

EXPLANATORY NOTES

B I L L

No. 56

An Act to amend *The King's Bench Act*

Clause of Bill

1 *The King's Bench Amendment Act, 2026*

2 *The King's Bench Act*

3 **Existing Provision**

None.

Explanation

Section 3 amends section 1-2 to add a new definition of associate judge and amend the definition of matter.

4 **Existing Provision**

Oath of office

2-4 Before entering on the duties of office, a judge shall take the following oath, administered by the Lieutenant Governor, the chief justice or another judge:

I, _____, do swear (or solemnly affirm) that I will well and truly serve our Sovereign Lord the King in the office of Chief Justice (or a Judge) of His Majesty's Court of King's Bench for Saskatchewan, and that I will duly and faithfully, and according to the best of my skill and knowledge, exercise the powers and trusts reposed in me as Chief Justice (or a Judge) of that court. (So help me God).

2023, c 28, s 2-4.

Residence of judges

2-5(1) Each judge shall reside at any judicial centre or other place in Saskatchewan that the chief justice directs.

(2) A judge, on taking up residence in accordance with a direction made pursuant to subsection (1), shall not be required to make a change of residence unless the judge consents to the change.

2023, c 28, s 2-5.

Explanation

Section 4 repeals and replaces sections 2-4 and 2-5.

New section 2-4 includes associate judges in the oath of office.

New section 2-5 includes associate judges in the residency rules.

5 Existing Provision

None.

Explanation

Section 5 creates new Part 3.1.

New section 3.1-1 provides the definitions for the Part.

New section 3.1-2 provides for the appointment of associate judges by the Lieutenant Governor in Council.

Subsection (2) sets out the eligibility requirements for associate judges.

Section 3.1-3 authorizes the chief justice to appoint relief associate judges for an associate judge in certain circumstances.

Subsection (2) deems a relief associate judge to be an associate judge.

Section 3.1-4 authorizes the minister to compile a list of eligible relief associate judges.

Subsection (2) establishes the criteria for relief associate judges.

Subsection (3) sets out how a person may remove their name from the list.

Subsection (4) deems removal from the list at the age of 75 years.

Subsection (5) sets out when the minister may remove a name from the list.

Subsection (6) requires the minister to publish the list in the Gazette.

Section 3.1-5 restricts associate judges from outside employment, except with the approval of the chief justice.

Subsection (2) restricts an associate judge from accepting remuneration for authorized outside employment.

Subsection (3) requires an associate judge to work full time unless otherwise authorized by the Lieutenant Governor in Council and the chief justice.

Section 3.1-6 provides for term limits for associate judges.

Subsection (2) requires an associate judge to retire at the age of 70 years.

Subsection (3) provides for the resignation process and effective date.

Section 3.1-7 gives associate judges the same jurisdiction as judges, subject to the *Constitution Act, 1867*, subsection (2), and direction from the chief justice.

Subsection (2) sets out the restrictions on the jurisdiction of associate judges.

Subsection (3) carves out an exemption from the restrictions in (2)(d) and (e) for maintenance enforcement and inter-jurisdictional support order proceedings.

Subsection (4) authorizes the chief justice to appoint an associate judge as the Registrar in Bankruptcy.

Subsection (5) authorizes an associate judge to perform the duties of the Registrar in Bankruptcy.

Subsection (6) indicates a decision of an associate judge is a decision of the court.

Section 3.1-8 entitles associate judges to a salary, pension, other benefits, and vacation leave in accordance with this Part.

Subsection (2) indicates that the entitlements are to be paid out of the general revenue fund.

Subsection (3) adjusts the annual salary every April 1st.

Subsection (4) authorizes the Legislative Assembly to reduce salaries in exceptional circumstances.

Section 3.1-9 indicates that the salary is the amount prescribed in the commission regulations.

Subsection (2) indicates that relief associate judges are to be paid *pro rata* portions of the annual salary.

Subsection (3) indicates that PEPP applies to associate judges.

Section 3.1-10 requires certain information relevant to commissions to be published.

Section 3.1-11 requires a commission to make recommendations about the annual salary, the method of calculating the *pro rata* portions, and contributions to be made to the pension plan.

Subsection (2) allows the commission to make recommendations about benefits.

Section 3.1-12 requires the commission to submit a report to the minister within 9 months of this section coming into force.

Subsection (2) requires the commission to submit subsequent reports every four years by November 1st.

Subsection (3) allows the commission to include recommendations about benefits in a companion report.

Section 3.1-13 requires the commission to consider any written submissions from the representative and the minister, and authorizes the commission to submit written questions and convene a hearing, if necessary.

Section 3.1-14 provides the process for the minister or representative to request clarification on the recommendations.

Section 3.1-15 requires the commission to provide copies of the report to the minister and representative with enough time for the minister and representative to comment on technical or drafting issues.

Section 3.1-16 requires the minister to consider the recommendations and give notice that the recommendations are accepted or accepted in part within 45 days.

Subsection 3.1-17(1) indicates that, if the minister accepts all recommendations, they come into force when the minister gives notice.

Subsection (2) indicates that, if the minister accepts some recommendations, the commission must revise the regulations to incorporate the accepted recommendations and they are deemed to come into force when the minister gave notice.

Section 3.1-18 provides the procedure for the minister to lay the report before the Legislative Assembly when there are recommendations that the minister does not accept.

Subsection (2) establishes the time frame for moving a resolution with respect to the report.

Section 3.1-19 requires the commission to revise its proposed regulations if the Legislation Assembly passes a resolution.

Section 3.1-20 sets out when the regulations come into force if the specified timeframes for notice, moving a resolution, or passing a resolution are not met.

Section 3.1-21 provides for the minister and the representative to make a joint recommendation to amend a commission regulation.

Subsection (2) allows for the amending regulation to be made retroactive to the day that the regulation came into force.

Section 3.1-22 sets out the rules for compensation during the transition period between the coming into force of the Act and the day on which the first commission regulation comes into force.

Section 3.1-23 establishes the associate judges review council, and sets out its composition.

Subsection (3) limits terms for certain members to 3 years.

Subsection (4) establishes what constitutes quorum.

Subsection (5) establishes voting rights and the tie breaking procedure.

Subsection (6) indicates that the proceedings are not public unless otherwise directed by the council.

Subsection (7) authorizes the council to make its own bylaws.

Subsection (8) requires the Lieutenant Governor in Council to determine the remuneration payable to certain members of the council.

Subsection (9) allows the council to hire legal counsel to assist with investigations.

Section 3.1-24 requires the council to receive and investigate complaints of judicial misconduct or incapacity, review and report on matters referred to it, and make recommendations on any other matter it considers appropriate.

Section 3.1-25 requires the council to review and investigate the conduct of an associate judge where it has received an allegation of misconduct or incapacity, or otherwise becomes aware of possible misconduct or incapacity.

Subsection (2) allows the council to ask the chairperson or designated member to conduct a review and investigation.

Subsection (3) allows the chairperson or designated member to dismiss the complaint (if frivolous, vexatious or without merit), or refer it to council.

Subsection (4) deems the decision of the chairperson or designated member as the decision of council.

Subsection (5) sets out what action the council may take upon further review.

Subsection (6) requires the council to notify the minister, complainant and associate judge of the council's decision.

Section 3.1-26 authorizes the council to suspend an associate judge while investigating an allegation of misconduct or incapacity.

Subsection (2) indicates when the suspension is terminated.

Subsection (3) entitles the associate judge to receive their salary during suspension.

Section 3.1-27 authorizes the council to appoint a hearing committee.

Subsection (2) authorizes the committee to hire legal counsel.

Section 3.1-28 sets out the rules for a hearing to consider an allegation of misconduct or incapacity.

Subsection (3) requires the hearing committee to give notice to the associate judge of the hearing and full particulars of the complaint at least 14 days before the hearing.

Subsection (4) requires the hearing committee to advise the complainant of the date, time and place of the hearing.

Subsection (5) entitles the complainant to attend the hearing.

Subsection (6) entitles the associate judge to examine witnesses and present evidence.

Subsection (7) gives hearing committee the power under *The Public Inquiries Act, 2013* to compel witnesses, search with a warrant, and hold someone in contempt.

Subsection (8) allows the associate judge to apply for a subpoena, and a member of the hearing committee to issue it.

Subsection (9) requires the hearing to be public unless the committee orders otherwise.

Section 3.1-29 sets out the hearing procedures. Subsection (1) requires the council to direct the prosecution of the complaint before the committee.

Subsection (2) requires testimony to be under oath or affirmation.

Subsection (3) allows the hearing to proceed in the absence of the associate judge if the associate judge was served with notice.

Subsection (4) deems an associate judge who appears before the council to have proper notice of the hearing.

Section 3.1-30 requires the committee to provide a report to the council, minister and associate judge setting out its findings of fact, the committee's opinion on whether the complaint is established, and its recommendation with respect to an appropriate order.

Subsection (2) states that the report shall not be made public except what results in an order.

Section 3.1-31 requires that, on receipt of a hearing committee report, the chairperson set a day for the council to meet to review the report, and give notice of the meeting to the associate judge.

Subsection (2) requires the chairperson to advise the complainant of the date of the meeting.

Subsection (3) requires the council to determine whether misconduct or incapacity is established.

Section 3.1-32 provides for the orders that can be issued by the council.

Subsection (1) provides for the council to make an order dismissing the complaint where the allegation is not established.

Subsection (2) provides for the orders the council can make when an allegation of misconduct is established, including removal from office, suspension, and specific conditions for working.

Subsection (3) provides for orders the council can make when an allegation of incapacity is established, including removal from office, suspension, and specific conditions for working.

Subsection (4) requires an order to include reasons.

Subsection (5) requires the chairperson to send copies of the order to the complainant, minister, associate judge and may send it to any other person they consider advisable. The order and reasons must be made public unless certain circumstances exist.

Subsection (6) requires the chairperson to forward an order for removal from office to the Lieutenant Governor in Council.

Subsection (7) allows the Lieutenant Governor to remove or retire the associate judge, on the recommendation of council.

Subsection (8) terminates payment to an associate judge who has been removed or retired.

Subsection (9) entitles an associate judge who has retired to receive a pension and benefits in accordance with the Act and commission regulations.

Subsection (10) requires the minister to lay a copy of council's order and the hearing committee's report recommending removal from office or retirement before the Legislative Assembly.

Section 3.1-33 provides for immunity for an associate judge for anything done in good faith and in the execution of their duties.

Subsection (2) provides for immunity for council members, and hearing committee members for anything done in good faith and in the execution of their duties.

6 **Existing Provision**

None.

Explanation

Section 6 amends the regulations.

Clause (a) creates two new clauses:

- 15-1(1)(a.1) to allow for regulations respecting the appointment of associate judges; and
- 15-1(1)(a.2) to allow for regulations respecting associate judge's benefits.

Clause (b) creates new clause 15.-1(1)(m.1) to allow for regulations providing for the designation of beneficiaries under registered plans not identified in the Act.

7 Coming into force.