The Interpretation Act, 1995

being

Chapter I-11.2* of the *Statutes of Saskatchewan, 1995* (effective July 15, 1995) as amended by the *Statutes of Saskatchewan*, 1996, c.48; 1998, c.C-45.2, P-30.11 and 47; 1999, c.25; 2000, c.C-42.1 and 51; 2001, c.9; 2002, c.27 and 47; 2005, c.21; 2006, c.E-11.2, 22 and 42; 2010, c.4, 14 and 25; 2014, c.11; and 2015, c.22.

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

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 I-11.2

An Act respecting the Interpretation of Enactments and prescribing Rules Governing Enactments

SHORT TITLE AND INTERPRETATION

Short title

1 This Act may be cited as *The Interpretation Act, 1995*.

Interpretation

2 In this Act:

"enact" includes issue, make, establish or prescribe; (*«édicter»*)

"enactment" means an Act or a regulation or a portion of an Act or a regulation; (*«texte»*)

"public officer" includes a person in the public service of Saskatchewan:

(a) who is authorized by or pursuant to an enactment to do or enforce the doing of an act or thing or to exercise a power; or

(b) on whom a duty is imposed by or pursuant to an enactment; (*«fonctionnaire public»*)

"regulation" means a regulation, order, rule, rule of court, form, tariff of costs or fees, proclamation, letter patent, bylaw or resolution enacted in the execution of a power conferred by or pursuant to the authority of an Act, but does not include:

(a) an order of a court made in the course of an action; or

(b) an order made by a public officer or administrative tribunal in a dispute between two or more persons; (*«règlement»*)

"repeal" includes revoke, cancel or rescind. (*«abroger»*)

1995, c.I-11.2, s.2.

APPLICATION

Application to all enactments

3(1) This Act applies to every enactment, whether enacted before or after the commencement of this Act, unless a contrary intention appears in this Act or the enactment.

(2) The provisions of this Act apply to the interpretation of this Act.

(3) This Act does not exclude the application to an enactment of a rule of construction that is not inconsistent with this Act.

1995, c.I-11.2, s.3.

COMMENCEMENT

Date of commencement

4(1) In this section, **"date of assent"**, in the case of an Act reserved for the signification of the Governor General's pleasure, means the date that the Lieutenant Governor signifies that the Governor General assented to the Act.

(2) An Act comes into force on the day of assent, unless the Act provides otherwise.

(3) If a provision in an Act states that the Act or any portion of it is to come into force or be repealed other than on the date of assent to the Act, that provision comes into force on the date of assent to the Act.

(4) If a regulation is exempted from *The Regulations Act, 1995* or that Act does not apply to it and there is no provision in the regulation or the Act authorizing the regulation stating that the regulation comes into force on a particular day or a specified event, the regulation comes into force on the day the regulation is enacted.

1995, c.I-11.2, s.4.

Time of commencement and ceasing to have effect

5(1) An enactment, other than an order, rule or letter patent, has effect immediately at the beginning of the day on which it comes into force.

(2) An enactment, other than an order, rule or letter patent, that is expressed to expire or otherwise cease to have effect on a particular day ceases to have effect at the end of that day.

(3) An enactment that is repealed and replaced ceases to have effect at the time the new enactment comes into force.

1995, c.I-11.2, s.5.

Coming into force or repeal by proclamation

6 If an enactment is to come into force or be repealed on proclamation:

(a) the proclamation may apply to, and fix a day for, the coming into force or repeal of all or any portion of the enactment; and

(b) proclamations may be issued at different times for different portions of the enactment.

1995, c.I-11.2, s.6.

Powers before commencement

7(1) If an enactment that is not in force confers a power to make a regulation or do any other act, that power may be exercised before the enactment comes into force.

(2) A regulation made or an act done in accordance with subsection (1) has no effect until the enactment comes into force, except as is necessary to make the enactment effective on its commencement.

1995, c.I-11.2, s.7.

RULES OF CONSTRUCTION

Private Acts

8 A private Act does not affect the rights of any person except those persons mentioned in the private Act.

1995, c.I-11.2, s.8.

Law always speaking

9(1) Every enactment shall be interpreted as always speaking.

(2) Where a provision in an enactment is expressed in the present tense, the provision applies to circumstances as they arise.

1995, c.I-11.2, s.9.

Enactments remedial

10 Every enactment shall be interpreted as being remedial and shall be given the fair, large and liberal construction and interpretation that best ensure the attainment of its objects.

1995, c.I-11.2, s.10.

Preambles

11 The preamble of an enactment is part of the enactment and is intended to assist in explaining its meaning and objects.

1995, c.I-11.2, s.11.

Reference aids

12 The following are not part of an enactment, but are inserted for convenience of reference only:

(a) tables of contents;

(b) marginal notes;

(c) headings;

(d) references to former enactments after the end of a section or schedule.

1995, c.I-11.2, s.12.

Definitions and interpretation provisions

13 Definitions and other interpretation provisions:

(a) in an enactment, apply to the whole enactment, including the section containing the definitions or interpretation provisions, except to the extent that a contrary intention appears in the enactment;

(b) in an Act, apply to regulations made or continued pursuant to that Act, except to the extent that a contrary intention appears in the regulations.

1995, c.I-11.2, s.13.

Crown not bound

14 No enactment binds the Crown or affects the Crown or any of the Crown's rights or prerogatives, except as is mentioned in the enactment.

1995, c.I-11.2, s.14.

Existing Aboriginal and treaty rights

14.1 No enactment abrogates or derogates from the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada that are recognized and affirmed by section 35 of the *Constitution Act, 1982*.

1996, c.48, s.2.

Proclamations

15(1) If the Lieutenant Governor is authorized to do an act by proclamation, the proclamation shall be issued only pursuant to an order of the Lieutenant Governor in Council.

(2) It is not necessary to mention in a proclamation of the Lieutenant Governor that it is issued pursuant to an order of the Lieutenant Governor in Council.

(3) If a proclamation does not state when it takes effect, the proclamation is deemed to take effect on the day on which it is issued.

(4) Publication of a proclamation may be made by publishing in the Gazette:

(a) the proclamation; or

(b) a notice describing the act done by proclamation and the date the proclamation becomes effective.

(5) A proclamation or notice mentioned in subsection (4) shall be published in the Gazette within:

(a) one month of the date of its issue; or

(b) any greater period that the Attorney General may order.

1995, c.I-11.2, s.15.

CORPORATIONS

Corporate rights and powers

16(1) This section and section 17 apply to a corporation continued or established by or pursuant to an enactment other than *The Business Corporations Act, The Non-profit Corporations Act, 1995, The Co-operatives Act, 1996*, *The New Generation Co-operatives Act*, *The Credit Union Act, 1998* or *The Crown Corporations Act, 1993*.

(2) In this section and section 17, **"directors"** means the persons charged with the management and control of a corporation.

(3) A corporation has perpetual succession and may:

(a) sue and be sued in its corporate name;

(b) contract in its corporate name;

(c) have a seal and change the seal at pleasure;

(d) acquire, hold and dispose of property other than land;

(e) regulate its own procedure and business.

(4) If a corporation has a name consisting of an English form, a French form, an English form and a French form or a combined English and French form, the corporation may use and be designated by that form.

(5) A majority of members of a corporation has the power to bind the corporation.

(6) Every officer and director of a corporation, in exercising his or her powers and in performing his or her duties, shall:

(a) act honestly and in good faith with a view to the best interests of the corporation;

(b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances; and

(c) comply with the enactment by or pursuant to which the corporation is governed.

(7) An officer or director has complied with his or her duty set out in subsection (6) and is not liable for a breach of his or her duty pursuant to subsection (6) if he or she relies in good faith on:

(a) financial statements of the corporation represented to the officer or director by an officer of the corporation or in a written report of the auditor of the corporation to reflect fairly the financial condition of the corporation; or

(b) a report of a lawyer, accountant, engineer, appraiser or other person whose position or profession lends credibility to his or her statement.

(8) No officer or director of a corporation is personally liable for any debt, liability, obligation, act or default of the corporation.

(9) A corporation may indemnify a director or officer of the corporation, a former director or officer of the corporation, or another individual who acts or acted at the corporation's request as a director or officer of or in a similar capacity for another entity, against all costs, charges and expenses, including an amount paid to settle an action or satisfy a judgment, that the individual reasonably incurs with respect to any civil, criminal, administrative, investigative or other proceeding in which the individual is involved because of that association with the corporation or other entity, if:

(a) the individual acted honestly and in good faith with a view to the best interests of, as the case may be:

(i) the corporation; or

(ii) the other entity for which, at the corporation's request, the individual acted as a director or officer or in a similar capacity; and

(b) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, the individual had reasonable grounds for believing that the individual's conduct was lawful.

(10) A corporation may advance moneys to a director, officer or other individual for the costs, charges and expenses of a proceeding mentioned in subsection (9), but the individual must repay the moneys to the corporation if the individual does not fulfil the conditions set out in clauses (9)(a) and (b).

(11) With respect to an action by or on behalf of a corporation or other entity to procure a judgment in its favour, the corporation or other entity, with the approval of a court, may indemnify an individual mentioned in subsection (9) against all costs, charges and expenses reasonably incurred by the individual in connection with that action, or advance moneys to that individual pursuant to subsection (10) for the costs, charges and expenses reasonably incurred by the individual in connection with that action, if the individual:

(a) is made a party to the action because of the individual's association with the corporation or other entity as described in subsection (9); and

(b) fulfils the conditions set out in clauses (9)(a) and (b).

(12) Notwithstanding subsection (9), an individual mentioned in that subsection is entitled to indemnity from the corporation against all costs, charges and expenses reasonably incurred by the individual in connection with the defence of any civil, criminal, administrative, investigative or other proceeding to which the individual is subject because of the individual's association with the corporation or other entity as described in subsection (9), if the individual seeking indemnity:

(a) was not judged by the court or other competent authority to have committed any fault or to have omitted to do anything that the individual ought to have done; and

(b) fulfils the conditions set out in clauses (9)(a) and (b).

(13) A corporation may purchase and maintain insurance for the benefit of an individual mentioned in subsection (9) against any liability incurred by the individual in the individual's capacity:

(a) as a director or officer of the corporation; or

(b) as a director or officer of another entity, or in a similar capacity, if the individual acts or acted in that capacity at the corporation's request.

(14) A corporation, an individual or an entity mentioned in subsection (9) may apply to a court for an order approving an indemnity pursuant to this section, and the court may so order and make any further order that it sees fit.

(15) On an application pursuant to subsection (14), the court may order notice to be given to any interested person, and that person is entitled to appear and be heard in person or by counsel.

1995, c.I-11.2, s.16; 1998, c.C-45.2, s.476; 1999, c.25, s.3; 2001, c.9, s.8; 2006, c.22, s.3.

Conflict of interests

17(1) In this section, **"associate"**, when used to indicate a relationship with any person, means:

(a) a body corporate of which that person beneficially owns, directly or indirectly, more than 10% of any class of voting equity securities of the body corporate that are outstanding at that time;

(b) a partner, other than a limited partner, of that person;

(c) a trust or estate in which that person has a beneficial interest or serves as a trustee or in a capacity similar to a trustee; or

(d) any other person who has the same residence as that person.

(2) An officer or a director of a corporation shall disclose in writing to the corporation, or request to have entered in the minutes of meetings of directors, the nature and extent of his or her interest or his or her associate's interest where the officer or director:

(a) is a party to a material contract or proposed material contract with the corporation; or

(b) is an officer or director of or has a material interest in or is an associate of any person who is a party to a material contract or proposed material contract with the corporation.

(3) A director shall make the disclosure required by subsection (2):

(a) at the meeting at which a proposed material contract is first considered;

(b) if the director or the director's associate was not then interested in a proposed material contract, at the first meeting after the director or the associate becomes interested;

(c) if the director or the director's associate becomes interested after a material contract is made, at the first meeting after the director or the associate becomes interested; or

(d) if a person who is interested in a material contract or whose associate is interested in a material contract later becomes a director, at the first meeting after he or she becomes a director.

(4) An officer who is not a director shall make the disclosure required by subsection (2):

(a) immediately after he or she becomes aware that a material contract or proposed material contract is to be considered or has been considered at a meeting of directors;

(b) if the officer or the officer's associate becomes interested after a material contract is made, immediately after the officer or the associate becomes interested; or

(c) if a person who is interested in a material contract or whose associate is interested in a material contract later becomes an officer, immediately after he or she becomes an officer.

(5) If a material contract or proposed material contract is one that, in the ordinary course of the corporation's business, would not require approval by the directors, an officer or director shall disclose in writing to the corporation, or request to have entered in the minutes of meetings of directors, the nature and extent of his or her interest or his or her associate's interest immediately after the officer or director becomes aware of the contract or proposed contract.

(6) No director mentioned in subsection (2) shall vote on any resolution to approve a material contract unless the contract is:

(a) a contract relating primarily to his or her remuneration as a director of the corporation; or

(b) a contract for indemnity or insurance pursuant to subsection 16(9), (11), (12) or (13).

(7) For the purposes of this section, a general notice to the directors by an officer or director, declaring that he or she or any of his or her associates is an officer or director of or has a material interest in a person and is to be regarded as interested in any contract made with that person, is a sufficient declaration of interest in relation to any contract made with that person.

(8) A material contract between a corporation and one or more of its officers or directors, or between a corporation and another person of which an officer or director of the corporation is an officer or director or in which he or she has a material interest or which is an associate of an officer or director, is neither void nor voidable by reason only of that relationship or by reason only that a director with an interest in the contract or whose associate has an interest in the contract is present at or is counted to determine the presence of a quorum at a meeting of directors or committee of directors that authorized the contract, if:

(a) the officer or director disclosed his or her interest in accordance with subsection (3), (4), (5) or (7), as the case may be;

(b) the contract was approved by the directors; and

(c) the contract was reasonable and fair to the corporation at the time it was approved.

(9) Where an officer or director of a corporation fails to disclose his or her interest in a material contract in accordance with this section, a court of competent jurisdiction may, on the application of the corporation, set aside the contract on those terms that the court considers appropriate.

(10) Nothing in this section relieves a member of the Legislative Assembly from complying with *The Members' Conflict of Interest Act, 1993*.

1995, c.I-11.2, s.17; 2006, c.22, s.4.

MAJORITY AND QUORUM

Majority and quorum

18(1) If an enactment requires or authorizes an act or thing to be done by more than two persons, a majority of them may do it.

(2) Where a board is established by or pursuant to an enactment:

(a) if the number of members of the board is a fixed number, at least one-half of the number of members is a quorum at a meeting of the board;

(b) if the number of members of the board is not a fixed number, at least one-half of the number of members in office is a quorum at a meeting of the board;

(c) if the number of members of the board is expressed as a range between a minimum and a maximum, at least one-half of the number of members in office is a quorum, but only if at least the minimum number of members is in office;

(d) an act or thing done by a majority of members of the board present at a meeting of the board, if the members present are a quorum, is deemed to have been done by the board;

(e) a vacancy in the membership of the board does not invalidate the constitution of the board or impair the right of the members to act, if the number of members in office is not less than a quorum.

(3) In subsection (2), **"board"** means a board, commission or other body, whether incorporated or not, consisting of three or more members.

1995, c.I-11.2, s.18.

PUBLIC OFFICERS

Appointment

19 Subject to section 20, every public officer appointed before or after the commencement of this Act holds office during pleasure only, unless a contrary intention is expressed in:

(a) the enactment by or pursuant to which he or she is appointed; or

(b) the public officer's commission or appointment.

1995, c.I-11.2, s.19.

Appointments to certain boards, commissions and appointed bodies

20(1) Subject to subsection (2), notwithstanding any other enactment or any agreement, if a person is a member of a board, commission or other appointed body of the Government of Saskatchewan or any of its agencies or Crown corporations on the day on which the Executive Council is first installed following a general election as defined in *The Election Act*, the term of office for which that person was appointed is deemed to end on the earlier of:

(a) the last day of the term for which the person was appointed; or

(b) a day designated by the Lieutenant Governor in Council or the person who made the appointment.

(2) Subsection (1) does not apply to a person whose appointment is expressly stated in an Act to be subject to termination by the Legislative Assembly.

1995, c.I-11.2, s.20.

Demise of Crown

21(1) The holding of an office under the Crown in right of Saskatchewan is not affected by the demise of the Crown, nor is a new appointment to the office necessary on the demise of the Crown.

(2) The right or capacity of a person in Saskatchewan to practise, engage in or pursue a profession, occupation or calling is not affected by the demise of the Crown.

(3) On the demise of the Crown, it is not necessary for a person again to take an oath of allegiance or an oath of office with respect to a profession, office or calling.

(4) An action or other proceeding in any court:

(a) is not discontinued or stayed by reason of the demise of the Crown; and

(b) shall be proceeded with as if the demise of the Crown had not happened.

1995, c.I-11.2, s.21; 1998, c.47, s.3.

Implied power re public officers

22 The power in an enactment to appoint a public officer includes the power to:

(a) fix the term of office of the public officer;

(b) terminate the appointment of or remove or suspend the public officer;

(c) reappoint or reinstate the public officer;

(d) fix, vary or terminate the public officer's remuneration and expenses; and

(e) appoint, either before the appointment of the public officer or while there is a vacancy in the office, another person in the place or to act in the place of the public officer:

(i) before the appointment, after the appointment or both; or

(ii) during the vacancy, after the vacancy is filled or both.

1995, c.I-11.2, s.22.

Persons who may act for minister

23(1) Where an enactment directs or empowers a minister of the Crown to do an act or thing, or otherwise applies to the minister by the minister's name of office, a reference in that enactment to the minister includes:

(a) another minister acting for the minister;

(b) if the office is vacant, a minister designated to act in the office;

(c) the successor in the office of the minister; and

(d) the minister's deputy minister or a person acting as deputy minister.

(2) Where an enactment directs or empowers a minister of the Crown to do an act or thing, that act or thing may be done on the minister's behalf by any person appointed to serve in the ministry over which the minister presides if:

(a) the minister has, in writing, authorized that person, by name or by office, to do the act or thing; or

(b) that person is appointed to serve in a capacity appropriate to the doing of the act or thing whether or not he or she, or any other person, was authorized by the minister to do the act or thing.

(3) In this section, **"ministry"** means a ministry as defined in *The Executive Government Administration Act*.

2000, c.51, s.2; 2014, c.11, s.5.

Application of section 23

23.1(1) Unless an enactment expressly provides otherwise, section 23 applies to every act or thing that a minister may do pursuant to an enactment, whether it is administrative, legislative, judicial or otherwise and whether or not it involves the holding of an opinion or the reaching of a conclusion by a minister.

(2) For the purposes of subsection (1), where the act or thing to be done involves the holding of an opinion or the reaching of a conclusion by a minister, that act or thing may be done by a person mentioned in section 23 on the basis of that person's opinion or conclusion.

(3) A minister may, in writing, restrict the authority of a person, by name or by office, to do an act or thing on behalf of the minister pursuant to subsection 23(2).

(4) Section 23 does not:

(a) authorize any person mentioned in clause 23(1)(d) or subsection 23(2) to exercise any authority conferred on a minister to enact a regulation within the meaning of *The Regulations Act, 1995*; or

(b) restrict a minister's authority to do any act or thing that may be done by any person pursuant to section 23.

(5) Section 23 applies whether or not the office of a minister is vacant.

2000, c.51, s.2.

Public officers

23.2(1) Where an enactment directs or empowers a public officer to do an act or thing, or otherwise applies to the public officer by the public officer's name of office, a reference in that enactment to the public officer:

(a) includes a person acting for the public officer or appointed to act in the office;

(b) includes his or her deputy or a person appointed as his or her acting deputy; and

(c) applies to the person for the time being charged with the execution of the powers and duties of that office.

(2) This section applies whether or not the office of a public officer is vacant.

2000, c.51, s.2.

CALCULATION OF TIME

Calculation of time

24(1) Where the time for doing an act falls on a holiday, the time is extended to the next day that is not a holiday.

(2) Where the time for doing an act in a business office falls on a day on which the office is not open during its regular business hours, the time is extended to include the next day on which the office is open.

(3) In the calculation of time not expressed as a number of clear days, weeks, months or years or as **"at least"** or **"not less than"** a number of days, weeks, months or years:

(a) the first day shall be excluded; and

(b) the last day shall be included.

(4) In the calculation of time expressed as a number of clear days, weeks, months or years or as **"at least"** or **"not less than"** a number of days, weeks, months or years, the first and last days shall be excluded.

(5) A period of time expressed to begin or end at, on or with a specified day includes that day.

(6) A period of time expressed to continue to or until a specified day includes that day.

(7) A period of time expressed to be after, from or before a specified day does not include that day.

(8) Where, in calculating time, the time would otherwise end on a day for which there is no calendar number in a month, the time ends on the last day of that month.

(9) A reference to time is a reference to the time observed in that area pursuant to *The Time Act*.

(10) A person attains an age expressed in years immediately at the beginning of the relevant anniversary of the person's date of birth.

1995, c.I-11.2, s.24.

IMPLIED POWERS

Implied powers

25 In an enactment:

(a) anything required or authorized to be done by or before a judge, justice or public officer shall be done by or before one whose jurisdiction or powers extend to the place where that thing is to be done;

(b) a power given to the Lieutenant Governor in Council or a public officer to do or enforce the doing of an act includes all the powers necessary to enable the Lieutenant Governor in Council or public officer to do or enforce the doing of the act;

(c) a power may be exercised or a duty performed from time to time and as the occasion requires;

(d) a power to make regulations includes a power to repeal or amend the regulations and make others that is exercisable in the same manner and subject to the same consents and conditions as the power to make regulations;

(e) if the doing of an act that is expressly authorized depends on the doing of any other act by the Lieutenant Governor in Council or by a public officer, the Lieutenant Governor in Council or public officer, as the case may be, has the power to do that other act.

1995, c.I-11.2, s.25.

FORMS, WORDS, DEFINITIONS

Use of forms and words

26(1) When a form is prescribed by or pursuant to an enactment, deviations from it that do not affect the substance and are not calculated to mislead do not invalidate the form used.

(2) Words in an enactment signifying male persons include female persons and words signifying either sex include corporations.

(3) Words in an enactment in the singular include the plural and words in the plural include the singular.

(4) When a word or expression is defined in an enactment, other parts of speech and grammatical forms of the same word or expression have corresponding meanings.

1995, c.I-11.2, s.26.

General definitions

27(1) In an enactment:

"Act" or **"statute"** means an Act of the Legislature and includes an Ordinance of the Northwest Territories in force in Saskatchewan; (*«loi»*)

"adult" means a person 18 years of age or more; (*«adulte»*)

"Assembly" means the Legislative Assembly of Saskatchewan; (*«Assemblée»*)

"bank" means a bank to which the *Bank Act* (Canada) applies, and includes a branch, agency and office of a bank; (*«banque»*)

"cattle" includes horse, mule, ass, swine, sheep, goat or any bovine animal; (*«bétail»*)

"city" means a city within the meaning of *The Cities Act*; (« *cité* »)

"commencement", when used with reference to an enactment, means the time at which the enactment comes into force; (*«entrée en vigeur»*)

"co-operative" means a co-operative that is incorporated, continued or registered pursuant to *The Co-operatives Act, 1996* or *The New Generation Co-operatives Act*; (*«coopérative»*)

"Court of Appeal" means the Court of Appeal for Saskatchewan; (*«Cour d'appel»*)

"Court of Queen's Bench" means Her Majesty's Court of Queen's Bench for Saskatchewan; (*«Cour du Banc de la Reine»*)

"credit union" means a credit union that is incorporated, continued or registered pursuant to *The Credit Union Act, 1998*; (*«caisse populaire»*)

"Director of Corporations" means the Director of Corporations as defined in *The Business Corporations Act*; (*«directeur des sociétés»*)

"duly qualified medical practitioner" means a person registered pursuant to *The Medical Profession Act, 1981*, other than a person registered pursuant to section 42.1 of that Act, whose registration is not under suspension; (« *médecin dûment qualifié* »)

"Executive Council" means the Executive Council appointed pursuant to *The Executive Government Administration Act*; (*«conseil exécutif»*)

"Gazette" means *The Saskatchewan Gazette* published by the Queen's Printer for Saskatchewan; (*«Gazette»*)

"general revenue fund" means the general revenue fund prescribed in *The Financial Administration Act, 1993*; (*«fonds du revenu général»*)

"Government" or **"Government of Saskatchewan"** means the Crown in right of Saskatchewan; (*«gouvernement» ou «governement de la Saskatchewan»*)

"Government of Canada" means the Crown in right of Canada; (*«gouvernement fédéral» ou «gouvernment du Canada»*)

"Governor", **"Governor General"** or **"Governor of Canada"** means the Governor General of Canada or other chief executive officer or administrator carrying on the Government of Canada on behalf and in the name of the Sovereign, by whatever title that officer is designated; *(*« *gouverneur* », « *gouverneur général* » *ou* « *gouverneur du Canada* »*)*

"Governor General in Council" means the Governor General acting by and with the advice of, or by and with the advice and consent of, or in conjunction with the Queen's Privy Council for Canada; (*«gouvernor général en conseil»*)

"Great Seal" means the Great Seal of Saskatchewan; (*«grand sceau»*)

"Her Majesty", **"His Majesty"**, **"the Queen"**, **"the King"**, **"the Crown"** or **"the Sovereign"** means the Sovereign of the United Kingdom, Canada and Her or His other realms and territories, and Head of the Commonwealth; (*«Sa Majesté», «la Reine», «le Roi», «la Couronne» ou «le souverain»*)

"holiday" means:

(a) Sunday;

(b) New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day, and when one of those dates, other than Remembrance Day or Boxing Day, falls on a Sunday, it includes the following day;

(c) any day appointed by an Act of the Parliament of Canada or by proclamation of the Governor General or Lieutenant Governor as a public holiday; (*«jour férié»*)

"infant" or **"minor"** means a person under 18 years of age; (*«mineur»*)

"justice" means a justice of the peace; (*«juge»*)

"lawyer" means a member of the Law Society of Saskatchewan whose right to practise is not under suspension; (*«avocat»*)

"Legislature" means the Lieutenant Governor acting by and with the advice and consent of the Legislative Assembly of Saskatchewan; (*«législature»*)

"Lieutenant Governor" means the Lieutenant Governor of Saskatchewan and includes the Administrator of Saskatchewan; (*«lieutenant-gouverneur»*)

"Lieutenant Governor in Council" means the Lieutenant Governor acting by and with the advice of, or by and with the advice and consent of, or in conjunction with, the Executive Council; (*«lieutenant-gouverneur en conseil»*)

"majority" or **"age of majority"** means 18 years of age; (*«majorité»*)

"month" means calendar month; (*«mois»*)

"municipality" means:

(a) a city, town, village, resort village, rural municipality or northern municipality; or

(b) any other municipality incorporated or continued pursuant to *The Municipalities Act* or *The Northern Municipalities Act, 2010*; (« *municipalité* »)

"northern hamlet" means a northern hamlet within the meaning of *The Northern Municipalities Act, 2010*; (« *hameau du Nord* »)

"northern municipality" means a municipality within the meaning of *The Northern Municipalities Act, 2010*; (« *municipalité du Nord* »)

"Northern Saskatchewan Administration District" means the Northern Saskatchewan Administration District within the meaning of *The Northern Municipalities Act, 2010*; (« *district administratif du nord de la Saskatchewan* »)

"northern settlement" means a northern settlement within the meaning of *The Northern Municipalities Act, 2010* ; (« *établissement du Nord* »)

"northern village" means a northern village within the meaning of *The Northern Municipalities Act, 2010*; (« *village du Nord* »)

"oath" or **"affidavit"** includes a solemn affirmation or declaration and **"sworn"** includes **"affirmed"** or **"declared"**; (*«serment» ou «affidavit»*)

"person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person; (*«personne»*)

"proclamation" means a proclamation under the Great Seal; (*«proclamation»*)

"province" means the Province of Saskatchewan; (*«province»*)

"provincial court judge" means a judge appointed or deemed to be appointed pursuant to *The Provincial Court Act, 1998*; (*«juge de la Cour provinciale»*)

"provincial magistrate" means a provincial court judge; (*«magistrat provincial»*)

"resort village" means a resort village within the meaning of *The Municipalities Act*; (« *village de villégiature* »)

"rural municipality" means a rural municipality within the meaning of *The Municipalities Act*; (« *municipalité rurale* »)

"Saskatchewan" means the Province of Saskatchewan; (*«Saskatchewan»*)

"security" means sufficient security; (*«cautionnement»*)

"statutory declaration" or **"solemn declaration"** means a solemn declaration made pursuant to *The Evidence Act* or the *Canada Evidence Act*; (*«déclaration solennelle»*)

"surety" means a sufficient surety; (*«garantie»*)

"town" means a town within the meaning of *The Municipalities Act*; (« *ville* »)

"village" means a village within the meaning of *The Municipalities Act*; (« *village* »)

"will" means a will as defined in *The Wills Act, 1996*; *(« testament »)*

"writing" or a similar term includes words represented or reproduced by any mode of representing or reproducing words in visible form; (*«écrit»*)

"year" means calendar year. (*«année»*)

(2) In an enactment:

(a) **"hereafter"** shall be interpreted as referring to the time after the commencement of the enactment containing the word;

(b) **"herein"** shall be interpreted as referring to the whole enactment that contains the word; (*«ci-inclus»*)

(c) **"heretofore"** shall be interpreted as referring to the time before the commencement of the enactment containing the word; and

(d) **"now"** and **"next"** shall be interpreted as referring to the time after the commencement of the enactment containing the word. (*«maintenant», «prochain» et «suivant»*)

(3) In the English version of an Act:

(a) **"shall"** shall be interpreted as imperative;

(a.1) **"must"** shall be interpreted as imperative; and

(b) **"may"** shall be interpreted as permissive and empowering.

(4) In the French version of an Act:

(a) obligation is usually expressed by the use of the present indicative form of the relevant verb and occasionally by other words or expressions that convey that meaning; and

(b) the conferring of a power, right, authorization or permission is usually expressed by the use of the verb **"pouvoir"** and occasionally by other expressions that convey those meanings.

(5) The Lieutenant Governor in Council may make regulations prescribing an official French language equivalent for the title or name of any place, body, society, officer, functionary, person, party or thing.

1995, c.I-11.2, s.27; 1998, c.C-45.2, s.476, c.P-30.11, s.69 and c.47, s.5; 1999, c.25, s.3; 2000, c.C-42.1, s.26; 2002, c.27, s.4; 2002, c.47, s.3; 2005, c.21, s.4; 2006, c.22, s.5; 2006, c.E-11.2, s.70; 2006, c.42, s.3; 2010, c.4, s.3; 2010, c.25, s.4; 2014, c.11, s.5.

Common names

28 In an enactment, a reference by name to any country, place, body, society, officer, functionary, person, party or thing means the country, place, body, society, officer, functionary, person, party or thing to which the name is commonly applied, although the name is not its formal or extended designation.

1995, c.I-11.2, s.28.

REFERENCES

References include amendments

29(1) In an enactment, a citation of or reference to another enactment shall be interpreted as a citation of or reference to the other enactment as amended from time to time.

(2) In an enactment, a citation of or reference to a statute or regulation of another province or territory of Canada or of Canada shall be interpreted as a citation of or reference to the statute or regulation as amended from time to time.

1995, c.I-11.2, s.29.

References in enactments

30(1) A reference in an enactment by number or letter to two or more parts, divisions, sections, subsections, clauses, subclauses, paragraphs, subparagraphs, schedules, appendices or forms includes the number or letter first mentioned and the number or letter last mentioned.

(2) A reference in an enactment to a part, division, section, schedule, appendix or form is a reference to a part, division, section, schedule, appendix or form of the enactment in which the reference occurs.

(3) A reference in an enactment to a subsection, clause, subclause, paragraph or subparagraph is a reference to a subsection, clause, subclause, paragraph or subparagraph of the section, subsection, clause, subclause or paragraph, as the case may be, in which the reference occurs.

(4) In an Act, a reference to regulations is a reference to regulations made pursuant to the Act in which the reference occurs.

(5) A reference in an enactment to all or part of an Act, a regulation within the meaning of *The Regulations Act, 1995* or the rules of court that is identified by number, letter or line is a reference to the number, letter or line as it appears in the other enactment as printed by authority of the Queen's Printer.

1995, c.I-11.2, s.30.

AMENDMENTS AND REPEALS

Expired or lapsed enactments

31 For the purposes of this Act, an enactment that has expired, lapsed or otherwise ceased to have effect is deemed to have been repealed.

1995, c.I-11.2, s.31.

Power of repeal reserved

32 Every Act shall be interpreted as reserving to the Legislature the power of repealing or amending it, and of revoking, restricting or modifying a power, privilege or advantage that it vests in or grants to any person.

1995, c.I-11.2, s.32.

Amending enactments

33(1) An amending enactment is part of the enactment it amends.

(2) An Act may be amended or repealed by another Act passed in the same session of the Legislature.

1995, c.I-11.2, s.33.

Repeal

34(1) The repeal of an enactment does not:

(a) revive an enactment not in force at the time the repeal takes effect;

(b) affect the previous operation of the repealed enactment or anything done or permitted pursuant to it;

(c) affect a right or obligation acquired, accrued, accruing or incurred pursuant to the repealed enactment;

(d) prevent or affect a prosecution for an offence committed against or a contravention of the repealed enactment or a penalty, forfeiture or punishment incurred pursuant to it; or

(e) affect an investigation, proceeding or remedy with respect to the matters mentioned in clause (c) or (d).

(2) An investigation, proceeding or remedy described in clause (1)(e) may be instituted, continued or enforced and any penalty, forfeiture or punishment imposed as if the enactment had not been repealed.

1995, c.I-11.2, s.34.

Repeal and replacement

35(1) Where an enactment is repealed and a new enactment is substituted for it:

(a) a person acting pursuant to the repealed enactment has authority to act pursuant to the new enactment until another person becomes authorized to do so;

(b) a bond or security given by a person acting pursuant to the repealed enactment remains in force;

(c) all offices, books, papers and things made or used pursuant to the repealed enactment may continue to be used as before the repeal as far as is consistent with the new enactment;

(d) a proceeding commenced pursuant to the repealed enactment shall be continued pursuant to and in conformity with the new enactment as far as is consistent with the new enactment;

(e) the procedure established by the new enactment shall be followed as far as it can be adapted in relation to the matters that happened before the repeal;

(f) if any penalty, forfeiture or punishment is reduced or mitigated by the new enactment, the penalty, forfeiture or punishment, if imposed or adjudged after the repeal, shall be reduced or mitigated accordingly;

(g) all regulations made pursuant to a repealed Act remain in force and shall be deemed to have been made pursuant to the new Act, insofar as they are not inconsistent with the new Act;

(h) with respect to a subsequent transaction, matter or thing, any reference in an unrepealed enactment to the repealed enactment is a reference to the provisions of the new enactment relating to the same subject-matter as the repealed enactment, but, if there are no provisions in the new enactment relating to the same subject-matter, the repealed enactment shall be interpreted as being unrepealed insofar as is necessary to maintain or give effect to the unrepealed enactment.

(2) If a statute or regulation of any province or territory of Canada or of Canada is repealed in whole or in part and other provisions are substituted for it, a reference in an enactment of Saskatchewan to the repealed statute or regulation, with respect to a subsequent transaction, matter or thing, is a reference to the substituted provisions relating to the same subject-matter as the repealed statute or regulation.

(3) Where a provision of an enactment authorizing the making of regulations is repealed and replaced by another provision, all regulations made pursuant to the repealed provision remain in force and shall be deemed to have been made pursuant to the new provision insofar as they are not inconsistent with the new provision.

1995, c.I-11.2, s.35; 1998, c.47, s.6; 2015, c.22, s.9.

No implications from repeal, amendment, etc.

36(1) The repeal or the amendment of a provision in an enactment does not imply:

(a) a declaration that the provision was previously in force;

(b) a declaration as to the previous state of the law; or

(c) a declaration that the law pursuant to the enactment prior to the repeal or amendment was different from the law as it is pursuant to the enactment as amended.

(2) The re-enactment, revision, consolidation or amendment of a provision in an enactment does not imply an adoption of any judicial or other interpretation of the language used in the provision or of similar language.

1995, c.I-11.2, s.36.

FORM OF ACTS

Enacting clause

37(1) The enacting clause of an Act shall be in the following form:

"Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:".

(2) The enacting clause of an Act shall follow the preamble, if any.

1995, c.I-11.2, s.37.

Assent and endorsement

38(1) The Clerk of the Legislative Assembly shall endorse on every Act, immediately after the title, the day, month and year when the Act was assented to or reserved for the assent of the Governor General by the Lieutenant Governor.

(2) Where an Act is reserved for the assent of the Governor General, the Clerk of the Legislative Assembly shall endorse on the Act the day, month and year when the Lieutenant Governor has signified by message to the Legislative Assembly or by proclamation that the Governor General has assented to the Act.

(3) An endorsement is part of an Act.

1995, c.I-11.2, s.38.

Citation of Acts

39(1) A chapter of *The Revised Statutes of Saskatchewan, 1978* may be cited:

(a) by its title;

(b) by its short title;

(c) by using the expression "The Revised Statute respecting . . ." (adding the remainder of the title given at the beginning of the particular chapter); or

(d) by using the expression "The Revised Statutes of Saskatchewan, 1978, chapter . . ." (adding the number of the particular chapter of the revised statutes as printed by authority of the Queen's Printer).

(2) An Act passed after the coming into force of *The Revised Statutes of Saskatchewan, 1978* and before December 1, 1991 may be cited:

(a) by its short title; or

(b) by using the expression "Statutes of Saskatchewan . . ." (adding the year in which the session during which the Act was passed was held) ", chapter . . ." (adding the chapter number of the Act in the sessional volume of Acts passed as printed by authority of the Queen's Printer).

(3) For the purposes of clause (2)(b), where more than one session is held in a year, the number of the session shall be stated after the year in which the session was held.

(4) An Act passed after December 1, 1991 may be cited:

(a) by its short title; or

(b) by using the expression "Statutes of Saskatchewan . . ." (adding the calendar year in which the Act is passed) ", chapter . . ." (adding the chapter number of the Act in the annual volume of Acts passed as printed by authority of the Queen's Printer).

1995, c.I-11.2, s.39.

Regulations

40(1) Where an Act provides that the Lieutenant Governor in Council or other person may make regulations within the meaning of *The Regulations Act, 1995*, the Lieutenant Governor in Council or other person may make regulations, for the purpose of carrying out the Act according to its intent:

(a) prescribing any matter or thing that the Lieutenant Governor in Council or other person considers necessary and advisable in the public interest and not inconsistent with the Act;

(a.1) defining, enlarging or restricting the meaning of any word or expression used in the Act but not defined in the Act;

(b) prescribing a fee authorized by the Act;

(c) authorizing or requiring the use of forms and changing or repealing and substituting new forms.

(2) Where an Act provides the power to make regulations within the meaning of *The Regulations Act, 1995,* the power shall be interpreted as including the power to make regulations to create categories of persons, matters or things and to make different regulations for each of those categories.

1995, c.I-11.2, s.40; 2006, c.22, s.6.

Custody of Acts

41 The original copies of all Acts are to remain in the custody of the Clerk of the Legislative Assembly.

1995, c.I-11.2, s.41.

Certification

42(1) The Clerk of the Legislative Assembly shall:

(a) insert at the foot of each copy of an Act required to be certified a written certificate signed and authenticated by the Clerk that the copy is a true copy; and

(b) add the following words if the Act is disallowed after it comes into force:

"but disallowed by the Governor General in Council, which disallowance took effect on the..... day of ....., ... (year)".

(2) The Clerk of the Legislative Assembly shall cause the Great Seal to be affixed to certified copies of Acts:

(a) intended for transmission to the Secretary of State; or

(b) in any other case directed by the Lieutenant Governor in Council.

(3) A copy of an Act certified pursuant to subsection (1) is to be held to be evidence of the Act and its contents as if it were printed by lawful authority.

(4) The Clerk of the Legislative Assembly shall provide a certified copy of an Act to any person who applies for it and pays any fee prescribed in the regulations.

(5) The Lieutenant Governor in Council may make regulations prescribing fees for the purposes of subsection (4).

1995, c.I-11.2, s.42.

MISCELLANEOUS

Administration of oaths

43 Where an oath is authorized or directed to be made, taken or administered by an enactment or by an order made or issued by the Lieutenant Governor or the Lieutenant Governor in Council pursuant to any enactment or other law authorizing the Lieutenant Governor or the Lieutenant Governor in Council to require the taking of evidence under oath, a person named in the enactment or order, a judge of any court, a notary public, a justice of the peace or a commissioner for oaths may:

(a) administer the oath; and

(b) give a certificate of the oath having been made, taken or administered.

1995, c.I-11.2, s.43; 2010, c.14, s.14.

Powers to judges

44(1) Where judicial or quasi-judicial powers are given to a judge or officer of a court, the judge or officer in exercising the powers does so in his or her official capacity and representing his or her court.

(2) Without restricting subsection (1), where an appeal lies from a person, board, commission or other body to a court or judge, an appeal lies from the decision of the court or judge as in the case of any other proceeding in that court or in the court of which the judge is a member.

1995, c.I-11.2, s.44.

Extension of time

45 Where a power is given to a court or judge to extend the time allowed for doing any act or taking any proceeding, the court or judge may order an extension before or after the prescribed time expires, whether the application for the extension is made before or after the prescribed time has expired.

1995, c.I-11.2, s.45.

REPEAL AND COMING INTO FORCE

46 **Dispensed.** This section makes consequential amendments to another Act. The amendments have been incorporated into the corresponding Act.

Coming into force

47 This Act comes into force on proclamation.

1995, c.I-11.2, s.47.

REGINA, SASKATCHEWAN
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