

2007

CHAPTER 24

An Act to amend *The Evidence Act*

(Assented to May 17, 2007)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Evidence Amendment Act, 2007*.

S.S. 2006, c.E-11.2, new section 23.1

2 *The Evidence Act* is amended by adding the following section after section 23:

“Effect of apology on liability

23.1(1) In this section, ‘**apology**’ means an expression of sympathy or regret, a statement that one is sorry or any other words or acts indicating contrition or commiseration, whether or not the words or acts admit or imply an admission of fault in connection with the event or occurrence to which the words or acts relate.

(2) An apology made by or on behalf of a person in connection with any event or occurrence:

(a) does not constitute an express or implied admission of fault or liability by the person in connection with that event or occurrence;

(b) does not constitute an acknowledgment of the existence of a claim in relation to that event or occurrence for the purposes of section 11 of *The Limitations Act*;

(c) notwithstanding any wording to the contrary in any contract of insurance and notwithstanding any other Act or law, does not void, impair or otherwise affect any insurance coverage that is available to the person or would be available to the person in connection with that event or occurrence but for the apology; and

(d) must not be taken into account in any determination of fault or liability in connection with that event or occurrence.

(3) Notwithstanding any other Act or law, evidence of an apology made by or on behalf of a person in connection with any event or occurrence is not admissible in any action or matter in any court as evidence of the fault or liability of the person in connection with that event or occurrence”.

Coming into force

3 This Act comes into force on assent.