

EXPLANATORY NOTES

B I L L

No. 108

An Act to amend The Statute Law

Clause of Bill

1 *The Statute Law Amendment Act, 2017*

2 **Existing Provision**

The Adult Guardianship and Co-decision-making Act

2 In this Act:

(d) “**court**” means the Court of Queen’s Bench for Saskatchewan;

2000, c.A-5.3, s.2; 2001,
c.33,s.22; 2011, c.1, s.3.

Explanation

Proposed section 2 will amend clause 2(d) of *The Adult Guardianship and Co-decision-making Act* to update the reference to the Court of Queen’s Bench.

3 **Existing Provision**

The Agricultural Credit Corporation of Saskatchewan Act

2 In this Act:

(i) “**lender**” means:

(i) any bank or any branch of any bank to which the *Bank Act* (Canada), as amended from time to time, applies;

1989-90, c.17, s.3;
1998, c.C-45.2, s.476.

Explanation

Proposed section 3 amends subclause 2(i)(i) of *The Agricultural Credit Corporation of Saskatchewan Act* by removing the wording “as amended from time to time” with respect to the federal *Bank Act*.

4 Existing Provision***The Assessment Management Agency Act***

17 The agency may invest for its benefit all or any sums of money belonging to it and not presently required for expenditure in:

- (e) guaranteed short term investments through a trust company, up to the limit of deposits insured by the Canada Deposit Insurance Corporation, incorporated pursuant to *the Canada Deposit Insurance Corporation Act*, as amended from time to time;

1986, c.A-28.1, s.17

Explanation

Proposed section 4 amends clause 17(e) of *The Assessment Management Agency Act* by removing the wording “as amended from time to time” with respect to the *Canada Deposit Insurance Corporation Act*.

5 Existing Provision***The Auctioneers Act***

17 (2) Notwithstanding that Her Majesty in right of Saskatchewan has not suffered any loss or damages, every bond filed with the registrar under subsection (1) shall be construed as being a penal bond and, where any such bond is forfeited pursuant to subsection (3), the amount due and owing as a debt to Her Majesty in right of Saskatchewan by the person bound thereby shall be determined as if Her Majesty suffered such loss or damages as would entitle Her Majesty to be indemnified to the maximum amount of liability prescribed by the bond.

1976-77, c.6, s.17; R.S.S.
1978, c.A-34, s.17.

Explanation

Proposed section 5 amends subsection 17(2) of *The Auctioneers Act* by replacing references to “Her Majesty” with “the Crown” and making other housekeeping updates to the wording and format of the subsection.

6 Existing Provision***The Automobile Accident Insurance Act***

45 (3) No:

(c) violation of the *Criminal Code*, as amended from time to time or of any law or statute of any province, state or country by the owner or driver of the vehicle designated in the certificate;

shall prejudice the right of a person entitled under subsection (1) to have the insurance money applied upon his judgment or claim, or be available to the insurer as a defence to such action.

R.S.S. 1965, c.409, s.42;
1973, c.8, s.17; 1973-74, c.4,
s.6; R.S.S. 1978, c.A-35,
s.46; 1980-81, c.83, s.3;
1983, c.82, s.2; 1984-85-86,
c.1, s.30; 1986, c.33, s.2;
2004, c.T-18.1, s.299.

Explanation

Proposed section 6 amends clause 45(3)(c) of *The Automobile Accident Insurance Act* by removing the wording “as amended from time to time” with respect to the *Criminal Code*.

7 Existing Provision***The Builders’ Lien Act***

52(1) Where the Crown is the owner, a claim of lien may be given, together with the affidavit of verification required by subsection 50(3):

(b) where the owner is Her Majesty in right of Saskatchewan, to the department of the Government of Saskatchewan for which the services or materials were provided.

1984-85-86, c.B-7.1, s.52.

Explanation

Proposed section 7 amends clause 52(1)(b) of *The Builders' Lien Act* by replacing a reference to "Her Majesty" with "the Crown" and making other minor housekeeping updates.

8 Existing Provision

The Business Corporations Act

185(1) In this section, "**reorganization**" means a court order made under:

(b) the *Bankruptcy Act* (Canada), approving a proposal; or

1976-77, c.10, s.185; R.S.S.
1978, c.B-10, s.185.

201(1) This Division does not apply to a corporation that is insolvent within the meaning of the *Bankruptcy Act* (Canada) or that is a bankrupt within the meaning of that Act.

(2) Any proceedings taken under this Division to dissolve or to liquidate and dissolve a corporation shall be stayed if the corporation is at any time found, in a proceeding under the *Bankruptcy Act* (Canada), to be insolvent within the meaning of that Act.

1976-77, c.10, s.201; R.S.S.
1978, c.B-10, s.201.

221 (2) If a corporation is revived under section 202, any property other than money that vested in Her Majesty pursuant to subsection (1) and that has not been disposed of shall be returned to the corporation and there shall be paid to the corporation out of the general revenue fund:

(a) an amount equal to any money received by Her Majesty pursuant to subsection (1); and, subject to *The Limitations Act*, an action

(b) where property other than money vested in Her Majesty pursuant to subsection (1) and that property has been disposed of, an amount equal to the lesser of:

(i) the value of any such property at the date it vested in Her Majesty; and

(ii) the amount realized by Her Majesty from the disposition of that property.

1976-77, c.10, s.221; R.S.S.
1978, c.B-10, s.221; 2004,
c.10, s.17

222(6) No person may publish anything relating to *ex parte* proceedings under this section except with the authorization of the court or the written consent of the corporation being investigated.

1976-77, c.10, s.222; R.S.S.
1978, c.B-10, s.222.

290(1) The Director may strike the name of a corporation off the register if:

(j) the corporation is bankrupt within the meaning of the *Bankruptcy Act* (Canada), as amended from time to time.

1976-77, c.10, s.290; R.S.S.
1978, c.B-10, s.290; 1979,
c.6, s.65; 1983, c.37, s.24;
2013, c.O-4.2, s.33; 2015,
c.21, s.64.

Explanation

Proposed section 8 amends *The Business Corporations Act*.

Proposed changes to clause 185(1)(b) and subsections 201(1) and (2) replace outdated references to the federal *Bankruptcy Act* with the *Bankruptcy and Insolvency Act*.

Proposed amendments to subsection 221(2) replace the reference to “Her Majesty” with “the Crown” and make other minor housekeeping changes.

The proposed amendment to subsection 222(6) replaces “*ex parte* proceedings” with “proceedings without notice”.

The proposed amendment to clause 290(1)(j) replaces an outdated reference to the federal *Bankruptcy Act* with the *Bankruptcy and Insolvency Act*, and also removes the wording “as amended from time to time”.

9 **Existing Provision**

The Business Names Registration Act

21.4(1) The registrar may cancel a registration of an extraprovincial limited partnership:

(g) if the extraprovincial limited partnership is bankrupt within the meaning of the *Bankruptcy Act* (Canada), as amended from time to time.

1986-87-88, c.40, s.14.

Explanation

Proposed section 9 amends clause 21.4(1)(g) of *The Business Names Registration Act* by replacing an outdated reference to the federal *Bankruptcy Act* with the *Bankruptcy and Insolvency Act*, and removing the wording “as amended from time to time”.

10 **Existing Provision**

The Child and Family Services Act

2 (2) A reference in this Act to an Act of the Parliament of Canada is a reference to that Act as amended from time to time

1989-90 cC-7.2 s2; 1994 c27
s20; 1994 c35 s3.

Explanation

Proposed section 10 repeals subsection 2(2) of *The Child and Family Services Act*, as its content is already addressed by *The Interpretation Act, 1995*.

11 **Existing Provision**

The Collection Agents Act

21(2) Notwithstanding that Her Majesty in right of Saskatchewan has not suffered any loss or damages, every bond delivered to the registrar under subsection (1) shall be construed as being a penal bond and where any such bond is forfeited pursuant to subsection (3), the amount due and owing as a debt to Her Majesty in right of Saskatchewan by the person bound thereby shall be determined as if Her Majesty suffered such loss or damages as would entitle Her Majesty to be indemnified to the maximum amount of liability prescribed by the bond.

R.S.S. 1978, c.C-15, s.21;
2000, c.53, s.2; 2015, c.21,
s.10.

Explanation

Proposed section 11 amends subsection 21(2) of *The Collection Agents Act* by replacing references to “Her Majesty” with “the Crown” and making other housekeeping updates to the wording and formatting of the subsection.

12 Existing Provision

The Commissioners for Oaths Act

9 In this Part:

- (a) **“court official”** means a person who holds the office of:
 - (ii) the Registrar of the Court of Queen’s Bench for Saskatchewan or a deputy registrar;
 - (iii) a local registrar or deputy local registrar of the Court of Queen’s Bench for Saskatchewan;

2012, c.C-16.001, s.9;
2012, c.8, s2.

Explanation

Proposed section 12 amends clause 9(a) of *The Commissioners for Oaths Act, 2012* by updating references to the Court of Queen’s Bench.

13 Existing Provision

The Companies Act

3(1) In this Act:

(f) “**court**” means the Court of Queen’s Bench for Saskatchewan, and
“**judge**” means a judge of that court;

R.S.S. 1978, c.C-23, s.3;
1989-90, c.54, s.4 and s.6;
2010, c.B-12, s.25; 2013,
c.O-4.2, s.54; 2015, c.21,
s.64.

Explanation

Proposed section 13 amends clause 3(1)(f) of *The Companies Act* by updating the reference to the Court of Queen’s Bench.

14 Existing Provision

The Controverted Elections Act

2(1) In this Act:

(a) “**court**” means the Court of Queen’s Bench for Saskatchewan or a judge thereof;

(b) “**judge**” means a judge of the Court of Queen’s Bench for Saskatchewan;

(c) “**registrar**” means the registrar of the Court of Queen’s Bench for Saskatchewan.

R.S.S. 1978, c.C-32, s.2;
1996, c.E-6.01, s.288.

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

Proposed section 14 amends *The Controverted Elections Act*.

The proposed amendments to subsection 2(1) update references to the Court of Queen’s Bench.

The proposed amendments to section 8 replace references to “*ex parte*” with “without notice”, adopt gender-neutral language and make other minor housekeeping changes to the wording and format of the section.

15 Existing Provision***The Coroners Act, 1999***

10 Where a minor dies while under the care, custody or supervision of the Minister of Community Resources and Employment, officers or employees of the Department of Community Resources and Employment or its designates or an agency that has entered into an agreement with the Minister of Community Resources and Employment pursuant to section 61 of *The Child and Family Services Act*, an officer or employee of the Department of Community Resources and Employment, its designate or the agency who has knowledge of the death shall immediately notify a coroner of the death.

1999, c.C-38.01, s.10;
2004, c.65, s.7.

Explanation

Proposed section 15 amends section 10 of *The Coroners Act, 1999* by replacing outdated references to the Minister and Department of Community Resources and Employment with the “minister responsible for the administration of *The Child and Family Services Act*”, and makes other minor housekeeping changes.

16 Existing Provision***The Corporation Capital Tax Act***

2 In this Act:

(e) “**bank**” means a bank to which the *Bank Act* (Canada), as amended from time to time, or the *Quebec Savings Bank Act* (Canada), as amended from time to time, applies;

(1) “*Income Tax Act*” means the *Income Tax Act* (Canada), as amended from time to time;

1979-80, c.C-38.1, s.2; 1983, c.38, s.3; 1984-85- 86, c.63, s.3; 1988-89, c.38, s.3 and c.42, s.14; 1989-90, c.18, s.4; 1990-91, c.3, s.3; 1997, c.8, s.3; 2001, c.11, s.3; 2005, c.7, s.3.

Explanation

Proposed section 16 amends clauses 2(e) and (1) of *The Corporation Capital Tax Act* by repealing an outdated definition of “bank”, which is already defined under *The Interpretation Act, 1995*, and removing the wording “as amended from time to time” with respect to the federal *Income Tax Act*.

17 Existing Provision

The Credit Union Act, 1985

240(1) The registrar may strike the name of a credit union off the register where:

(g) the credit union is found to be bankrupt pursuant to proceedings under the *Bankruptcy Act* (Canada), as amended from time to time; or

1984-85-86, c.C-45.1, s.240;
2015, c.21, s.64.

Explanation

Proposed section 17 amends clause 240(1)(g) of *The Credit Union Act, 1985* by replacing an outdated reference to the federal *Bankruptcy Act* with the *Bankruptcy and Insolvency Act*, and also remove the wording “as amended from time to time”.

18 Existing Provision

The Credit Union Act, 1998.

2(1) In this Act:

(u) “**entity**” means a body corporate, wherever incorporated, a trust, a partnership, a fund or an unincorporated organization, and includes Her Majesty in right of Saskatchewan, of Canada or of a province, an agency of Her Majesty in any of those rights, and a government of a foreign country or any political subdivision or agency of a government of a foreign country;

1998, c.C-45.2, s.2; 2001, c.12, s.3; 2002, S-17.2, s.27; 2010, c.8, s.3; 2012, c.F-13.5, s.50; 2015, c.21, s.64

Explanation

Proposed section 18 amends clause 2(1)(u) of *The Credit Union Act, 1998* by replacing references to “Her Majesty” with “the Crown”.

19 Existing Provision

The Crown Minerals Act

3(4) Notwithstanding subsections (1) and (2), the Lieutenant Governor in Council may set aside and transfer the administration and control of Crown minerals and Crown mineral lands to Her Majesty the Queen in right of Canada:

(b) for the purpose of the *National Parks Act* (Canada), as amended from time to time;

1984-85-86, c.C-50.2, s.3;
1992, c.25, s.4; 1993,
c.T-20.1, s.4.

Explanation

Proposed section 19 amends clause 3(4)(b) of *The Crown Minerals Act* by replacing an outdated reference to the *National Parks Act* with the *Canada National Parks Act*, and removing the wording “as amended from time to time”.

20 Existing Provision

The Dangerous Goods Transportation Act

2 In this Act:

(d) “**federal Act**” means the *Transportation of Dangerous Goods Act* (Canada) and the regulations made under that Act, as amended from time to time;

1984-85-86, c.D-1.2, s.2;
1986, c.33, s.6; 1989- 90,
c-53, s.2; 1990-91, c.14, s.3;
2003, c.29, s.12; 2004,
c.T-18.1, s.297.

Explanation

Proposed section 20 amends clause 2(d) of *The Dangerous Goods Transportation Act* by replacing an outdated reference to the federal *Transportation of Dangerous Goods Act* with the *Transportation of Dangerous Goods Act, 1992*, and removing the wording “as amended from time to time”.

21 Existing Provision

The Direct Sellers Act

19(2) Notwithstanding that Her Majesty in right of Saskatchewan has not suffered any loss or damages, every bond delivered to the registrar under subsection (1) shall be construed as being a penal bond and where any such bond is forfeited pursuant to subsection (3), the amount due and owing as a debt to Her Majesty in right of Saskatchewan by the person bound thereby shall be determined as if Her Majesty suffered such loss or damages as would entitle Her Majesty to be indemnified to the maximum amount of liability prescribed by the bond.

R.S.S. 1978, c. D-28,
s. 19; 1996, c.3, s.13; 2000,
c.53, s.4.

Explanation

Proposed section 21 amends subsection 19(2) of *The Direct Sellers Act* by replacing references to “Her Majesty” with “the Crown”, and making other housekeeping and formatting changes.

22 Existing Provision

The Escheats Act

3(1) Where Her Majesty the Queen in right of Saskatchewan is, in the opinion of the Attorney General, entitled to any real or personal property by reason of the person last seized thereof or entitled thereto having died intestate and without heirs, or by reason of a corporation, association or society having been finally dissolved or wound up or having ceased to exist, the Attorney General may demand payment, delivery or possession thereof in the name of Her Majesty and, if the demand is not complied with, may cause an action to be brought for the recovery thereof without an inquisition being first made.

R.S.S. 1978, c.E-11, s.3.

4 The Lieutenant Governor in Council may make a grant of any real or personal property which now is or hereafter may become the property of Her Majesty, as hereinbefore mentioned, or any part thereof or any interest therein:

- (a) to any person who, in the opinion of the Lieutenant Governor in Council, had a legal or moral claim upon the previous owner, or a just or natural right or claim to succeed to his property or to any part thereof;
- (b) to carry into effect any disposition thereof that the Lieutenant Governor in Council believes the previous owner may have intended;
- (c) to reward any person making discovery of the property to Her Majesty.

R.S.S. 1978, c.E-11, s.4.

Explanation

Proposed section 22 amends subsection 3(1) and section 4 of *The Escheats Act* by replacing references to “Her Majesty” with “the Crown”; adopting gender-neutral language and making other housekeeping updates to outdated language.

23 Existing Provision

The Expropriation Procedure Act

10(2) An application pursuant to subsection (1) must be accompanied by a declaration of expropriation in Form B and signed:

- (a) where the expropriating authority is Her Majesty in right of Saskatchewan, by the member of the Executive Council presiding over the department of the Government of Saskatchewan that has charge of the matter with respect to which the land is required, or by an officer of that

department authorized in that behalf by the Lieutenant Governor in Council;

2000, c.L-5.1, s.258.

Explanation

Proposed section 23 amends clause 10(2)(a) of *The Expropriation Procedure Act* by replacing a reference to “Her Majesty” with “the Crown” and replacing references to “department” with “ministry”.

24 Existing Provision

The Farm Financial Stability Act

16(5) The minister or the corporation, as the case may be, may only make a payment to a designated lending institution pursuant to subsections (4.1) to (4.4) with respect to a guaranteed loan if:

(f) the designated lending institution had obtained:

(i) any security for the loan that a lender is able to obtain pursuant to:

(A) *the Bank Act* (Canada), as amended from time to time;
or

(10) For the purposes of subsection (8), “**lending institution**” means:

(a) in the case of a bank that is subject to the *Bank Act* (Canada), as amended from time to time, all of the branches of that bank;

1989-90, c.F-8.001, s.16;
1990-91, c.36, s.3; 1992,
c.67, s.6 and c.68, s.7; 1993,
c.P-6.2, s.75; 1998, c.C-45.2,
s.476.

39(2) Where an overpayment of a refund to a person pursuant to this Part occurs for any reason, the overpayment is a debt due to Her Majesty in right of Saskatchewan and may be recovered:

(b) by filing a certificate of the minister certifying the amount of the overpayment, together with interest at the prescribed rate to the date of the certificate, with the local registrar of Her Majesty's Court of Queen's Bench at any judicial centre.

1989-90, c.F-8.001, s.39.

Explanation

Proposed section 24 amends *The Farm Financial Stability Act*.

The proposed amendments to paragraph 16(5)(f)(i)(A) and clause 16(10)(a) remove the wording "as amended from time to time" with respect to the federal *Bank Act*.

The proposed amendments to subsection 39(2) replace a reference to "Her Majesty in right of Saskatchewan" with "the Crown in right of Saskatchewan", and update a reference to the Court of Queen's Bench.

25 **Existing Provision**

The Farming Communities Land Act

2 Where the title to land is registered in the names of two or more persons, each having an undivided interest therein, and those persons or some of them, either alone or along with other persons, are jointly engaged in farming operations thereon, or where title to land is registered in the name or names of one or more persons who actually hold the same in trust for persons jointly engaged in farming operations thereon, then any registered owner of the land, or any other person claiming an interest therein, or the municipality in which the land is situated, may apply *ex parte* to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan sitting at the judicial centre nearest to which the land is situated for directions as to the hearing of an application for an order for subdivision of the land and the issue of new titles to such persons as may be found by the judge to be entitled thereto. The applicant shall furnish the judge with the names and addresses of all persons known to the applicant to have or claim an interest in the land.

R.S.S. 1978, c.F-10, s.2;
1979-80, c.92, s.31; 2000,
c.L-5.1, s.272.

Explanation

Proposed section 25 amends section 2 of *The Farming Communities Land Act* by replacing “*ex parte*” with “without notice”; updating a reference to the Court of Queen’s Bench, replacing other outdated language and updating the format of the section by splitting it into two subsections.

26 Existing Provision

The Heritage Property Act

2 In this Act:

(f) “**Crown**” means:

(i) Her Majesty in right of Saskatchewan; or

(ii) any agent of Her Majesty in right of Saskatchewan, and includes the Workers Compensation Board;

1979-80, c.H-2.2, s.2; 1983, c.77, s.30; 1983-84, c.39, s.3; 1993, c.26, s.3; 2000, c.L-5.1, s.286; 2005, c.M-36.1, s.430; 2010, c.21, s.5.

62(2) Where entry pursuant to subsection (1) is refused, the minister may apply, *ex parte*, to Her Majesty’s Court of Queen’s Bench for Saskatchewan, and the court may issue an order authorizing the minister or officer to enter any land, premises or other place.

1979-80, c.H-2.2, s.62; 1980-81, c.76, s.10.

Explanation

Proposed section 26 amends *The Heritage Property Act*.

The proposed amendments to clause 2(f) update the definition of “Crown” to remove references to “Her Majesty” and update the reference to the Workers Compensation Board.

The proposed amendments to subsection 62(2) replace “*ex parte*” with “without notice” and update the reference to the Court of Queen’s Bench.

27 **Existing Provision**

The League of Educational Administrators, Directors and Superintendents Act, 1991

50 Where:

(a) a member has been convicted of an indictable offence pursuant to the *Criminal Code* (Canada), as amended from time to time;

1990-91, c.L-9.02, s.50;
2015, c.R-15.1, s.60.

Explanation

Proposed section 27 amends clause 50(a) of *The League of Educational Administrators, Directors and Superintendents Act, 1991* by updating the reference to the *Criminal Code* and removing the wording “as amended from time to time”.

28 **Existing Provision**

The Limitation of Civil Rights Act

22(1) If the debtor has died, a judge of Her Majesty’s Court of Queen’s Bench for Saskatchewan sitting at the judicial centre nearest to which the debtor resided at the time of his death may, upon *ex parte* application of the secured party appoint some person to represent the deceased for the purposes of the proceeding and any further proceeding consequent thereon.

1978, c.L-16, s.22; 1979-80,
c.29, s.5; 1979-80, c.92, s.51.

23(2) An application for a hearing may be made by a debtor:

(a) upon *ex parte* application to a judge of Her Majesty’s Court of Queen’s Bench for Saskatchewan;

1978, c.L-16, s.23; 1971,
c.50, s.3; 1979-80, c.29, s.5;
1979-80, c.92, s.51.

32(4) If upon *ex parte* application of the secured party it is made to appear to a judge of Her Majesty’s Court of Queen’s Bench for Saskatchewan sitting at the

judicial centre nearest to which the debtor resided when the agreement was executed by him:

(a) that the secured party is from any cause unable to effect prompt service of a notice in form A, B or C; or

(b) that the whereabouts of the debtor is unknown after all reasonable efforts to ascertain his whereabouts have been exhausted;

rules 22 to 26 of The Queen’s Bench Rules apply, *mutatis mutandis*.

1978, c.L-16, s.32; 1971,
c.50, s.3; 1979-80, c.29, s.5;
1979-80, c.92, s.51.

Explanation

Proposed section 28 amends *The Limitation of Civil Rights Act*.

The proposed amendments to subsection 22(1) update the reference to the Court of Queen’s Bench, and replace “*ex parte* application” with “application without notice”.

The proposed amendments to clause 23(2)(a) replace “*ex parte*” with “without notice” and update the reference to the Court of Queen’s Bench.

The proposed amendments to subsection 32(4) replace “*ex parte* application” with “application without notice”, update the reference to the Court of Queen’s Bench and make other housekeeping and formatting changes.

29 Existing Provision

The Liquor Consumption Tax Act

2 In this Act:

(a) “**collector**” means a person who is deemed to be an agent of the minister to levy and collect tax under this Act;

1979, c. L-19.1, s. 2; 1991,
c.5, s.3; 1993, c.45, s.50;
1994, c.31, s.107; 2003, c.15,
s.19; 2016, c.5, s.2.

Explanation

Proposed section 29 repeals clause 2(a) of *The Liquor Consumption Tax Act*. This definition is no longer required as the term “collector” is not used in the Act or its regulations. This proposed change corresponds with changes to subclause 47(1)(a)(ii) of *The Revenue and Financial Services Act* below.

30 **Existing Provision*****The Members’ Conflict of Interest Act***

10(2) A member of the Executive Council or a legislative secretary appointed pursuant to *The Government Organization Act*, who has reason to believe that he or she has a conflict of interest with respect to a matter that requires that member’s or that legislative secretary’s decision, shall report that possible conflict to the President of the Executive Council.

1993, c.M-11.11, s.10.

Explanation

Proposed section 30 amends subsection 10(2) of *The Members’ Conflict of Interest Act* by replacing an outdated reference to *The Government Organization Act* with *The Executive Government Administration Act*.

31 **Existing Provision*****The Mineral Resources Act, 1985***

2(1) In this Act:

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

(2) This Act is binding on Her Majesty the Queen in right of Canada or in right of any province, and on any person acting for or on behalf of her Majesty the Queen in right of Canada or in right of any province.

1984-85-86, c.M-16.1, s.2;
1992, c.25, s.16.

4(1) For the purposes of this Act, the minister or any officer of the department authorized by the minister to do so may enter on any lands to gather information respecting a mineral resource or primary production and may enter any premises, structure or works to make enquiries or gather information, and may take from

any of those places representative samples of minerals for the purpose of testing or analysis, and he may use all machinery, equipment, appliances and things that he considers necessary or expedient.

1984-85-86, c.M-16.1, s.4.

5 Except insofar as is necessary to do so for the purposes of this Act, the regulations or any other statute or regulations, information acquired by any officer or employee of the department pursuant to this Act, the regulations or any Crown disposition shall not be communicated or disclosed by him to anyone in such a manner that it is possible from any such communication or disclosure to relate any such information to the person from whom it was acquired, the exploration or development program to which it relates or the specific location within Saskatchewan of any minerals or mineral resources which were identified or evaluated in such information.

1984-85-86, c.M-16.1, s.5.

6 Every officer or employee of the department who, while holding the office or employment, makes a discovery of a valuable mineral on any Crown mineral lands available for Crown disposition shall promptly notify the minister of that discovery and may, in accordance with the regulations, make application on behalf of the Crown for one or more Crown dispositions respecting the Crown mineral lands as he may consider necessary to cover the mineral discovered and probable extension thereof.

1984-85-86, c.M-16.1, s.6.

7(1) Subject to subsection (2), no officer or employee of the department shall directly or indirectly, by himself or by any other person, purchase, acquire or hold any interest in any mineral resource or any mine or well situate in Saskatchewan except in accordance with the conflict of interest guidelines established for Saskatchewan public employees.

(2) No officer or employee of the department shall take or receive any fee or compensation from any person other than the Crown that is related in any way to his position or office of employment or the performance of his duties thereunder.

1984-85-86, c.M-16.1, s.7

10 The minister may do those things that he considers necessary respecting the exploration for and the development, management and conservation of the mineral resources of Saskatchewan and, without limiting the generality of the foregoing, the minister may:

(e) prescribe the fees to be paid for any information or services and reports, maps and other documents made available by the department to the public;

1984-85-86, c.M-16.1, s.10

11(1) Where any person obstructs the minister or any officer of the department in the performance of any of his duties under section 4 or otherwise under this Act, the minister may apply *ex parte* to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan, and the judge may enjoin that person from the obstruction.

(2) Every person who:

(b) obstructs an officer of the department in the execution of his duties;

(c) knowingly:

(i) furnishes any false or incorrect information to the minister or to any officer of the department with respect to any matter or thing with respect to which information is required under this Act or the regulations; or

1984-85-86, c.M-16.1, s.11

Explanation

Proposed section 31 amends *The Mineral Resources Act, 1985*.

The proposed amendments to subsection 2(1) replace the definition for "department" with a new definition for "ministry".

The proposed amendments to subsection 2(2) replace references to "Her Majesty" with "the Crown".

The proposed updates to subsection 4(1), sections 5 and 6, subsections 7(1) and (2), and clause 10(e) replace references to "department" with "ministry".

The proposed amendments to subsection 11(1) replace "department" with "ministry", replace "*ex parte*" with "without notice", update the reference to the Court of Queen's Bench, adopt gender-neutral language and make other minor housekeeping updates.

The proposed amendments to subsection 11(2) replace references to “department” with “ministry”, and adopt gender-neutral language.

32 Existing Provision

The Mineral Taxation Act, 1983

2(1) In this Act:

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

1983-84, c.M-17.1, s.2;
1989-90, c.46, s.3; 2000,
c.L-5.1, s.340.

7 In this Part:

(a) “**Mineral Rights Tax Administrator**” means the officer of the department in charge of the administration of the mineral rights tax;

1983-84, c.M-17.1, s.7;
2000, c.L-5.1,s.341.

15(1) Subject to subsection (2), the liability of an owner to pay the mineral rights tax for any year is to be determined on May 1 in that year in accordance with the records of the department on that date.

1983-84, c.M-17.1, s.15.

21(1) Except as otherwise provided in this Act or in the regulations, every taxpayer who remits an amount to the minister with respect to any of the taxes imposed by this Act shall remit that amount together with a return on a form supplied or approved by the department.

1983-84, c.M-17.1, s.22;
1986-87-88, c.14, s.6.

25(1) When it is considered by the minister to be necessary for the purposes of this Act, the minister or any officer of the department authorized by the minister to do so may at any time enter upon any premises for the purposes of making enquiries and obtaining information relating to the administration of this Act, and for any of those purposes he may use all machinery, equipment, appliances and things as he considers necessary or expedient, and is entitled:

(2) Except insofar as it is necessary to do so for the purposes of this Act or any other Act administered by the department, no person shall communicate or disclose any confidential information acquired under this Act to anyone in such a manner that it is possible from any such communication or disclosure to relate the information to the taxpayer or other person from whom it was acquired.

1983-84, c.M-17.1, s.25;
1989-90, c.46, s.8.

33 Every person who knowingly:

(b) furnishes any false or incorrect information to the minister or to any officer of the department with respect to any matter or thing with respect to which information is required under this Act; or

1983-84, c.M-17.1, s.33.

37 For the purpose of facilitating the recovery of any amount due and owing pursuant to this Act, or if the payment of any accrued or future amount appears to the minister to be in danger, the minister may apply *ex parte* to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan for:

- (a) an injunction or an order in the nature of an injunction;
- (b) the appointment of a receiver with all necessary powers; or
- (c) any other relief or remedy that seems necessary or expedient for securing payment of the amount;

and the judge may grant an injunction or make any other order on any terms and conditions that he considers proper.

1983-84, c.M-17.1, s.37.

38 If, contrary to this Act, any person refuses or neglects to permit the minister or any authorized officer of the department to examine, inspect or make copies of any books, records or documents mentioned in section 25 in the custody or under the control of that person, or if any person obstructs the minister or any officer of the department in the performance of any of his duties pursuant to this Act, the minister may apply *ex parte* to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan, and the judge may order the production and delivery of any books, records or documents for inspection and copying or may enjoin that person from such obstruction.

1983-84, c.M-17.1, s.38.

44 The Lieutenant Governor in Council may make regulations:

(b) requiring that any return, notice or other document that is required by this Act to be filed or delivered be made on a form supplied or approved by the department.

1989-90, c.46, s.10.

Explanation

Proposed section 32 amends *The Mineral Taxation Act, 1983*.

The proposed amendments to subsection 2(1) replace the definition for “department” with a new definition for “ministry”.

The proposed amendments to clause 7(a), subsections 15(1), 21(1), 25(1) and 25(2) and clauses 33(b) and 44(b) replace references to “department” with “ministry”.

The proposed amendments to section 37 replace “*ex parte*” with “without notice”, update the reference to the Court of Queen’s Bench, adopt gender-neutral language and update the format of the section by splitting it into two subsections.

The proposed amendments to section 38 update references to “department” with “ministry”, replace “*ex parte*” with “without notice” and update the reference to the Court of Queen’s Bench.

33 Existing Provision

The Municipal Board Act

10(3) With the approval of the Lieutenant Governor in Council, the board may:

(c) provide for the transfer of pension contributions made by or on behalf of members to:

(i) a pension fund registered with Revenue Canada under the *Income Tax Act* (Canada), as amended from time to time, prior to their appointment to the board to a pension fund to which they contribute pursuant to this subsection; and

(ii) the pension fund to which they contribute pursuant to this subsection to another pension fund registered with Revenue Canada under the *Income Tax Act* (Canada), as amended from time to time;

1988-89, c.M-23.2, s.10;
1992, c.P-6.001, s.75; 2013,
c.17, s.7.

45(2) The board may, if the special circumstances of any case, in its opinion, so require, make an interim *ex parte* order authorizing, requiring or forbidding anything to be done that the board would be empowered on application, petition, notice and hearing to authorize, require or forbid, but no interim *ex parte* order shall be made for a longer time than the board deems necessary to enable the matter to be heard and determined.

1988-89, c.M-23.2, s.45.

Explanation

Proposed section 33 amends *The Municipal Board Act*.

The proposed amendments to clause 10(3)(c) update references to “Revenue Canada” with “the Canada Revenue Agency” and remove the wording “as amended from time to time” with respect to the federal *Income Tax Act*.

The proposed amendments to subsection 45(2) replace references to “*ex parte*” orders with “order without notice” and make other housekeeping changes.

34 Existing Provision

The Municipal Hail Insurance Act

2 In this Act:

(h) “**ratepayer**” means a person of the full age of eighteen years whose name appears on the last revised assessment roll of the municipality but does not include a person who is qualified only in respect of lands within a hamlet or lands held under lease from the Government of Canada, the province or The Director, the *Veterans’ Land Act* (Canada), as amended from time to time;

R.S.S. 1978, c.M-29, s.2;
1979-80, c.6, s.3; 1990- 91,

c.24, s.3; 2005, c.M-36.1, s.444; 2014, c.19, s.45.

Explanation

Proposed section 34 amends clause 2(h) of *The Municipal Hail Insurance Act* by removing the wording “as amended from time to time” with respect to the federal *Veterans’ Land Act*.

35 Existing Provision

The Municipalities Act

147(1) A member of council is disqualified from council if the member:

(a) when nominated, was not eligible for nomination or election as a candidate pursuant to *The Local Government Election Act*;

(b) ceases to be eligible for nomination or election or to hold office pursuant to *The Local Government Election Act* or any other Act;

2005, c.M-36.1, s.147; 2014, c.19, s.14; 2015, c.30, s.3-20; 2015, c.L-30.11, s.191

Explanation

Proposed section 35 amends subsection 147(1) of *The Municipalities Act* by replacing outdated references to *The Local Government Election Act* with *The Local Government Election Act, 2015*.

36 Existing Provision

The New Generation Co-operatives Act

282(5) No person shall publish anything relating to *ex parte* proceedings conducted pursuant to this section other than with the authorization of the court or the written consent of the co-operative being investigated.

1999, c.N-4.001, s.282.

Explanation

Proposed section 36 amends section 282 of *The New Generation Co-operatives Act* by replacing “*ex parte* proceedings” with “proceedings without notice”.

37 Existing Provision

The Partnership Act

2 In this Act:

(c) “**court**” means the Court of Queen’s Bench for Saskatchewan and includes a judge of the court sitting in chambers or in court;

R.S.S. 1978, c.P-3, s.2; 2006
c.30, s.3; 2013, c.O-4.2,
s.132.

Explanation

Proposed section 37 amends clause 2(c) of *The Partnership Act* by updating the reference to the Court of Queen’s Bench.

38 Existing Provision

The Personal Property Security Act, 1993

59(16) The notices mentioned in subsections (6) and (10) are not required where:

(g) for any other reason, a court on *ex parte* application is satisfied that a notice is not required.

1993, c.P-6.2, s.59.

68(1) A notice or demand, other than a demand pursuant to section 18 or a copy or reproduced copy of a verification statement mentioned in subsection 43(12), may be given:

(f) to Her Majesty in right of Saskatchewan as provided in *The Proceedings Against the Crown Act*.

1993, c.P-6.2, s.68; 2010,
c.26, s.16.

Explanation

Proposed section 38 amends *The Personal Property Security Act, 1993*.

The proposed amendment to clause 59(16)(g) replaces “*ex parte* application” with “application without notice”.

The proposed amendment to clause 68(1)(f) replaces the reference to “Her Majesty” with “the Crown”.

39 Existing Provision***The Prescription Drugs Act***

3.3(3) The following persons or bodies shall collect from the subject individual any prescribed personal health information with respect to the drugs or designated drugs mentioned in subsection (2) and submit the personal health information to the minister in any form or manner that the minister may require:

(a) a proprietor as defined in *The Pharmacy Act, 1996*;

(b) an operator of a publicly operated pharmacy, as defined in *The Pharmacy Act, 1996*:

R.S.S. 1978, c.P-23, s.4;
1986-87-88, c.54, s.4; 2010,
c27, s.7.

Explanation

Proposed section 39 amends subsection 3.3(3) of *The Prescription Drugs Act* by replacing references to “*The Pharmacy Act, 1996*” with “*The Pharmacy and Pharmacy Disciplines Act*”.

40 Existing Provision***The Provincial Emblems and Honours Act***

9 The stylized wheat sheaf symbol registered as a trade mark of the Government of Saskatchewan, its departments and agencies pursuant to *the Trade Marks Act* (Canada), as amended from time to time, is an official logo of the Government of Saskatchewan.

1988-89, c.P-30.2, s.9.

Explanation

Proposed section 40 amends section 9 of *The Provincial Emblems and Honours Act* by updating the reference to the federal *Trade-marks Act*, removing the wording “as amended from time to time” with respect to that Act, and replacing a reference to “departments” with “ministries”.

41 Existing Provision***The Provincial Sales Tax Act***

3(1) In this Act:

(c.3) “**Her Majesty the Queen**” means Her Majesty the Queen in right of Saskatchewan;

R.S.S. 1978, c.E-3, s.2;
R.S.S. 1978 (Supp.), c.21,
s.3; 1983, c.40, s.3; 1983-84,
c.38, s.3; 1984-85-86, c.76,
s.3; 1986, c.31, s.3; 1986,
c.33, s.9; 1988-89, c.55, s.8;
1990-91, c.32, s.3; 1996,
c.46, s.3; 1997, c.9, s.3; 2000,
c.41, s.5.

5(1) Subject to subsections (9), (18), (20) and (21), every consumer of tangible personal property, purchased at a retail sale in Saskatchewan shall pay to Her Majesty the Queen for the raising of a general revenue, at the time of making his purchase, a tax in respect of the consumption of the property and such tax shall be computed at the rate of 5% of the value of the property to be consumed.

(2) Subject to subsections (9), (18), (20) and (21), every user of tangible personal property purchased at a retail sale in Saskatchewan shall pay to Her Majesty the Queen for the raising of a general revenue, at the time of making his purchase, a tax in respect of the use of the property, and such tax shall be computed at the rate of 5% of the value of the property to be used.

(3) Subject to subsections (19), (20) and (21), every user of a taxable service purchased at a retail sale in the province shall pay to Her Majesty the Queen for the raising of general revenue, at the time of making his purchase, a tax in respect of the use of such service, and such tax shall be computed at the rate of 5% of the value of the taxable service.

(7) A person who leases tangible personal property or taxable services from a vendor shall pay to Her Majesty the Queen for the raising of a general revenue a tax with respect to the use of the property or services, and that tax is required to be:

R.S.S. 1978, c.E-3, s.5;
R.S.S. 1978 (Supp.), c.22,
s.3; 1979-80, c.48, s.5; 1983-
84, c.38, s.4; 1984-85-86,
c.76, s.4; 1986, c.31, s.4;
1986-87-88, c.20, s.3; 1990-
91, c.4, s.3; 1990-91, c.32,
s.4; 1992, c.48, s.3; 1993,
c.48, s.3; 1997, c.9, s.4; 1999,
c.17, s.3; 2000, c.41, s.7;
2004, c.45, s.3; 2006, c.43,
s.3.

5.3(1) Every person who licenses an interjurisdictional vehicle for use in Saskatchewan and in one or more reciprocal jurisdictions shall pay the tax to Her Majesty the Queen with respect to each vehicle licence period for the interjurisdictional vehicle.

1996, c.46, s.4; 2004,
c.T-18.1, s.297.

5.8(1) If an interjurisdictional vehicle that was licensed by a person as part of a fleet is, before the end of the fleet year applicable to that fleet, licensed by that person as part of a different fleet:

(a) the person licensing the interjurisdictional vehicle shall, with respect to that vehicle's new vehicle licence period, pay the tax to Her Majesty the Queen; and

(2) If a person pays the tax with respect to an interjurisdictional vehicle and the interjurisdictional vehicle is subsequently licensed for use solely within Saskatchewan:

(a) the owner or lessee of the vehicle shall pay to Her Majesty the Queen, at the time of licensing, the amount of tax payable on the value of the vehicle as required pursuant to section 5; and

1996, c.46, s.4.

8(1) The following classes of tangible personal property and taxable services are exempt from the tax imposed by this Act:

(ee) notes as defined in the *Bank of Canada Act* (Canada), as amended from time to time, where their sale price does not exceed their face value;

R.S.S. 1978, c.E-3, s.8; 1979, c.23, s.4; 1979-80, c.48, s.6; 1983, c.11, s.25 and c.40, s.4; 1983-84, c.38, s.5; 1984-85-86, c.76, s.5; 1986, c.5, s.5; 1986, c.30, s.2; 1986, c.31, s.5; 1988-89, c.42, s.34; 1990-91, c.4, s.4 and c.32, s.5; 1991, c.2, s.2; 1992, c.48, s.4; 1993, c.48 s.4; 1996, c.46, s.5; 1997, c.9, s.6; 1999, c.17, s.5; 2000, c.41, s.9; 2004, c.65, s.25.

8.5(3) If the tax and any costs are not paid before the expiration of 60 days, the specified tangible personal property is forfeited to Her Majesty the Queen and may be disposed of as directed by the minister.

2000, c.41, s.10.

8.6 A returning resident may apply to the Minister of National Revenue, in that Minister's capacity as agent for Her Majesty the Queen, for a refund of tax paid to a collection agent if it is subsequently determined that no tax was payable by the returning resident pursuant to section 8.4.

2000, c.41, s.10.

8.8(1) The minister may, on behalf of Her Majesty the Queen, enter into an agreement with the Government of Canada respecting the administration and enforcement of this Act respecting tangible personal property that is:

(3) Payments respecting the ongoing costs of services provided under the agreement may be paid out of the amounts collected on behalf of Her Majesty the Queen and may be accounted for as a reduction of revenues received pursuant to section 8.4.

(4) The Government of Canada may, as agent of Her Majesty the Queen, act in accordance with the agreement to:

2000, c.41, s.10.

Explanation

Proposed section 41 amends *The Provincial Sales Tax Act*.

The proposed amendments to clause 3(1)(b) remove the wording “as amended from time to time” after the federal *Excise Tax Act*.

The proposed amendments to clause 3(1)(c.3) replace the existing definition of “Her Majesty the Queen” with a new definition for “the Crown”.

The proposed amendments to sections 3, 5, 5.3, 5.8, 8, 8.5, 8.6, and 8.8 by replacing references to “Her Majesty” with “the Crown”.

42 Existing Provision

The Psychologists Act, 1997

51(3) If it is for any reason impractical to effect service of any documents provided for in subsection (1), the court may, on *ex parte* application, make an order for substituted service.

1997, c.P-36.01, s.51; 2001, c.8, s.15.

Explanation

Proposed section 42 amends subsection 51(3) of *The Psychologists Act, 1997* by replacing “*ex parte* application” with “application without notice”.

43 Existing Provision

The Public Guardian and Trustee Act

20(1) Where it appears to the court desirable to do so, it may, on the *ex parte* application of the public guardian and trustee or with the consent of the public guardian and trustee, appoint him to act as next friend of an infant or guardian of the property of an infant, and the court may specify that the appointment is limited to a particular fund or is for a special purpose.

1983, c.P-43.1, s.20; 1990-91, c.C-8.1, s.75; 2001, c.33, s.23.

Explanation

Proposed section 43 amends subsection 20(1) of *The Public Guardian and Trustee Act* by replacing “*ex parte* application” with “application without notice”, adopting gender-neutral language and making other minor housekeeping changes.

44 Existing Provision

The Public Libraries Act, 1996

2 In this Act:

(j) “**municipality**” means includes that portion of the City of Lloydminster located in Saskatchewan;

1996, c.P-39.2, s.2; 2000, c.22, s.3; 2005, c.M-36.1, s.459.

Explanation

Proposed section 44 updates clause 2(j) of *The Public Libraries Act, 1996* by correcting a grammar error.

45 Existing Provision

The Railway Act

44(2) Where an owner denies a railway company access to his land pursuant to this section, a judge of Her Majesty’s Court of Queen’s Bench for Saskatchewan may, on the *ex parte* application of the railway company, order the land owner to grant access to the railway company as provided for in subsection (1).

1989-90, c.R-1.2, s.44.

Explanation

Proposed section 45 amends subsection 44(2) of *The Railway Act* by updating the reference to the Court of Queen’s Bench, replacing “*ex parte* application” with “application without notice” and making other minor housekeeping updates.

46 **Existing Provision*****The Recovery of Possession of Land Act***

3(1) When a person refuses or fails to cease using or occupying land that he is wrongfully or without lawful authority using or occupying, the person entitled to possession may, upon affidavit of the facts, apply *ex parte* to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan sitting at the judicial centre nearest to which the land is situated for an order granting him leave to serve a notice of motion directed to the person in possession and returnable before the judge at such time and place as may be fixed by the order, requiring the person to whom the notice is directed to show cause why an order should not be made for his removal from the land, and to compel him to vacate it, and to cease using or occupying it.

Explanation

Proposed section 46 amends subsection 3(1) of *The Recovery of Possession of Land Act* by adopting gender-neutral language, replacing “*ex parte*” with “without notice”, updating the reference to the Court of Queen's Bench and making other minor housekeeping amendments.

47 **Existing Provision*****The Registered Nurses Act, 1988***

33 A nurse who has been convicted of an indictable offence under the *Criminal Code*, as amended from time to time, the *Food and Drug Act* (Canada), as amended from time to time, or the *Narcotic Control Act* (Canada), as amended from time to time, may be expelled from the association without further inquiry by resolution of the discipline committee, if that committee finds that the conduct of the nurse giving rise to the conviction makes the nurse unfit to continue to practise registered nursing.

1988-89, c.R-12.2, s.33;
2001, c.37, s.11.

Explanation

Proposed section 47 amends section 33 of *The Registered Nurses Act, 1988* by replacing an outdated reference to the federal *Narcotic Control Act* with the federal *Controlled Drugs and Substances Act*. The proposed changes also remove the wording “as amended from time to time” with respect to several federal Acts.

48 **Existing Provision***The Revenue and Financial Services Act*

2 In this Act:

(e) **“Crown”** means Her Majesty the Queen in right of Saskatchewan;

1983, c.D-22.02, s.2; 1983-84, c.3, s.3; 1988-89, c.42, s.29; 1989-90, c.15, s.5; 1992, c.38, s.3; 1993, c.F-13.4, s.74; 2004, c.10, s.18; 2014, c.E-13.1, s.59.

47(1) In this Part:

(a) **“collector”** means a person authorized or required to collect a tax by a revenue Act or by an agreement made between the minister and that person pursuant to a revenue Act and includes:

(ii) a collector as defined in *The Liquor Consumption Tax Act*;

(b) **“Her Majesty”** means Her Majesty the Queen in right of Saskatchewan;

1984-85-86, c.62, s.6; 1986-87-88, c.42, s.3; 1988-89, c.51, s.2; 1989-90, c.56, s.3; 1992, c.F-15.001, s.41; 1992, c.16, s.3; 1993, c.53, s.11; 1994, c.8, s.3; 1998, c.T-15.001, s.36; 2000, c.50, s.24; 2000, c.F-23.21, s.54 and c.41, s.17; 2001, c.8, s.8; 2010, c.35, s.20; 2013, c.11, s.3; 2015, c.F-15.11, s.64.

48(2) Every collector who collects a tax pursuant to any revenue Act shall hold the amount of the tax in trust for Her Majesty and any collector who collects or is deemed to have collected a tax pursuant to any revenue Act:

(a) is deemed to hold the amount of that tax in trust for Her Majesty; and

(3) Notwithstanding any other Act, in any liquidation proceedings an amount equal to the amount of tax that was collected or deemed to have been collected by the collector and that by subsection (2) is deemed to be held in trust for Her Majesty is deemed, to the extent of the amount of tax collected or deemed to have been collected and not remitted by the collector in the year immediately preceding the date when he lost control or possession of his property, to be separate from, and to form no part of, the estate or property subject to liquidation proceedings, whether or not that amount has in fact been kept separate and apart from the collector's own property and in trust in accordance with subsection (2), and the amount deemed by this subsection to be separate from, and to form no part of the estate or property in liquidation, shall be paid:

(6) Every secured creditor who takes control or possession of the property of a collector shall obtain from the minister, before distributing that property or the proceeds from the realization of that property under his control, a certificate stating that:

- (a) the amount of tax collected or deemed collected by the collector in the year immediately preceding the date when the collector lost control or possession of his property has been accounted for and paid; or
- (b) security for the amount described in clause (a) acceptable to the minister has been given;

and any secured creditor who distributes any such property or the proceeds of the realization of that property without having obtained the certificate required by this subsection is personally liable to Her Majesty for an amount equal to the amount of tax that was collected or deemed collected and not remitted by the collector in the year immediately preceding the date when the collector lost control or possession of his property.

1984-85-86, c.62, s.6; 1993,
c.P-6.2, s.75 and 84; 2013,
c.S-15.1, s.10-33.

48.1(6) If a director pays an amount respecting a corporation's tax liability:

- (a) the director is entitled to any preference that Her Majesty would have been entitled to had the amount not been paid; and

(10) If a director who satisfies a claim for the corporation's tax liability recovers a contribution from other directors:

(a) the other directors are entitled to any preference that Her Majesty would have been entitled to had the director not satisfied the claim; and

1994, c.8, s.4; 2010, c.E-9.22.

50(1) A taxpayer on whom tax is imposed remains liable to Her Majesty for the tax until the taxpayer has paid the tax to a collector or the minister as required pursuant to this Part or a revenue Act.

(2) Where a taxpayer fails to pay all or any part of the tax, the minister may:

(a) bring an action in a court of competent jurisdiction to obtain payment of the tax as a debt due to Her Majesty; or

1984-85-86, c.62, s.6.

52.1(2) Notwithstanding *The Enforcement of Money Judgments Act*, amounts owed to the minister pursuant to a revenue Act:

(b) in the case of amounts deemed to be held in trust for Her Majesty by a collector pursuant to section 48, also have the priority granted by that section.

2010, c.E-9.22, s.232.

56(2) Where a collector or taxpayer owes any tax to Her Majesty pursuant to this Part or any revenue Act and has subsequently made an overpayment to the minister:

1984-85-86, c.62, s.6; 1992, c.38, s.11; 1998, c.T-15.001, s.36; 2004, c.L-16.1, s.72.

57(1) A collector who fails to forward tax collected or deemed to be collected by him as required pursuant to this Part or any revenue Act or a taxpayer who fails to pay tax payable by him as required pursuant to this Part or any revenue Act is liable to pay to Her Majesty, in addition to any other penalty:

1984-85-86, c.62, s.6.

58(1.1) In the circumstances mentioned in subsection (1), the collector or taxpayer is liable to pay to Her Majesty, in addition to any other penalty:

1984-85-86, c.62, s.6; 1994,

c.8, s.6; 2007, c.37, s.4.

59(2) Where an audit is performed on a corporation liable to pay tax pursuant to *The Corporation Capital Tax Act* and, as a result of that audit, the corporation is assessed for tax payable pursuant to that Act, the corporation is liable to pay to Her Majesty, in addition to any other penalty, interest, at the rate and applied in the manner prescribed in the regulations, on the amount of tax not paid from the day on which it was required to be paid.

1984-85-86, c.62, s.6; 2007, c.37, s.5.

65(4) Where a third party is served with a demand pursuant to this section and subsequently discharges any liability to the person liable to pay or remit tax or fails to comply with the demand, that third party is liable to Her Majesty to the extent of the lesser of:

1984-85-86, c.62, s.6; 1994, c.8, s.8

65.1 A person who fraudulently, mistakenly or otherwise collects or receives an amount of money is liable to pay to Her Majesty the amount collected or received if that amount:

1994, c.8, s.9.

66(2) Where a collector who has deposited security with the minister pursuant to subsection (1) has failed to collect or remit the tax in accordance with a revenue Act or this Part, the minister may, by giving written notice to the collector, apply the security in whole or in part to the amount that should have been collected, remitted or paid by the collector as the amount due to Her Majesty as of the date of the notice.

1984-85-86, c.62, s.6.

71 The minister, on behalf of Her Majesty, may enter into agreements with the government of any other jurisdiction inside or outside Canada:

1994, c.8, s.11.

71.1(2) If the governing body of a First Nation has enacted or intends to enact a First Nation law, the minister, on behalf of Her Majesty, may enter into an agreement with the First Nation respecting:

2007, c.37, s.7; 2014, c.E-13.1, s.59.

73(2) A penalty imposed pursuant to this section is in addition to any remedy Her Majesty may have to recover the amount of any unpaid tax or penalty or interest on the tax.

1984-85-86, c.62, s.6

84 Notwithstanding any other Act but subject to section 3 of *The Corporation Capital Tax Act*, Her Majesty is bound by this Part and any revenue Act.

1984-85-86, c.62, s.6.

86 Where a collector or taxpayer:

(a) has failed to pay or to remit tax payable as required by this Part or a revenue Act and is liable pursuant to this Part or a revenue Act to pay to Her Majesty a penalty, interest or a penalty and interest on the amount of tax payable not paid; and

1984-85-86, c.62, s.6.

Explanation

Proposed section 48 amends *The Revenue and Financial Services Act*.

The proposed amendment to clause 2(e) replaces “Her Majesty the Queen” with “the Crown”.

The proposed amendment to subclause 47(1)(a)(ii) removes a reference to a “collector” under *The Liquor Consumption Tax Act*, and replaces it with a reference to “a person required to collect and remit taxes to the minister” pursuant to that Act. This change corresponds with proposed changes to *The Liquor Consumption Tax Act* above.

The proposed amendments to subsection 47(1) replace the existing definition for “Her Majesty” with a definition for “Crown”.

The proposed changes to sections 48, 48.1, 50, 52.1, 56, 57, 58, 59, 65, 65.1, 66, 71, 71.1, 73, 84 and 86 replace references to “Her Majesty” with “the Crown”.

49 **Existing Provision**

The Saskatchewan Farm Security Act

49(1) Where a farmer has died, the court may, on *ex parte* application of the secured party, appoint a representative for the deceased farmer for the purposes of:

1988-89, c.S-17.1, s.49

Explanation

Proposed section 49 amends subsection 49(1) of *The Saskatchewan Farm Security Act* by replacing “*ex parte* application” with “application without notice”.

50 **Existing Provision**

The Saskatchewan Government Insurance Act, 1980

6(1) The corporation is for all its purposes an agent of Her Majesty in right of Saskatchewan, and its powers under this Act may be exercised only as an agent of Her Majesty.

(2) All property of the corporation, both real and personal, all moneys acquired, administered, possessed or received from any source and all profits earned by the corporation are the property of Her Majesty and are, for all purposes, including taxation of whatever nature or description, deemed to be the property of Her Majesty.

1979-80, c.S-19.1, s.6.

Explanation

Proposed section 50 amends section 6 of *The Saskatchewan Government Insurance Act, 1980* by replacing references to “Her Majesty” with “the Crown” and making other minor housekeeping updates.

51 **Existing Provision**

The Saskatchewan Housing Corporation Act

2(1) In this Act:

(e) “**federal Act**” means the *National Housing Act* (Canada) as amended from time to time;

R.S.S. 1978, c.S-24, s.2;
1979-80, c.M-32.01, s.65;
1983, c.77, s.71; 1995, c.31,
s.3; 2014, c.19, s.54.

4(1) The corporation shall have perpetual succession and a common seal with capacity to contract and to sue and be sued in its corporate name in respect of any right or obligation acquired or incurred by it on behalf of Her Majesty as if the right or obligation had been acquired or incurred on its own behalf, and also in respect of any liabilities in tort to the extent to which the Crown is so subject by reason of *The Proceedings against the Crown Act*.

(2) The corporation is for all its purposes an agent of the Crown in right of Saskatchewan and its powers under this Act may be exercised only as an Agent of Her Majesty.

(3) The corporation may, on behalf of the Crown, contract in its corporate name without specific reference to the Crown or Her Majesty.

(4) All property, whether real or personal, and all money acquired, administered, possessed or received by the corporation is the property of Her Majesty in right of Saskatchewan and shall for all purposes including taxation of whatever nature and description, be deemed to be the property of Her Majesty.

(5) The administration and control of all property whether real or personal acquired by Her Majesty in right of Saskatchewan under *The Housing and Urban Renewal Act, 1966*, together with any rights or liabilities conferred or imposed on Her Majesty in right of Saskatchewan pursuant to any agreement entered into under that Act are hereby transferred to the corporation, and the corporation may deal with the property and exercise the rights in the same manner as if the property and rights were acquired by it and shall discharge the liabilities so acquired to the same extent as if the liabilities had been imposed on the corporation.

(6) All property whether real or personal to which *The Northern Housing Regulations* apply, together with any rights or liabilities conferred or imposed on Her Majesty in right of Saskatchewan pursuant to any agreement entered into under those regulations, is hereby transferred to the corporation, and the corporation may deal with the property and exercise the rights in the same manner as if the property and rights were acquired by it and shall discharge the liabilities so acquired to the same extent as if the liabilities had been imposed on the corporation.

(7) For the purposes of the Land Titles Registry and every registry office and other public office in Saskatchewan, this Act is a legal and valid grant, conveyance, transfer and assignment to the corporation of all property mentioned in subsections (5) and (6).

(8) Notwithstanding any other Act but subject to subsection (9), it is not necessary:

(a) to register or file this Act or register, file or issue any further or other instrument, document or certificate or make any entry showing the transmission or assignment of title of the property mentioned in subsection (5) or (6) to the corporation or, in the case of lands under *The Land Titles Act, 2000*, to have title issued in, or to have any mortgage, charge, encumbrance or other document transmitted to, the name of the corporation;

(b) to pay fees in connection with a grant or assignment effected by this Act of any of the property mentioned in subsection (5) or (6).

(9) Where an instrument dealing with any of the property mentioned in subsection (5) or (6) is presented by the corporation for registration under any Act, it shall be accompanied by an affidavit of an official of the corporation stating that this section applies to the property described in the instrument.

R.S.S. 1978, c.S-24, s.4;
1982-83, c.29, s.8; 2000, c.L-
5.1, s.484

Explanation

Proposed section 51 amends *The Saskatchewan Housing Corporation Act*.

The proposed amendment to clause 2(1)(e) removes the wording “as amended from time to time” with respect to the federal *National Housing Act*.

The proposed amendments to section 4 replace references to “Her Majesty” with “the Crown” and make other minor housekeeping updates.

52 Existing Provision

The Saskatchewan Income Plan Act

2 In this Act:

(d) “**pension**” means the monthly pension paid pursuant to the *Old Age Security Act* (Canada), as amended from time to time;

(f) “**supplement**” means the monthly Guaranteed Income Supplement paid pursuant to the *Old Age Security Act* (Canada), as amended from time to time.

1986, c.S-25.1, s.2; 1988-89,
c.42, s.94

Explanation

Proposed section 52 amends clauses 2(d) and (f) of *The Saskatchewan Income Plan Act* by removing the words “as amended from time to time” with respect to the federal *Old Age Security Act*.

53 **Existing Provision**

The Saskatchewan Mining Development Corporation Reorganization Act

2 In this Act:

(a) “**articles**” means articles as defined in the *Canada Business Corporations Act*, as amended from time to time;

(g) “**registered office**” means the registered office as defined in the *Canada Business Corporations Act*, as amended from time to time;

1988-89, c.S-30.1, s.2.

Explanation

Proposed section 53 amends clauses 2(a) and (g) of *The Saskatchewan Mining Development Corporation Reorganization Act* by removing the wording “as amended from time to time” with respect to the *Canada Business Corporations Act*.

54 **Existing Provision**

The Securities Act, 1988

2(1) In this Act:

(1) **“Court of Queen’s Bench”** means Her Majesty’s Court of Queen’s Bench for Saskatchewan;

(12) A reference in this Act to an Act of the Parliament of Canada is deemed to be a reference to that Act as amended from time to time.

1988-89, c.S-42.2, s.2; 1995, c.32, s.3, 73 and 74; 1997, c.T-22.2, s.90; 1998, c.C-45.2, s.476; 2001, c.7, s.3 and c.50, s.17; 2002, c.S-17.2, s.32; 2004, c.28, s.3; 2006, c.8, s.3; 2007, c.41, s.3; 2008, c.35, s.3; 2009 c.27, s.11; 2012, c.32, s.3; 2012, c.F-13.5, s.57; 2013, c.33, s.3; 2015, c.21, s.53 and s.64.

136.2(7) In determining whether an investigation was reasonable pursuant to subsection (6), or whether any person or company is guilty of gross misconduct pursuant to subsection (1) or (3), the Court of Queens’ Bench shall consider all relevant circumstances, including:

2007, c.41, s.51

Explanation

Proposed section 54 amends *The Securities Act, 1988*.

The proposed amendment to subsection 2(1) repeals the definition of “Court of Queen’s Bench” at clause (1). This definition is already addressed in *The Interpretation Act, 1995*.

The proposed amendments will repeal subsection 2(12), as its content is already addressed by *The Interpretation Act, 1995*.

The proposed amendment to subsection 136.2(7) updates the reference to the Court of Queen’s Bench.

55 Existing Provision

The Slot Machine Act

5 The Lieutenant Governor in Council may make regulations governing:

- (c) the disposal of slot machines seized or otherwise taken, or received, by any person on behalf of Her Majesty.

R.S.S. 1978, c.S-50, s.5.

Explanation

Proposed section 55 amends clause 5(c) of *The Slot Machine Act* by replacing “Her Majesty” with “the Crown in right of Saskatchewan”.

56 Existing Provision

The Speech-Language Pathologists and Audiologists Act

29 Where:

- (a) a member has been convicted of an indictable offence pursuant to the *Criminal Code* (Canada), as amended from time to time;

1990-91, c.S-56.2, s.29.

Explanation

Proposed section 56 amends clause 29(a) of *The Speech-Language Pathologists and Audiologists Act* by updating the reference to the *Criminal Code*, and removing the wording “as amended from time to time.”

57 Existing Provision

The Student Assistance and Student Aid Fund Act, 1985

8.1 In sections 8.2 to 8.7:

(c) “**financial institution**” means:

- (i) a bank to which the *Bank Act* (Canada), as amended from time to time, applies;

1986-87-88, c.33, s.8; 1997,
c.T-22.2, s.90; 1998, c.C
-45.2, s.476; 2000, c.28, s.9.

Explanation

Proposed section 57 amends subclause 8.1(c)(i) of *The Student Assistance and Student Aid Fund Act, 1985* by simplifying the reference to “a bank”, which is already defined under *The Interpretation Act, 1995*.

58 Existing Provision***The Summary Offences Procedure Act, 1990***

2 In this Act:

(r) “**peace officer**” includes:

(iv) a duly appointed park warden while enforcing the *National Parks Act* (Canada), as amended from time to time;

1990-91, c.S-63.1, s.2; 1993, c.C-39.1, s.64; 1996, c.32, s.13 and c.61, s.3; 1997, c.W-13.11, s.92; 1998, c.W-13.12, s.90; 2002, c.C-11.1, s.411; 2003, c.18, s.72; 2003, c.Y-2, s.20; 2005, c.M-36.1, s.471; 2005, c.42, s.3; 2010, c.E-10.22, s.109, c.N- 5.2, s.470 and c.15, s.5

4(1) Subject to this Act, any other Act or any regulation, proceedings to enforce an Act, regulation or bylaw by fine, penalty or imprisonment may be brought summarily before a justice under the summary conviction provisions of the *Criminal Code*, as amended from time to time.

(4) Subject to this Act, any other Act or any regulation, Parts XXII, XXVI and XXVII, other than section 840, and sections 20, 21, 22, 484 and 527 insofar as it relates to a witness, sections 718.3, 719, subsection 732(1) and section 734.8 of the *Criminal Code*, as amended from time to time, apply, with any necessary modification, to:

1990-91, c.S-63.1, s.4; 1992, c.40, s.3; 1994, c.22, s.3; 1996, c.61, s.4; 2000, c.29, s.3; 2005, c.42, s.4; 2012, c.33, s.3.

6(1) In this section, “**summons**” means a summons issued pursuant to the *Criminal Code*, as amended from time to time.

(2) Where the Lieutenant Governor in Council has designated offences in the regulations for the purpose, the procedure set out in Part III or IV, as the case may be, may be followed with respect to those offences instead of the procedure set out in the *Criminal Code*, as amended from time to time, for laying an information and issuing a summons.

1990-91, c.S-63.1, s.6.

24(1) A defendant to whom:

(b) a summons issued pursuant to the *Criminal Code*, as amended from time to time;

1990-91, c.S-63.1, s.24;
1992, c.40, s.9.

32(1) In this section, “**Court of Queen’s Bench**” means Her Majesty’s Court of Queen’s Bench for Saskatchewan.

1990, c.S-63.1, s.32; 2005,
c.42, s.17.

58 When a pecuniary penalty or a forfeiture is imposed for the contravention of any Act and:

(a) if Part XXVII of the *Criminal Code*, as amended from time to time, or the summary offence procedure pursuant to this Act does not apply to the case; and

1990-91, c.S-63.1, s.58.

Explanation

Proposed section 58 amends *The Summary Offences Procedure Act, 1990*.

The proposed amendment to subclause 2(r)(iv) replaces an outdated reference to the *National Parks Act* with the *Canada National Parks Act*, and removes the wording “as amended from time to time”.

Proposed amendments to subsections 4(1), 4(4), 6(1) and 6(2), and clauses 24(1)(b) and 58(a) remove the wording “as amended from time to time” with respect to the *Criminal Code*.

The proposed amendments repeal the definition of “Court of Queen’s Bench” at subsection 32(1). This definition is already addressed by *The Interpretation Act, 1995*.

59 **Existing Provision**

The Superannuation (Supplementary Provisions) Act

18(1) The Lieutenant Governor in Council may authorize:

(a) a board, with respect to the employees eligible for superannuation under the superannuation Act pursuant to which the board is appointed; or

(b) a member of the Executive Council or a board, commission or other agency administering a superannuation plan or Act other than the superannuation Acts mentioned in clause 2(k), with respect to the employees eligible for superannuation under that superannuation plan or Act;

to enter into a reciprocal agreement with an employer who maintains an employees’ superannuation or pension fund or plan accepted for registration for the purposes of the *Income Tax Act* (Canada), as amended from time to time.

1984-85-86, c.87, s.5; 1992,
c.P-6.001, s.75; 2001, c.43,
s.4.

Explanation

Proposed section 59 amends subsection 18(1) by removing the wording “as amended from time to time” with respect to the federal *Income Tax Act*.

60 **Existing Provision**

The Thresher Employees Act

13(1) Where a sum of money is paid into court any employee claiming under this Act, or, if there are two or more claimants, any one of such employees may sue out an interpleader summons (Form C) to determine, adjust and finally settle the rights of the several claims and parties to the sum of money and in such

proceedings between employees and employers the former shall be plaintiff and the latter defendant; and if an interpleader summons is not sued out by any employee within twenty days after the sum of money has been paid into court the money shall be paid out to the employer or his assigns, or to such other person as is entitled thereto, only pursuant to an order of a judge of Her Majesty's Court of Queen's Bench sitting at the judicial centre at which the money has been paid into court.

R.S.S. 1978, c.T-12, s.13;
1979-80, c.92, s.95

Explanation

Proposed section 60 amends subsection 13(1) of *The Thresher Employees Act* by updating the reference to the Court of Queen's Bench.

61 Existing Provision

The Trust and Loan Corporations Act, 1997

41(1) A trust corporation licensed pursuant to this Act may act as any of the following:

(h) a custodian or trustee in cases relating to insolvency or under the *Bankruptcy and Insolvency Act* (Canada), as amended from time to time;

1997, c.T-22.2, s.41.

Explanation

Proposed section 61 amends clause 41(1)(h) of *The Trust and Loan Corporations Act, 1997* by removing the wording "as amended from time to time" with respect to the federal *Bankruptcy and Insolvency Act*.

62 Existing Provision

The Veterinarians Act, 1987

2 In this Act:

(e) "**court**" means Her Majesty's Court of Queens Bench for Saskatchewan;

1986-87-88, c.V-5.1, s.2;

Explanation

Proposed section 62 amends clause 2(e) of *The Veterinarians Act, 1987* by updating the reference to the Court of Queen’s Bench.

63 Existing Provision***The Water Security Agency Act***

6(1) In carrying out its mandate and fulfilling its purposes, the corporation may:

(e) enter into agreements with the Her Majesty in right of Canada and Indian bands relating to the management, administration, development, conservation, protection and control of any water, watershed and related land resources in Saskatchewan, including agreements for the creation of co-management boards and the delegation to those boards of any of the powers of the corporation with respect to those matters;

2005, c.S-35.03, s.6.

Explanation

Proposed section 63 amends clause 6(1)(e) of *The Water Security Agency Act* by replacing the reference to “Her Majesty” with “the Crown”.

64 Existing Provision***The Youth Drug Detoxification and Stabilization Act***

15(2) Subject to the regulations:

(f) if the review panel does not find in favour of the appellant, the chairperson of the review panel shall include in the written report transmitted to the appellant pursuant to clause (e), a notice of the right of appeal to the Court of Queen’s Bench for Saskatchewan, as provided in section 16; and

2005, c.Y-1.1, s.15; 2007,
c.16, s.8

Explanation

Proposed section 64 amends clause 15(2)(f) of *The Youth Drug Detoxification and Stabilization Act* by updating the reference to the Court of Queen’s Bench.

65 **Existing Provision**

New

Explanation

Proposed Schedule 1 replaces “Her Majesty’s Court of Queen’s Bench for Saskatchewan” with “the Court of Queen’s Bench” across numerous pieces of legislation.

Proposed Schedule 2 replaces “Her Majesty the Queen in right of Canada” with “the Crown in right of Canada” across numerous pieces of legislation.

Proposed Schedule 3 replaces “Her Majesty the Queen in right of Saskatchewan” with “the Crown in right of Saskatchewan” across numerous pieces of legislation.

Proposed Schedule 4 replaces “Her Majesty in right of Canada” with “the Crown in right of Canada” across numerous pieces of legislation.

Proposed Schedule 5 replaces “Her Majesty in right of Saskatchewan” with “the Crown in right of Saskatchewan” across numerous pieces of legislation.

Proposed Schedule 6 replaces “*ex parte*” with “without notice” across numerous pieces of legislation.

Proposed Schedule 7 replaces “*ex parte* application” with “application without notice” across numerous pieces of legislation.

66 Coming into force.