal knowledge of the matters deposed to in this affidavit, except where stated to be on information and belief, and where so stated I believe them to be true.
2. I am over 18 years of age.
3. I am a peace officer with _____.
4. _____ was reported as missing to the
(missing person)
_____ on _____.
(police service)

or/and

I believe the person to be missing because:

5. To the best of my information and belief the person has not been heard of or from since _____.
6. I believe the missing person’s date of birth to be _____.

7. I believe the person is _____
(describe whether minor/vulnerable person/member of category prescribed person mentioned in section 14.3 of the Act.)

8. The last known address for the missing person is:

Address: _____

Phone: _____

9. I believe the missing person to be in the dwelling or premises located at _____
because:

10. The premises mentioned in item 9 are _____
(describe type of premises, e.g. dwelling, place of business, etc.)
owned by _____
(name of owner if known)

11. THAT I make this affidavit in support of an application pursuant to *The Missing Persons and Presumption of Death Act* for a search order.

SWORN (OR AFFIRMED) BEFORE ME

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

A Commissioner for Oaths for
Saskatchewan (or a Notary Public)

My commission (or appointment) expires: _____

} _____
(signature of applicant)

“FORM L.3
[Clause 3(l.3)]

COURT FILE NUMBER _____

COURT OF QUEEN’S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE _____

APPLICANT _____, a peace officer

IN THE MATTER OF _____, a missing person

Application Without Notice for Record Access Order

1. THIS IS AN APPLICATION WITHOUT NOTICE made pursuant to section 14.2 of *The Missing Persons and Presumption of Death Act*.

2. The Applicant, being a peace officer, seeks an order to direct

_____ to give
(name of person or organization in possession or control of record)

_____ access to, and
(name of police service)

if requested, copies of, the following records: *(specify records)*

a. _____

b. _____

c. _____

3. The following documents are filed with and in support of this application:

a. affidavit of _____

b. _____

c. _____

DATED at _____, in the Province of Saskatchewan,
this _____ day of _____, 20_____.

(name of applicant)

CONTACT INFORMATION AND ADDRESS FOR SERVICE**If prepared by a lawyer for the Applicant:**

Name of firm: _____

Name of lawyer in charge of file: _____

Address of legal firm: _____
(set out the street address)

Telephone number: _____

Fax number *(if any)*: _____E-mail address *(if any)*: _____*or***If prepared by Applicant::**

Name of Peace Officer: _____

Address for service: _____
(set out the street address)

Telephone number: _____

Fax number *(if any)*: _____E-mail address *(if any)*: _____

“FORM L.4
[Clause 3(l.4)]

COURT FILE NUMBER _____

COURT OF QUEEN’S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE _____

APPLICANT _____, a peace officer

IN THE MATTER OF _____, a missing person

Affidavit in Support of a Record Access Order

I, _____, of _____, _____,

MAKE OATH AND SAY THAT:

1. I am the applicant and have personal knowledge of the matters deposed to in this affidavit, except where stated to be on information and belief, and where so stated I believe them to be true.
2. I am over 18 years of age.
3. I am a peace officer with _____.
4. _____ was reported as missing to the
(missing person)
_____ on _____.
(police service)

or/and

I believe the person to be missing because:

5. To the best of my information and belief the person has not been heard of or from since _____.
6. I believe the missing person’s date of birth to be _____.

7. The last known address for the missing person is:

Address: _____

Phone: _____

8. I require the information outlined in the application in order to:

aid in an attempt to locate the missing person; or

other: *(describe)* _____

9. THAT I make this affidavit in support of an application pursuant to *The Missing Persons and Presumption of Death Act* for a record access order.

SWORN (OR AFFIRMED) BEFORE ME

at _____, Saskatchewan,

this _____ day of _____,

2 _____ .

A Commissioner for Oaths for
Saskatchewan (or a Notary Public)

My commission (or appointment) expires: _____

} _____
(signature of applicant)

“FORM L.5
[Clause 3(l.5)]

Emergency Demand for Records

TO: _____
(name of subject of emergency demand)

_____ has been reported as a missing person
(name of missing person)

to the _____ which is conducting an investigation
(police service)

into the missing person's whereabouts.

It is believed that the missing person is at risk of imminent serious bodily harm or death. Immediate access to the records listed below may assist the police service in locating the missing person before he or she suffers any harm and it is not practicable to obtain a record access order, given the urgency of the circumstances. You have been identified as a holder of records that may be of assistance in locating the missing person.

Therefore, pursuant to the authority of section 14.5 of *The Missing Persons and Presumption of Death Act*, you are required to give copies of, or access to, the records specified below as soon as possible but no later

than _____ to
(time) (day) (month) (year)

_____ of _____
(member of police service) (police service)

who may be contacted at telephone no. _____ email address: _____

RECORDS TO BE PROVIDED:

- Records containing contact or identification information about the missing person
- Telephone records for the period _____ to _____
- Records related to signals from a wireless device indicating the location of the device
- Cellular telephone records for the period _____ to _____
- Inbound and outbound text messaging records for the period _____ to _____

- Internet browsing history records for the period _____ to _____
- Global positioning system tracking records for the period _____ to _____
- Video or closed circuit television records from _____
(location of camera)
for the period _____ to _____
- Records containing employment information indicating
- when the missing person was last seen or heard from
 - when, where and how the missing person was paid
- Records indicating whether the missing person has been admitted to a hospital, including which hospital and the date, time and reason for admission
- School, university or other educational institutional attendance information
- Records containing travel and accommodation information
- Records containing financial information
- that show credit card usage for the period _____ to _____
that show when, from where and for what purpose the credit card was used
 - recent access to bank accounts for the period _____ to _____
that show when, from where and for what purpose the bank accounts were accessed

DATED at _____, in the Province of Saskatchewan,
this _____ day of _____, 20_____.

(name of member of police service)

(signature of member of police service)

Subsection 14.5(6) of *The Missing Persons and Presumption of Death Act* requires you to locate all records specified in this emergency demand that are in your possession or under your control and give members of the police service in question access to, and copies of, these records as soon as possible.

“FORM L.6
[Clause 3(l.6)]

Affidavit of Service

I, _____, of _____, _____,

MAKE OATH AND SAY THAT:

1. I am a peace officer with _____.
2. I have personal knowledge of the matters deposed to in this affidavit, except where stated to be on information and belief, and where so stated I believe them to be true.
3. I did on the _____ day of _____ serve the emergency demand for records personally on _____
(person to whom it is directed)
4. THAT I make this affidavit in support of an application pursuant to *The Missing Persons and Presumption of Death Act* for an emergency demand for records.

SWORN (OR AFFIRMED) BEFORE ME

at _____, Saskatchewan,
this _____ day of _____,
2 _____.

A Commissioner for Oaths for
Saskatchewan (or a Notary Public)

My commission (or appointment) expires: _____

(signature of applicant)

”.

Coming into force

7(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Missing Persons and Presumption of Death Amendment Act, 2018* comes into force.

(2) If section 1 of *The Missing Persons and Presumption of Death Amendment Act, 2018* comes into force before the day on which these regulations are filed with the Registrar of Regulations, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

