

BILL

No. 9

An Act to amend certain Statutes to Standardize Appeal Provisions

(Assented to _____)

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 Miscellaneous Statutes (Appeal Provisions) Amendment Act, 2020*.

SS 1994, c A-16.1, new section 35

2 Section 35 of *The Agrologists Act, 1994* is repealed and the following substituted:

“Appeal to Court of Appeal

35 With leave of a judge of the Court of Appeal, the institute or a member who brings an appeal pursuant to section 32 may appeal a decision of the court to the Court of Appeal on a question of law only”.

SS 2019, c A-20.01, new section 4-15

3 Section 4-15 of *The Animal Health Act* is repealed and the following substituted:

“Court of Appeal

4-15 With leave of a judge of the Court of Appeal, the inspector, the chief veterinary officer, the minister or a person mentioned in section 4-14 may appeal a decision or order of the Court of Queen’s Bench to the Court of Appeal on a question of law only”.

SS 1999, c C-4.01, new section 71

4 Section 71 of *The Cemeteries Act, 1999* is repealed and the following substituted:

“Court of Appeal

71 With leave of a judge of the Court of Appeal, the registrar or a person mentioned in section 68 may appeal a decision or order of the Court of Queen’s Bench to the Court of Appeal on a question of law only”.

SS 2002, c C-6.2, new section 39

5 Section 39 of *The Charitable Fund-raising Businesses Act* is repealed and the following substituted:

“Appeal to Court of Appeal

39 With leave of a judge of the Court of Appeal, the registrar or a person who is the subject of a registrar’s decision or order may appeal a decision or order of the court to the Court of Appeal on a question of law only”.

SS 1994, c C-10.1, new section 43

6 Section 43 of *The Chiropractic Act, 1994* is repealed and the following substituted:

“Court of Appeal

43 With leave of a judge of the Court of Appeal, the association or a member who brings an appeal pursuant to section 40 may appeal a decision of the court to the Court of Appeal on a question of law only”.

SS 2002, c C-11.1, section 123 amended

7 Subsection 123(1) of *The Cities Act* is amended by striking out “The decision” and substituting “With leave of a judge of the Court of Appeal, the decision”.

SS 1996, c C-27.01 amended

8(1) *The Conservation Easements Act* is amended in the manner set forth in this section.

(2) Subsection 11.1(3) is repealed and the following substituted:

“(3) With leave of a judge of the Court of Appeal, the holder of a conservation easement or any person against whom an order is made may appeal the order to the Court of Appeal”.

(3) Subsection 11.51(3) is repealed and the following substituted:

“(3) With leave of a judge of the Court of Appeal, the minister or any person against whom an order is made may appeal the order to the Court of Appeal”.

(4) Subsection 11.57(2) is repealed and the following substituted:

“(2) With leave of a judge of the Court of Appeal, any person who is a party to an appeal pursuant to subsection (1) and is aggrieved by the decision of the Court of Queen’s Bench may appeal the decision of the Court of Queen’s Bench to the Court of Appeal”.

RSS 1978, c C-32, new section 28

9 Section 28 of *The Controverted Elections Act* is repealed and the following substituted:

“Appeal to Court of Appeal

28(1) With leave of a judge of the Court of Appeal, an order or determination of a judge made pursuant to this Act may be appealed to the Court of Appeal.

(2) Subject to sections 30 and 31, an appeal pursuant this section shall be dealt with in accordance with the practices and procedures established pursuant to *The Court of Appeal Act, 2000* and the rules of court”.

SS 1997, c D-4.1, new section 40

10 Section 40 of *The Dental Disciplines Act* is repealed and the following substituted:

“Court of Appeal

40 With leave of a judge of the Court of Appeal, an association or a member who brings an appeal pursuant to section 38 may appeal a decision of the court to the Court of Appeal on a question of law only”.

RSS 1978, c E-15, section 20 amended

11(1) Section 20 of *The Expropriation Act* is amended in the manner set forth in this section.

(2) **Subsection (1) is amended by striking out** “Within one month after receiving from the arbitrator or from the opposite party a written notice of the making of the award” **and substituting** “With leave of a judge of the Court of Appeal”.

(3) **Subsection (2) is amended by striking out** “Where the award is less than \$600 the applicant or the opposite party may, within the time limited by this section,” **and substituting** “If an award is for \$600 or less, either party, with leave of a judge of the Court of Appeal, may”.

RSS 1978, c E-16, section 44 amended

12 **Subsection 44(1) of *The Expropriation Procedure Act* is repealed and the following substituted:**

“(1) With leave of a judge of the Court of Appeal, a judgment or order in an action under this Act may be appealed to the Court of Appeal”.

SS 1996, c F-19.1 amended

13(1) *The Forest Resources Management Act* is amended in the manner set forth in this section.

(2) **Subsection 64(5) is repealed and the following substituted:**

“(5) With leave of a judge of the Court of Appeal, any person who is a party to an appeal and is aggrieved by a decision of the judge of the Court of Queen’s Bench may appeal the decision to the Court of Appeal”.

(3) **Subsection 65(3) is repealed and the following substituted:**

“(3) With leave of a judge of the Court of Appeal, the minister or any person against whom an order is made may appeal the order to the Court of Appeal”.

(4) **Subsection 96(4) is repealed and the following substituted:**

“(4) With leave of a judge of the Court of Appeal, any person who is a party to an appeal and is aggrieved by a decision of the judge of the Court of Queen’s Bench may appeal the decision to the Court of Appeal”.

SS 1999, c F-23.3, new section 67

14 **Section 67 of *The Funeral and Cremation Services Act* is repealed and the following substituted:**

“Court of Appeal

67 With leave of a judge of the Court of Appeal, the council or a person mentioned in section 64 may appeal a decision or order of the Court of Queen’s Bench to the Court of Appeal on a question of law only”.

SS 2015, c I-9.11, section 10-38 amended

15(1) Section 10-38 of *The Insurance Act* is amended in the manner set forth in this section.

(2) Subsection (1) is repealed and the following substituted:

“(1) With leave of a judge of the Court of Appeal, any person who is directly affected by a decision of the appeal panel pursuant to this Act may appeal the decision to the Court of Appeal on a question of law only”.

(3) Subsection (2) is amended in the portion preceding clause (a) by striking out “within 30 days after the decision was made”.

SS 2018, c L-3.001 amended

16(1) *The Land Contracts (Actions) Act, 2018* is amended in the manner set forth in this section.

(2) The following section is added to Part 3 before section 12:

“Leave to appeal to Court of Appeal

11.1 With leave of a judge of the Court of Appeal, a decision or order made pursuant to section 8 may be appealed to the Court of Appeal on a question of law only”.

(3) Subsection 12(1) is amended by striking out “section 8 or 10” and substituting “section 10”.

SS 2000, c L-5.1, new section 111

17 Section 111 of *The Land Titles Act, 2000* is repealed and the following substituted:

“Appeal to Court of Appeal

111 With leave of a judge of the Court of Appeal, the Registrar or any interested party may appeal a decision or order of the court to the Court of Appeal on a question of law only”.

RSS 1978, c L-6, new section 55

18 Section 55 of *The Landlord and Tenant Act* is repealed and the following substituted:

“Appeal to Court of Appeal

55 With leave of a judge of the Court of Appeal, an order of a judge of the Court of Queen’s Bench granting or refusing a writ of possession may be appealed to the Court of Appeal”.

SS 1990-91, c L-10.1 amended

19(1) *The Legal Profession Act, 1990* is amended in the manner set forth in this section.

(2) Subsection 29(2) is repealed and the following substituted:

“(2) With leave of a judge of the Court of Appeal, a person whose application for reinstatement has been refused may appeal the decision of the admissions panel to the Court of Appeal”.

(3) Subsections 56(1) and (1.1) are repealed and the following substituted:

“(1) If a formal complaint against a member is determined by the hearing committee to be well founded, with leave of a judge of the Court of Appeal:

(a) the member may appeal the decision of the hearing committee or a penalty assessed or requirement imposed by the hearing committee resulting from the decision to the Court of Appeal by:

(i) filing a notice of appeal with the registrar of the Court of Appeal; and

(ii) serving a copy of the notice of appeal on the executive director; and

(b) the society, at the direction of the conduct investigation committee, may appeal a penalty assessed or requirement imposed by the hearing committee resulting from the decision to the Court of Appeal by:

(i) filing a notice of appeal with the registrar of the Court of Appeal; and

(ii) serving a copy of the notice of appeal on the member whose conduct was the subject of the hearing.

“(1.1) If a formal complaint against a member is determined by the hearing committee not to be well founded, the society, with leave of a judge of the Court of Appeal, may appeal the decision of the hearing committee to the Court of Appeal by:

(a) filing a notice of appeal with the registrar of the Court of Appeal; and

(b) serving a copy of the notice of appeal on the member whose conduct was the subject of the hearing”.

(4) Subsection 56(2) is repealed.**SS 2000, c L-14.2, section 36 amended****20 Subsection 36(2) of *The Licensed Practical Nurses Act, 2000* is repealed and the following substituted:**

“(2) With leave of a judge of the Court of Appeal, a decision of the court pursuant to subsection (1) may be appealed on a question of law to the Court of Appeal by the member who made the appeal or by the association”.

SS 2005, c M-2.1, section 13 amended**21 Subsection 13(1) of *The Mandatory Testing and Disclosure (Bodily Substances) Act* is repealed and the following substituted:**

“(1) With leave of a judge of the Court of Appeal, a decision of the court respecting an application for a testing order may be appealed to the Court of Appeal on a question of law only”.

SS 1999, c N-4.001, new section 296

22 Section 296 of *The New Generation Co-operatives Act* is repealed and the following substituted:

“Appeal

296 With leave of a judge of the Court of Appeal, any order made by the court pursuant to this Part may be appealed to the Court of Appeal”.

SS 2010, c N-5.2 amended

23(1) *The Northern Municipalities Act, 2010* is amended in the manner set forth in this section.

(2) Subsection 22(4.3) is amended by striking out “Any person” and substituting “With leave of a judge of the Court of Appeal, any person”.

(3) Subsection 168(2) is amended by striking out “The decision” and substituting “With leave of a judge of the Court of Appeal, the decision”.

SS 1993, c P-6.2, section 66 amended

24 Subsection 66(2) of *The Personal Property Security Act, 1993* is repealed and the following substituted:

“(2) With leave of a judge of the Court of Appeal, any order, judgment or direction of the court made pursuant to this Act may be appealed to the Court of Appeal”.

SS 2013, c P-16.101, section 10 amended

25 Subsections 10(1) to (3) of *The Pooled Registered Pension Plans (Saskatchewan) Act* are repealed and the following substituted:

“(1) With leave of a judge of the Court of Appeal, an applicant for a licence mentioned in subsection 11(1) of the federal Act or an administrator directly affected by a decision of the authority may appeal the decision to the Court of Appeal on a question of law only.

“(2) An application for leave to appeal and a notice of appeal pursuant to this section must be served on the superintendent.

“(3) The authority is a party to any appeal pursuant to this section and is entitled to be heard, by counsel or otherwise, on the application for leave and on the hearing of the appeal”.

SS 1994, c P-37.1, section 43 amended

26 Subsection 43(1) of *The Public Health Act, 1994* is repealed and the following substituted:

“(1) With leave of a judge of the Court of Appeal, a decision of a judge of the Court of Queen’s Bench made pursuant to section 42 may be appealed to the Court of Appeal on a question of law only”.

SS 1995, c R-1.3, new section 45

27 Section 45 of *The Real Estate Act* is repealed and the following substituted:

“Court of Appeal

45 With leave of a judge of the Court of Appeal, the Commission or a person mentioned in subsection 44(1) may appeal a decision or order of a judge of the court to the Court of Appeal on a question of law only”.

SS 1993, c R-13.1, new section 34

28 Section 34 of *The Registered Psychiatric Nurses Act* is repealed and the following substituted:

“Court of Appeal

34 With leave of a judge of the Court of Appeal, the association or a member who brings an appeal pursuant to section 33 may appeal a decision of a judge of the court to the Court of Appeal on a question of law only”.

SS 1988-89, c S-42.2 amended

29(1) *The Securities Act, 1988* is amended in the manner set forth in this section.

(2) Subsection 11(1) is repealed and the following substituted:

“(1) With leave of a judge of the Court of Appeal, a person or company directly affected by a decision of the Commission, other than an order pursuant to subsection 83(1), may appeal the decision to the Court of Appeal on a question of law only”.

(3) Subsection 147.8(2) is repealed and the following substituted:

“(2) With leave of a judge of the Court of Appeal, a person or company directly affected by an extraprovincial decision may appeal the extraprovincial decision to the Court of Appeal”.

(4) Subsection 147.81(2) is amended by striking out the portion preceding clause (a) and substituting the following:

“With leave of a judge of the Court of Appeal, a person or company directly affected by any of the following decisions may appeal that decision to the Court of Appeal:”.

SS 1993, c S-52.1, new section 37

30 Section 37 of *The Social Workers Act* is repealed and the following substituted:

“Appeal to Court of Appeal

37 With leave of a judge of the Court of Appeal, a member who brings an appeal pursuant to section 34 or the association may appeal a decision of the court to the Court of Appeal on a question of law only”.

Coming into force

31 This Act comes into force on assent.

FIRST SESSION
Twenty-ninth Legislature
SASKATCHEWAN

B I L L

No. 9

An Act to amend certain Statutes to Standardize
Appeal Provisions

Received and read the

First time

Second time

Third time

And passed

Honourable Gordon Wyant
