

## EXPLANATORY NOTES

### B I L L

#### No. 6

### An Act to amend the Statute Law

#### Clause of Bill

1 *The Statute Law Amendment Act, 2016.*

2 Existing Provision

#### *The Agricultural Implements Act*

#### **Interpretation**

2 In this Act:

(a) **“board”** means the Agricultural Implements Board continued pursuant to section 7;

(b) **“dealer”** means a person who:

(i) sells or offers for sale implements or parts in Saskatchewan on that person’s own account or on account of a distributor; or

(ii) leases or offers for lease, with or without the right to purchase, implements or parts in Saskatchewan on that person’s own account or on account of a distributor;

but does not include a person who operates a repair shop from which no new or used implements are sold and no new implements are leased or from which parts are sold as a part of repair services to implements;

(c) **“department”** means the department over which the minister presides;

(d) **“distributor”** means a person who:

(i) either:

(A) represents a manufacturer; or

(B) represents a person who sells, offers for sale, leases or offers for lease implements or parts in Saskatchewan; and

(ii) is responsible to the manufacturer or person mentioned in subclause (i) with respect to the distribution and marketing of those implements or parts in Saskatchewan;

(e) **“financial institution”** means any of the following institutions if the legislation of the jurisdiction where the institution is incorporated or continued authorizes the institution to engage in financial leasing and the institution’s constating documents or bylaws do not prohibit it from engaging in financial leasing:

(i) a bank to which the *Bank Act* (Canada) applies;

(ii) an entity licensed pursuant to *The Trust and Loan Corporations Act, 1997*, including a financial leasing corporation as defined in that Act;

(iii) a credit union incorporated, continued or registered pursuant to *The Credit Union Act, 1998*;

(iv) Credit Union Central of Saskatchewan;

(v) Farm Credit Canada;

(vi) any other similar institution that is prescribed in the regulations;

(f) **“financial lease”** means a lease or lease-purchase between a financial institution and a purchaser that, after allowing for the rate of return to the financial institution agreed to by the purchaser, is intended to recoup to the financial institution its entire investment in the implement, taking into consideration the value of any tax benefits accruing to the financial institution on account of the lease or lease-purchase, including:

(i) tax credits; and

(ii) capital cost allowance claims;

- (g) **“implement”** means any implement, equipment or machine that is used or intended for use on a farm and that is within the definition of implement prescribed in the regulations;
- (h) **“lease”** means a lease of an implement for more than 30 days under which the lessee is not given the right to purchase the implement;
- (i) **“lease-purchase”** means a lease of an implement for more than 30 days under which the lessee is given the right to purchase the implement;
- (j) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (k) **“part”** means a part for an implement and includes a repair, but does not include any services for installing the part;
- (l) **“purchaser”** means a person who:
  - (i) purchases or leases, with or without the right to purchase, an implement from a dealer in Saskatchewan; or
  - (ii) leases, with or without the right to purchase, an implement from a financial institution in Saskatchewan under a financial lease, if the financial institution obtains the implement from a dealer licensed pursuant to this Act at the request of the person;
- (m) **“repair”** means a repair part for an implement, but does not include any services for installing the repair part;
- (n) **“security interest”** means an interest in an implement that secures payment or performance of an obligation.

2003, c.5, s.3.

#### **Powers of minister**

**5** The minister may, for the purpose of carrying out the provisions of this Act, upon such terms and subject to such conditions as may be determined by the Lieutenant Governor in Council:

- (a) enter into an agreement with any department or agency of the Government of Saskatchewan or with the Government of Canada or of any province of Canada or with any university or any research agency or

person, providing for the carrying on of research or the conducting of investigations or inquiries;

(b) carry on investigations and studies on behalf of any person or organization.

1968, c.1, s.5; R.S.S. 1978, c.A-10, s.5.

### **Immunity from liability**

**19** No action lies or shall be instituted against:

- (a) the Crown in right of Saskatchewan;
- (b) the minister;
- (c) the board or any member of the board;
- (d) an officer of, or consultant or technical advisor to, the board; or
- (e) any employee or officer of the department;

for any loss or damage suffered by any person by reason of anything in good faith done, attempted to be done or omitted to be done, pursuant to or in the exercise or supposed exercise of any power, function or duty conferred by this Act or the regulations.

2003, c.5, s.11.

### **Explanation**

*The Agricultural Implements Act* is amended to replace references to department with ministry.

## **3 Existing Provision**

### ***The Agricultural Leaseholds Act***

#### **Liability of owner or occupant who fails to observe terms of Board's order**

**7** Where on an application under section 5 or 6 the Provincial Mediation Board orders that the tenant or his agent be permitted to enter the land and to exercise the rights conferred by subsection (1) of section 3 and the owner or occupant of the land hinders or prevents the tenant or his agent from so doing, the owner or occupant, as the case may be, is guilty of an offence and liable on

summary conviction to the penalties provided by section 20 of *The Provincial Mediation Board Act*; and in case of a conviction the convicting provincial magistrate or justice of the peace shall order the person convicted to allow the tenant or his agent to enter upon the land along with all necessary assistants, vehicles, animals, implements, equipment and supplies and to exercise the rights conferred by subsection (1) of section 3.

1969, c.3, s.8; R.S.S. 1978, c.A-12, s.8.

### **Explanation**

*The Agricultural Leaseholds Act* is amended to replace provincial magistrate with judge.

## **4      Existing Provision**

### ***The Arbitration Act, 1992***

#### **Termination of arbitration**

**43(1)** An arbitration is terminated when:

- (a) the arbitral tribunal makes a final award in accordance with this Act, disposing of all matters referred to arbitration;
- (b) the arbitral tribunal terminates the arbitration pursuant to subsection (2), 28(1) or 28(4); or
- (c) the arbitrator's mandate is terminated, if the arbitration agreement provides that the arbitration shall be conducted only by that arbitrator.

(2) An arbitral tribunal shall make an order terminating the arbitration if:

- (a) the party that commenced the arbitration withdraws the matters in dispute, unless the other party objects to the termination and the arbitral tribunal agrees that the other party is entitled to obtain a final settlement of the matters in dispute;
- (b) the parties agree that the arbitration should be terminated; or
- (c) the arbitral tribunal finds that the continuation of the arbitration has become unnecessary or impossible.

(3) An arbitration that is terminated may be revived for the purposes of section 44 or subsection 45(6), 46(7), 46(8), 50(7) or 54(3).

(4) A party's death terminates the arbitration only with respect to claims that are extinguished as a result of the death.

1992, c.A-24.1, s.43.

### **Explanation**

Subsection 43(3) of *The Arbitration Act* is amended to correct an internal reference error.

## **5 Existing Provision**

### ***The Automobile Accident Insurance Act***

#### **Effect of cancellation of registration, etc.**

**15(1)** The suspension, revocation or cancellation under any law of a certificate of registration, licence or permit for a vehicle shall automatically suspend, revoke or cancel the owner's certificate in which the vehicle is designated.

(2) The suspension, revocation or cancellation under any law of a licence or other permit to drive of any person shall automatically suspend, revoke or cancel the operator's certificate in which the person is named.

(3) The surrender of a licence or other permit to drive of any person to a judge, provincial magistrate or justice of the peace under any law shall automatically cancel the operator's certificate in which the person is named, provided that if the judge, provincial magistrate or justice of the peace, pursuant to the provisions of *The Traffic Safety Act* in that behalf, furnishes that person with a letter authorizing him to drive a motor vehicle, the cancellation shall not take effect until after midnight on the last day of the period specified in the letter of authority.

R.S.S. 1965, c.409, s.13; 1973, c.8, s.9; R.S.S. 1978, c.A-35, s.15; 1983, c.82, s.2; 1986, c.33, s.2; 2004, c.T-18.1, s.297.

### **Explanation**

Subsection 15(3) of *The Automobile Accident Insurance Act* is amended to remove the reference to “, provincial magistrate” wherever it appears.

## 6 **Existing Provision**

### ***The Child and Family Services Act***

#### **Notice**

**77(1)** Unless otherwise specifically provided, any notice required by this or the regulations to be given to any person may be given by:

- (a) personal service on the person by delivery of a copy of the notice;
- (b) sending a copy of the notice by registered mail or certified mail to the last known address of the person or to the address of the person as shown in the records of the department.

(2) The giving of notice pursuant to subsection (1) may be proved by an affidavit of service of the person effecting service.

(3) Notwithstanding subsection (1), a document may be served on a person by delivering a copy to the person's solicitor if the solicitor accepts service by endorsing his or her name on a true copy of the document indicating that he or she is the solicitor for that person.

(4) Notice given by registered mail or certified mail is deemed to have been given on the seventh day after the day on which the notice was mailed.

(4.1) Where a person to whom any notice must be given pursuant to this Act or the regulations is outside Saskatchewan, the notice may be given in any manner provided by this Act or it may be served in any manner provided by a similar statute or regulation of the jurisdiction in which the person is present.

(5) Where a doubt exists as to the person to whom a notice pursuant to this should be given, an officer may apply the court for directions.

(6) Notice given in accordance with directions pursuant to subsection (5) is sufficient notice for the purposes of this Act.

(7) Where, on an *ex parte* application, the court is satisfied that:

- (a) prompt personal service of a notice cannot be effected;
- (b) the whereabouts of a person to be served cannot be determined;
- (c) the person to be served is evading service;

(d) service of the documents would endanger the safety of the child or the parent who has custody of the child; or

(e) on considering the circumstances, an order is necessary.

the court may make an order for substitutional or other service, by letter, advertisement or otherwise as it considers reasonable or it may make an order dispensing with service.

(8) Where a court makes an order for substitutional or other service pursuant to subsection (7), the court may direct the manner of proving that service has been effected.

(9) Subject to subsection (10), no proceedings other than proceedings pursuant to Part V are invalidated by failure to give a notice that is required by this or the regulations to be given where the failure to give notice is caused by the fact that the existence of the person to whom notice should have been given was unknown to the officer or other person who was required to give the notice.

(10) A person who is required to give notice pursuant to this Act or the regulations shall exercise reasonable diligence to ascertain the existence of all persons to whom notice should be given.

1989-90, c.C-7.2, s.77; 1994, c. 35, s.17; 1999, c.14, s.10.

### **Explanation**

*The Child and Family Services Act* is amended to replace:

- *ex parte* with application without notice; and
- substitutional service with substituted service.

## **7 Existing Provision**

### ***The Contributory Negligence Act***

#### **Recovery as between tort feorsors**

**10** A tort feasor may recover contribution or indemnity from any other tort feasor who is, or would if sued have been, liable in respect of the damage to any person suffering damage as a result of a tort by settling with the person suffering the damage, and thereafter commencing or continuing action against the other tort feasor, and in such event the tort feasor who settled the damage shall satisfy the court that the amount of the settlement was



reasonable, and if the court finds that the amount of the settlement was excessive it may fix the amount at which the claim should have been settled.

R.S.S. 1978, c.C-31, s.10.

**Explanation**

*The Contributory Negligence Act* is amended to update the spelling of tortfeasor.

**8 Existing Provision**

***The Controverted Elections Act***

**Extension of time for service, etc.**

**8** Where a judge is satisfied by affidavit, either before or after the time limited by section 7 for service of a copy of the petition, that every reasonable effort has been made to effect service and that service has not been effected, he may *ex parte* extend the time for effecting service for a period not exceeding ten days, and so from time to time until service has been effected; or the judge may make an *ex parte* order for substitutional service of the petition in such manner as he may direct.

R.S.S. 1978, c.C-32, s.8.

**Explanation**

*The Controverted Elections Act* is amended to replace substitutional service with substituted service.

**9 Existing Provision**

***The Correctional Services Act, 2012***

**Order of probation in lieu of fine, etc.**

**90** Notwithstanding any provision of *The Alcohol and Gaming Regulation Act* or *The Traffic Safety Act* requiring the imposition of a minimum fine or a minimum period of imprisonment in default of payment of the fine, a judge may suspend the passing of sentence and make an order pursuant to section 91.

2012, c.C-39.2, s.90.

**Explanation**

*The Correctional Services Act, 2012* is amended to correct a reference to *The Alcohol and Gaming Regulation Act, 1997*.

**10      Existing Provision*****The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act*****Substitutional service of order**

9(1) Where it is impracticable for any reason for a peace officer to serve a copy of an order on a respondent by personal service, a peace officer may apply *ex parte* to a justice, in person or by telecommunication, for an order that authorizes substitutional service of the emergency intervention order.

(2) An application for substitutional service:

- (a) must be supported by evidence that shows why personal service is impracticable; and
- (b) must propose a method of service that is likely to bring notice of the order to the respondent.

(3) In making an order that authorizes substitutional service of an order, the justice shall direct, on any terms that the justice considers appropriate, any of the following methods of substitutional service that the justice is satisfied is likely to bring notice of the order to the respondent:

- (a) posting in a public place a notice directed to the respondent that meets the requirements of subsection (4);
- (b) publishing in a newspaper a notice directed to the respondent that meets the requirements of subsection (4);
- (c) any other method the justice considers appropriate.

(4) For the purposes of clause (3)(a) or (b), a notice:

- (a) must state that an order has been made against the respondent;
- (b) subject to clause (c), must set out or summarize the terms of the order;

- (c) must not disclose the name of the child victim;
- (d) must indicate how the respondent may obtain a copy of the order;  
and
- (e) must set out or summarize the respondent's rights pursuant to sections 11, 12 and 13.

(5) In the absence of evidence to the contrary, service of an order pursuant to an order for substitutional service is deemed to have been effected on the third day following:

- (a) the posting of a notice in accordance with clause (3)(a);
- (b) the publication of a notice in accordance with clause (3)(b); or
- (c) the carrying out of a method specified by a justice pursuant to clause (3)(c).

2002, c.E-8.2, s.9.

### **Explanation**

*The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act* is amended to replace substitutional service with substituted service.

## **11 Existing Provision**

### ***The Expropriation Act***

#### **Procedure on application for warrant**

**28(1)** The judge shall not grant a warrant under section 27 unless:

- (a) ten days' previous notice of time and place when and where the application therefor is to be made has been served upon the owner of the lands, or the persons empowered to convey the lands or interested in the lands sought to be taken or which may suffer damage from the taking or from the exercise of the powers sought to be exercised, or the doing of the thing sought to be done by the applicant, and
- (b) the applicant gives security to his satisfaction, by payment into court of a sum in his estimation sufficient to cover the probable compensation and costs of the arbitration, and not less than fifty per cent above the amount offered by the applicant in the notice mentioned in section 4 or

certified by the surveyor under section 5, whichever is large, or, if the judge deems proper, pays the party in part and gives security for the balance.

(2) Where for any reason service of notice cannot be made, or cannot be made promptly, the judge may, on proof of his satisfaction of circumstances justifying it, order substitutional or other service or dispense with the notice.

R.S.S. 1978, c. E-15, c.28.

### **Explanation**

Subsection 28(2) of *The Expropriation Act* is amended to update a reference to substituted or other service.

## **12      Existing Provision**

### ***The International Commercial Arbitration Act***

SCHEDULE  
UNCITRAL MODEL LAW ON INTERNATIONAL  
COMMERCIAL ARBITRATION  
(As adopted by the United Nations Commission on  
International Trade Law on 21 June 1985)

#### CHAPTER I. GENERAL PROVISIONS

##### *Article 1. Scope of application*

(1) This Law applies to international commercial arbitration, subject to any agreement in force between this State and any other State or States.

(2) The provisions of this Law, except articles 8, 9, 35 and 36, apply only if the place of arbitration is in the territory of this State.

(3) An arbitration is international if:

(a) the parties to an arbitration if determined in, or pursuant to, the arbitration agreement;

(b) one of the following places is situated outside the States in which the parties have their places of business:

(i) the place of arbitration if determined in, or pursuant to, the arbitration agreement;

(ii) any place where a substantial part of the obligations of the commercial relationship is to be performed or the place with which the subject-matter of the dispute is most closely connected; or

(c) the parties have expressly agreed that the subject-matter of the arbitration agreement relates to more than one country.

(4) For the purposes of paragraph (3) of this article:

(a) if a party has more than one place of business, the place of business is that which has the closest relationship to the arbitration agreement;

(b) if a party does not have a place of business, reference is to be made to his habitual residence.

(5) This Law shall not affect any other law of this State by virtue of which certain disputes may not be submitted to arbitration or may be submitted to arbitration only according to provisions other than those of this Law.

#### **Explanation**

Article 1(3)(b) of the Schedule to *The International Commercial Arbitration Act* is amended to change the plural “States” to the singular “State.”

### **13 Existing Provision**

#### ***The Local Improvements Act, 1993***

##### **Unpaid amounts, added to taxes**

**56(1)** Subject to any bylaws passed pursuant to clause 39(a), where any local improvement special assessment, or part of it, owed by the owner of benefitted land remains unpaid after December 31 in the year in which the moneys owed came due, that amount shall be added to and form part of the arrears of taxes on the land.

(2) Division 6 of Part IX of *The Municipalities Act*, Division 6 of Part XI of *The Northern Municipalities Act, 2010*, as the case requires, applies, with any necessary modification, to any special assessments or parts of them added to and forming arrears of taxes on land.

1993, c.L-33.1, s.56; 2002, c.C-11.1, s.391; 2005, c.M-36.1, s.436; 2008, c.33, s.11; 2010, c.N-5.2, s.457.

### **Explanation**

Subsection 56(2) of *The Local Improvements Act, 1993* is amended to correct a reference to *The Municipalities Act*.

## **14     Existing Provision**

### ***The Medical Profession Act, 1981***

#### **Service of notice**

**57(1)** A notice or document other than a subpoena required to be served under this Act or under any rule, order or bylaw made pursuant to this Act may be served personally or by registered mail to the last known address of the person being served.

(2) A notice or other document served by registered mail is deemed to have been received on the fifth day following the date of its mailing unless the person to whom it was mailed establishes that, through no fault of his own, he did not receive the notice or other document or that he received it at a later date.

(3) In the case of a hearing or investigation by the preliminary inquiry committee or the discipline hearing committee, or in the case of an appearance before the professional review committee, the council or a special committee appointed by the council, a notice or document other than a subpoena shall be served:

(a) in the case of personal service, not less than seven days; or

(b) in the case of service by registered mail, not less than 30 days;

prior to the date of the hearing or investigation or the sitting of the council or such committee, as the case may be.

(4) Notwithstanding subsections (1), (2) and (3), if it is for any reason impractical

to effect service of any documents provided for in subsection (1) in the manner provided for in subsection (1), the court may, on application that may be made without notice, make an order for substitutional service.

(5) A document served in accordance with the terms of an order mentioned in subsection (4) is deemed to be proper service.

1980-81, c.M-10.1, s.57; 1989-90, c.54, s.6; 1993, c.31, s.20.

### **Explanation**

Subsection 57(4) of *The Medical Profession Act, 1981* is amended to update a reference to substituted service.

## **15      Existing Provision**

### ***The Midwifery Act***

#### **Service of notice, etc.**

**50(1)** Unless otherwise provided for in this Act or the bylaws, any notice or other document that is required to be served pursuant to this Act may be served by:

(a) personal service made:

(i) in the case of an individual, on that individual;

(ii) in the case of a partnership, on any partner; or

(iii) in the case of a corporation, on any officer or director;

(b) registered mail addressed to the last business or residential address of the person to be served known to the registrar.

(2) A notice or document sent by registered mail is deemed to have been served on the seventh day following the date of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, the person did not receive the notice or document or received it at a later date.

(3) If it is for any reason impractical to effect service of any documents as set out in subsection (1), the court may, on an *ex parte* application, make an order for substitutional service.

(4) Service of a document in accordance with the terms of an order mentioned in subsection (3) is deemed to be proper service.

1999, c.M-14.1, s.50.

### **Explanation**

Subsection 50(3) of *The Midwifery Act* is amended to replace:

- *ex parte* with application without notice; and
- substitutional service with substituted service.

## **16      Existing Provision**

### ***The New Generation Co-operatives Act***

#### **Continuance pursuant to this Act**

**255(1)** A body corporate may apply to the registrar for a certificate of continuance where:

(a) in the case of an extra-provincial co-operative, it is authorized to do so by the laws of the jurisdiction where it is incorporated; or

(b) in the case of another body corporate:

(i) it is authorized to do so by the Act pursuant to which it was incorporated; and

(ii) in the opinion of the registrar, the articles of continuance would permit the issuance of articles of incorporation pursuant to section 8.

(2) A body corporate that applies for a certificate of continuance pursuant to subsection (1) may effect in its articles of continuance any change or amendment to its articles, where the change or amendment is a change or amendment a co-operative incorporated pursuant to this Act may make to its articles.

(3) A body corporate that applies for a certificate of continuance shall send articles of continuance in the prescribed form and its bylaws to the registrar.

(4) Where the registrar receives articles of continuance and bylaws pursuant to subsection (3), the registrar may issue a certificate of continuance in accordance with section 338 if the registrar approves the articles and bylaws and is satisfied



that all the requirements of this Act are met.

(5) On the day shown in the certificate of continuance issued pursuant to subsection (4):

- (a) the body corporate becomes a co-operative to which this Act applies as if it had been incorporated pursuant to this Act;
- (b) the articles of continuance are deemed to be the articles of incorporation of the continued co-operative;
- (c) the certificate of continuance is deemed to be the certificate of incorporation of the continued co-operative; and
- (d) the articles and bylaws of the body corporate in the effect prior to the day shown in the certificate of continuance do not apply.

(6) When the registrar issues a certificate of continuance to a body corporate mentioned in subsection (1), the registrar shall at the same time send a copy of the certificate of continuance to the appropriate official or public body in the jurisdiction in which continuance pursuant to this Act was authorized.

(7) When a body corporate is continued as a co-operative pursuant to this Act:

- (a) the property of the body corporate continues to be the property of the co-operative;
- (b) the co-operative continues to be liable for obligations of the body corporate;
- (c) an existing cause of action, claim or liability to prosecution respecting the body corporate is deemed not to be affected;
- (d) a civil, criminal or administrative action or proceeding pending by or against the body corporate may be continued by or against the co-operative; and
- (e) a conviction against or ruling, order or judgment in favour of or against the body corporate may be enforced by or against the co-operative.

(8) Where a body corporate is continued as a co-operative pursuant to this Act:

(a) its shares to which no special rights or restrictions are attached are deemed to be common shares; and

(b) the holders of the common shares are deemed to be members of the co-operative.

(9) A share of a body corporate issued before the body corporate was continued pursuant to this Act is deemed to have been issued in compliance with this Act and the provisions of the articles of continuance regardless of:

(a) whether the share is fully paid; and

(b) any designation, rights or restrictions set out on or mentioned in the certificate representing the share.

(10) Subject to subsection (8), continuance of a body corporate as a co-operative pursuant to this section does not deprive a member or a shareholder of any right or privilege that the member had or the shareholder has respecting the body corporate or claims under an issued share or relieve a member or shareholder of any liability to the body corporate with respect to an issued share.

1999, c.N-4.001, s.255.

### **Explanation**

Clause 255(1)(a) of *The New Generation Co-operatives Act* is amended to update the spelling of extraprovincial.

## **17 Existing Provision**

### ***The Occupational Therapists Act, 1997***

#### **Service of notices, etc.**

**49(1)** Unless otherwise provided for in this Act or the bylaws, any notice or other document that is required to be served pursuant to this Act may be served by:

(a) personal service made:

(i) in the case of an individual, on that individual;

(ii) in the case of a partnership, on any partner; or

(iii) in the case of a corporation, on any officer or director;

(b) registered mail addressed to the last business or residential address of the person to be served known to the registrar.

(2) A notice or document sent by registered mail is deemed to have been served on the seventh day following the date of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, the person did not receive the notice or document or received it at a later date.

(3) If for any reason it is impractical to effect service of any documents as set out in subsection (1), the court may, on application that may be made *ex parte*, make an order for substitutional service.

(4) Service of a document in accordance with the terms of an order mentioned in subsection (3) is deemed to be proper service.

1997, c.O-1.11, s.49.

### **Explanation**

Subsection 49(3) of *The Occupational Therapists Act, 1997* is amended to replace:

- *ex parte* with application without notice; and
- substitutional service with substituted service.

## **18 Existing Provision**

### ***The Pharmacy and Pharmacy Disciplines Act***

#### **Bylaws**

**14(1)** Subject to this Act, administrative bylaws may be made pursuant to section 13 for the following purposes:

- (a) prescribing the seal of the college;
- (b) providing for the execution of documents by the college;
- (c) respecting the management of the property of the college;

- (d) respecting the banking and financial dealings of the college;
- (e) fixing the fiscal year of the college and providing for the audit of the accounts and transactions of the college;
- (f) respecting the making of grants for any purpose that:
  - (i) advances scientific knowledge or pharmaceutical education;
  - (ii) maintains or improves the standards of practice by licensed pharmacists or licensed pharmacy technicians;
  - (iii) supports and encourages public information and interest in the past and present role of pharmacist or pharmacy technicians in society; or
  - (iv) is not inconsistent with this Act or the bylaws;
- (f.1) respecting the making of grants, contributions or other payments to the Representative Board of Saskatchewan Pharmacists or a similar organization for any purpose that is consistent with the objectives of the college including, without limiting the generality of the foregoing, the operation, funding or administration of a program to provide compensation to pharmacies or pharmacists for professional services provided by pharmacists that are not compensated pursuant to *The Prescription Drugs Act*;
- (g) prescribing the organization, powers and procedures of the council and regulating the council in the performance of its duties;
- (h) providing for the receipt, management and investment of contributions, donations or bequests;
- (i) regulating joint participation by the college with any educational institution or any person, group, association, organization or body corporate having goals or objectives similar to those of the college;
- (j) prescribing the number of elected councillor and the terms of office of elected councillors;
- (k) governing procedures for the election of the elected councillors;
- (l) prescribing the conditions disqualifying elected councillors and the

immediate past president from sitting on the council, and governing the filling of vacancies of elected councillors;

(m) respecting the holding and procedures of meetings of the council and annual or special meetings of the college;

(n) prescribing the duties of councillors and officers;

(o) prescribing remuneration and reimbursement for expenses for elected councillors, councillors who hold office pursuant to clause 7(2)(b) or (c), officers and committee members;

(p) establishing any committees that the council or college considers necessary and prescribing the manner of election or appointment of members to those committees and duties of the committees;

(q) prescribing the officers of the college and governing the procedure for the appointment or election of those officers;

(r) prescribing the appointment, term of office, remuneration, and duties of the registrar, inspectors and employees of the college;

(s) prescribing the amounts of registration, licensing, permit and other fees payable to the college, the times of payment and the penalties for late payment;

(t) prescribing any other thing that is necessary for the effective administration of the college.

(2) Subject to this Act, regulatory bylaws may be made pursuant to section 13 for the following purposes:

(a) prescribing qualifications, standards and tests of competency for:

(i) the registration of persons or any category of persons as members or interns; and

(ii) the issuing of licences;

(a.1) prescribing qualifications, standards and tests of competency for determining whether a member may be licensed to perform an authorized practice pursuant to section 23;

- (b) prescribing the requirements for the issuing of permits;
- (c) prescribing:
  - (i) procedures governing the registration of persons or any category of persons as members or interns;
  - (ii) procedures governing the issuing of licences and permits; and
  - (iii) the terms and conditions of licences and permits;
- (d) providing for a code of professional ethics;
- (e) setting standards of professional conduct, competency and proficiency of members;
- (f) establishing categories of membership, and prescribing the rights and privileges of each category;
- (g) governing:
  - (i) examinations for registration purposes; and
  - (ii) approval of education programs for purposes of registration and prescribing the terms and conditions for initial or continued approval of those programs;
- (h) setting requirements for maintenance of memberships, licences and permits;
- (i) setting standards regarding the manner and method of practice of members;
- (i.1) **Repealed.** 2015, c.17, s.10.
- (j) regulating the use of terms or designations by members and proprietors with respect to their practice;
- (k) defining activities that constitute a conflict of interest and prohibiting the participation of members in those activities;
- (l) regulating the advertising of drugs or professional services by members and proprietors;

- (m) defining the area of a premises to which a permit applies;
- (n) prescribing procedures for:
  - (i) the review, investigation and disposition by the complaints committee of complaints alleging that:
    - (A) a member is guilty of professional misconduct or professional incompetence; or
    - (B) a proprietor is guilty of proprietary misconduct;
  - (ii) hearings by the discipline committee of complaints alleging that:
    - (A) a member is guilty of professional misconduct or professional incompetence; or
    - (B) a proprietor is guilty of proprietary misconduct;
  - (iii) reviews pursuant to subsection 21(4);
  - (iv) appeals pursuant to section 41;
- (o) prescribing the records to be kept, returns to be made and information to be furnished with respect to proprietary pharmacies and the practice of members and providing for examination and audit of those records;
- (p) governing the reinstatement of a member who has been expelled;
- (q) governing the reissuance of a proprietor's permit that has been revoked;
- (r) prescribing the circumstances under which members are required to attend re-entry education programs and courses, and approving programs and courses for that purpose;
- (s) setting standards for continuing education and the participation of members in continuing education;
- (t) establishing a program for the assessment of the competency of

members;

(u) governing the delegation of functions by a member and prescribing the standards, terms and conditions of that delegation;

(v) relating to the conditions under which drugs must be prepared, compounded, sold, stored or dispensed in a proprietary pharmacy and specifying the period during which a prescription is a valid order;

(w) respecting the reporting and publication of decisions and reports of the council and committees;

(x) respecting the establishment and closure of proprietary pharmacies;

(y) respecting substance abuse programs for members;

(z) prescribing the number of members required to demand a special meeting of the college;

(aa) prescribing the minimum amount of liability protection that members and proprietors are required to obtain or providing for a scheme of insurance to indemnify members for professional liability and respecting the payment or remittance of premiums in connection with it;

(bb) prescribing requirements and standards for the operation of a proprietary pharmacy, including, but not limited to:

(i) use and supervision of support persons;

(ii) equipment and supplies to be used in the operation of a proprietary pharmacy;

(iii) physical requirements for premises;

(iv) name, signage and other forms of public identification of a proprietary pharmacy;

(cc) relating to the responsibilities of managers and proprietors of proprietary pharmacies;

(dd) prescribing the circumstances under which a proprietary pharmacy may be operated in the absence of a licensed pharmacist;



- (ee) prescribing specific drugs in the drug schedules;
- (ff) prescribing levies to be paid to members and proprietors and exempting members and proprietors from all or part of that levy;
- (gg) prescribing the service of notices and the types of notice that may be served electronically;
- (hh) prescribing any other matters considered necessary for the better carrying out of this Act.

1996, c.P-9.1, s.14; 2003, c.8, s.12; 2015, c.17, s.10.

**Authorized practices**

**23(1)** No person other than a licensed pharmacist, licensed pharmacy technician, or intern practising under the supervision of a licensed pharmacist or a licensed pharmacy technician, may prepare, compound, dispense or sell drugs in Saskatchewan.

(2) A licensed pharmacist, licensed pharmacy technician or intern practising under the supervision of a licensed pharmacist or a licensed pharmacy technician may, subject to the terms, conditions and restrictions of that person's licence, perform all or any of the following practices:

- (a) advise patients and other health care providers by providing drug and non-drug therapy knowledge respecting drug and non-drug therapy selection and use;
- (b) monitor responses to and outcomes of drug therapy;
- (c) compound, prepare, dispense and sell drugs;
- (d) provide non-prescription drugs, parenteral nutrition and health care aids and devices;
- (e) supervise and manage drug distribution systems to maintain public safety and drug system security.

(3) A licensed pharmacist who meets the qualifications set out in this Act and the bylaws, may, subject to the terms, conditions and restrictions on that licensed pharmacist's licence, perform all or any of the following practices:

- (a) prescribe and administer drugs in accordance with the bylaws made pursuant to this Act and the regulations made pursuant to section 52;
- (b) prescribe treatments and health care aids and devices related to the practice of pharmacy in Saskatchewan;
- (c) access and use patient-administered automated tests designated in the bylaws and interpret the results of those tests;
- (d) access, order, perform, use or interpret medical laboratory tests in accordance with the regulatory bylaws made pursuant to this Act and the regulations made pursuant to *The Medical Laboratory Licensing Act, 1994*.

(4) Subsection (1) does not apply to:

- (a) the practice of any profession or occupation by any person practising pursuant to the authority of any other Act;
- (b) a person who is authorized pursuant to the *Food and Drugs Act* (Canada) or the *Narcotic Control Act* (Canada) to sell drugs to a pharmacist or practitioner;
- (c) a person selling feed within the meaning of the *Feeds Act* (Canada), if that Act and the regulations pursuant to that Act are complied with;
- (d) a person who is a wholesale dealer, who sells drugs in the ordinary course of wholesale dealing, if the drugs:
  - (i) are in sealed manufacturers' packages; and
  - (ii) are sold only to a person who is authorized to sell drugs;
- (e) a person selling poisons registered pursuant to the *Pest Control Products Act* (Canada);
- (f) a person selling insecticides, herbicides or fungicides used for agricultural or horticultural purposes;
- (g) a person who sells a proprietary medicine within the meaning from time to time assigned to that expression by the regulations made pursuant to the *Food and Drugs Act* (Canada), if the sale of the proprietary medicine does not contravene the regulations made

pursuant to section 52 of this Act;

(h) a person who is a member of the Canadian Armed Forces who is carrying out duties as a pharmacist or pharmacy technician and whose practice is confined to a Canadian Armed Forces Base.

2015, c.17, s.15.

### **Criminal conviction**

**37** The discipline committee may, by order, impose any penalty described in section 34 or 35 that to it seems just where:

- (a) the member or proprietor has been convicted of an indictable offence pursuant to the *Criminal Code*, the *Narcotic Control Act* (Canada) or the *Food and Drugs Act* (Canada);
- (b) a report of the complaints committee is made to the discipline committee respecting the conviction mentioned in clause (a);
- (c) the discipline committee has given the member or proprietor an opportunity to be heard; and
- (d) the discipline committee finds that:
  - (i) the conduct of the member giving rise to the conviction constitutes professional misconduct; or
  - (ii) the conduct of the proprietor giving rise to the conviction constitutes proprietary misconduct.

1996, c.P-9.1, s.37.

### **Explanation**

*The Pharmacy and Pharmacy Disciplines Act* is amended to replace:

- Representative Board of Saskatchewan Pharmacists with Pharmacy Association of Saskatchewan Inc.; and
- *Narcotic Control Act* (Canada) with *Controlled Drugs and Substances Act* (Canada).

**19     Existing Provision**

***The Police Act, 1990***

**64** For the purpose of a hearing conducted pursuant to section 61, the hearing officer shall receive evidence of a member's conviction, absolute discharge or conditional discharge for an offence pursuant to:

- (a) the *Criminal Code* (Canada), as amended from time to time;
- (b) any other Act of the Parliament of Canada; or
- (c) any Act;

as proof that the member in question committed that offence, and no further evidence establishing that the member committed the offence is required.

1990-91, c.P-15.01, s.64.

**Probationary members**

**67(1)** Notwithstanding any provision in this Part, a chief may do any of the things mentioned in clauses 60(1)(c) to (j) respecting a probationary member.

(2) An order made pursuant to subsection (1) is final and is not subject to appeal or review.

2001, c.29, s.21.

**Explanation**

*The Police Act, 1990* is amended to update a reference to the *Criminal Code* and to correct an internal reference.

**20     Existing Provision**

***The Recovery of Possession of Land Act***

**Penalty**

**7** A person returning to the land, or assuming any right of possession or occupancy or use thereof, after having been removed therefrom under an

order for possession, is, on summary conviction before a judge of Her Majesty's Court of Queen's Bench for Saskatchewan or provincial magistrate, liable to a fine not exceeding \$300 or to imprisonment for a term not exceeding six months, or to both fine and imprisonment, in the discretion of the court.

R.S.S. 1978, c.R-7, s.7; 1979-80, c.92, s.84.

### **Explanation**

*The Recovery of Possession of Land Act* is amended to update the language regarding provincial magistrates. Reference to "before a judge of Her Majesty's Court of Queen's Bench for Saskatchewan or provincial magistrate" is removed.

## **21 Existing Provision**

### ***The Regional Health Services Act***

#### **Disqualification of members**

**18(1)** A member of a regional health authority is disqualified from holding office as a member of the authority if:

- (a) the member fails to meet or ceases to meet any prescribed qualification mentioned in subsection 16(4); or
- (b) the member absents himself or herself from three or more consecutive meetings of the regional health authority without the authorization of the regional health authority.

(2) Where a regional health authority becomes aware that a member is no longer qualified to hold office, the regional health authority shall notify the minister.

(3) If the minister has received a notice pursuant to subsection (2) or is of the opinion that a member of a regional health authority is no longer qualified to hold office:

- (a) the minister may recommend to the Lieutenant Governor in Council that the appointment of the member be terminated; and
- (b) the Lieutenant Governor in Council, on the recommendation of the minister, shall terminate the appointment of the member.

(4) The office of a member of a regional health authority is not vacated, and the member is not prevented from voting or acting as a member of the regional health authority, until the appointment of the member is terminated.

2002, c.R-8.2, s.18; 2004, c.49, s.6.

### **Explanation**

Clause 18(1)(a) of *The Regional Health Services Act* is amended to correct an internal reference.

## **22      Existing Provision**

### ***The Statutes and Regulations Revision Act***

#### **Publication of revision**

8(1) Subject to the regulations and in accordance with any direction of the revision committee, the Queen's Printer shall ensure that every revision, including any schedules and appendices, deposited pursuant to section 6 is published in a printed version and in an electronic version.

(2) The printed version and the electronic version of a revised public enactment are the official versions of the revised public enactment.

(3) A general revision of public Acts may be published with the title "Revised Statutes of Saskatchewan" and may include in the title the year of its publication.

(4) If a revision of public Acts is not a general revision but a revision of one or more public Acts, each of the revised public Acts may be published:

(a) in the volume of Acts enacted in the session in which the revised public Act is deposited with the Clerk of the Legislative Assembly pursuant to section 6; or

(b) if the Legislative Assembly is not in session when the revised public Act is deposited with the Clerk of the Legislative Assembly pursuant to section 6, in the volume of Acts enacted in the next session.

(5) A general revision of regulations may be published with the title "Revised Regulations of Saskatchewan" and may include in the title the year of its publication.

(6) If a revision of regulations is not a general revision but a revision of one or more regulations, each of the revised regulations must be published in the *Gazette* within 30 days after the date the revised regulations were deposited with the Registrar of Regulations.

2008, s.S-59.01, s.8.

### **Explanation**

Subsection 8(4) of *The Statutes and Regulations Revision Act* is amended to reflect the current practice of annual rather than sessional publication of volumes of public Acts.

## **23      Existing Provision**

### ***The Teachers' Life Insurance (Government Contributory) Act***

#### **Interpretation**

**1.1** In this Act, “**teacher**”, in the case of a board of education as defined in *The Education Act, 1995* and in the case of a conseil scolaire as defined in *The Education Act, 1995*, includes all persons employed on a full-time basis by the board or the conseil scolaire, as the case may be:

(a) who, pursuant to section 264 of *The Education Act, 1995* have been designated as not being teachers by The Education Relations Board; and

(b) whose positions have been designated by the Teachers' Superannuation Commission as requiring the professional qualifications of a teacher.

1983-84, s.57, s.3; 1993, c.55, s.192; 1998, c.38, s.3.

#### **Application of this Act**

**2** This Act applies to:

(a) boards of education and conseils scolaires, as defined in *The Education Act, 1995*, with respect to all teachers employed on a full-time basis by a board of education or a conseil scolaire, as the case may be;

(b) teachers employed on a full-time basis in teaching or in the supervision of teaching in a school under *The Education Act, 1995* or in a school in respect of which the Department of Education has made or undertaken to make a grant in respect of the period in which the teacher is employed in the school;

(c) boards of colleges established or continued pursuant to *The Regional Colleges Act* in respect of all teachers employed on a full-time basis by a board in positions designated by the board as requiring the professional qualifications and experience of a teacher;

(d) teachers employed on a full-time basis in a position designated by the board of a college established or continued pursuant to *The Regional Colleges Act* as requiring the professional qualifications and experience of a teacher;

(d.1) all persons employed on a full-time basis by a board of education or a conseil scolaire as defined in *The Education Act, 1995*:

(i) who, pursuant to section 261 of *The Education Act, 1995* have been designated as not being teachers by The Educational Relations Board; and

(ii) whose positions have been designated by the Teachers' Superannuation Commission as requiring the professional qualifications of a teacher;

(d.2) all temporary teachers, as defined in *The Education Act, 1995*, who are employed by a board of education or a conseil scolaire under a contract for a term of at least 20 full or partial teaching days;

(d.3) the board of directors of the Saskatchewan Polytechnic continued pursuant to *The Saskatchewan Polytechnic Act* with respect to teachers described in clause (d.4);

(d.4) teachers, for as long as their contracts remain in force, who:

(i) on December 31, 1987, were:

(A) employed under contract by a board of a college established pursuant to *The Community Colleges Act*; and



(B) insured pursuant to an agreement entered into under section 4;

(ii) on January 1, 1988, were transferred to the Saskatchewan Institute of Applied Science and Technology pursuant to *The Institute Act*;

(iii) on August 1, 1996, continued to be employed by the Saskatchewan Instituted of Applied Science and Technology pursuant to *The Saskatchewan Institute of Applied Science and Technology Act*; and

(iv) on the coming into force of *The Saskatchewan Polytechnic Act*, continued to be employed by the Saskatchewan Polytechnic;

(e) other teachers who, by reason of special circumstances, are designated by the regulations.

1979-80, c.7, s.3; 1983-84, c.57, s.4; 1985-85-86, c.107, s.2; 1988-89, c.20, s.6 and c.59, s.3; 1993, c.55, s.192; 1998, c.38, s.4; 2014, c.S-32.21, s.37.

### **Explanation**

*The Teachers' Life Insurance (Government Contributory) Act* is amended to correct references to *The Education Act, 1995*.

## **24 Existing Provision**

### ***The Victims of Interpersonal Violence Act***

#### **Regulations**

**16** The Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the meaning of any word or phrase used in this Act but not defined in this Act;

(b) prescribing forms for the purposes of this Act;

(c) prescribing the procedures to be followed for applications, hearings and rehearings pursuant to this Act;

- (d) prescribing the manner in which a designated justice of the peace is to forward a copy of an emergency intervention order and all supporting documentation to the court;
- (e) designating persons or categories of persons who may make applications for an order on behalf of a victim with the victim's consent;
- (f) designating persons or categories of persons who may apply for a warrant pursuant to section 11;
- (g) prescribing the form and manner of providing any notice or summons required to be provided pursuant to this Act, including prescribing substitutional service and a rebuttable presumption of service;
- (h) prescribing any other matter or thing required or authorized by this Act to be prescribed in the regulations;
- (i) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

1994, c.V-6.02, s.16.

#### **Explanation**

Clause 16(g) of *The Victims of Interpersonal Violence Act* is amended to update a reference to substituted service.

#### **25      Existing Provision**

##### ***The Youth Justice Administration Act***

##### **Application of certain provisions of *The Correctional Services Act***

**10(1)** Section 12 of *The Correctional Services Act, 2012* applies, with any necessary modification, to:

- (a) a provincial director;
- (b) a director of a custody facility;
- (c) **Repealed.** 2005, c.47, s.2.
- (d) employees of custody facilities, other than youth workers to whom subsection (1.1) applies, who are designated by the minister to be

persons or categories of persons to whom section 49 of that Act so applies; and

(e) a person whose home has been designated as a place of open custody.

(1.1) In exercising the powers conferred on youth workers and in carrying out the duties and functions imposed on youth workers pursuant to this Act and the federal Act, every youth worker described in subsection (1.2) has the powers of a peace officer, including the power to arrest without warrant any person who has committed an offence or who the youth worker believes, on reasonable grounds, has committed or is about to commit an offence.

(1.2) Subsection (1.1) applies to youth workers employed in or assisting in:

(a) the administration of a custody facility; or

(b) the provision to a young person of a youth justice service pursuant to:

(i) a youth sentence or an adult sentence within the meaning of the federal Act; or

(ii) a warrant of committal within the meaning of *The Correctional Services Act, 2012*.

(2) Section 99 of *The Correctional Services Act, 2012* applies, with any necessary modification, to young persons placed in a place of open custody pursuant to subsection 36(3) of *The Summary Offences Procedure Act, 1990*.

2003, c.Y-2, s.10; 2005, c.47, s.2; 2012, c.C-39.2, s.121.

### **Explanation**

Clause 10(1)(d) of *The Youth Justice Administration Act* is amended to correct a reference to *The Correctional Services Act, 2012*.

**26** Coming into force.