

The Private Vocational Schools Regulation Act, 1995

being

[Chapter P-26.2](#) of the *Statutes of Saskatchewan, 1995* (effective December 15, 1995) as amended by the *Statutes of Saskatchewan, 2000, c.50*; and [2014, c.E-13.1](#) and [c.S-32.21](#).

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 P-26.2

An Act respecting Private Vocational Schools

SHORT TITLE AND INTERPRETATION

Short title

1 This Act may be cited as *The Private Vocational Schools Regulation Act, 1995*.

Interpretation

2 In this Act:

- (a) “**certificate of registration**” means a certificate of registration issued or renewed pursuant to section 5 that is not suspended or cancelled;
- (b) “**department**” means the department over which the minister presides;
- (c) “**fund**” means the training completions fund established pursuant to section 18;
- (d) “**insolvent**”, with respect to a person, means:
 - (i) being unable for any reason to meet obligations as they become due;
 - (ii) ceasing to pay liabilities in the course of business as those liabilities become due; or
 - (iii) being in a situation where the aggregate of the person’s property is not, at a fair value, sufficient to pay all the person’s obligations that are due or accruing or where the aggregate of the person’s property, if disposed of at a fairly conducted sale, would not be sufficient to pay all of the person’s obligations that are due and accruing;
- (e) “**inspector**” means an inspector appointed or designated pursuant to section 20;
- (f) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (g) “**operator**” means the operator of a private vocational school who holds a certificate of registration;
- (h) “**private vocational school**” means a school where vocational training is provided, but does not include:
 - (i) a university;
 - (ii) a regional college governed by *The Regional Colleges Act*;
 - (iii) the Saskatchewan Polytechnic;

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(iv) a school governed by *The Education Act*, by any other Act or by any Act of the Parliament of Canada;

(v) a school operated by a professional organization, where the training or instruction is part of professional requirements or is part of professional development;

(vi) a school operated or provided by an employer or group of employers for employees or an employer association;

(vii) a school operated by an employee association for members of the employee association;

(viii) a school or institution that is prescribed in the regulations;

(i) **“student”** means a person who has entered into a student contract to receive vocational training;

(j) **“student contract”** means an agreement between a private vocational school and a student to provide vocational training;

(k) **“vocation”** means a vocation as defined in the regulations;

(l) **“vocational training”** means instruction in a vocation but does not include instruction that is governed by any other Act or by an Act of the Parliament of Canada.

1995, c.P-26.2, s.2; 2014, c.S-32.21, s.34.

REGISTRATION

Certificate of registration required

3(1) No person shall establish or operate a private vocational school without holding a valid certificate of registration.

(2) Every operator shall have a separate certificate of registration for each location where the private vocational school offers vocational training.

(3) Any person who does not have a certificate of registration as the operator of a private vocational school is not capable of commencing or maintaining any action or other proceeding in any court in Saskatchewan with respect to a contract made in whole or in part within Saskatchewan, or against any person domiciled in Saskatchewan, in the course of or in connection with any business carried on by the private vocational school.

1995, c.P-26.2, s.3.

Application for registration or renewal

4(1) Every person who wishes to obtain a certificate of registration or to have the person's certificate of registration renewed shall apply to the minister in the form prescribed in the regulations.

- (2) Every application must be accompanied by:
- (a) the fee prescribed in the regulations;
 - (b) a training completion plan that complies with the requirements prescribed in the regulations; and
 - (c) evidence satisfactory to the minister that:
 - (i) the applicant is able to comply with the requirements for a private vocational school as prescribed in this Act and the regulations;
 - (ii) the applicant has security for claims by students in the amount, with the contents and in the form required by the regulations;
 - (iii) the applicant is not insolvent and is not likely to be insolvent;
 - (iv) the applicant has obtained any approvals required pursuant to any other Acts or laws or from any professional, vocational or other associations connected with the programs of instruction proposed for the private vocational school;
 - (v) the private vocational school will be staffed with instructors who meet the requirements that are prescribed in the regulations; and
 - (vi) the private vocational school will have the accommodation, facilities, equipment and materials that are prescribed in the regulations to teach the programs of vocational training that will be set out in the applicant's certificate of registration.
- (3) An application for renewal of a certificate of registration must be made before the time prescribed in the regulations.
- (4) The minister may request any additional information from an applicant that the minister considers necessary to determine whether or not to issue or renew a certificate of registration.

1995, c.P-26.2, s.4.

Decision to issue or refuse certificate

- 5(1) On receipt of an application, the minister may:
- (a) issue or renew a certificate of registration where the minister is satisfied that the applicant has complied with this Act and the regulations; or
 - (b) refuse to issue or renew a certificate of registration where the minister is not satisfied that:
 - (i) the applicant has complied with this Act or the regulations; or
 - (ii) it is in the public interest to issue or renew a certificate of registration because of the past conduct of the applicant or, if the applicant is a corporation, the past conduct of any of the directors or officers of the applicant.

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(2) When issuing or renewing a certificate of registration or at any subsequent time, the minister may:

- (a) impose any terms on a certificate of registration that the minister considers appropriate; and
 - (b) add new terms, remove or vary terms imposed pursuant to clause (a) or substitute new terms for terms imposed pursuant to clause (a).
- (3) No operator shall fail to comply with the terms imposed on the operator's certificate of registration.

1995, c.P-26.2, s.5.

Display of certificate

6 Every operator shall display the operator's certificate of registration in a prominent place at the entrance of the private vocational school for which the certificate of registration is issued.

1995, c.P-26.2, s.6.

Limitation on transfer of certificate

7(1) No operator shall transfer the operator's certificate of registration to another person without obtaining the prior written approval of the minister.

(2) The minister shall not unreasonably withhold his or her approval of a transfer of a certificate of registration.

1995, c.P-26.2, s.7.

Expiry of certificate

8 Every certificate of registration expires on the date in each year that is prescribed in the regulations.

1995, c.P-26.2, s.8.

Certificate limits training programs

9(1) A certificate of registration authorizes the operator to offer the vocational training programs set out in the certificate of registration at the location set out in the certificate of registration.

(2) No operator shall offer vocational training programs that are not set out in the operator's certificate of registration.

(3) No operator shall offer vocational training programs at a location not set out in the certificate of registration without the prior written approval of the minister.

(4) The minister shall not unreasonably withhold his or her approval of a transfer of location.

1995, c.P-26.2, s.9.

Operator to advise of fundamental change

- 10** Every operator that is a corporation shall immediately advise the minister of:
- (a) a change in the ownership or share or equity holdings of the corporation; or
 - (b) any continuance, amalgamation or other fundamental change involving the corporation.

1995, c.P-26.2, s.10.

Annual returns and financial statements

- 11(1)** Every operator shall furnish the minister with an annual return and a set of financial statements containing the information prescribed in the regulations.
- (2)** Every operator shall furnish the annual return and set of financial statements within the deadlines prescribed in the regulations.

1995, c.P-26.2, s.11.

Additional information

- 12(1)** The minister may, at any time, request an operator to provide the minister with any information that the minister may require for the purposes of this Act or the regulations.
- (2)** No operator shall fail to provide the information requested by the minister within the time directed by the minister.

1995, c.P-26.2, s.12.

Student contracts

- 13** No operator shall use any form of student contract without obtaining the prior written approval of the minister.

1995, c.P-26.2, s.13.

Mediation

- 14(1)** In the event of a dispute between a student and an operator and with the consent of the student and the operator, the minister may appoint and pay for a mediator to assist the student and the operator in resolving the dispute.
- (2)** Any mediation conducted pursuant to this section is to be conducted in accordance with any procedures prescribed in the regulations.

1995, c.P-26.2, s.14.

Suspension and cancellation

- 15** The minister may suspend or cancel a certificate of registration if, in the opinion of the minister:
- (a) the operator has insufficient or inadequate accommodation, facilities, equipment or materials to teach the programs of vocational training set out in the operator's certificate of registration;

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- (b) the operator is employing instructors who do not meet the requirements set out in the regulations;
- (c) the operator has failed to comply with any other provision of this Act or the regulations;
- (d) the operator is not providing sufficient or acceptable education or physical amenities to students;
- (e) the operator is charging unreasonable amounts for instruction;
- (f) the operator has failed to comply with any term imposed on the operator's certificate of registration; or
- (g) the operator is or is likely to become an insolvent operator.

1995, c.P-26.2, s.15.

Opportunity to be heard

16(1) The minister shall not refuse to issue or renew a certificate of registration, impose any terms on a certificate of registration or suspend or cancel a certificate of registration without giving the applicant or operator, as the case may be, an opportunity to be heard.

(2) Notwithstanding subsection (1), if the minister considers it necessary to protect students or to protect the public interest, the minister may immediately impose terms on, suspend or cancel a certificate of registration without giving the operator an opportunity to be heard, but shall give the operator an opportunity to be heard within 15 days of the imposition, suspension or cancellation.

1995, c.P-26.2, s.16.

Appeals

17(1) Any person who is aggrieved by a decision of the minister pursuant to this Act may appeal the decision on a question of law only to a judge of the Court of Queen's Bench.

(2) An appeal pursuant to this section must be made within 30 days of the date of the decision.

1995, c.P-26.2, s.17.

TRAINING COMPLETIONS FUND

Training completions fund

18(1) The training completions fund is established.

(2) The fund consists of:

- (a) moneys that operators are directed by the regulations to provide;

- (b) donations to the fund; and
 - (c) any income and earnings from investments of the fund.
- (3) The minister shall administer the fund.
- (4) Subject to the approval of Treasury Board, the minister may use the fund:
- (a) to pay for any mediation pursuant to section 14;
 - (b) to compensate students who have entered into a student contract with an operator who has become insolvent;
 - (c) to pay for the expenses of administering the fund; and
 - (d) to do any other thing that is prescribed in the regulations.
- (5) The minister may:
- (a) invest any moneys of the fund in any investments that are authorized for the investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
 - (b) dispose of the investments in any manner and on any terms that the minister considers appropriate and invest the proceeds in other investments authorized pursuant to clause (a).
- (6) The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the records, accounts and financial statements of the fund annually and at any other time that the Lieutenant Governor in Council may require.
- (7) In each fiscal year, the department, in accordance with section 13 of *The Executive Government Administration Act*, shall prepare and submit to the minister a financial statement showing the business of the fund for the preceding fiscal year.
- (8) The financial statement mentioned in subsection (7) is to be in the form required by Treasury Board.
- (9) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly each financial statement received by the minister pursuant to subsection (7).
- (10) The fiscal year of the fund is the period commencing on April 1 of one year and ending on March 31 of the following year.

1995, c.P-26.2, s.18; 2014, c.E-13.1, s.62.

ADMINISTRATION

Advisory committees

- 19(1)** The minister may appoint one or more advisory committees to advise the minister respecting any matter involving the administration of this Act or the regulations.

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(2) The minister shall obtain the approval of the Lieutenant Governor in Council before appointing an advisory committee for a period longer than one year.

1995, c.P-26.2, s.19.

Inspectors

20 The minister may designate any employee of the department as an inspector and may appoint any other person as an inspector.

1995, c.P-26.2, s.20.

Inspections

21(1) For the purposes of administering this Act and the regulations, the minister or any inspector may make any inspection, investigation or inquiry that the minister or the inspector considers necessary.

(2) Every operator shall:

(a) cause the private vocational school for which the certificate of registration is issued to be open for inspection by the minister or an inspector at all reasonable times during the hours of operation of the private vocational school; and

(b) cause all books, documents, records and equipment pertaining to the operation of the private vocational school to be available for inspection by the minister or the inspector during the times described in clause (a).

(3) Neither the minister nor an inspector shall enter a private dwelling without a warrant issued pursuant to section 22 unless the occupant of the dwelling consents to the entry.

1995, c.P-26.2, s.21.

Warrant

22(1) A justice of the peace or a judge of the Provincial Court of Saskatchewan may issue a warrant authorizing the minister or an inspector to enter and search any place or premises named in the warrant where the minister or inspector believes, on reasonable grounds, that:

(a) an offence against this Act has been committed; and

(b) there is evidence of the offence to be found at the place or premises proposed to be searched.

(2) With a warrant issued pursuant to subsection (1), the minister or inspector may:

(a) enter and search any place or premises named in the warrant;

(b) use any machinery, equipment, appliance or thing located at the place or premises for the purposes of the search;

- (c) require the production of and examine any books, records, papers or documents that the minister or inspector believes, on reasonable and probable grounds, may contain information related to an offence against this Act;
 - (d) subject to section 23, remove any books, records, papers or documents examined pursuant to this section for the purpose of making copies, if a receipt is given; and
 - (e) seize and remove from any place or premises searched anything that may be evidence of an offence against this Act.
- (3) No person shall obstruct any person who is authorized to conduct a search pursuant to this section.

1995, c.P-26.2, s.22.

Copies of documents

- 23(1)** Where any books, records, papers or documents are inspected pursuant to section 21 or seized, examined or produced pursuant to section 22, the minister or inspector may make copies of those books, records, papers or documents.
- (2) Any person authorized to make copies pursuant to subsection (1) shall:
- (a) make those copies as soon as is reasonably possible; and
 - (b) promptly return the books, records, papers or documents from which the copies were made to:
 - (i) the place from which they were removed; or
 - (ii) any other place that may be agreed to by the person authorized to make copies and the person who furnished them or from whom they were seized.
- (3) A document certified by the minister, an inspector or any person authorized by the minister to be a copy made pursuant to this section:
- (a) is admissible in evidence without proof of the office or signature of that person; and
 - (b) has the same probative force as the original document.

1995, c.P-26.2, s.23.

Obstruction

- 24** No person shall:
- (a) resist, obstruct, hinder or interfere with an inspector, or a person aiding an inspector, in the performance of the inspector's duties; or
 - (b) refuse to provide the person's certificate of registration or any record or information required by this Act to an inspector or the department when requested to do so.

1995, c.P-26.2, s.24.

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25 Repealed. 2000, c.50, s.21.

False advertising

26 No operator shall engage in advertising or make a representation that is false, deceptive or misleading or that is prohibited by the regulations.

1995, c.P-26.2, s.26.

Offence

27(1) Every person who contravenes any provision of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not more than \$20,000 and, in the case of a continuing offence, a fine of not more than \$2,500 for each day that the offence continues.

(2) No prosecution for an offence against this Act is to be commenced after two years from the day on which the alleged offence is committed.

1995, c.P-26.2, s.27.

Immunity

28 No action or proceeding lies or shall be instituted against the minister, an inspector, any person aiding an inspector or any officer or employee of the department where the minister, the inspector, the person aiding the inspector or the officer or employee of the department is acting pursuant to the authority of this Act or the regulations, for any loss or damage suffered by reason of anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

1995, c.P-26.2, s.28.

Regulations

29 The Lieutenant Governor in Council may make regulations:

- (a) defining “**vocation**” and, for that purpose, may adopt, in whole or in part, any code or document as amended from time to time;
- (b) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (c) prescribing schools or institutions or categories of schools or institutions that are not private vocational schools;
- (d) prescribing and requiring the payment of application fees and fees payable by applicants for registration or renewal of registration or for other services provided by the minister pursuant to this Act or the regulations;
- (e) prescribing forms for the purposes of this Act and the regulations;
- (f) respecting training completion plans that operators must submit to the minister;
- (g) respecting the accommodation, facilities, equipment and materials required for private vocational schools;

- (h) prescribing the requirements for instructors and, for that purpose, establishing categories of instructors and prescribing different requirements for different categories of instructors;
- (i) respecting the means of providing vocational training to be used;
- (j) prescribing the minimum number of hours of instruction in a vocation that constitutes a program of vocational training;
- (k) prescribing the maximum fees that operators may charge students for a program of vocational training and for other services the private vocational school may offer;
- (l) respecting the security for claims by students that operators are to provide, including the form, content and amount of the security and the terms on which that security may be forfeited;
- (m) establishing categories of registration and, for that purpose, prescribing different certificates of registration for each category and different terms that may be imposed on each certificate of registration;
- (n) prescribing deadlines for submitting applications for renewal of certificates of registration;
- (o) prescribing a date in each year when certificates of registration expire;
- (p) prescribing amounts that operators are to provide to the fund and requiring operators to make those contributions and, for that purpose, establishing different categories of operators and prescribing different amounts for different categories;
- (q) prescribing purposes for which the fund may be used;
- (r) respecting advertising that operators may employ and prohibiting all or any types or forms of advertising;
- (s) requiring operators to obtain the prior approval of the minister before advertising;
- (t) prescribing the terms and conditions on which money paid for, or on account of, instruction in a private vocational school is to be either retained by an operator or repayable to the payer;
- (u) regulating the selling or offering for sale of any program of instruction offered by a private vocational school;
- (v) respecting examinations of students for certificates of competency, the persons who are qualified to sit as examiners and the issue of certificates of competency;
- (w) respecting annual returns, financial statements and the furnishing of other information to the minister by operators, including the deadlines by which the annual returns, financial statements or other information are to be furnished;

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- (x) prescribing the amount that operators may ask for, charge or receive from the public for any article produced entirely or in part in a private vocational school, or for the material used by or for the services of any employee or student in a private vocational school;
- (y) limiting the number or extent of articles that may be produced for the public or the extent to which services may be rendered to the public in a private vocational school;
- (z) fixing the times during which the public may obtain services in a private vocational school;
- (aa) prescribing the procedures that are to be followed in conducting mediation pursuant to section 14;
- (bb) requiring operators to retain student records, prescribing the form of the student records, prescribing the time that operators are to keep those student records and respecting how student records are to be dealt with if an operator becomes insolvent or ceases to be an operator;
- (cc) respecting information operators are to provide to students and requiring operators to provide that information;
- (dd) respecting the conduct, management and operation of private vocational schools or any category of private vocational schools;
- (ee) respecting advisory committees appointed pursuant to section 19;
- (ff) requiring operators to establish an internal dispute mechanism to solve disputes between the operator and any students at the private vocational school and respecting that internal dispute mechanism;
- (gg) prescribing any other matter or thing that the Lieutenant Governor in Council is required or authorized to prescribe in the regulations;
- (hh) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary for the purposes of this Act.

1995, c.P-26.2, s.29.

TRANSITIONAL, REPEAL AND COMING INTO FORCE

Transitional

30 Any certificate of registration issued pursuant to *The Private Vocational Schools Regulation Act*, as that Act existed on the day before the coming into force of this Act, and that is outstanding on the day that this Act comes into force is continued pursuant to this Act and may be dealt with as if issued pursuant to this Act.

1995, c.P-26.2, s.30.

S.S. 1979-80, c.P-26.1 repealed

31 *The Private Vocational Schools Regulation Act* is repealed.

1995, c.P-26.2, s.31.