

BILL

No. 46

An Act to amend *The Legal Aid Act*

(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 Legal Aid Amendment Act, 2021*.

SS 1983, c L-9.1 amended

2 *The Legal Aid Act* is amended in the manner set forth in this Act.

Section 2 amended

3 **Clause 2(k) is repealed and the following substituted:**

“(k) **‘solicitor’** means a person who is admitted as a member of the Law Society of Saskatchewan pursuant to section 24 of *The Legal Profession Act, 1990*, or a person who is authorized to practise in accordance with the rules made pursuant to clause 10(i) of that Act, and whose right to practise is not under suspension”.

Section 3 amended

4(1) **Subsection 3(3) is amended:**

(a) **by repealing clause (e) and substituting the following:**

“(e) one member who is an employee of the Ministry of Justice appointed by the Minister of Justice and Attorney General”; **and**

(b) **by repealing clause (f) and substituting the following:**

“(f) one member who is an employee of the Ministry of Social Services appointed by the Minister of Social Services”.

(2) **Subsection 3(5) is amended by striking out “term of three years” and substituting “term not exceeding three years”.**

Section 6 amended

5 **Subsection 6(2) is repealed.**

Section 7 amended

6 Clause 7(d) is repealed and the following substituted:

“(d) establish guidelines, procedures and requirements, pursuant to which solicitors or other persons retained under this Act shall provide legal services, including establishing terms and conditions respecting the following:

- (i) the designation of a solicitor as a member of the panel pursuant to section 15;
- (ii) the removal of a solicitor from the panel pursuant to section 16;
- (iii) a request from a solicitor to withdraw services pursuant to section 18”.

Section 8 amended

7 Subsection 8(1) is amended by striking out “that it may prescribe” and substituting “that the commission considers appropriate”.

New section 15

8 Section 15 is repealed and the following substituted:

“Composition of panel

15(1) Subject to subsection (2), any solicitor who wishes to provide legal services under this Act, including a solicitor who is an employee of the commission, may be designated by the commission as a member of the panel subject to any terms and conditions established by the commission.

(2) A solicitor designated as a member of the panel pursuant to subsection (1) continues as a member of the panel until the earliest of the following occurs:

- (a) if the solicitor is an employee of the commission, the solicitor ceases to be an employee of the commission;
- (b) the solicitor ceases to be authorized to engage in the practice of law in Saskatchewan;
- (c) the solicitor is removed from the panel pursuant to section 16;
- (d) the solicitor withdraws from the panel”.

New section 16

9 Section 16 is repealed and the following substituted:

“Removal of solicitor

16(1) Subject to subsections (2) and (3), the commission may remove a solicitor from the panel for any reason set out in the terms and conditions established by the commission.

(2) The commission shall not remove a solicitor from the panel pursuant to subsection (1) without providing the solicitor with:

- (a) written notice of the commission’s decision together with reasons; and
- (b) an opportunity to make written representations.

(3) After considering any written representations made pursuant to subsection (2), the commission shall issue a written decision and shall serve a copy of the decision on the solicitor”.

New section 18

10 Section 18 is repealed and the following substituted:

“Withdrawal of services by solicitor

18(1) A solicitor who is appointed to act for a client and who wishes to withdraw services with respect to that client may apply to the chief executive officer, or any person that the chief executive officer may designate, in the manner and form specified by the commission to request to withdraw services with respect to that client.

(2) The chief executive officer or designate may, in accordance with the terms and conditions established by the commission:

(a) grant the request made pursuant to subsection (1); or

(b) subject to subsection (3), refuse a request made pursuant to subsection (1).

(3) If the chief executive officer or designate refuses a request pursuant to clause (2)(b), the chief executive officer or designate shall provide the solicitor with written notice of the chief executive officer’s or designate’s decision together with reasons.

(4) No solicitor who has been appointed to provide legal services pursuant to this Act shall secure another solicitor to provide those services unless a solicitor designated by the chief executive officer approves of the action by the solicitor.

(5) Nothing in subsection (1) renders inoperative any law or rule with respect to a solicitor withdrawing the solicitor’s services from a client or prospective client”.

Section 25 amended

11(1) Subsection 25(1) is amended by striking out “prescribed” and substituting “specified”.

(2) Subsection 25(2) is amended by striking out “prescribed in the regulations” and substituting “specified by the commission”.

Coming into force

12 This Act comes into force by order of the Lieutenant Governor in Council.

SECOND SESSION

Twenty-ninth Legislature

SASKATCHEWAN

B I L L

No. 46

An Act to amend *The Legal Aid Act*

Received and read the

First time

Second time

Third time

And passed

Honourable Gordon Wyant
