

# *The Victims of Crime Act, 1995*

*being*

Chapter V-6.011 of the *Statutes of Saskatchewan, 1995* (effective February 21, 1997) as amended by the *Statutes of Saskatchewan, 1997, c.24; 2000, c.51; 2001, c.34; 2006, c.37; 2014, c.11; 2015, c.22; and 2017, c.6.*

**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-6.011

### An Act respecting Victims of Crime

#### PART I

#### Short Title, Interpretation and Declaration of Principles

##### Short title

1 This Act may be cited as *The Victims of Crime Act, 1995*.

##### Interpretation

2 In this Act:

“**board**” means The Crimes Compensation Board as that board existed on March 31, 1992; («*Commission*»)

“**fund**” means the victims’ fund continued pursuant to section 6; («*Fonds*»)

“**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned. («*ministre*»)

1995, c.V-6.011, s.2.

##### Declaration of principles

2.1 In accordance with prevailing laws, persons working within the justice system shall act in accordance with the following principles respecting the treatment of victims:

- (a) victims of crime should be treated with courtesy, compassion and respect;
- (b) the privacy of victims should be considered and respected to the greatest extent possible;
- (c) all reasonable measures should be taken to minimize inconvenience to victims;
- (d) the safety and security of victims should be considered at all stages of the criminal justice process and appropriate measures should be taken when necessary to protect victims from intimidation and retaliation;
- (e) information should be provided to victims about the criminal justice system and the victim’s role and opportunities to participate in criminal justice processes;
- (f) information should be provided to victims, in accordance with prevailing policies and procedures, about the status of the investigation, the scheduling, progress and final outcome of the proceedings and the status of the offender in the correctional system;

- (g) information should be provided to victims about available victim assistance services and programs, including information respecting the ability of a victim to obtain financial reparation;
- (h) the views, concerns and representations of victims are an important consideration in criminal justice processes and should be considered in accordance with prevailing policies and procedures;
- (i) the needs, concerns and diversity, including cultural diversity, of victims should be considered in the development and delivery of programs and services and in related education and training;
- (j) information should be provided to victims about available options to raise their concerns when they believe that these principles have not been followed.

2006, c.37, s.4.

## PART II Victims' Fund

### Interpretation of Part

#### 3 In this Part:

**“enactment”** means any of the following that is not excluded from the operation of this Act by regulation:

- (a) an Act;
- (b) a regulation made pursuant to an Act; or
- (c) any part of an Act or regulation; (*«text»*)

**“surcharge”** means a surcharge imposed pursuant to section 10; (*«suramende»*)

**“victim”** means a person who, by reason of an act that is in violation of criminal laws, has suffered harm, including:

- (a) physical or mental injury;
- (b) emotional suffering; or
- (c) economic loss. (*«victime»*)

1995, c.V-6.011, s.3.

### Purpose of fund

#### 4 The fund is to be used to promote the principles set out in section 2.1.

2006, c.37, s.5.

**Act does not affect other rights or remedies**

5 Nothing in this Act establishes, supplements or derogates from any right, power, remedy, cause of action or appeal for or with respect to damages, compensation or restitution by, on behalf of or on account of a victim against the Crown or any other person.

1995, c.V-6.011, s.5.

**Victims' fund**

6(1) The victims' fund established pursuant to *The Victims of Crime Act* is continued.

- (2) The fund consists of:
- (a) all surcharges;
  - (b) all victim fine surcharges imposed by a court in Saskatchewan pursuant to section 727.9 of the *Criminal Code*;
  - (c) all moneys donated, bequeathed or given to the fund;
  - (d) advances from the general revenue fund;
  - (e) all moneys appropriated by the Legislature for the purposes of the fund;
  - (f) all investments of the fund and earnings on those investments;
  - (g) any moneys that were the property of or owing to the board on March 31, 1992;
  - (h) any moneys that are payable to the minister pursuant to Part III;
  - (i) any other moneys that may be designated by order of the Lieutenant Governor in Council.
- (3) Notwithstanding *The Financial Administration Act, 1993*, the moneys described in subsection (2) shall be deposited in the fund and not the general revenue fund.
- (4) The minister shall administer the fund in accordance with this Act.
- (5) The fiscal year of the fund is the period commencing on April 1 in one year and ending on March 31 in the following year.
- (6) With respect to each fiscal year of the fund, the minister shall, in accordance with section 13 of *The Executive Government Administration Act*, submit to the Lieutenant Governor in Council:
- (a) a report on the business of the fund for the preceding fiscal year; and
  - (b) a financial statement showing the business of the fund for the preceding fiscal year, in any form that Treasury Board may require.
- (7) The minister shall, in accordance with section 13 of *The Executive Government Administration Act*, lay before the Legislative Assembly each report and statement mentioned in subsection (6).

(8) The Provincial Auditor, or any other auditor or firm of auditors that the Lieutenant Governor in Council may designate, shall audit the accounts and transactions of the fund:

- (a) annually; and
- (b) at any other times that the Lieutenant Governor in Council may specify.

1995, c.V-6.011, s.6; 2014, c.11, s.9.

**Investments of fund**

7(1) The minister may invest any moneys in the fund not presently required for the purposes of the fund in any class of investments authorized for the investment of money in the general revenue fund pursuant to *The Financial Administration Act, 1993*.

(2) The minister may dispose of any securities in which any part of the fund has been invested pursuant to subsection (1), subject to the terms of the investment, in any manner and on any terms that the minister considers advisable.

(3) Notwithstanding subsection (1), the minister may invest any moneys in the fund by placing it with the Public Guardian and Trustee pursuant to section 6.2 of *The Public Guardian and Trustee Act*.

1995, c.V-6.011, s.7; 1997, c.24, s.2; 2001, c.34, s.2.

**Powers of minister**

8(1) The minister may take any action that the minister considers necessary for the purposes of managing, investing or disposing of all or any part of the assets of the fund, and, without limiting the generality of the foregoing, may:

- (a) enter into any agreement;
- (b) engage the services of or retain technical, professional or other advisers, specialists or consultants.

(2) The costs incurred pursuant to subsection (1) in, and other expenses related to, managing, investing or disposing of all or any part of the assets of the fund are a charge on and payable out of the fund.

1995, c.V-6.011, s.8.

**Treasury Board orders and directives**

9 The fund is subject to any orders made and any directives issued by Treasury Board pursuant to *The Financial Administration Act, 1993*.

1995, c.V-6.011, s.9.

**Surcharge**

- 10(1)** Where a person is convicted of an offence pursuant to an enactment and the offence has not been excluded from the application of this section by the regulations:
- (a) a surcharge is conclusively deemed to have been imposed against the person; and
  - (b) the person shall pay the surcharge.
- (2) The minister may cause the surcharge to be collected in the same manner as a fine.
- (3) Where a fine and surcharge are imposed on a person convicted of an offence described in subsection (1):
- (a) the surcharge is to be collected with the fine; and
  - (b) any payment made by or on behalf of the person convicted of the offence is to be applied first to payment in full of the surcharge and then to payment of the fine.
- (4) The amount of the surcharge is the amount or the proportion of the fine prescribed in the regulations.

1995, c.V-6.011, s.10.

**Use of fund**

- 11(1)** The Lieutenant Governor in Council may establish, by regulation, programs for the use of moneys in the fund for the following purposes:
- (a) to promote and deliver services and benefits to victims;
  - (b) to conduct research into victims' services, needs and concerns;
  - (c) to distribute information respecting victims' services, needs and concerns;
  - (d) crime prevention;
  - (e) for any other purpose that the Lieutenant Governor in Council considers necessary to further the intent of this Act.
- (2) The minister may use moneys in the fund:
- (a) for the programs mentioned in subsection (1), subject to any limitations and conditions prescribed in the regulations;
  - (b) to pay the administrative costs of any programs mentioned in subsection (1);
  - (c) to repay to the general revenue fund any advances made from the general revenue fund;
  - (d) to pay compensation granted pursuant to Part III or paid pursuant to subsection 22(1).
- (3) A regulation made pursuant to subsection (1) may be made retroactive to a date not earlier than April 1, 1992.

1995, c.V-6.011, s.11.

**Regulations**

**12(1)** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word used in this Part but not defined in this Part;
- (b) designating all or any part of Acts and regulations made pursuant to Acts with respect to which a surcharge is deemed not to be imposed;
- (c) prescribing offences with respect to which a surcharge is deemed not to be imposed;
- (d) prescribing, as a proportion of a fine or as a sum certain, the amount of a surcharge;
- (e) establishing and prescribing limitations and conditions on programs for the use of moneys in the fund;
- (f) prescribing any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the purposes of this Part.

(2) A regulation made pursuant to subsection (1) may be made retroactive to a date not earlier than April 1, 1992.

1995, c.V-6.011, s.12.

### PART III Compensation for Victims

**Interpretation of Part**

**13(1)** In this Part:

“**appeal committee**” means the appeal committee established pursuant to section 17.3; (*« comité d’appel »*)

“**applicant**” means a victim, dependant, secondary victim or person described in section 15 who makes an application on behalf of a victim, dependant or secondary victim; (*« auteur de la demande »*)

“**child**” includes a stepchild, an unborn child and a child with respect to whom a victim stands in the place of a parent, but does not include a child over the age of 18 years unless otherwise provided; (*« enfant »*)

“**compensation**” means compensation granted pursuant to section 16; (*« indemnité »*)

“**department**” means the department over which the minister presides; (*« ministère »*)



“**dependant**” means a child or other person who was, in whole or in part, dependent on a deceased victim’s income at the time of the victim’s death; (*« personne à charge »*)

“**injury**” means injury as defined in the regulations; (*« lésion »*)

“**parent**” includes a step-parent and a person who stands in the place of a parent; (*« parent »*)

“**secondary victim**” means the spouse, child, adult child, parent or sibling of a victim; (*« victime secondaire »*)

“**sibling**” includes a step-sibling; (*« frère » ou « soeur »*)

“**victim**” means a person to whom or with respect to whom or for whose benefit compensation is or may be payable. (*« victime »*)

(2) For the purposes of this Part, a person is deemed to have intended an act or omission that causes an injury or death for which compensation is payable, whether or not that person is legally capable of forming a criminal intent.

1995, c.V-6.011, s.13; 2006, c.37, s.6; 2017, c6, s.3.

#### Application

**14(1)** A victim or dependant may apply to the minister for compensation with respect to the victim’s injury or death if the injury or death:

(a) was the result of the act or omission of another person that occurred in Saskatchewan and that is one of the criminal offences described in the regulations for the purpose of this subsection; or

(b) was the result of the victim assisting a peace officer in Saskatchewan in the carrying out of the duties of that peace officer with respect to the enforcement of the law.

(2) A secondary victim may apply to the minister for compensation with respect to the victim’s death if the death was the result of the act or omission of another person that occurred in Saskatchewan and that is one of the criminal offences described in the regulations for the purposes of this subsection.

(3) Subject to subsections (4) and (5):

(a) a victim or dependant who applies pursuant to subsection (1) shall apply in a form and manner satisfactory to the minister before the expiry of two years from the date of the victim’s injury or death; and

(b) a secondary victim who applies pursuant to subsection (2) shall apply in a form and manner satisfactory to the minister before the expiry of two years from the date of the victim’s death.

(4) If an application for compensation pursuant to subsection (1) is based on a criminal offence described in the regulations for the purposes of this subsection, the two-year period mentioned in clause (3)(a) begins to run on the date the offence is reported to the police.

(5) Notwithstanding subsections (3) and (4), the minister may extend the period for making an application if, in the opinion of the minister, it is appropriate to do so.

2006, c.37, s.7.

**Application on behalf of certain persons**

**15** Where a person who is entitled to make an application pursuant to this Part is:

- (a) a child, the application may be made on the child's behalf by his or her parent or guardian or by any other person that the minister may allow;
- (b) a person who lacks capacity, the application may be made on that person's behalf by any person that the minister may allow;
- (c) a dependent adult, the application may be made by the dependent adult's property guardian or personal guardian.

1995, c.V-6.011, s.15; 2015, c.22, s.11; 2017, c.6, s.4.

**Eligibility for compensation**

**15.1** The minister may refuse to grant compensation to an applicant, or may reduce the amount of compensation, if the minister is of the opinion that:

- (a) the victim's injury or death occurred while participating in a criminal offence; or
- (b) in the circumstances, the applicant has not provided information requested by the minister within a reasonable time after the request was made.

2006, c.37, s.9.

**Compensation**

**16(1)** On receipt of an application pursuant to this Part, the minister may grant compensation to or on behalf of a victim, dependant or secondary victim if the minister is satisfied that:

- (a) the applicant has complied with this Part and the regulations; and
- (b) the victim, dependant or secondary victim qualifies for compensation pursuant to this Part and the regulations.

(2) Subject to the regulations, the minister may grant compensation to a victim or dependant in an amount that, in the opinion of the minister, will compensate the victim or dependant for monetary loss resulting from the victim's injury or death.

(3) Subject to the regulations, the minister may grant compensation to a secondary victim in an amount that, in the opinion of the minister, will compensate the secondary victim for the cost of counselling received or to be received by a secondary victim within the prescribed period as a result of the victim's death.

(4) For the purpose of determining the amount of compensation to grant, the minister may require the applicant to supply the minister with any information that the minister considers necessary respecting:

- (a) the monetary losses of the victim or dependant resulting from the victim's injury or death; or
- (b) the cost of counselling incurred by the secondary victim resulting from the victim's death.

(5) When granting compensation, the minister may impose any terms and conditions that the minister considers appropriate respecting the payment, disposition, allotment or apportionment of the compensation to or for the benefit of the victim, dependant or secondary victim.

(6) The minister may pay any compensation granted pursuant to this Part respecting any expenses to any person who, in the opinion of the minister, is entitled to take any proceedings to recover those expenses.

2006, c.37, s.10.

**Amounts to be considered before granting compensation**

**17** In determining the amount of compensation, if any, to be granted to or on behalf of a victim, dependant or secondary victim, the minister shall deduct any amount received or to be received by the victim with respect to the injury or by the victim's dependants, or secondary victims, with respect to the death of the victim:

- (a) pursuant to any other Act or Act of the Parliament of Canada or of another province or territory of Canada;
- (b) from the person whose act or omission resulted in the injury or death, whether as damages or compensation, pursuant to an action at law or otherwise; and
- (c) from any other source prescribed in the regulations.

1995, c.V-6.011, s.17; 2006, c.37, s.11.

**Notice of minister's decision**

**17.1(1)** The minister shall notify an applicant in writing of the minister's decision respecting the amount of compensation, if any, payable to the applicant pursuant to this Part.

(2) The notice mentioned in subsection (1) must:

- (a) be sent as soon as is reasonably practicable after making the decision; and
- (b) include information about the applicant's right to request a reconsideration pursuant to section 17.2.

2006, c.37, s.12.

**Reconsideration of minister's decision**

17.2(1) An applicant who has received a notice pursuant to section 17.1 may, within 60 days after receiving the notice, make written representations to the minister requesting the minister to reconsider the decision and may, for that purpose, provide additional information to the minister.

(2) On receipt of written representations pursuant to subsection (1), the minister shall reconsider the matter and may rescind, vary or confirm the previous decision.

(3) The minister shall notify the applicant in writing of the minister's decision as soon as is reasonably practicable after making the decision.

(4) The notice mentioned in subsection (3) must include information about the applicant's right to appeal pursuant to section 17.4.

2006, c.37, s.12.

**Appeal committee**

17.3(1) An appeal committee is established, consisting of not more than three members appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council may designate one member of the appeal committee as chairperson of the committee.

(3) One member of the appeal committee constitutes a quorum.

(4) The appeal committee may determine its own practice and procedures.

(5) The Lieutenant Governor in Council may determine any remuneration and any reimbursement for expenses that is payable to members of the appeal committee.

2006, c.37, s.12.

**Appeal**

17.4(1) An applicant may appeal a decision of the minister made pursuant to section 17.2 within 60 days after the minister has notified the applicant of the decision by providing the appeal committee with a written notice of appeal setting out the grounds of the appeal.

(2) On hearing an appeal pursuant to this section, the appeal committee may:

- (a) affirm the decision of the minister;
- (b) vary the decision of the minister; or
- (c) substitute its own decision for that of the minister.

(3) A decision of the appeal committee is final.

(4) The chairperson of the appeal committee may designate one member to hear an appeal, and the decision of that member is deemed to be the decision of the committee.

2006, c.37, s.12.

**Right to bring action**

18(1) If a victim has a right of action against any other person with respect to the victim's injury, the victim may bring that action notwithstanding that the victim has been granted compensation.

(2) If a dependant or secondary victim has a right of action against any other person with respect to the victim's death, the dependant or secondary victim may bring that action notwithstanding that the dependant or secondary victim has been granted compensation.

2006, c.37, s.13.

**Minister's right to bring action**

19(1) In this section and in sections 20 to 23, "**compensation**" includes compensation awarded by the board pursuant to *The Criminal Injuries Compensation Act*, as that Act existed as of March 31, 1992. (*«indemnité»*)

(2) Where compensation has been granted or awarded, the minister, on assuming liability for payment of that compensation or on the board's assuming liability for payment of that compensation, is deemed to be an assignee and is subrogated to all rights of recovery of the victim, dependant or secondary victim to whom or with respect to whom or for whose benefit the payment of compensation is assumed to the extent of the compensation payable.

(3) Where, pursuant to section 32 of *The Criminal Injuries Compensation Act*, as that Act existed as of March 31, 1992, the board was deemed to be an assignee, the minister is deemed to be an assignee and is subrogated to all the rights of recovery of the victim or dependant to whom or with respect to whom or for whose benefit the payment of compensation was assumed to the extent of the compensation payable.

(4) Notwithstanding subsection 4(1) of *The Fatal Accidents Act*, the minister, in exercising his or her rights pursuant to subsection (2) or (3):

- (a) may either:
  - (i) bring an action in the minister's own name to recover the amount of compensation paid or payable; or
  - (ii) join with the victim, dependant or secondary victim to whom or with respect to whom or for whose benefit the compensation was paid or is payable to bring an action in the name of that victim, dependant or secondary victim for recovery of the damages resulting from the injury or death; and
- (b) is entitled to repayment of any compensation from any judgment, settlement, restitution, insurance or any other source of funds paid or payable to the victim, dependant or secondary victim.

(5) Where the victim, dependant or secondary victim receives a payment of the kind described in clause (4)(b), the victim, dependant or secondary victim shall refund to the minister:

- (a) if the amount of the payment is equal to or more than the amount of compensation, the amount of the compensation;
- (b) if the amount of the payment is less than the amount of the compensation, the amount of the payment.

(6) The minister may recover as a debt due to the Crown in right of Saskatchewan any amounts that are required pursuant to this section to be repaid or refunded.

1995, c.V-6.011, s.19; 2006, c.37, s.14.

**Notice of action**

**20(1)** A victim, dependant or secondary victim who has been granted or awarded compensation shall give written notice to the minister of his or her intention to maintain an action or otherwise take steps to recover damages that resulted from the injury or death for which compensation was granted or awarded, including making a claim for insurance or restitution.

(2) The minister shall give written notice to the victim, dependant or secondary victim of the minister's intention to maintain an action pursuant to his or her rights given by section 19.

(3) Failure to give notice pursuant to this section does not affect the validity of a cause of action.

1995, c.V-6.011, s.20; 2006, c.37, s.15.

**Compensation not subject to garnishee, etc.**

**21(1)** Subject to subsection (2), any compensation paid or payable is not subject to garnishment or attachment or seizure or any legal process and is not assignable.

(2) Where:

- (a) compensation has been granted or awarded with respect to the injury or death of a person;
- (b) a person who is responsible for the injury or death mentioned in clause (a) applies to the minister for compensation with respect to the same or a different offence; and
- (c) the minister grants compensation to the person mentioned in clause (b);

the minister shall deduct from the amount of compensation granted to the person mentioned in clause (b) the amount of compensation mentioned in clause (a) that has not been otherwise recovered by the minister or the board.

1995, c.V-6.011, s.21.

**Periodic payments**

- 22(1)** If the board made an order for the payment of compensation that provides for periodic payments and all the payments ordered by the board have not been paid, the minister shall continue to make the periodic payments as ordered by the board.
- (2) Notwithstanding subsection (1), the minister may review, rescind or vary the order under which compensation payments are made:
- (a) on an application by or on behalf of the person to whom or for whose benefit periodic payments have been awarded by the board; or
  - (b) on the minister's own initiative.
- (3) If the minister grants compensation in the form of periodic payments to or on behalf of a victim or dependant, the minister may review, rescind or vary the grant of compensation:
- (a) on the application of the victim or dependant to whom or for whose benefit periodic payments have been granted; or
  - (b) on the minister's own initiative.
- (4) The minister may impose any terms and conditions that the minister considers appropriate on a decision made pursuant to subsection (2) or (3).

1995, c.V-6.011, s.22.

**Supplementary benefits**

- 23** If the board has made an order allowing a person to reapply to the board for compensation at the end of a period specified in the order, the person may apply to the minister for compensation pursuant to this Act.

1995, c.V-6.011, s.23.

**Regulations**

- 24(1)** The Lieutenant Governor in Council may make regulations:
- (a) defining, enlarging or restricting the meaning of any word or expression used in this Part but not defined in this Part;
  - (b) describing criminal offences for the purposes of clause 14(1)(a) and subsections 14(2) and (4);
  - (c) prescribing the procedures to be followed with respect to applications to the minister and with respect to other proceedings pursuant to this Part;
  - (d) **Repealed.** 2006, c.37, s.16.
  - (e) prescribing the classes of monetary loss with respect to which the minister may grant compensation;
  - (f) prescribing the maximum amount of compensation that the minister may grant with respect to any one application;
  - (g) prescribing the maximum amount of compensation that the minister may grant with respect to any class of monetary loss;
  - (g.1) prescribing the maximum amount of compensation that the minister may grant with respect to an application pursuant to subsection 16(3);

- (g.2) prescribing the period within which counselling must be received by a secondary victim to be eligible for compensation pursuant to subsection 16(3);
  - (h) prescribing payments or amounts received or to be received by victims, dependants or secondary victims that the minister shall consider in determining the amount of compensation, if any, to be granted;
  - (h.1) prescribing any matter or thing required or authorized by this Part to be prescribed in the regulations;
  - (i) respecting any matter or thing that the Lieutenant Governor in Council considers necessary to carry out the purposes of this Part.
- (2) Regulations made pursuant to subsection (1) may be made retroactive to a date not earlier than April 1, 1992.

1995, c.V-6.011, s.24; 2006, c.37, s.16.

#### False statements

- 25(1)** No person shall make a false or misleading statement in any application or in any proceeding pursuant to this Part to the minister or to any officer or employee of the department with respect to any material fact.
- (2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000.

1995, c.V-6.011, s.25.

#### Recovery of compensation

- 26** If a person is convicted of an offence pursuant to section 25, any compensation paid to that person is a debt due to the Crown in right of Saskatchewan and may be recovered by the minister in any manner allowed by law.

1995, c.V-6.011, s.26.

- 27 Repealed.** 2000, c.51, s.3.

## PART IV Repeal and Coming into Force

#### Repeal

- 28** *The Victims of Crime Act* is repealed.

1995, c.V-6.011, s.28.

#### Coming into force

- 29** This Act comes into force on proclamation.

1995, c.V-6.011, s.29.