

BILL

No. 51 of 2004

An Act respecting Limitation Periods for the Commencement of Civil Proceedings, making consequential and related amendments to certain Acts and repealing certain other Acts

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PART VIII
Coming into Force

89 Coming into force

(Assented to _____, 2004)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

PART I
Preliminary Matters

Short title

1 This Act may be cited as *The Limitations Act*.

Interpretation

2 In this Act:

- (a) **“claim”** means a claim to remedy an injury, loss or damage that occurred as a result of an act or omission;
- (b) **“claimant”** means a person who has a claim;
- (c) **“former Act”** means *The Limitation of Actions Act*, and includes any former *Limitation of Actions Act*;
- (d) **“limitation period”** includes any limitation period established in section 7;
- (e) **“mental disability”** means:
 - (i) an intellectual disability or impairment; or
 - (ii) a mental disorder.

Application of Act

3(1) Subject to subsections (2) to (5), this Act applies to claims pursued in court proceedings that:

- (a) are commenced by statement of claim; or
 - (b) are commenced by originating notice and are not proceedings in the nature of an application.
- (2) This Act does not apply to court proceedings that are:
- (a) proceedings in the nature of an appeal;
 - (b) proceedings in the nature of a judicial review;
 - (c) proceedings based on existing Aboriginal and treaty rights of the Aboriginal peoples of Canada that are recognized and affirmed in the *Constitution Act, 1982*; or
 - (d) proceedings for a writ of habeas corpus.
- (3) Proceedings described in clause (2)(c) are governed by the laws respecting the limitation of actions that would have been in force if this Act had not been passed.
- (4) This Act does not apply to a claim that is subject to a limitation provision in another Act or a regulation if that Act or regulation states that the limitation provision applies notwithstanding this Act.
- (5) This Act does not apply to a claim that is subject to a limitation period in an international convention or treaty that is adopted by an Act.

Crown bound

4 This Act binds the Crown.

PART II

Limitation Periods

Basic limitation period

5 Unless otherwise provided in this Act, no proceedings shall be commenced with respect to a claim after two years from the day on which the claim is discovered.

Discovery of claim

6(1) Unless otherwise provided in this Act and subject to subsection (2), a claim is discovered on the day on which the claimant first knew or in the circumstances ought to have known:

- (a) that the injury, loss or damage had occurred;
- (b) that the injury, loss or damage appeared to have been caused by or contributed to by an act or omission that is the subject of the claim;
- (c) that the act or omission that is the subject of the claim appeared to be that of the person against whom the claim is made; and
- (d) that, having regard to the nature of the injury, loss or damage, a proceeding would be an appropriate means to seek to remedy it.

(2) A claimant is presumed to have known of the matters mentioned in clauses (1)(a) to (d) on the day on which the act or omission on which the claim is based took place, unless the contrary is proved.

Ultimate limitation periods

7(1) Subject to subsections (2) to (4), with respect to any claim to which a limitation period applies, no proceeding shall be commenced after 15 years from the day on which the act or omission on which the claim is based took place.

(2) With respect to any claim against a purchaser of property for value acting in good faith to which a limitation period applies, no proceeding shall be commenced with respect to conversion of the property after two years from the day on which the property was converted, whether or not the limitation period has expired.

(3) With respect to a claim based on a judgment or order for the payment of money, no proceeding shall be commenced after 10 years from the date of the judgment or order.

(4) With respect to a claim based on an act or omission that causes or contributes to the death of an individual, no proceeding shall be commenced after two years from the earlier of:

- (a) the day on which the death of the individual is discovered; and
- (b) the day on which, by a decision of a court of competent jurisdiction, the individual is presumed to have died.

PART III

Rules respecting Limitation Periods in Special Circumstances

Persons under disability

8(1) The operation of any limitation period established by this Act or any other Act or regulation is suspended during any period in which the claimant:

- (a) is a minor; or
- (b) is a person who, by reason of mental disability, is not competent to manage his or her affairs or estate and is not represented by a personal guardian or property guardian pursuant to *The Public Guardian and Trustee Act* or a decision-maker pursuant to *The Adult Guardianship and Co-decision-making Act* who:
 - (i) is aware of the claim; and
 - (ii) has the legal capacity to commence the proceeding on behalf of that person or the person's estate.

(2) A claimant is presumed to have been capable of commencing a proceeding with respect to a claim at all times unless the contrary is proved.

Proceedings commenced by successor, principal or agent

9(1) In the case of a proceeding commenced by a person claiming through a predecessor in right, title or interest, the person claiming through the predecessor is deemed to have knowledge of the matters mentioned in clauses 6(1)(a) to (d) on the earlier of:

- (a) the day on which the predecessor first knew or ought to have known of those matters; and
- (b) the day on which the person claiming through the predecessor first knew or ought to have known of those matters.

(2) In the case of a proceeding commenced by a principal, if the agent had a duty to communicate knowledge of the matters mentioned in clauses 6(1)(a) to (d) to the principal, the principal is deemed to have knowledge of those matters on the earlier of:

- (a) the day on which the agent first knew or ought to have known of those matters; and
- (b) the day on which the principal first knew or ought to have known of those matters.

(3) The day on which a predecessor or agent first ought to have known of the matters mentioned in clauses 6(1)(a) to (d) is the day on which a reasonable person in the predecessor's or agent's circumstances and with the predecessor's or agent's abilities first ought to have known of them.

Demand obligations

10 Unless otherwise provided in this Act, in the case of a default in performing a demand obligation, the day on which an act or omission on which a claim is based takes place is the day on which the default occurs.

Acknowledgments and part payments

11(1) If a person acknowledges the existence of a claim for payment of a debt, for the recovery of property, for the enforcement of a charge on property or for relief from enforcement of a charge on property, the act or omission on which the claim is based is deemed to have taken place on the day on which the acknowledgment was made.

(2) For the purposes of subsection (1), an acknowledgment:

- (a) subject to subsections (3), (7) and (8), must be in writing and must be signed by the person making it or the person's agent; or
- (b) must be made, before the expiry of the limitation period applicable to the claim, to the claimant, the claimant's agent, a receiver, a receiver-manager or an official receiver or trustee acting pursuant to the *Bankruptcy and Insolvency Act* (Canada).

(3) In the case of a claim for payment of a debt, part payment of the debt by the person against whom the claim is made or by the person's agent is deemed for the purposes of subsection (1) to be an acknowledgment.

- (4) Subsection (1) applies to an acknowledgment of the existence of a claim for payment of a debt even though the person making the acknowledgment refuses or does not promise to pay the debt or the balance of the debt still owing.
- (5) An acknowledgment of the existence of a claim for interest is deemed for the purposes of subsection (1) to be an acknowledgment of a claim for the principal and for interest falling due after the acknowledgment is made.
- (6) An acknowledgment of the existence of a claim to realize on or redeem collateral pursuant to a security agreement or to recover money with respect to the collateral is deemed for the purposes of subsection (1) to be an acknowledgment by any other person who later comes into possession of the collateral.
- (7) A debtor's performance of an obligation pursuant to a security agreement is deemed for the purposes of subsection (1) to be an acknowledgment by the debtor of the existence of a claim by the creditor for realization on the collateral pursuant to the agreement.
- (8) A creditor's acceptance of a debtor's payment or performance of an obligation pursuant to a security agreement is deemed for the purposes of subsection (1) to be an acknowledgment by the creditor of the existence of a claim by the debtor for redemption of the collateral pursuant to the agreement.
- (9) An acknowledgment by a trustee is deemed for the purposes of subsection (1) to be an acknowledgment by any other person who is or who later becomes a trustee of the same trust.
- (10) An acknowledgment of the existence of a claim to recover or enforce an equitable interest in property by a person in possession of it is deemed for the purposes of subsection (1) to be an acknowledgment by any other person who later comes into possession of it.

Certain claims against trustees

12(1) This section applies to claims:

- (a) based on fraudulent breach of trust to which a trustee was a party or privy; or
 - (b) to recover from a trustee trust property, or the proceeds from trust property, that are in the possession of the trustee, or that were previously received by the trustee and converted to the trustee's own use.
- (2) The limitation periods established by this Act that are applicable to a claim described in subsection (1) are postponed and do not begin to run against a beneficiary until that beneficiary becomes fully aware of the fraudulent breach of trust, conversion, or other act of the trustee on which the claim is based.

As against purchaser from express trustee

13(1) This section applies to a claim of a beneficiary, or a person claiming through a beneficiary, to recover property that was vested in a trustee on an express trust and conveyed by the trustee to a purchaser for valuable consideration.

- (2) For the purposes of this Act, as against the purchaser or a person claiming through the purchaser only, the day on which an act or omission on which a claim described in subsection (1) takes place is deemed to be the day on which the property was conveyed to the purchaser.

Contribution and indemnity

14(1) In the case of a claim by one alleged wrongdoer against another for contribution and indemnity, the day on which the first alleged wrongdoer was served with notice of the claim with respect to which contribution and indemnity is sought is deemed to be the day on which the act or omission on which that alleged wrongdoer's claim is based took place.

(2) Subsection (1) applies whether the right to contribution and indemnity arises with respect to a tort or otherwise.

PART IV

Circumstances Where No Limitation Period**Particular proceedings**

15 There is no limitation period with respect to:

- (a) a proceeding for a declaration if no consequential relief is sought;
- (b) subject to subsection 7(3), a proceeding to enforce an order of a court, or any other order that may be enforced in the same way as an order of a court;
- (c) a proceeding to enforce an award in an arbitration to which *The Arbitration Act, 1992* applies;
- (d) a proceeding by a debtor in possession of collateral to redeem it;
- (e) a proceeding by a creditor in possession of collateral to realize on it; or
- (f) a proceeding by the Crown to collect an unpaid fine.

Assaults and sexual assaults

16(1) There is no limitation period with respect to a claim in the nature of trespass to the person, assault or battery if:

- (a) the claim is based on misconduct of a sexual nature; or
- (b) at the time of the injury on which the claim is based:
 - (i) one of the parties who caused the injury was living with the claimant in an intimate and personal relationship; or
 - (ii) the claimant was in a relationship of financial, emotional, physical or other dependency with one of the parties who caused the injury.

(2) Subsection (1) applies whether or not the claimant's right to commence the proceeding was at any time governed by a limitation period pursuant to the former Act or any other Act.

PART V
General Rules

Concealment

17 The limitation periods established by this Act or any other Act or regulation are suspended during any time in which the person against whom the claim is made:

- (a) wilfully conceals from the claimant the fact that injury, loss or damage has occurred, that it was caused by or contributed to by an act or omission or that the act or omission was that of the person against whom the claim is made; or
- (b) wilfully misleads the claimant as to the appropriateness of a proceeding as a means of remedying the injury, loss or damage.

Burden of proof

18 If, in a proceeding, a limitation period is raised against a claimant, the claimant has the burden of proving that:

- (a) the limitation period has not expired; or
- (b) there is no limitation period that applies to the claim.

Proceedings commenced after expiry

19 If, after the commencement of a proceeding, it is established that a limitation period applicable to the claim had expired before the commencement of the proceeding, the claim is barred and the proceeding shall not be maintained.

Amendment of pleadings in certain cases

20 Notwithstanding the expiry of a limitation period after the commencement of a proceeding, a judge may allow an amendment to the pleadings that asserts a new claim or adds or substitutes parties if:

- (a) the claim asserted by the amendment, or by or against the new party, arises out of the same transaction or occurrence as the original claim; and
- (b) the judge is satisfied that no party will suffer actual prejudice as a result of the amendment.

Agreement

21(1) Subject to subsection (2), if an agreement expressly provides for the extension of a limitation period, the limitation period is altered in accordance with the agreement.

(2) Nothing in subsection (1) authorizes an agreement to extend the ultimate limitation period established by section 7.

Acquiescence or laches

22 Nothing in this Act precludes a court from granting a defendant immunity from liability under the equitable doctrines of acquiescence or laches, notwithstanding that the defendant would not be entitled to immunity pursuant to this Act.

Certain variations of time limits preserved

23 Unless otherwise expressly provided, nothing in this Act affects a provision in any other Act or regulation that extends, suspends or varies a limitation period or other time limit or authorizes a judge or court to extend, suspend or vary a limitation period or other time limit.

Conditions precedent preserved

24 Unless otherwise expressly provided, nothing in this Act affects a provision in any other Act or regulation that requires compliance with any requirement specified in the provision before a proceeding may be commenced.

Notice periods preserved

25(1) Unless otherwise expressly provided and subject to subsection (2), nothing in this Act affects a provision in any other Act or regulation that requires any notice to be given within a period specified in the provision.

(2) Notwithstanding any other Act or law, a claim is not barred:

(a) by the failure to give notice within a specified period or the insufficiency of a notice given if a judge or court is of the opinion that:

(i) there is reasonable excuse for the failure to give notice or the insufficiency of the notice; and

(ii) the defendant is not prejudiced in making a defence by the failure to give notice or the insufficiency of the notice; or

(b) by the failure to give a notice within a specified period in case of the death of the claimant.

Suspension of certain limitation periods

26 The limitation periods established by this Act are suspended for the time during which a stay of proceedings is in effect pursuant to the *Bankruptcy and Insolvency Act* (Canada), the *Companies' Creditors Arrangement Act* (Canada) or the *Farm Debt Mediation Act* (Canada).

Conflict of laws

27 The limitations laws of Saskatchewan shall be applied to any proceeding commenced or sought to be commenced in Saskatchewan notwithstanding that, in accordance with conflict of law rules, the claim is to be adjudicated pursuant to the substantive law of another jurisdiction.

PART VI

Repeal and Transitional**R.S.S. 1978, c.L-15 repealed**

28 *The Limitation of Actions Act* is repealed.

R.S.S. 1978, c.P-40 repealed

29 *The Public Officers' Protection Act* is repealed.

13 Geo. II, c.18, (1739) repealed

30 The Act of the Parliament of Great Britain commonly called the *Laws Continuance Act*, being 13 Geo. II, c.18 (1739), is repealed to the extent that it applies to matters within the legislative jurisdiction of Saskatchewan.

Transitional

31(1) In this section:

- (a) **“effective date”** means the day on which this Act comes into force;
 - (b) **“former limitation period”** means, with respect to a claim, a limitation period that applied with respect to the claim before the effective date;
 - (c) **“new limitation period”** means, with respect to a claim, a limitation period established by this Act that would apply if the claim were based on an act or omission that took place on or after the effective date.
- (2) This section applies to claims:
- (a) that are based on acts or omissions that took place before the effective date; and
 - (b) with respect to which no proceeding has been commenced before the effective date.
- (3) No proceeding shall be commenced with respect to a claim if the former limitation period expired before the effective date.
- (4) If there is no new limitation period with respect to a claim and the former limitation period did not expire before the effective date, this Act applies as if the act or omission had taken place on or after the effective date.
- (5) If there is a new limitation period with respect to a claim and the former limitation period did not expire before the effective date:
- (a) if the claim was not discovered before the effective date, this Act applies as if the act or omission had taken place on the effective date; and
 - (b) if the claim was discovered before the effective date, the former limitation period applies.
- (6) If there is a new limitation period with respect to a claim but there was no former limitation period with respect to the claim:
- (a) if the claim was not discovered before the effective date, this Act applies as if the act or omission had taken place on the effective date; and
 - (b) if the claim was discovered before the effective date, there is no limitation period.
- (7) This section is subject to any agreement to vary or exclude a limitation period that was made before the effective date.

PART VII
Consequential and Related Amendments

R.S.S. 1978, c.A-6, section 14 repealed

32 Section 14 of *The Age of Majority Act* is repealed.

S.S. 1988-89, c.A-18.02, new section 24

33 Section 24 of *The All Terrain Vehicles Act* is repealed and the following substituted:

“Limitation of actions

24 Notwithstanding *The Limitations Act*, in a case where death is caused, no action may be brought against a person for the recovery of damages occasioned by an all terrain vehicle after the expiry of two years from the date of death”.

R.S.S. 1978, c.A-35 amended

34(1) *The Automobile Accident Insurance Act* is amended in the manner set forth in this section.

(2) Section 35 is amended by repealing statutory condition 10.

(3) Section 39 is amended by repealing statutory condition 14.

(4) Section 48 is amended by repealing statutory condition 8(3).

(5) Subsection 51(3) is amended by striking out “or by section 33 of *The Snowmobile Act*, as the case requires,”.

(6) Subsection 111(2) is repealed and the following substituted:

“(2) For the purpose of applying *The Limitations Act* to an action pursuant to this section, the day on which the act or omission on which the claim is based takes place is the day on which the insurer makes the first benefit payment to the insured or to the insured’s surviving spouse or dependant”.

(7) Section 198 is repealed and the following substituted:

“Time limits for recovery

198 For the purpose of applying *The Limitations Act* to an action to recover an overpayment, the day on which the act or omission on which the claim is based takes place is:

- (a) the day on which the amount of the overpayment was paid to the person;
- (b) if the amount of the overpayment was paid as a result of fraud, the day on which the fraud is first known or discovered by the insurer; or
- (c) if the person to whom the benefits were paid has prevented or obstructed the insurer from exercising its rights of subrogation, the day on which the insurer knows about or first discovers an act or omission of that person relating to the prevention or obstruction”.

S.S. 1984-85-86, c.B-7.1, section 19 amended

35 The portion of subsection 19(1) of *The Builders' Lien Act* preceding clause (a) is amended by striking out "On the expiry" and substituting "Notwithstanding *The Limitations Act*, on the expiry".

R.S.S. 1978, c.B-10 amended

36(1) *The Business Corporations Act* is amended in the manner set forth in this section.

(2) Subsection 36(5) is repealed.

(3) Subsection 113(7) is repealed and the following substituted:

"(7) For the purpose of applying *The Limitations Act* to a claim pursuant to this section, the day on which the act or omission on which the claim is based takes place is the date of the resolution authorizing the action complained of".

(4) Section 125 is repealed and the following substituted:

"Limitation

125 For the purpose of applying *The Limitations Act* to a claim pursuant to section 124, the day on which the act or omission on which the claim is based takes place is the date of completion of the transaction that gives rise to the cause of action".

(5) Section 219 is amended:

(a) in clause (2)(b) by striking out "a civil" and substituting "subject to *The Limitations Act*, a civil"; and

(b) in subsection (4) by striking out ", and an action" and substituting "and, subject to *The Limitations Act*, an action".

S.S. 1994, c.C-4.11, section 41 repealed

37 Section 41 of *The Certified General Accountants Act, 1994* is repealed.

S.S. 1994, c.C-10.1, section 47 repealed

38 Section 47 of *The Chiropractic Act, 1994* is repealed.

S.S. 2002, c.C-11.1 amended

39(1) *The Cities Act* is amended in the manner set forth in this section.

(2) Subsection 248(1) is amended by striking out "An action" and substituting "Notwithstanding *The Limitations Act*, an action".

(3) Subsection 305(2) is amended by striking out "14 days" and substituting "30 days".

(4) Subsection 306(6) is amended by striking out "14 days" and substituting "30 days".

(5) Subsection 307(1) is amended by striking out "No action" and substituting "Notwithstanding *The Limitations Act*, no action".

(6) Section 314 is amended by striking out "*The Limitation of Actions Act*" and substituting "*The Limitations Act*".

2004

LIMITATIONS

S.S. 1990-91, c.C-16.1, section 28 amended

40 Subsection 28(6) of *The Community Bonds Act* is repealed and the following substituted:

“(6) For the purpose of applying *The Limitations Act* to an action to enforce a right created by subsection (5), the day on which the act or omission on which the claim is based takes place is the date of completion of the transaction that gives rise to the cause of action”.

R.S.S. 1978, c.C-17, section 30 amended

41 Subsection 30(2) of *The Community Cablecasters Act* is repealed and the following substituted:

“(2) For the purpose of applying *The Limitations Act* to an action to recover an overpayment, the day on which the act or omission on which the claim is based takes place is the day on which the overpayment was made”.

R.S.S. 1978, c.C-23 amended

42(1) *The Companies Act* is amended in the manner set forth in this section.

(2) Subsection 40(5) is repealed and the following substituted:

“(5) For the purpose of applying *The Limitations Act* to proceedings to recover any loss, damage or costs sustained or incurred by a contravention of this section, the day on which the act or omission on which the claim is based takes place is the date of the contravention”.

(3) Subsection 108(2) is amended by striking out “under section 112” and substituting “for unpaid wages of the company’s employees or unpaid assessments against the company pursuant to *The Workers’ Compensation Act, 1979*.”

(4) Section 112 is repealed.

(5) Section 129 is amended:

(a) by renumbering it as subsection 129(1);

(b) in the portion of subsection (1) preceding clause (a) by adding “if the director proves that the contravention was not due to any misconduct or negligence on his or her part” after “shall not be liable”;

(c) by repealing clauses (1)(a) and (b); and

(d) by adding the following subsection after subsection (1):

“(2) For the purpose of applying *The Limitations Act* to proceedings to recover any loss, damage or costs resulting from a contravention mentioned in subsection (1), the day on which the act or omission on which the claim is based takes place is the date of issue of the share”.

S.S. 1996, c.C-30.1 amended

43(1) *The Consumer Protection Act* is amended in the manner set forth in this section.

(2) Section 30 is repealed.

(3) Section 67 is repealed.

R.S.S. 1978, c.C-31, section 11 repealed

44 Section 11 of *The Contributory Negligence Act* is repealed.

S.S. 1998, c.C-45.2 amended

45(1) *The Credit Union Act, 1998* is amended in the manner set forth in this section.

(2) Subsection 115(8) is repealed and the following substituted:

“(8) For the purpose of applying *The Limitations Act* to a claim pursuant to this section, the day on which the act or omission on which the claim is based takes place is the day of the meeting at which the vote was taken or the day on which the resolution was passed or the approval given”.

(3) Subsection 156(6) is repealed.

(4) Section 338 is amended:

(a) in clause (1)(b) by striking out “a civil” and substituting “subject to *The Limitations Act*, a civil”; and

(b) in subsection (3) by striking out “, and an action” and substituting “and, subject to *The Limitations Act*, an action”.

(5) Section 369 is amended by striking out “No action” and substituting “Notwithstanding *The Limitations Act*, no action”.

S.S. 1982-83, c.E-9.10001, new section 7.1

46 The following section is added after section 7 of *The Energy and Mines Act*:

“Claims re mineral revenues

7.1(1) In this section:

(a) ‘**mineral revenue**’ means any royalties, taxes, rents, fees, dues or other charges payable pursuant to a mineral revenue Act or a mineral revenue regulation, and includes any interest or penalty payable with respect to any royalties, taxes, rents, fees, dues or other charges payable pursuant to a mineral revenue Act or a mineral revenue regulation;

(b) ‘**mineral revenue Act**’ means:

(i) *The Crown Minerals Act*;

(ii) *The Freehold Oil and Gas Production Tax Act*;

(iii) *The Mineral Resources Act, 1985*;

(iv) *The Mineral Taxation Act, 1983*;

(v) *The Oil and Gas Conservation Act*; or

(vi) any other Act prescribed in the regulations;

(c) ‘**mineral revenue regulation**’ means a regulation made pursuant to a mineral revenue Act.

(2) Notwithstanding *The Limitations Act*, but subject to subsections (3) and (4), the minister may commence proceedings with respect to a claim for unpaid mineral revenues within six years from the day on which the mineral revenues became due and payable.

- (3) Notwithstanding *The Limitations Act*, if the minister makes an assessment or reassessment pursuant to a mineral revenue Act or a mineral revenue regulation, the minister may commence proceedings with respect to a claim for unpaid mineral revenues that are the subject of the assessment or reassessment within six years from the date of the assessment or reassessment.
- (4) Notwithstanding *The Limitations Act*, the minister may, at any time:
- (a) against a person who has waived the limitation period that would otherwise apply, commence proceedings with respect to a claim for any amount of mineral revenue that is found to be unpaid as a result of an assessment or reassessment; or
 - (b) commence proceedings with respect to a claim for any amount of mineral revenue that is found to be unpaid as a result of the discovery that the person who is liable to pay that amount pursuant to a mineral revenue Act or a mineral revenue regulation:
 - (i) has made any misrepresentation with respect to the calculation or payment of that mineral revenue that is attributable to neglect, carelessness or wilful default; or
 - (ii) has committed any fraud in connection with the calculation or payment of that mineral revenue.
- (5) If there is a conflict between this section and any provision of a mineral revenue Act or a mineral revenue regulation, this section prevails”.

S.S. 2002, c.E-10.21, section 15 amended

47 The portion of subsection 15(6) of *The Environmental Management and Protection Act*, 2002 preceding clause (a) is amended by striking out “No person” and substituting “Notwithstanding *The Limitations Act*, no person”.

R.S.S. 1978, c.E-11, new section 6

48 Section 6 of *The Escheats Act* is repealed and the following substituted:

“Limitation of actions

6(1) This section applies to actions brought or maintained against the Crown in right of Saskatchewan, the Attorney General for Saskatchewan or a minister or officer of the Crown in right of Saskatchewan by a person claiming to be entitled in that behalf as heir, or by or on behalf of the shareholders or creditors of a corporation, association or society that has been finally dissolved or wound up or that has ceased to exist:

- (a) to recover the whole or any part of any property, real or personal:
 - (i) that, by reason of the person last seized or entitled to the property having died intestate and without heirs, or by reason of a corporation, association or society having been finally dissolved or wound up or having ceased to exist, has been judicially declared vested in the Crown in right of Saskatchewan;

(ii) of which the Attorney General for Saskatchewan has caused possession to be taken on behalf of the Crown in right of Saskatchewan; or

(iii) that has come into the possession of the Crown in right of Saskatchewan as escheat or *bona vacantia*; or

(b) to recover any compensation or damage with respect to any real or personal property described in clause (a) or the taking possession or withholding of any real or personal property described in clause (a).

(2) For the purpose of applying *The Limitations Act* to an action described in subsection (1):

(a) the day on which the act or omission on which the claim is based is the date of the death of the person last seized or entitled to the property; or

(b) if the person last seized or entitled to the property was a corporation, association or society, the day on which the act or omission on which the claim is based is the date of the final dissolution or winding up or ceasing to exist of the corporation, association or society”.

R.S.S. 1978, c.E-16 amended

49(1) *The Expropriation Procedure Act* is amended in the manner set forth in this section.

(2) Subsection 27(1) is repealed and the following substituted:

“(1) For the purpose of applying *The Limitations Act* to an action for compensation, the day on which the act or omission on which the claim is based takes place is the day on which notice of compulsory acquisition is served on the registered owner”.

(3) Section 28 is repealed and the following substituted:

“Presumption respecting sum offered if no action brought

28 Subject to subsection 27(2), if no action for compensation is brought within the limitation period established by *The Limitations Act*, the sum offered pursuant to subsection 20(2) is deemed to have been accepted”.

R.S.S. 1978, c.F-11 amended

50(1) *The Fatal Accidents Act* is amended in the manner set forth in this section.

(2) Section 6 is repealed and the following substituted:

“Limitations

6(1) Not more than one action lies with respect to the same subject matter of complaint.

(2) For the purposes of applying *The Limitations Act* to an action pursuant to this Act, the day on which the act or omission on which the claim is based takes place is the date of death of the deceased person”.

(3) Subsection 12(3) is repealed and the following substituted:

“(3) No application shall be made pursuant to subsection (2) after the expiration of two years from the date of death of the deceased person”.

S.S. 1986, c.H-3.1, new section 88

51 Section 88 of *The Highway Traffic Act* is repealed and the following substituted:**“Limitation of actions**

88(1) Subject to subsection (2), for the purposes of applying *The Limitations Act* to an action against a person for the recovery of damages occasioned by a motor vehicle, the day on which the act or omission on which the claim is based takes place is:

- (a) the day on which the damages were sustained; or
- (b) in a case where death is caused, the date of death of the deceased person.

(2) For the purposes of applying *The Limitations Act* to an action for non-economic loss brought against an operator of a motor vehicle involved in an accident who is convicted of an offence that involves the motor vehicle and that is mentioned in clause 41(2)(c) or 104(2)(a) of *The Automobile Accident Insurance Act*, the day on which the act or omission on which the claim is based takes place is the day on which the operator is convicted of that offence”.

S.S. 1997, c.H-3.01, section 9 amended

52 Subsection 9(4) of *The Highways and Transportation Act, 1997* is repealed and the following substituted:

“(4) Notwithstanding clause 3(2)(b) of *The Proceedings against the Crown Act*, no action lies or shall be instituted against the minister, the Crown in right of Saskatchewan or any of its agents or employees for the recovery of damages mentioned in subsection (2) that have been sustained in an accident, whether the alleged lack of repair or alleged existing condition of the roadway was the result of nonfeasance or misfeasance, unless written notice of the claim or injury complained of is served on or sent by registered mail to the minister within 30 days from the date of the accident”.

R.S.S. 1978, c.L-3, section 3 amended

53 Subsection 3(19) of *The Land Contracts (Actions) Act* is amended:

- (a) by striking out “Where” and substituting, “Notwithstanding *The Limitations Act*, where”; and
- (b) by striking out “*The Limitation of Actions Act*” and substituting “that Act”.

S.S. 2000, c.L-5.1, section 88 repealed

54 Section 88 of *The Land Titles Act, 2000* is repealed.

R.S.S. 1978, c.L-14 amended

55(1) *The Libel and Slander Act* is amended in the manner set forth in this section.

(2) Section 14 is repealed.

(3) Subsection 16(1) is amended by striking out “sections 8 and 14” and substituting “section 8”.

S.S. 1980-81, c.M-10.1, section 72 repealed

56 Section 72 of *The Medical Profession Act, 1981* is repealed.

S.S. 1983-84, c.M-10.2, section 25 repealed

57 Section 25 of *The Medical Radiation Technologists Act* is repealed.

S.S. 1984-85-86, c.M-13.1, new section 40

58 Section 40 of *The Mental Health Services Act* is repealed and the following substituted:

“Limitation

40 No prosecution for an alleged contravention of this Act shall be commenced more than one year after the date of commission of the alleged contravention”.

S.S. 1983-84, c.M-17.1, section 22.1 amended

59 Subsection 22.1(2) of *The Mineral Taxation Act, 1983* is amended by striking out “No action” and substituting “Notwithstanding *The Limitations Act*, no action”.

R.S.S. 1978, c.N-4, section 15 repealed

60 Section 15 of *The Naturopathy Act* is repealed.

S.S. 1999, c.N-4.001 amended

61(1) *The New Generation Co-operatives Act* is amended in the manner set forth in this section.

(2) Subsection 61(6) is repealed.

(3) Subsection 142(4) is repealed.

(4) Subsection 180(8) is repealed and the following substituted:

(8) For the purpose of applying *The Limitations Act* to a claim pursuant to subsection (1), the day on which the act or omission on which the claim is based takes place is the day of the meeting at which the vote was taken or the day on which the resolution was passed or the approval given”.

(5) Section 279 is amended:

(a) in clause (1)(b) by striking out “a civil” and substituting “subject to *The Limitations Act*, a civil”; and

(b) in clause (3)(b) is amended by striking out “an action” and substituting “subject to *The Limitations Act*, an action”.

(6) Section 327 is amended by striking out “No action” and substituting “Notwithstanding *The Limitations Act*, no action”.

S.S. 1983, c.N-5.1 amended

62(1) *The Northern Municipalities Act* is amended in the manner set forth in this section.

(2) Subsection 113(6) is amended:

(a) in the portion preceding clause (a) by striking out “No action” and substituting “Notwithstanding *The Limitations Act*, no action”; and

(b) in clause (b) by striking out “seven days” and substituting “30 days”.

(3) Subsection 254.1(2) is amended by striking out “Subject to” and substituting “Notwithstanding *The Limitations Act* but subject to”.

(4) Section 267 is amended by striking out “*The Limitation of Actions Act*” and substituting “*The Limitations Act*”.

(5) The portion of subsection 267.1(1) preceding clause (a) is amended by striking out “No action” and substituting “Notwithstanding *The Limitations Act*, no action”.

R.S.S. 1978, c.O-5, section 29 repealed

63 Section 29 of *The Ophthalmic Dispensers Act* is repealed.

S.S. 1984-85-86, c.O-6.1, section 50 repealed

64 Section 50 of *The Optometry Act, 1985* is repealed.

R.S.S. 1978, c.O-7, section 14 repealed

65 Section 14 of *The Osteopathic Practice Act* is repealed.

R.S.S. 1978, c.P-3, section 84 amended

66 Subsection 84(4) of *The Partnership Act* is repealed and the following substituted:

“(4) For the purpose of applying *The Limitations Act* to a claim pursuant to this section, the day on which the act or omission on which the claim is based takes place is the date of the distribution to which the claim relates”.

S.S. 1993, c.P-6.2, section 52 amended

67 Subsection 52(3) of *The Personal Property Security Act, 1993* is repealed and the following substituted:

“(3) For the purpose of applying *The Limitations Act* to a claim pursuant to subsection (1), the day on which the act or omission on which the claim is based takes place is:

(a) the day on which the search result was issued, in the case of an action brought pursuant to clause (1)(a); or

(b) the day on which the financing statement was submitted for registration, in the case of an action brought pursuant to clause (1)(b)”.

R.S.S. 1978, c.P-24, section 9 repealed

68 Section 9 of *The Privacy Act* is repealed.

R.S.S. 1978, c.P-31, new section 80

69 Section 80 of *The Provincial Lands Act* is repealed and the following substituted:

“Limitation of actions

80 For the purpose of applying *The Limitations Act* to an action or other proceeding against the Crown, the minister, the Attorney General or any officer of the Government of Saskatchewan, claiming any relief with respect to the cancellation of a disposition, the day on which the act or omission on which the claim is based is the date of the notice of intention to cancel the disposition given by the minister”.

S.S. 1996, c.P-39.2, new section 79

70 Section 79 of *The Public Libraries Act, 1996* is repealed and the following substituted:

“Limitation

79 No prosecution for an alleged contravention of this Act shall be commenced more than one year after the date of commission of the alleged contravention”.

S.S. 1993, c.R-13.1, section 39 repealed

71 Section 39 of *The Registered Psychiatric Nurses Act* is repealed.

S.S. 1983, c.R-22.01 amended

72(1) *The Revenue and Financial Services Act* is amended in the manner set forth in this section.

(2) Subsection 56(4) is amended by striking out “No action” and substituting “Notwithstanding *The Limitations Act*, no action”.

(3) The following section is added after section 65.1:

“Limitation of actions

65.2(1) Notwithstanding *The Limitations Act*, no action shall be commenced against a taxpayer to recover taxes, penalties and interest due and payable to the Crown pursuant to this Act or a revenue Act by the taxpayer unless the action is commenced within six years after the day on which the taxes, penalties and interest became due and payable.

(2) Notwithstanding *The Limitations Act*, no action shall be commenced against a collector to recover any amount due and liable to be remitted to the Crown pursuant to this Act or a revenue Act by the collector with respect to taxes that the collector is required to collect or remit unless the action is commenced within six years after the day on which the amount became due and liable to be remitted.

(3) Notwithstanding *The Limitations Act*, no action shall be commenced against a third party to recover any amount for which the third party is liable pursuant to subsection 65(4) unless the action is commenced within six years after the day on which the third party became liable for that amount”.

S.S. 1989-90, c.R-26.1 amended

73(1) *The Rural Municipality Act, 1989* is amended in the manner set forth in this section.

(2) Subsection 402(1) is amended by striking out “No action” and substituting “Notwithstanding *The Limitations Act*, no action”.

(3) Section 404 is amended by striking out “No action” and substituting “Notwithstanding *The Limitations Act*, no action”.

(4) Section 405 is amended by striking out “*The Limitation of Actions Act*” and substituting “*The Limitations Act*”.

R.S.S. 1978, c.S-4, section 17 amended

74 **Section 17 of *The Sales on Consignment Act* is amended:**

(a) by renumbering it as subsection 17(1);

(b) in subsection (1) by striking out “before the expiration of six years from the sale or other final disposition of a consignment”; and

(c) by adding the following subsection after subsection (1):

“(2) For the purpose of applying *The Limitations Act* to an action described in subsection (1), the day on which the act or omission on which the claim is based takes place is the date of the sale or other final disposition of the consignment to which the claim relates”.

S.S. 1988-89, c.S-17.1, section 22 amended

75 **Subsection 22(1) of *The Saskatchewan Farm Security Act* is amended:**

(a) by repealing clause (a) and substituting the following:

“(a) commencing on the day on which a notice of intent is served pursuant to subsection 12(1)”; and

(b) in the portion following clause (b) by striking out “*The Limitation of Actions Act*” and substituting “*The Limitations Act*”.

R.S.S. 1978, c.S-26 amended

76(1) *The Saskatchewan Insurance Act* is amended in the manner set forth in this section.

(2) Section 128 is amended by repealing statutory condition 14.

(3) Section 169 is repealed.

(4) Section 192 is amended by repealing statutory condition 6(3).

(5) Subsection 210(2) is repealed and the following substituted:

“(2) For the purpose of applying *The Limitations Act* to an action against an insurer pursuant to subsection (1), the day on which the act or omission on which the claim is based takes place is the date of the final determination of the action against the insured, including appeals if any”.

(6) Section 221 is amended by striking out “one year after the happening of the accident” and substituting “the limitation period established by *The Limitations Act* that would otherwise apply”.

(7) Section 234 is amended by repealing statutory condition 12.

(8) Subsection 235(6) is amended by striking out “, and statutory condition 12 may be varied by lengthening the period of time prescribed therein”.

(9) Subsection 286(1) is amended by repealing statutory condition 16.

S.S. 1988-89, c.S-42.2 amended

77(1) *The Securities Act, 1988* is amended in the manner set forth in this Act.

(2) Section 136 is amended by striking out “No proceedings” and substituting “Notwithstanding *The Limitations Act*, no proceedings”:

(a) in subsection (1); and

(b) in subsection (2).

(3) Section 147 is amended by striking out “Subject to” and substituting “Notwithstanding *The Limitations Act* but subject to”.

R.S.S. 1978, c.S-52, new section 33

78 Section 33 of *The Snowmobile Act* is repealed and the following substituted:

“Limitation of actions

33 Notwithstanding *The Limitations Act*, in a case where death is caused, no action may be brought against a person for the recovery of damages occasioned by a snowmobile after the expiry of two years from the date of death”.

S.S. 1993, c.S-52.1, section 41 repealed

79 Section 41 of *The Social Workers Act* is repealed.

S.S. 1990-91, c.S-56.2, section 38 repealed

80 Section 38 of *The Speech-Language Pathologists and Audiologists Act* is repealed.

S.S. 1990-91, c.S-66.1, section 10 repealed

81 Section 10 of *The Survival of Actions Act* is repealed.

R.S.S. 1978, c.T-2 amended

82(1) *The Tax Enforcement Act* is amended in the manner set forth in this section.

(2) Subsection 22(3) is amended by striking out “*The Limitation of Actions Act*” and substituting “*The Limitations Act*”.

(3) Section 35 is amended by striking out “No action” and substituting “Notwithstanding *The Limitations Act*, no action”.

R.S.S. 1978, c.T-23, section 75 amended

83 Subsection 75(1) of *The Trustee Act* is amended by striking out “Where” and substituting “Notwithstanding *The Limitations Act*, where”.

R.S.S. 1978, c.U-1, new section 8

84 Section 8 of *The Unconscionable Transactions Relief Act* is repealed and the following substituted:

“Limitation on exercise of powers by court

8(1) Notwithstanding anything in this Act, the powers conferred by this Act on a court shall not be exercised by the court in an action or proceeding with respect to a claim that is barred by the application of *The Limitations Act*.

(2) For the purpose of applying *The Limitations Act* to a claim with respect to an obligation of a debtor to repay money pursuant to a loan transaction or to pay money pursuant to a credit transaction, the day on which the act or omission on which the claim is based takes place is the day on which the obligation of the debtor to repay money pursuant to the loan transaction or to pay money pursuant to a credit transaction terminated”.

S.S. 1983-84, c.U-11 amended

85(1) *The Urban Municipality Act, 1984* is amended in the manner set forth in this section.

(2) Subsection 297.2(2) is amended by striking out “Subject to” and substituting “Notwithstanding *The Limitations Act* but subject to”.

(3) Subsection 314(1) is amended:

(a) in the portion preceding clause (a) by striking out “No action” and substituting “Notwithstanding *The Limitations Act*, no action”; and

(b) in clause (b) by striking out “14 days” and substituting “30 days”.

(4) Subsection 319(2) is amended by striking out “*The Limitation of Actions Act*” and substituting “*The Limitations Act*”.

S.S. 1986-87-88, c.V-5.1, section 35 repealed

86 Section 35 of *The Veterinarians Act, 1987* is repealed.

R.S.S. 1978, c.W-1, section 22 amended

87 Section 22 of *The Wages Recovery Act* is amended by striking out “Proceedings” and substituting “Notwithstanding *The Limitations Act*, proceedings”.

R.S.S. 1978, c.W-16, section 7 amended

88 Section 7 of *The Woodmen’s Lien Act* is amended by striking out “If the labour” and substituting “Notwithstanding *The Limitations Act*, if the labour”.

PART VIII Coming into Force

Coming into force

89(1) Subject to subsection (2), this Act comes into force on proclamation.

(2) If *The Department of Energy and Mines Amendment Act, 2004* is not in force on the proclamation of this Act, section 46 of this Act comes into force on the day on which *The Department of Energy and Mines Amendment Act, 2004* comes into force.

