

EXPLANATORY NOTES

B I L L

No. 7

An Act to amend *The Court of Appeal Act, 2000*

Clause of Bill

1 *The Court of Appeal (Residency) Amendment Act, 2024*

2 *The Court of Appeal Act, 2000*

3 **Existing Provision**

Interpretation

2 In this Act and the rules of court made pursuant to this Act, except where otherwise provided:

...

“**northern centre**” means any of the judicial centres of Battleford, Humboldt, Melfort, Prince Albert or Saskatoon or a place in Saskatchewan that is nearer to any of those judicial centres than to any other judicial centre; («centre judiciaire du nord»)

...

2000, c.C-42.1, s.2; 2012, c.C-43.101, s.27; 2023, c28, s.17-13.

Explanation

Reference to “Humboldt” is removed from the definition of “northern centre”.

4 **Existing Provision**

Court continued

3(2) The court consists of a chief justice called the Chief Justice of Saskatchewan and six other judges.

(6) A supernumerary judge shall hold himself or herself available to perform any judicial duties that may be assigned to the judge from time to time by the chief justice.

2000, c.C-42.1, s.3; 2007, c.22, s.2.

Explanation

Subsection (2) is amended to replace “six” with “seven.”

Subsection (6) is amended to replace “hold himself or herself” with “be”.

5 **Existing Provision**

New.

Explanation

New section 3.1 creates provisions allowing a certain number of judges to maintain a residence in Saskatoon.

6 **Existing Provision**

Judgment by former judge

5.1(1) A judge who resigns his or her office or is appointed to another court or otherwise ceases to hold office may, within six months after the resignation, appointment or date that he or she otherwise ceases to hold office, give a decision in an appeal or matter he or she heard while holding office, and the decision is effective as though he or she still held office.

(2) A judge who is appointed to another court may continue with the hearing of an appeal or matter of which he or she was seized, and the jurisdiction to hear the appeal or matter and give a decision is effective as though he or she still held office.

2013, c.8, s.3; 2023, c28, s.17-13.

Explanation

Section 5.1 is amended to replace “he or she” wherever it appears with “the judge.”

7 **Existing Provision**

Quorum

15(3) Subsection (4) applies in the following circumstances:

...

(b) one or more of the judges who heard the appeal or matter:

...

(iii) resigns his or her office or is appointed to another court or otherwise ceases to hold office and does not participate in giving the decision as allowed by section 5.1.

...

2000, c.C-42.1, s.15; 2013, c.8, s.4.

Explanation

Subsection 15(3) is amended to remove “his or her.”

8 **Existing Provision**

New.

Explanation

Section 23.1 is added to reflect regulation making powers.

9 Coming into force.