

1997

CHAPTER 16

An Act to amend *The Personal Property Security Act, 1993* and to enact provisions respecting the Personal Property Registry

(Assented to May 9, 1997)

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

PART I Short Title

Short title

1 This Act may be cited as *The Personal Property Security Amendment Act, 1997*.

PART II Amendments to *The Personal Property Security Act, 1993*

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

2 *The Personal Property Security Act, 1993* is amended in the manner set forth in this Part.

Section 42 amended

3(1) Subsection 42(1) is repealed and the following substituted:

“(1) In this section and in subsection 71(1):

- (a) ‘**recommencement of registry functions**’ means the recommencement of all or any registry functions pursuant to subsection (7);
- (b) ‘**registry functions**’ means:
 - (i) registering financing statements;
 - (ii) accepting requests for search results; and
 - (iii) any other functions or services of the registry;
- (c) ‘**suspension of registry functions**’ means the suspension of all or any registry functions pursuant to subsection (5).

“(1.1) The Personal Property Registry is continued for the purposes of registrations pursuant to this Act, *The Personal Property Security Act* and any other Act that requires or permits a registration to be made in the registry”.

(2) Subsection 42(5) is repealed and the following substituted:

“(5) Notwithstanding any regulation made pursuant to this Act or any other Act providing for registration in the registry, where, in the opinion of the registrar or the minister, the circumstances are such that it is not practical to provide one or more registry functions, the registrar or the minister may, by order, suspend all or any registry functions for the period during which, in the opinion of the registrar or the minister, those circumstances prevail.

“(6) An order of the registrar or the minister made pursuant to subsection (5):

- (a) is to identify the registry functions that are being suspended and the date and time that the registry functions are suspended;
- (b) is to be published in the Gazette as soon as reasonably possible after it is made; and
- (c) notwithstanding any other provision of this Act or any other Act or law, may suspend registry functions as at a date not more than 30 days before the day the order is made.

“(7) The registrar or the minister may, by order, recommence all or any suspended registry functions effective as at any date and time the registrar or minister considers appropriate.

“(8) An order of the registrar or minister made pursuant to subsection (7):

- (a) is to identify the registry functions that are being recommenced and the date and time that the registry functions are recommenced; and
- (b) is to be published in the Gazette as soon as reasonably possible after it is made.

“(9) Subject to subsection (10), an order made pursuant to this section comes into force on the day it is made.

“(10) In the case of an order that suspends registry functions as at a date before the order is made, the order may be made retroactive to a date not more than 30 days before the day the order is made and, in that case, the order is deemed to have been in force on and from that date.

“(11) The registrar or the minister shall take any steps the registrar or the minister considers necessary to bring an order of the registrar or the minister to the attention of the public.

“(12) If there is any conflict between an order made pursuant to this section and a provision of this Act, the regulations, other than regulations made pursuant to clause 71(1)(p.2), or any other Act, regulations or law, the order prevails”.

Section 71 amended**4(1) Section 71 is amended by renumbering it as subsection 71(1).****(2) Clause 71(1)(p) is repealed and the following substituted:**

“(p) setting or extending the time, or prescribing a method of setting or extending the time, during or at which the following are to be effective:

(i) a registration or an amendment to or a renewal or discharge of a registration pursuant to this Act;

(ii) a registration or an amendment to or a renewal or discharge of a registration that is created or that is required or permitted to be registered in the registry pursuant to any other Act or law;

“(p.1) prescribing the manner in which the time mentioned in clause (p) is to be indicated;

“(p.2) respecting the suspension of registry functions and the recommencement of registry functions, including:

(i) prescribing procedures, in addition to those set out in this Act, for suspending registry functions and recommencing registry functions;

(ii) prescribing any other matter or thing that the Lieutenant Governor in Council considers necessary respecting suspension of registry functions or recommencement of registry functions;

“(p.3) authorizing the registrar to amend the hours of operation of the registry where the registrar considers it necessary;

“(p.4) setting or extending the time, or prescribing a method of setting or extending the time, for effecting the following:

(i) a registration or an amendment to or a renewal or discharge of a registration pursuant to this Act;

(ii) a registration or an amendment to or a renewal or discharge of a registration that is created or that is required or permitted to be registered in the registry pursuant to another Act or law;

“(p.5) prescribing the manner in which the time mentioned in clause (p.4) is to be indicated;

“(p.6) prescribing the legal effect of a date or time set or extended pursuant to clauses (p) to (p.5) and of any registration or amendment to or renewal or discharge of a registration effected on, before or after a date or before, during or after a time set or extended pursuant to clauses (p) to (p.5)”.

(3) The following subsections are added after subsection 71(1):

“(2) Notwithstanding any other Act or law, a regulation made pursuant to subsection (1) may be made retroactive.

“(3) Subject to subsection 42(12) and to section 13 of *The Personal Property Security Amendment Act, 1997*, if there is any conflict between a provision of the regulations made pursuant to clauses (1)(p) to (p.6) and any other provision of this Act or the regulations or any other Act, regulations or law, the provision of the regulations made pursuant to clauses (1)(p) to (p.6) prevails”.

PART III
Provisions respecting the Personal Property Registry

Interpretation of Part

5 In this Part:

- (a) “**Act**” means *The Personal Property Security Act, 1993*;
- (b) “**recommencement of registry functions**” means the recommencement of registry functions at the time and on the date mentioned in subsection 7(2);
- (c) “**registration**” means a registration respecting a security interest, a Crown interest or an interest pursuant to *The Sale of Goods Act* or *The Factors Act* and includes, where the context permits, a registration amended or renewed prior to the suspension of registry functions;
- (d) “**registry**” means the Personal Property Registry continued pursuant to section 42 of the Act;
- (e) “**registry functions**” means:
 - (i) registering financing statements;
 - (ii) accepting requests for search results; and
 - (iii) any other functions or services of the registry;
- (f) “**suspension of registry functions**” means the suspension of registry functions at the time and on the date mentioned in subsection 7(1).

Office hours

6 Notwithstanding the Act or the regulations made pursuant to the Act, the registry office and the electronic registry system are deemed to have been, and are confirmed for all purposes as having been, open to the public from 8:30 a.m. to 4:30 p.m. on November 9, 10 and 11, 1996.

Suspension and recommencement of registry functions

7(1) Registry functions are deemed to have been suspended pursuant to subsection 42(5) of the Act, as that provision existed on October 31, 1996, immediately at the beginning of October 31, 1996, and that suspension of registry functions is confirmed for all purposes.

(2) Registry functions are deemed to have recommenced pursuant to subsection 42(5) of the Act, as that provision existed on November 7, 1996, at 11:59:59 p.m. on November 7, 1996, and that recommencement of registry functions is confirmed for all purposes.

Extension of expiry dates

8 Notwithstanding any provision of the Act or the regulations made pursuant to the Act, where the actual date of expiry selected by the registrant for a registration occurred during the period commencing on the suspension of registry functions and ending on November 13, 1996, that registration is deemed to have remained effective to November 18, 1996.

Extension of time period

9 Where, during the period commencing on the suspension of registry functions and ending on November 13, 1996, there was an expiration of a time period pursuant to the Act or the regulations made pursuant to the Act for effecting any registration or for effecting any amendment to or renewal or discharge of a registration, that time period is deemed to have been extended to November 18, 1996.

Effect of registration during extended period

10 A registration or any amendment to or renewal or discharge of a registration that was effected during the extended time period set out in section 9 is deemed to have the same effect as if the registration or the amendment to or renewal or discharge of the registration were effected within the original time period set out in the Act or the regulations made pursuant to the Act.

Ratification and confirmation of actions

11 All actions done pursuant to or in reliance on the provisions of this Part are ratified, confirmed and declared to have been lawfully done.

Regulations

12(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Part but not defined in this Part;
- (b) respecting any matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

(2) A regulation made pursuant to subsection (1) may be made retroactive to a date not earlier than October 31, 1996.

Part to prevail

13 If there is a conflict between any provision of this Part or a regulation made pursuant to this Part and any other Act, regulations or law, the provisions of this Part or the regulations made pursuant to this Part prevail.

PART IV Repeals and Coming into force

Repeals

14 Saskatchewan Regulations 87/96 and subsection 2(3), section 2.1, subsection 4(1.1) and sections 4.1 and 4.2 of *The Personal Property Security Regulations* are repealed and any orders of the minister responsible for the administration of *The Personal Property Security Act, 1993* pursuant to any of those provisions are rescinded.

Coming into force

15(1) Subject to subsections (2) and (3), this Act comes into force on assent.

(2) Part III comes into force on assent but is retroactive and is deemed to have been in force on and from October 31, 1996.

(3) Section 14 comes into force on assent but is retroactive and is deemed to have been in force on and from November 7, 1996.