

The Litter Control Act

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Chapter L-22 of the *Statutes of Saskatchewan, 1978* as amended by the *Statutes of Saskatchewan*, 1979-80, c.96; 1980-81, c.83; 1984-85-86, c.38; 1986-87-88, c.47; 1988-89, c.29; [1989-90, c.29](#); [1993, c.17](#), [45](#) and [50](#); [1999, c.20](#); [2000, c.50](#); [2003, c.15](#); [2004, c.T-18.1](#) and [10](#); and [2011, c.8](#).

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 L-22

An Act respecting the Regulation, Control and Prevention of Litter

Short title

- 1 This Act may be cited as *The Litter Control Act*.

Interpretation

- 2 In this Act:

- (a) **“approved container”** means a container that is approved pursuant to section 6 and with respect to which that approval is not withdrawn;
- (b) **“beverage”** means beer, as defined by *The Alcohol and Gaming Regulation Act, 1997*, or carbonated soft drinks and includes any other liquid intended for human consumption by drinking that is designated by the regulations to be a beverage for the purpose of this Act;
- (c) **“container”** means a vessel or receptacle that is made or produced for the purpose of holding a beverage;
- (d) **“minister”** means the member of the Executive Council to whom for the time being is assigned the administration of this Act;
- (e) **“vendor”** means a person who sells or offers for sale by retail, wholesale or other means beverages, which may be consumed off the premises in which they are sold or offered for sale, in containers and includes the owner or lessee of premises in or on which is located a vending machine that is used for the purpose of selling or offering for sale a beverage, which may be consumed off those premises, in a container;
- (f) **“waste”** means rubbish, slimes, tailings, garbage, refuse, scrap or any other waste products of any kind, including any waste products prescribed in the regulations;
- (g) **“waste minimization”** means any activity, process or measure undertaken for the purpose of reducing, reusing, recycling or recovering waste.

1973, c.59, s.2; 1979-80, c.96, s.11; 1986-87-88, c.47, s.3; 1993, c.45, s.51; 1993, c.50, s.3; 2003, c.15, s.19.

Powers of minister

2.1 The minister is responsible for all matters not by law assigned to any other minister, department, branch or agency of the Government of Saskatchewan relating to waste minimization and protecting and enhancing the quality of the environment and in carrying out those responsibilities the minister may:

- (a) undertake planning, research and development of waste minimization initiatives;

- (b) coordinate and implement policies and programs with respect to waste minimization;
- (c) advise the Lieutenant Governor in Council on the management, administration and implementation of waste minimization initiatives, policies and programs;
- (d) establish programs for consultation with respect to the environment and for the protection and enhancement of the environment, including programs concerning:
 - (i) public involvement, education and information;
 - (ii) provincial solid waste management;
 - (iii) sustainable development;
 - (iv) environmental partnerships;
 - (v) water quality management and protection;
 - (vi) the reform of environmental assessment legislation and the process used for environmental assessment;
 - (vii) air quality;
 - (viii) the operation of beverage container collection and recycling.

1993, c.50, s.4.

PART I

Prohibition respecting abandonment of waste, etc.

3(1) Subject to subsection (2), no person shall abandon or cause to be abandoned:

- (a) upon any land that is owned by another person;
- (b) upon any land that is vested in Her Majesty in right of Saskatchewan or reserved or set aside for the use of the public; or
- (c) into or upon any water;

any manufactured article, processed material or any waste.

(2) It shall not be an offence for a person to abandon or cause to be abandoned any manufactured article, processed material or any waste in a receptacle provided for the purpose of receiving the manufactured article, processed material or waste, or on lands provided for the same purpose under the authority of any Act.

1973, c.59, s.3.

Offences and penalties for abandonment of waste, etc.

4(1) Every person who contravenes section 3 is guilty of an offence and liable on summary conviction to the penalties provided in this section.

- (2) Where the offence is committed by an individual, the individual is liable:
 - (a) for the first offence, to a fine not exceeding \$200;
 - (b) for each subsequent offence, to a fine not exceeding \$500 and in default of payment to imprisonment for a term not exceeding two months.
- (3) Where the offence is committed by a company, the company is liable:
 - (a) for the first offence, to a fine not exceeding \$2,000;
 - (b) for each subsequent offence, to a fine not exceeding \$5,000.
- (4) Where a person has been convicted for a contravention of section 3, the convicting judge of the Provincial Court of Saskatchewan may, in addition to or instead of any penalty prescribed pursuant to subsection (2) or (3), order that person to remove, at his own expense, every manufactured article or processed material and all waste that has been abandoned by any person on any land or premises described in the order and may, as part of the order, specify the time within which such removal shall be carried out by the person.
- (5) For the purpose of giving the person bound by an order under subsection (4) reasonable notice of what he must do to comply with the order, the convicting judge of the Provincial Court of Saskatchewan shall in the order describe with reasonable accuracy the area of land or the premises from which the person bound by the order is required to remove abandoned manufactured articles, processed material and waste and shall also specify the time within which the person bound by the order shall comply with the order if the order does not specify such time.

1973, c.59, s.4; 1986-87-88, c.47, s.4.

Penalties for non-compliance of order under section 4, etc.

- 5(1) Any person who fails to comply with an order made under subsection (4) of section 4 is guilty of an offence and liable on summary conviction to the penalties provided in section 15.
- (2) **Repealed.** 1984-85-86, c.38, s.23.
- (3) Substantial compliance with an order made under subsection (4) of section 4 shall be deemed to be compliance with the order.

1973, c.59, s.5; 1984-85-86, c.38, s.23.

Approval

- 6(1) A person who wishes to sell, offer to sell or distribute:
 - (a) a beverage in a container; or
 - (b) a container;

may apply to the minister in the manner prescribed in the regulations to have the container approved as an approved container.

(2) Where the minister receives an application pursuant to subsection (1) and is satisfied that it is appropriate to do so, he may, in the manner prescribed in the regulations, approve the container as an approved container.

(3) The minister may, at the time he approves a container or at any subsequent time, place any terms or conditions on an approval that the minister considers appropriate and may amend, substitute or repeal those terms and conditions or impose additional terms and conditions.

(4) No person who sells, offers to sell or distributes a beverage in an approved container or an approved container shall fail to comply with any terms or conditions imposed by the minister pursuant to subsection (3).

(5) Subject to subsection (6), where the minister is satisfied that his approval for a container should be withdrawn, he may withdraw his approval in the manner prescribed in the regulations.

(6) The minister shall not withdraw his approval without giving the person who applied pursuant to subsection (1) an opportunity to be heard unless, in the opinion of the minister, it is in the public interest to withdraw approval immediately, in which case the minister may withdraw his approval immediately but shall give the person who applied pursuant to subsection (1) an opportunity to be heard within 15 days of the date of the withdrawal.

(7) A certificate signed by the minister certifying that:

- (a) a container is or is not an approved container pursuant to this Act; or
- (b) the approval of the minister was withdrawn at a particular time;

is, without proof of the office or signature of the minister, admissible in evidence as prima facie proof of the facts stated in the certificate for all purposes in any action, proceeding or prosecution.

1986-87-88, c.47, s.5.

Payment for approved containers, etc.

7(1) Subject to subsections (3), (4) and (5) and to the regulations, every vendor shall pay such sums as may be fixed by the regulations to any person who delivers to the vendor approved containers of a size, brand and type in which a beverage is sold, offered for sale or distributed by the vendor in the premises at which the approved containers have been delivered to the vendor.

(2) A payment required by subsection (1) shall be made to the person who delivered the approved containers to the vendor and shall be made in cash.

(3) A vendor is required to accept approved refillable containers only if they can, by washing and sterilizing, be made fit for the purpose for which they were originally approved.

(4) Where the regulations set out a maximum number of approved containers that a person may deliver to a vendor within a period of time specified by the regulations, the vendor shall be required to pay only for a number of approved containers that does not exceed the maximum number set out by the regulations.

(5) Where a wholesaler supplies beverages in approved containers to a person for the purpose of sale by that person:

- (a) the wholesaler and that person may agree that a payment required by subsection (1) may be made by the wholesaler to that person by some means other than cash;
- (b) the wholesaler and that person may by express or implied agreement agree that approved containers may be delivered to the wholesaler, or his agent or employee, at some place other than premises of the wholesaler.

1973, c.59, s.7; 1986-87-88, c.47, s.6.

Depots

8(1) Any vendor or number of vendors who sell beverages in approved containers may, subject to the regulations, establish or operate a depot in the locality where the beverages are sold to which approved containers may be brought by persons.

(2) A depot mentioned in subsection (1) shall be established in a locality convenient to all persons of the locality and shall be operated by an agent of the vendor or number of vendors who shall accept approved containers brought to him by persons and shall pay to the persons sums required under section 7 to be paid for the containers.

1973, c.59, s.8; 1986-87-88, c.47, s.7.

Notice by vendor respecting payment for approved containers

9(1) The minister may prescribe a notice to be used for the purpose of informing persons of any provision or provisions of this Act or the regulations.

(2) Where the minister has prescribed a notice under subsection (1), every vendor who sells by retail sale beverages in approved containers shall post the prescribed notice in a conspicuous place at or near the place in his premises where such beverages are sold or exhibited for sale.

1973, c.59, s.9.

Agreement to receive approved containers

10 Where a wholesaler supplies beverages in approved containers to a person for the purpose of sale by that person, there shall be deemed to be an agreement between that person and the wholesaler providing:

- (a) where any person has delivered to that person approved containers of the size, brand and type in which a beverage is sold, offered for sale or distributed by the wholesaler, that person shall receive those approved containers on behalf of the wholesaler and shall deliver them to the wholesaler;
- (b) that person and the wholesaler shall comply with the provisions of section 7.

1973, c.59, s.10; 1986-87-88, c.47, s.8.

Certain agreements void

11 Every agreement, express or implied, that has been entered into or is hereafter entered into whereby a person agrees to sell, offer for sale, distribute, exhibit for sale or advertise for sale a beverage in a container that is not an approved container is void.

1973, c.59, s.11.

Prohibition respecting sale, use, etc., of containers

12(1) No vendor shall sell, offer to sell or distribute a beverage in a container other than an approved container.

(2) No vendor shall use an approved container for a use other than the use specified by the minister or the person authorized by him under section 6.

1973, c.59, s.12.

Certain sales prohibited

13 No person shall sell, offer to sell or distribute containers that are not approved containers.

1986-87-88, c.47, s.8.

Use of approved containers

14 Every vendor who is engaged in the business of producing beverages for sale in approved containers may use any approved container that has been brought to a vendor that is fit for the purpose for which it was originally approved.

1973, c.59, s.14.

PART II

Interpretation of Part

14.1 In this Part:

- (a) **“collector”** means:
 - (i) a distributor to whom a licence has been issued pursuant to section 14.3 or with whom the minister has entered into an agreement pursuant to section 14.86; or
 - (ii) a person appointed as a collector by the minister pursuant to section 14.81;
- (b) **“designated container”** means a container that is designated in the regulations;
- (c) **“distributor”** means a person who sells or offers for sale by wholesale or other means, other than by retail sale, beverages in designated containers;
- (d) **“licence”** means a valid and subsisting licence pursuant to section 14.3;
- (d.1) **“operator of a depot”** means the person, organization or association that the minister has entered into an agreement with pursuant to section 14.92;

(e) **“prescribed”** means prescribed in the regulations made pursuant to section 22;

(f) **“purchaser”** means a person who purchases a designated container containing a beverage:

(i) for use of the designated container by that person;

(ii) for use of the designated container by another person at the first person’s expense; or

(iii) on behalf of, or as agent for, a principal for use of the designated container by the principal or by another person at the principal’s expense;

(f.1) **“refund”** means a refund of the refundable deposit mentioned in subsection 14.82(1);

(g) **“retailer”** means a person who sells or offers for sale by retail sale beverages in designated containers and includes the owner or lessee of premises in or on which is located a vending machine that is used for the purpose of selling or offering for sale beverages in designated containers.

1988-89, c.29, s.4; 1999, c.20, s.3; 2011, c.8, s.3.

Licence

14.2(1) No distributor shall supply any beverage in a designated container to a retailer unless the distributor holds a licence to do so issued to him by the minister.

(2) A distributor desiring to supply any beverage in a designated container may apply in writing, on a form prescribed by the minister, to the minister for a licence.

1988-89, c.29, s.4.

Licence of distributor

14.3(1) Where the minister receives an application pursuant to section 14.2 and is satisfied that it is appropriate to do so, he may issue a licence to the applicant.

(2) The minister may, at the time he issues a licence or at any subsequent time, place any terms or conditions on the licence that the minister considers appropriate and may amend, substitute or repeal those terms and conditions or impose additional terms and conditions.

(3) The licence shall be issued without fee.

1988-89, c.29, s.4.

Licence of distributor

14.4 Where a distributor enters into an agreement with the minister pursuant to section 14.86, the minister shall issue a licence to him pursuant to section 14.3 and that section applies in respect of the licence issued.

1988-89, c.29, s.4.

Cancellation of licence

14.5(1) Subject to subsection (2), the minister may cancel or suspend the licence of a distributor issued pursuant to section 14.3 where the distributor contravenes or fails to comply with any of the provisions of this Act or the regulations or any term or condition of the licence.

(2) The minister shall not cancel or suspend the licence of a distributor pursuant to subsection (1) without giving the distributor notice of his intention to cancel or suspend the licence and allowing him an opportunity to be heard in the matter.

1988-89, c.29 s.4.

Expiration of licence

14.6 Unless earlier cancelled, a licence expires:

- (a) 5 years after the day on which it is issued;
- (b) on the day on which the distributor ceases to supply beverages in designated containers to retailers;

whichever occurs first.

1988-89, c. 29, s.4.

Non transferable

14.7 A licence is not transferable.

1988-89, c.29, s.4.

Evidence

14.8 A licence is, without proof of the office or signature of the minister, admissible as prima facie evidence of the facts stated in the licence in any action, proceeding or prosecution.

1988-89, c.29, s.4.

Collectors

14.81(1) The minister may appoint any person as a collector for the purposes of this Part.

(2) Every distributor to whom a licence is issued pursuant to section 14.3 or with whom the minister has entered into an agreement pursuant to section 14.86 is a collector for the purposes of this Part.

1988-89, c.29, s.4.

Environmental handling charge and refundable deposit

14.82(1) Subject to subsection (2), every purchaser in Saskatchewan who purchases a beverage in a designated container shall pay respecting the designated container:

- (a) an environmental handling charge of:
 - (i) with respect to a designated container that is a metal can, 5¢;
 - (ii) with respect to a designated container that is a plastic bottle, 6¢;

(iii) with respect to a designated container that is a non-refillable glass bottle, 7¢;

(iv) with respect to a designated container that is a multi-material, shelf stable container, 3¢; or

(v) with respect to a designated container that is a paper-based polycoat gable top container, 3¢; and

(b) a refundable deposit of 5¢.

(2) The Lieutenant Governor in Council may, by regulation, increase or decrease the amount payable pursuant to clause (1)(b) respecting any designated container or any class or classes of designated containers.

2011, c.8, s.4.

No refund of environmental handling charges

14.821(1) In this section:

(a) **“Crown agent”** means any present or former member of the Executive Council, any present or former legislative secretary as defined in *The Government Organization Act*, the ministry over which the minister presides and any present or former director, officer, agent or employee of the Crown or the ministry;

(b) **“former provisions”** means the provisions of this Act as they read before the enactment of *The Litter Control Amendment Act, 2010*.

(2) Notwithstanding any other Act or law, a person who, on or after April 1, 1998 and before the day on which this section comes into force, paid to the Crown in right of Saskatchewan money as an environmental handling charge imposed pursuant to the former provisions is not entitled to a refund of the money so paid.

(3) No action or proceeding lies or shall be instituted or continued against the Crown or a Crown agent to recover moneys mentioned in subsection (2), and no action or proceeding lies or shall be instituted or continued against the Crown or a Crown agent based on any cause of action arising from, resulting from, or incidental to the enactment or application of any provision of this Act or the regulations or *The Litter Control Amendment Act, 2010*.

(4) Every cause of action against the Crown or a Crown agent arising from, resulting from, or incidental to anything mentioned in subsection (3) is extinguished.

(5) The moneys mentioned in subsection (2) shall be applied against and in satisfaction of the environmental handling charge imposed pursuant to section 14.82 that is imposed retroactively on the person who is obligated to pay the money to the Crown in right of Saskatchewan.

(6) Notwithstanding the enactment of *The Litter Control Amendment Act, 2010* or any other Act or law, all regulations made on or after April 1, 1998 pursuant to the provisions of this Act, as those provisions read before the enactment of *The Litter Control Amendment Act, 2010*, for the purpose of increasing or decreasing the amount of the environmental handling charge payable pursuant to clause 14.82(1)(a), or the amount of the refundable deposit payable pursuant to clause 14.82(1)(b), with respect to any designated container or any class or classes of designated containers are confirmed and declared valid.

2011, c.8, s.4.

Collection of amount of charge and refund

14.83(1) Every retailer or other person who sells a beverage in a designated container to a purchaser shall collect from the purchaser the environmental handling charge and the refundable deposit imposed by section 14.82.

(2) Every retailer or other person who sells a beverage in a designated container and who does not collect the environmental handling charge and the refundable deposit, or either of them, imposed by section 14.82 is deemed to have collected the amount not collected and is liable to account for that amount.

(3) Every retailer or other person who collects the environmental handling charge and refundable deposit from the purchaser of a beverage in a designated container as required by subsection (1), or is deemed pursuant to subsection (2) to have collected those amounts, shall remit the amounts collected and deemed to have been collected to a collector at the times and in the manner prescribed.

1988-89, c.29, s.4.

Returns and payments

14.84(1) Every collector shall at the times and in the manner prescribed furnish a return to the minister responsible for the administration of *The Revenue and Financial Services Act*.

(2) Every collector shall at the times and in the manner prescribed pay to the minister responsible for the administration of *The Revenue and Financial Services Act* the amounts remitted to the collector pursuant to section 14.83.

1988-89, c.29, s.4.

Collection, remission enforcement

14.85(1) Unless otherwise provided for in this Part or in the regulations, the environmental handling charge and refundable deposit imposed by section 14.82 are to be collected and remitted to the minister responsible for the administration of *The Revenue and Financial Services Act* in accordance with Part III of *The Revenue and Financial Services Act* and the regulations made pursuant to that Part.

(2) The minister responsible for the administration of *The Revenue and Financial Services Act* may enforce the collection and remission of the environmental handling charge and refundable deposit imposed by section 14.82 in accordance with Part III of *The Revenue and Financial Services Act* and the regulations made pursuant to that Part.

(3) All amounts collected pursuant to Part III of *The Revenue and Financial Services Act* in respect of environmental handling charges and refundable deposits shall be deposited in the general revenue fund.

1988-89, c.29, s.4; 1993, c.50, s.5; 2004, c.10, s.17.

Agreement with distributors

14.86 Subject to the regulations, the minister may enter into an agreement with any distributor:

- (a) setting forth the duties to be performed by the distributor with respect to the collection and accounting of the environmental handling charge and the refundable deposit imposed by section 14.82; and
- (b) dealing with any other matter that the minister considers necessary in connection with the distributor's duties pursuant to the agreement.

1988-89, c.29, s.4

14.87 to 14.9 Repealed. 1993, c.50, s.6.

Refund

14.91(1) Subject to subsection (4), every person who delivers a designated container to the operator of a depot is entitled to receive a refund respecting that container if:

- (a) the refundable deposit and environmental handling charge mentioned in section 14.82 have been paid; or
- (b) the amount mentioned in subsection 14.94(2) has been paid.

(2) A refund pursuant to subsection (1) shall be made to the person who delivered the designated container to the depot.

(3) The operator of a depot may determine the maximum number of designated containers a person may deliver within a specified period and shall post notice of that number and specified period at each depot for which that operator is responsible.

(4) The operator of a depot may refuse to pay a refund for any designated container in excess of the maximum number.

1988-89, c.29, s.4; 1999, c.20, s.4.

Operator may refuse to pay refund

14.911(1) The operator of a depot may refuse to pay a refund when the operator of the depot believes, on reasonable grounds, that:

- (a) the refundable deposit and environmental handling charge mentioned in section 14.82 have not been paid; or
- (b) the amount mentioned in subsection 14.94(2) has not been paid.

(2) The operator of a depot may request that a person delivering designated containers to a depot produce identification and provide an address.

(3) No person delivering containers to a depot shall give false information to the operator of a depot or to an enforcement officer as defined in section 14.93.

1999, c.20, s.5.

Agreements for refund, etc.

14.92 Subject to the regulations, the minister may enter into any agreement with any person, organization or association, whether incorporated or not, providing for the:

- (a) establishment and maintenance of a program or arrangement for the collection, storage, transportation, re-utilization or destruction or other disposition of any designated containers returned to depots pursuant to section 14.91 or other waste;
- (b) payment of refunds in respect of designated containers returned to depots;
- (c) financial arrangements for the operation of the program or arrangement pursuant to clause (a) and the payment of refunds pursuant to clause (b); and
- (d) doing of any other act or thing considered by the minister necessary or advisable for the purposes of clause (a), (b) or (c).

1988-89, c.29, s.4.

PART II.1

Interpretation of Part

14.93 In this Part:

- (a) **“enforcement officer”** includes:
 - (i) a revenue officer as defined in *The Revenue and Financial Services Act*;
 - (ii) a deputy enforcement officer appointed pursuant to section 14.931;
- (b) **“importer”** means a person who brings into Saskatchewan at one time more than 100 empty designated containers on which the refundable deposit and environmental handling charge mentioned in section 14.82 have not been paid;
- (c) **“vehicle”** means a vehicle as defined by *The Traffic Safety Act* .

1999, c.20, s.6; 2004, c.T-18.1, s.297.

Deputy enforcement officers

14.931(1) The minister may appoint deputy enforcement officers to carry out the administration and enforcement of any provision of this Act or the regulations.

(2) The appointment of a deputy enforcement officer is to be for a period not exceeding two years and may be cancelled at any time by the minister.

1999, c.20, s.6.

No claim where deposit not paid

14.94(1) No person shall claim a refund where:

- (a) the refundable deposit and environmental handling charge mentioned in section 14.82 have not been paid; or
 - (b) the amount mentioned in subsection (2) has not been paid.
- (2) Every importer shall, on or before entry into Saskatchewan:
- (a) report, in a manner acceptable to the minister, the importation or intended importation of the designated containers; and
 - (b) subject to subsections (3) and (4), pay to the minister an amount equal to the refundable deposit and environmental handling charge that would be payable if the designated containers were purchased in Saskatchewan.
- (3) Where the minister is satisfied that the importer is transporting designated containers into Saskatchewan for a purpose other than obtaining a refund, the minister shall exempt the importer in writing from paying the amount mentioned in subsection (2).
- (4) The minister may, in any circumstances in which the minister considers it appropriate, exempt an importer in writing from reporting or paying an amount equal to the refundable deposit and environmental handling charge.
- (5) The minister may place any terms and conditions on the exemption that the minister considers appropriate.
- (6) The importer shall retain a duplicate of an exemption provided by the minister in the vehicle transporting the designated containers into Saskatchewan.

1999, c.20, s.6.

Information to be provided

14.941 Every importer shall, at the request of an enforcement officer, provide the enforcement officer with written proof of:

- (a) the quantity and type of designated containers being transported;
- (b) the name and address of the person from whom the designated containers were obtained;
- (c) the name and address of every person to whom the designated containers were or are being delivered; and
- (d) the use or intended use of the designated containers.

1999, c.20, s.6.

Seizure of designated containers

14.95(1) Where an enforcement officer has reasonable grounds to believe that a person in a vehicle is an importer, an enforcement officer may:

- (a) request or signal to the person in charge of or operating a vehicle to stop the vehicle;
 - (b) inspect the vehicle for empty designated containers; and
 - (c) seize the designated containers, if:
 - (i) the written proof requested pursuant to section 14.941 is not provided;
 - (ii) the enforcement officer wishes to verify any written proof provided pursuant to section 14.941; or
 - (iii) the importer has failed to comply with the requirements of section 14.94.
- (2) The person in charge of or operating a vehicle shall, when requested or signalled by an enforcement officer pursuant to subsection (1):
- (a) immediately bring the vehicle to a safe stop; and
 - (b) permit the enforcement officer to inspect the vehicle for empty designated containers.
- (3) Where an enforcement officer has seized the designated containers, he or she may direct the importer to leave the designated containers at a specific location.

1999, c.20, s.6.

Search warrants

14.96(1) On the oath of an enforcement officer that there are reasonable grounds to believe that an offence against this Act or the regulations has occurred and that evidence of that offence is likely to be found in a place, premises, or vehicle, a justice of the peace or a judge of the Provincial Court of Saskatchewan may issue a warrant to:

- (a) enter and search any place or premises named in the warrant;
 - (b) stop and search any vehicle described in the warrant; and
 - (c) seize anything that may be evidence of an offence against this Act or the regulations.
- (2) An enforcement officer with a warrant issued pursuant to subsection (1) may:
- (a) enter at any time and search any place or premises named in the warrant;
 - (b) stop and search any vehicle described in the warrant;
 - (c) open and examine any trunk, box, bag, parcel, closet, cupboard, or other receptacle that the enforcement officer finds in the place or premises mentioned in clause (a) or vehicle mentioned in clause (b); or
 - (d) seize anything that may be evidence of an offence against this Act or the regulations.

(3) No enforcement officer shall enter premises that are ordinarily occupied as a private residence without a warrant issued pursuant to this section unless the occupant of those premises consents to the entry.

1999, c.20, s.6.

Immunity

14.97 No action or proceeding lies or shall be instituted against the minister, the minister's designate or an enforcement officer for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise of or the supposed exercise of any power conferred by this Part or in the carrying out or supposed carrying out of any duty imposed by this Part.

1999, c.20, s.6.

Offences and penalties

14.98(1) A person who contravenes any provision in this Part is guilty of an offence and liable on summary conviction to a fine of not more than \$25,000, to imprisonment for a term of not more than three months or to both.

(2) In addition to the penalty imposed pursuant to subsection (1), the convicting judge may order the convicted person to pay to the Crown in right of Saskatchewan an amount equal to two times the amount of the refundable deposit and environmental handling charge the person ought to have paid had the designated containers been purchased in Saskatchewan.

1999, c.20, s.6.

Forfeiture

14.99(1) Where the owner of the seized designated containers fails to make the report and pay the amount mentioned in subsection 14.94(2) within 60 days after the date on which the designated containers were seized, the designated containers are deemed to be forfeited to the Crown in right of Saskatchewan and may be disposed of in a manner considered appropriate by the minister.

(2) Where any designated containers are seized for the purpose of the prosecution of an offence pursuant to this Part and the designated containers have not been forfeited pursuant to subsection (1), those designated containers must be returned to the person from whom they were seized if:

- (a) a prosecution results in an acquittal, unless the verdict is appealed within 60 days; or
- (b) the charge is dismissed or stayed, unless the dismissal or stay is appealed within 60 days.

1999, c.20, s.6.

PART III

Offences and penalties

15(1) Every person who contravenes any provision of this Act or the regulations for which no penalty is otherwise provided is guilty of an offence and liable on summary conviction to the penalties provided in this section.

(2) Where the offence is committed by an individual, the individual is liable:

(a) for the first offence:

(i) to a fine not exceeding \$500;

(ii) to imprisonment for a term not exceeding two months; or

(iii) to a fine not exceeding \$500 and to imprisonment for a term not exceeding two months and in default of payment to imprisonment for an additional term not exceeding two months;

(b) for each subsequent offence:

(i) to a fine not exceeding \$1,000 and in default of payment to imprisonment for a term not exceeding three months;

(ii) to imprisonment for a term not exceeding three months; or

(iii) to a fine not exceeding \$1,000 and to imprisonment for a term not exceeding three months and in default of payment to imprisonment for an additional term not exceeding three months.

(3) Where the offence is committed by a company, the company is liable:

(a) for the first offence, to a fine not exceeding \$2,000;

(b) for each subsequent offence, to a fine not exceeding \$5,000.

(4) Every director, officer or agent of a company who directed, authorized, assented to, acquiesced in or participated in the commission of an offence by the company is guilty of an offence and liable on summary conviction:

(a) for a first offence, to a fine not exceeding \$1,000;

(b) for each subsequent offence, to a fine not exceeding \$5,000;

whether or not the company has been prosecuted or convicted.

1973, c.59, s.15; 1986-87-88, c.47, s.10.

Certain documents, etc., receivable in evidence

16 In any prosecution for an offence against this Act or the regulations or in any proceedings under section 17, an entry from a document in a file or record of any department, board, commission or agency of the Government of Saskatchewan or a copy of such document, certified to be a true copy of the entry or document by the custodian of the document, shall be received as evidence of the entry or document and of the matters, transactions and accounts therein contained without proof of the signature or appointment of the custodian.

1973, c.59, s.16.

Attorney General may apply for certain injunctions

17(1) Where it appears to the Attorney General that a person is contravening any of the provisions of this Act or the regulations he may, whether or not the person has been prosecuted or convicted, apply to a judge of the Court of Queen's Bench in chambers for an injunction enjoining that person against contravening the provisions of this Act or the regulations and upon such application the judge may grant such injunction or make such order as he thinks fit.

(2) An appeal lies to the Court of Appeal from a decision of a judge of the Court of Queen's Bench made under subsection (1).

(3) The rules of the Court of Queen's Bench or of the Court of Appeal apply to proceedings under subsection (1) or (2), as the case may be.

1973, c.59, s.17; 1979-80, c.96, s.11; 1980-81, c.83, s.28.

Proof of certain convictions

18 Proof of the conviction of a person for a contravention of this Act or the regulations may be made by filing a copy of the conviction, duly certified by the judge or proper officer of the court that made the conviction to be a true copy, and such copy shall be received in evidence in any cause, matter or proceeding of the contents of the original document without proof of the signature of the judge or proper officer who certified the copy or of the appointment of the proper officer.

1973, c.59, s.18.

Evidence

19 In any prosecution for a contravention of this Act or the regulations or in any proceedings under section 17:

(a) the certificate of an analyst appointed under *The Alcohol and Gaming Regulation Act, 1997* stating that he has analyzed or examined a beverage or container produced to him for that purpose and stating the result of his analysis or examination is *prima facie* evidence of the facts set forth in the certificate without proof of the signature or appointment of the person purporting to have signed the certificate;

(b) a label attached to a container by a vendor or any description on a container placed by or on behalf of a vendor purporting to describe the contents of the container to be a beverage is *prima facie* evidence of that fact so stated in the label or by the description.

1973, c.59, s.19; 1993, c.45, s.51; 2003, c.15, s.19.

20 Repealed. 1986-87-88, c.47, s.11.

Application of Act and regulations to Liquor and Gaming Authority

21 This Act and the regulations apply to the Liquor and Gaming Authority insofar as necessary to carry out this Act and the regulations according to their true intent and where the provisions of this Act or the regulations conflict with the provisions of any other Act or the regulations made thereunder the provisions of this Act or the regulations govern.

1973, c.59, s.21; 1993, c.45, s.51.

Regulations

22(1) The Lieutenant Governor in Council may make regulations:

- (a) fixing the sum to be paid for approved containers or categories of approved containers brought to vendors by persons;
- (b) for the purpose of enforcing and administering this Act and the regulations, establishing categories of wholesalers, vendors, containers and approved containers;
- (c) prescribing the manner in which the containers may be approved and the manner in which that approval may be withdrawn;
- (d) prescribing a maximum number of approved containers that any person may deliver to any vendor during a specified period of time, and specifying that period of time;
- (e) designating any liquid intended for human consumption by drinking to be a beverage for the purpose of this Act;
- (f) excluding any vendor or category of vendors or approved containers or category of approved containers from the application of this Act or any provision of this Act;
- (g) excluding any geographic area of the province defined in the regulations from the application of this Act or any provision of this Act;
- (h) prescribing the manner in which containers shall be destroyed or otherwise disposed of;
- (i) respecting any matter or thing that in the opinion of the Lieutenant Governor in Council is necessary for the administration of this Act or the administration of *The Alcohol and Gaming Regulation Act, 1997* in accordance with the spirit of this Act;
- (j) prescribing the manner in which applications shall be made for approvals of containers and also prescribing information that shall be provided by the applicants upon the making of such applications and the forms that shall be used by them when the applications are made;
- (k) regulating and controlling the establishment and operation of depots mentioned in section 8;
- (l) prescribing the manner of handling and of sorting containers or categories of containers;

- (m) requiring a wholesaler, or a category of wholesaler, to keep adequate books, documents, records and accounts for the purpose of this Act;
- (n) specifying the form and type of books, documents, records and accounts mentioned in clause (m);
- (o) specifying the manner, method, frequency and degree of detail in which the books, documents, records and accounts mentioned in clause (m) shall be kept by or on behalf of the wholesaler;
- (p) requiring that statistical returns and data pertaining to container returns be compiled and submitted to the minister;
- (q) defining any word or expression used in this Act but not defined in this Act;
- (r) designating persons or categories of persons as enforcement officers;
- (s) designating any container as a designated container for the purposes of Part II;
- (t) increasing or decreasing the amount of the refundable deposit imposed by section 14.82 with respect to any designated container or class or classes of designated containers;
imposed by section 14.82 in respect of any designated container or class or classes of designated containers;
- (u) prescribing the times within which and the manner for the remittance of amounts pursuant to section 14.83;
- (v) prescribing the times within which and the manner for the:
 - (i) furnishing of returns; and
 - (ii) payment of amounts;
 pursuant to section 14.84;
- (w) **Repealed.** 1999, c.20, s.7.
- (x) respecting agreements pursuant to section 14.86 or 14.92;
- (y) regulating and controlling the establishment and operation of depots mentioned in section 14.91.
- (z) establishing or licensing depots for the collection of any prescribed waste product;
- (aa) respecting the licensing of suppliers and collectors of prescribed waste products;
- (bb) establishing standards governing equipment design, processes, performance, activities, products and services related to waste minimization;
- (cc) establishing licensing and certification requirements respecting the provision of activities, products and services related to waste minimization;

- (dd) adopting or establishing codes of practice respecting waste minimization, including adopting any codes as amended from time to time;
 - (ee) prescribing any other matter or thing required or authorized by this Act to be prescribed in the regulations.
- (2) Any regulations made pursuant to clauses (1)(s) to (y) or any of those clauses may be made retroactive to a day not earlier than May 12, 1988.

1973, c.59, s.22; 1986-87-88, c.47, s.12; 1988-89, c.29, s.5; 1993, c.17, s.14; 1993, c.45, s.51; 1993, c.50, s.7; 1999, c.20, s.7; 2003, c.15, s.19; 2011, c.8, s.5.

22.1 Repealed. 2000, c.50, s.13.

Enforcement officers

23 An enforcement officer has the powers of a peace officer to enforce this Act and the regulations and is entitled, while performing his duties, to all the protection to which peace officers are entitled pursuant to the *Criminal Code*, as amended from time to time.

1986-87-88, c.47, s.14; 2000, c.50, s.13.

Time limitation on prosecution

24 No prosecution for an offence against this Act or the regulations shall be commenced after two years from the date of the commission of the alleged offence.

1976, c.31, s.1.

Editorial Appendix

“Winding-up of Environmental Protection Fund

8(1) In this section and in sections 9 and 10, “**fund**” means The Environmental Protection Fund established pursuant to section 14.87 of *The Litter Control Act* as that section existed prior to the coming into force of this Act.

(2) All assets and liabilities of the fund are transferred at their book value to the consolidated fund.

(3) The fund ceases to exist after March 31, 1993.

(4) All assets and liabilities of the fund as of March 31, 1993 become the assets and liabilities of the consolidated fund as of April 1, 1993.

(5) After March 31, 1993:

(a) all assets, revenues and liabilities accruing to the fund are deemed to have accrued to the consolidated fund;

(b) all deposits made to the fund are deemed to have been made to the consolidated fund; and

(c) all payments made from the fund are deemed to have been appropriated from and made from the consolidated fund.

“Transitional — annual report

9(1) Notwithstanding the repeal of section 14.87 of *The Litter Control Act*, the Department of Environment and Resource Management, in accordance with *The Tabling of Documents Act*, 1991, shall prepare and submit to the Minister of Environment and Resource Management a financial statement showing the business of the fund for the fiscal year ending March 31, 1993.

(2) The financial statement is to be in a form required by Treasury Board.

(3) In accordance with *The Tabling of Documents Act, 1991*, the Minister of Environment and Resource Management shall lay the financial statement before the Assembly.

“Transitional — audit

10 Notwithstanding the repeal of section 14.9 of *The Litter Control Act*, the Provincial Auditor shall audit the accounts and transactions of the fund for the fiscal year ending on March 31, 1993.”

