

The Justices of the Peace Regulations, 1989

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Chapter J-5.1 Reg 1 (effective May 1, 1989) as amended by Saskatchewan Regulations [29/90](#), [31/91](#), [60/92](#), [62/92](#), [25/94](#), [7/95](#), [92/97](#), [28/98](#), [11/1999](#), [78/1999](#), [86/2000](#), [12/2002](#), [57/2002](#), [100/2002](#), [59/2005](#), [107/2007](#), [38/2011](#), [78/2014](#), [40/2018](#), [18/2019](#) and [112/2023](#).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER J-5.1 REG 1
The Justices of the Peace Act, 1988

Title

1 These regulations may be cited as *The Justices of the Peace Regulations, 1989*.

Definitions

2 In these regulations:

“**court**” includes:

- (a) the Court of Appeal;
- (b) the Court of Queen’s Bench;
- (c) the Provincial Court of Saskatchewan; and
- (d) a court, other than one mentioned in clauses (a) to (c), presided over by a justice of the peace who is not a court official; (« *tribunal* »)

“**ministry**” means the ministry over which the minister presides. (« *ministère* »).

1 Jne 2018 SR 40/2018 s3.

Receipt for fines

3 Where a justice of the peace receives the amount of a fine, penalty, forfeiture or other similar sum of money, that justice of the peace shall immediately:

- (a) complete a receipt in the form provided by the minister; and
- (b) send a copy of the receipt mentioned in clause (a) to the ministry.

5 May 89 cJ-5.1 Reg 1 s3; 10 Jne 2011 SR
38/2011 s4.

Monthly return

4 Not later than the 15th day of each month, every justice of the peace shall:

- (a) complete a return in the form provided by the minister; and
- (b) send the return mentioned in clause (a) to the ministry.

5 May 89 cJ-5.1 Reg 1 s4; 10 Jne 2011 SR
38/2011 s5.

5 Repealed. 26 Sep 2014 SR 78/2014 s4.

5.1 Repealed. 26 Sep 2014 SR 78/2014 s4.

6 Repealed. 26 Sep 2014 SR 78/2014 s4.

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7 Repealed. 26 Sep 2014 SR 78/2014 s4.

8 Repealed. 26 Sep 2014 SR 78/2014 s4.

9 Repealed. 26 Sep 2014 SR 78/2014 s4.

Categories of justices of the peace

10(1) The following categories of justices of the peace are established:

- (a) senior justice of the peace;
- (b) justice of the peace who is not a court official;
- (c) justice of the peace who is a court official.

(2) Repealed. 26 Sep 2014 SR 78/2014 s5.

10 Jne 2011 SR 38/2011 s11; 26 Sep 2014 SR 78/2014 s5.

Duties of a justice of the peace

11(1) Subject to subsection (2), a justice of the peace who is not a court official may perform the duties and exercise the powers that have been conferred on a justice of the peace by:

- (a) common law;
- (b) an Act or regulations;
- (c) an Act of the Parliament of Canada or any regulations made pursuant to an Act of the Parliament of Canada; or
- (d) a municipal bylaw.

(2) A justice of the peace shall not:

- (a) subject to subsection (4), preside at a trial of an offence pursuant to an Act, regulation, Act of the Parliament of Canada or regulation made pursuant to an Act of the Parliament of Canada;
- (b) conduct a preliminary inquiry pursuant to the *Criminal Code*; or
- (c) exercise any jurisdiction pursuant to the *Criminal Code* if the competency of the accused to conduct a defence or his or her fitness to stand trial is at issue.

(3) Subsection (2) does not preclude a justice of the peace from:

- (a) granting an adjournment of any of the proceedings mentioned in subsection (2); or
- (b) accepting a guilty plea from and sentencing an accused charged with an offence punishable on summary conviction.

(4) A senior justice of the peace may, in addition to performing the duties and exercising the powers of a justice of the peace who is not a court official, preside at a trial or other proceeding pursuant to:

- (a) an Act;
- (b) a regulation made pursuant to an Act;
- (c) an Act of the Parliament of Canada, other than the *Criminal Code*; or
- (d) a regulation made pursuant to an Act of the Parliament of Canada.

(5) At the request of the Chief Justice of the Court of King's Bench, and subject to the approval of the Chief Judge of the Provincial Court, a senior justice of the peace may be appointed the Registrar in Bankruptcy pursuant to section 184 of the *Bankruptcy and Insolvency Act* (Canada).

(6) On the appointment pursuant to section 184 of the *Bankruptcy and Insolvency Act* (Canada), the senior justice of the peace may perform the duties and exercise the powers of the Registrar in Bankruptcy, subject to the direction of the Chief Justice of the Court of King's Bench.

10 Jne 2011 SR 38/2011 s11; 8 Dec 2023 SR
112/2023 s2.

Duties of a justice of the peace who is a court official

12(1) A justice of the peace who is a court official may only exercise the powers and perform the duties mentioned in this section.

(2) If a court has ordered that the process issue, a justice of the peace who is a court official may:

- (a) issue all forms of warrants of committal;
- (b) issue a summons to a person charged with an offence;
- (c) issue a warrant with respect to a person charged with an offence;
- (d) receive a recognizance or undertaking from a person charged with or convicted of an offence;
- (e) issue an order of driving prohibition against a person convicted of an offence;
- (f) issue orders of the court;
- (g) endorse any documents that may be required by law;
- (h) issue any process that is within the competence of a justice of the peace pursuant to section 11.

(3) A justice of the peace who is a court official may:

- (a) issue a certificate of conviction after an accused has been found guilty of an offence and sentenced by a court;

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- (b) issue a subpoena compelling the attendance of a witness at a proceeding;
- (c) in the absence of a judge of the court and under the directions of the court:
 - (i) adjourn proceedings;
 - (ii) put an accused to his or her election pursuant to the *Criminal Code*;
 - (iii) remand an accused in custody;
 - (iv) issue a process that would compel the accused to attend to court if the accused has had notification of the proceedings and has failed to attend;
- (d) accept a summons and the specified penalty as if they had been delivered on or about the date due for payment as provided for in *The Summary Offences Procedure Act, 1990*;
- (e) administer oaths and take and receive affidavits, affirmations and declarations;
- (f) swear informations pursuant to federal and provincial legislation, regulations and municipal bylaws;
- (g) read a proclamation at a riot; and
- (h) perform any other administrative duties that justices of the peace are authorized by law to perform.

10 Jne 2011 SR 38/2011 s11.

13 Repealed. 10 Jne 2011 SR 38/2011 s12.

14 Repealed. 1 Jne 2018 SR 40/2018 s4.

Interpretation

14.01 In sections 14.1 to 14.9, “**justice of the peace**” does not include a justice of the peace who is a court official.

29 Mar 2019 SR 18/2019 s3.

Annual leave

14.1(1) Each justice of the peace who is performing assigned duties on a full-time basis is entitled to annual leave with pay for 30 working days per fiscal year.

(2) If a justice of the peace is entitled to annual leave for a period that is less than a full fiscal year, the justice of the peace is entitled to annual leave at the rate of 2.5 working days for each full month of service.

29 Mar 2019 SR 18/2019 s4.

14.11 Repealed. 26 Sep 2014 SR 78/2014 s8.

14.2 Repealed. 26 Sep 2014 SR 78/2014 s9.

Administration of annual leave

14.21(1) Subject to the prior approval of the chief judge, a justice of the peace may carry over a maximum of 15 days unused annual leave from one fiscal year to the next.

(2) A justice of the peace shall obtain the prior approval of the chief judge for the period the justice of the peace intends to take as annual leave.

(3) Notwithstanding subsection (1), a justice of the peace who, immediately before being appointed, was in the public service is entitled to carry over all unused annual leave from that employment.

29 Mar 2019 SR 18/2019 s5.

Scheduled days off

14.3(1) In addition to annual leave, the supervising justice of the peace is entitled to take 12 working days each fiscal year, to be called scheduled days off, as paid leave.

(2) If the supervising justice of the peace is entitled to scheduled days off for a period that is less than a full fiscal year, the number of scheduled days off to which the supervising justice of the peace is entitled is N, rounded to the nearest half day and calculated in accordance with the following formula:

$$N = D \times 0.04615$$

where D is the number of days actually worked by the supervising justice of the peace in the fiscal year.

(3) Subject to the prior approval of the chief judge:

(a) the supervising justice of the peace may carry over a maximum of 10 days of unused scheduled days off from one fiscal year to the next; and

(b) the supervising justice of the peace may bank a maximum of 12 days of unused scheduled days off in each fiscal year, to a maximum of 20 banked days.

(4) The supervising justice of the peace shall obtain the prior approval of the chief judge for any day the supervising justice of the peace intends to take as a scheduled day off.

26 Feb 99 SR 11/1999 s8.

Holidays

14.31 In addition to annual leave, each justice of the peace who is performing assigned duties on a full-time basis is entitled to leave of absence with pay for the following:

(a) New Year's Day;

(b) Family Day;

(c) Good Friday;

(d) Victoria Day;

(e) Canada Day;

(f) Saskatchewan Day;

(g) Labour Day;

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- (h) Thanksgiving Day;
- (i) Remembrance Day;
- (j) Christmas Day;
- (k) Boxing Day;
- (l) one additional day each year, being the day designated by the chairperson of the Public Service Commission for permanent employees of the public service of Saskatchewan.

29 Mar 2019 SR 18/2019 s6.

Sick leave

14.4(1) A justice of the peace is entitled to sick leave calculated at a rate of 1.25 days for each full month of service.

(2) A justice of the peace who works less than a full month is entitled to sick leave for that month in the amount calculated in accordance with the following formula:

$$A = B \times \frac{C}{D}$$

where:

A is the amount of sick leave to which a justice of the peace is entitled;

B is the number of days of sick leave the justice of the peace would be entitled to pursuant to subsection (1) if a full month had been worked;

C is the number of days actually worked in that month; and

D is the number of working days in that month.

(3) A justice of the peace who, immediately before being appointed, was in the public service is entitled to carry over all unused sick leave from that employment.

29 Mar 2019 SR 18/2019 s6.

Administration of sick leave

14.41(1) A justice of the peace is entitled to carry over unused sick leave from one fiscal year to the next.

(2) A justice of the peace may use accumulated sick leave, to a maximum of 12 consecutive months, for each period of illness.

(3) If a justice of the peace has used all of the accumulated sick leave and requires additional days of sick leave, the minister may approve up to 30 days of additional sick leave.

(4) The chief judge may request a medical certificate from a justice of the peace who uses sick leave because of illness.

(5) On receiving a request of the chief judge pursuant to subsection (4), a justice of the peace shall promptly provide the chief judge with the medical certificate.

29 Mar 2019 SR 18/2019 s6.

Leave of absence

14.5(1) Where the minister considers it in the best interests of the administration of justice, the minister may grant a leave of absence to the supervising justice of the peace.

(2) The minister may grant a leave of absence with pay, with partial pay or without pay.

26 Feb 99 SR 11/1999 s8.

Pressing necessity

14.51 In accordance with any guidelines that the chief judge may establish and subject to the prior approval of the chief judge, a justice of the peace may use accumulated sick leave to take a leave of absence with pay for reasons of pressing necessity, including the following:

- (a) a death in the immediate or extended family of the justice of the peace;
- (b) attendance of the justice of the peace at the funeral of a non-family member;
- (c) an emergency sickness or grave illness of a member of the immediate family or of a member of the household of the justice of the peace;
- (d) the birth of a child of the justice of the peace;
- (e) the adoption of a child by the justice of the peace;
- (f) treatment for addiction or some other treatment of a child or spouse of the justice of the peace;
- (g) any other emergency or adverse circumstances over which the justice of the peace has little or no advance warning or control.

29 Mar 2019 SR 18/2019 s7.

Absence from duties

14.6(1) The supervising justice of the peace and each senior justice of the peace shall promptly provide a report to the chief judge at any time that each justice of the peace is absent from his or her duties.

(2) A supervising justice of the peace or senior justice of the peace who is absent from his or her duties without the prior approval of the chief judge is deemed to be on a leave of absence without pay.

26 Feb 99 SR 11/1999 s8; 26 Sep 2014 SR 78/2014 s15; 29 Mar 2019 SR 18/2019 s8.

Records

14.61 The chief judge shall cause to be kept adequate records of the work days, sick leave and annual leave of each justice of the peace.

26 Feb 99 SR 11/1999 s8; 26 Sep 2014 SR 78/2014 s16; 29 Mar 2019 SR 18/2019 s8.

J-5.1 REG 1**JUSTICES OF THE PEACE, 1989****Expenses away from home**

14.7(1) If required to travel for the purposes of engaging in duties of a justice of the peace or to attend a professional development or training session, a justice of the peace shall be paid for travelling, accommodation and meal expenses in accordance with rates established for employees in the public service.

(2) A justice of the peace who is required to move his or her permanent residence from one place to another is entitled to be paid his or her moving expenses, including reasonable relocation costs, as if the justice of the peace were an employee in the public service.

26 Feb 99 SR 11/1999 s8; 26 Sep 2014 SR
78/2014 s17; 29 Mar 2019 SR 18/2019 s9.

Life insurance and disability and dental plan

14.71(1) Each justice of the peace shall participate in:

- (a) the Government of Saskatchewan Group Life Insurance Plan;
- (b) the Government of Saskatchewan Disability Income Plan; and
- (c) the Public Employees Dental Plan.

(2) **Repealed.** 29 Mar 2019 SR 18/2019 s10.

26 Feb 99 SR 11/1999 s8; 26 Sep 2014 SR
78/2014 s18; 29 Mar 2019 SR 18/2019 s10.

Extended health care plan

14.8 Justices of the peace are eligible to receive benefits pursuant to the extended health care plan established for justices of the peace.

29 Mar 2019 SR 18/2019 s11.

Deduction of overpayments from superannuation

14.9 The Government of Saskatchewan may deduct from any pension contribution refunds or superannuation payments of a justice of the peace who retires, resigns or is removed from office any overpayments made to the justice of the peace in the form of advances of unearned annual or sick leave.

29 Mar 2019 SR 18/2019 s11.

Pension contributions

14.91(1) In this section:

“**effective date**” means the later of:

- (a) April 1, 2019; and

(b) the date on which this section comes into force; (« *date de prise d'effet* »)

“**pension plan**” means the Public Employees Pension Plan continued pursuant to *The Public Employees Pension Plan Act*. (« *régime de retraite* »)

(2) *The Public Employees Pension Plan Act* applies to each justice of the peace who is not a court official.

(3) Commencing on the effective date, the contributions to be made to the pension plan are the following:

(a) a justice of the peace who is neither a court official nor a senior justice of the peace shall contribute an amount equal to 5% of the salary received by the justice of the peace;

(b) the Government of Saskatchewan shall contribute with respect to each justice of the peace who is neither a court official nor a senior justice of the peace an amount equal to 7.6% of the salary received by the justice of the peace.

29 Mar 2019 SR 18/2019 s12.

Council member

15(1) The person appointed by the Lieutenant Governor in Council as a member of the council pursuant to clause 12(2)(c) of *The Justices of the Peace Act, 1988* is entitled to a honorarium of \$100 per day for each day or part of a day that the person is necessarily engaged in council work.

(2) Each member of the council is entitled to be reimbursed by the ministry for actual and reasonable travelling and sustenance expenses that are incurred while that member is necessarily engaged in council work in accordance with rates established for employees in the public service of the Government of Saskatchewan.

5 May 89 cJ-5.1 Reg 1 s15; 10 Jne 2011 SR
38/2011 s13.

Coming into force

16 These regulations come into force on the day on which *The Justices of the Peace Act, 1988* comes into force.

5 May 89 cJ-5.1 Reg 1 s16

