

UNEDITED

The Power Corporation Act

being

Chapter P-19 of *The Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979).

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-19

An Act respecting Saskatchewan Power Corporation

Short title

1 This Act may be cited as *The Power Corporation Act*.

PART I

ORGANIZATION AND POWERS

Organization

2 There shall continue to be a corporation called “Saskatchewan Power Corporation”, in this Act referred to as “the corporation” consisting of such persons as may be appointed from time to time by the Lieutenant Governor in Council, for the purposes and with the powers mentioned in section 8.

R.S.S. 1965, c.40, s.2; R.S.S. 1978, c.P-19, s.2.

Capacity to contract, etc.

3(1) The corporation shall have perpetual succession and a common seal and shall have capacity to contract and to sue and be sued in its corporate name in respect of any right or obligation acquired or incurred by it on behalf of the Crown as if the right or obligation had been acquired or incurred on its own behalf. The corporation may also sue in respect of any tort, and may be sued in respect of any liabilities in tort to which it is made subject by this Act.

(2) Subject to *The Workers' Compensation Act*, the corporation is subject to all those liabilities in tort to which, if it were a person of full age and capacity, it would be subject:

- (a) in respect of a tort committed by any of its officers, employees or agents;
- (b) in respect of a breach of those duties that a person owes to his officers, employees or agents by reason of being their employer or principal;
- (c) in respect of a breach of the duties attaching to the ownership, occupation, possession or control of property; and
- (d) under any statute, or under any regulation or bylaw made or passed under any statute;

Provided that no proceedings lie against the corporation by virtue of clause (a) in respect of any act or omission of an officer, employee or agent of the corporation unless the act or omission would, apart from this Act, have given rise to a cause of action in tort against that officer, employee or agent or his personal representative.

(3) The corporation shall be the agent of the Crown in right of Saskatchewan, and its powers may be exercised only as such agent, but it shall not be necessary, in contracts entered into by the corporation, to make specific reference to the Crown or Her Majesty.

R.S.S. 1965, c.40, s.3; R.S.S. 1978, c.P-19, s.3.

Ownership of property

4 All property, real and personal, and all moneys owned or acquired by the corporation, and all profits earned by the corporation, shall, subject to section 41, be the property of the Crown in right of Saskatchewan, and shall be exempt from taxation of whatever nature and description.

R.S.S. 1965, c.40, s.4; R.S.S. 1978, c.P-19, s.4.

Chairman, vacancies, quorum, etc.

5(1) The Lieutenant Governor in Council shall designate one quorum, etc. of the persons constituting the corporation to be the chairman thereof. The present chairman of the corporation shall continue to hold the office of chairman until a successor is appointed.

(2) The members of the corporation may elect a vice-chairman to act in the absence of the chairman.

(3) A vacancy in the membership of the corporation shall not impair the power of the remaining members to act.

(4) The Lieutenant Governor in Council may make provisions as to the number of members who shall form a quorum for the transaction of business at meetings of the members.

(5) The corporation shall, in the performance of the duties and exercise of the powers imposed or conferred under this Act, be responsible to such member of the Executive Council as may be designated by the Lieutenant Governor in Council.

R.S.S. 1965, c.40, s.5; R.S.S. 1978, c.P-19, s.5.

Head office

6 The head office of the corporation shall be in the city of Regina, but the Lieutenant Governor in Council may change the location of the head office.

R.S.S. 1965, c.40, s.6; R.S.S. 1978, c.P-19, s.6.

Publication of appointment of members

7 The Clerk of the Executive Council shall publish in *The Saskatchewan Gazette* a notice of any appointment made under section 2.

R.S.S. 1965, c.40, s.7; R.S.S. 1978, c.P-19, s.7.

Purposes and powers

8(1) The purposes and powers of the corporation shall be:

- (a) the generation, transmission, distribution, sale and supply of electrical energy;
- (b) the production, transmission, distribution, sale and supply of steam;
- (c) the production or purchase and the transmission, distribution, sale and supply of gas, either natural or manufactured;
- (d) the production of coal and the processing of oil to provide fuel for use in the corporation's power plants, the sale of coal and oil not immediately required by the corporation, and the sale of by-products of oil processed;

(e) the manufacture of poles, cross-arms and other articles used or capable of being used in the transmission, distribution and supply of electrical energy, and the sale of such articles;

(f) the purchase, for the purpose of resale, of apparatus and equipment used or suitable for use in the generation and distribution of electrical energy, and the sale of such apparatus and equipment;

(g) the purchase, for the purpose of resale, of natural gas incinerators for domestic, commercial and industrial use and the sale of such natural gas incinerators;

(h) the construction, maintenance and operation of communication systems in rural and remote areas for the purpose of transmitting telephonic messages by electrical means, and the sale, leasing or other disposition of any such communication system or any part thereof;

(i) any other purposes and powers connected with or incidental to the purposes and powers herein mentioned.

(2) The powers of the corporation set forth in clauses (d), (e) and (j) of subsection (1) shall be exercised subject to the approval of the Lieutenant Governor in Council.

R.S.S. 1965, c.40, s.8; 1976, c.46, s.2; R.S.S.
1978, c.P-19, s.8.

Staff

9(1) The corporation may employ such officers and other employees as it deems necessary for the purposes of its operations and may determine their respective duties and powers, the conditions of their employment and their remuneration, which shall be paid by the corporation.

(2) All such officers and employees shall be under the control and supervision of the corporation.

R.S.S. 1965, c.40, s.9; R.S.S. 1978, c.P-19, s.9.

Acquisition and disposal of property

10(1) Subject to subsection (3), the corporation may acquire, by purchase, lease or otherwise any real or personal property, including water rights and water powers, which it deems necessary for the efficient operation of its business, and may sell, lease or otherwise dispose of any of its property, real or personal, which the corporation considers to be no longer necessary for its purposes.

(2) A purchase by the corporation may be made on deferred payments, and the corporation may give security on the property purchased for the purchase money, or the unpaid balance thereof, with interest.

(3) Where the purchase price or sale price of real property included in one transaction exceeds \$25,000, or where the purchase price or sale price of personal property included in one transaction exceeds \$250,000, the approval of the Lieutenant Governor in Council shall be obtained.

R.S.S. 1965, c.40, s.10; 1976, c.46, s.3; R.S.S.
1978, c.P-19, s.10.

Cancellation of special franchises

11(1) On acquiring the plant, machinery, apparatus and equipment used or intended for use in the distribution or supply of electrical energy, steam or natural or manufactured gas in a city, town, village or rural municipality, the corporation may cancel any special franchise, or any right or permission granted to any person or corporation to construct, maintain or operate within the city, town, village or rural municipality, along, upon under or across any highway, road, street, lane, public place or public water within the jurisdiction of the city, town, village or rural municipality any poles, wires, conduits, pipes, erections, structures or other things for the purpose of transmitting or conveying electrical energy, steam or natural or manufactured gas.

(2) Such cancellation may be effected by a written notice addressed to the clerk of the city or town, or the secretary treasurer of the village, or the secretary or treasurer of the rural municipality, and sent by registered mail to him at his office, and shall state the date on which the cancellation is to take effect.

R.S.S. 1965, c.40, s.11; R.S.S. 1978, c.P-19, s.11.

Purchase of stock, etc., of incorporated companies

12(1) The corporation may, with the approval of the Lieutenant Governor in Council, acquire by purchase, in the open market or otherwise, shares of the capital stock of any incorporated company carrying on the business of generating, transmitting or supplying electrical energy, or any other business of a kind described or referred to in section 8, or bonds, debentures or other securities of any such company, and any shares, bonds, debentures or other securities so acquired shall belong to the Crown in right of Saskatchewan.

(2) The corporation, on acquiring such shares, bonds, debentures or other securities, may by instrument in writing signed by the chairman or vice-chairman, appoint such person or persons as the corporation may think fit to be its representative or representatives at any meeting of the company or at any meeting of any class of members, bondholders, debenture-holders, security-holders or creditors of the company.

(3) The person or persons so appointed shall be entitled to exercise on behalf of the corporation all the powers that the corporation could exercise if it were an individual shareholder, bondholder, debenture-holder, security-holder or creditor.

(4) A copy of any contract entered into under the authority of subsection (1) shall be submitted to the Legislative Assembly forthwith after it is entered into if the Legislative Assembly is then in session, and if the Legislative Assembly is not then in session the copy shall be submitted within the first fifteen sitting days of the next following session.

R.S.S.1965, c.40, s.12; 1973-74, c.78, s.2; R.S.S. 1978, c.P-19, s.12.

Power to promote companies and to accept extra-provincial powers

13 The corporation shall have and be deemed to have had since its incorporation:

- (a) the capacity to procure the registration of and promote any company or companies, having objects similar to the objects of the corporation, for any purpose that may seem, directly or indirectly, to benefit the corporation; and

(b) the capacity to accept, directly, or through subsidiary companies, extra-provincial powers and rights and to exercise its powers beyond the boundaries of the province to the extent permitted by the laws in force where such powers are sought to be exercised.

1973-74, c.78, s.3; R.S.S. 1978, c.P-19, s.13.

PART II

ACQUISITION OF PROPERTY BY EXPROPRIATION

Power to expropriate

14(1) Subject to subsection (2), the Lieutenant Governor in Council may authorize the corporation, without the consent of the owner or of any person interested therein, to enter upon, take possession of, expropriate and use any land, buildings, plant, machinery, apparatus or equipment, that in the opinion of the Lieutenant Governor in Council are necessary for the purposes of the corporation.

(2) When land to be expropriated by the corporation is required solely for the purposes of a power line, with or without substations, or a pipe line, with or without pumping stations, or where the corporation deems it advisable to take an easement on land for such purposes, the approval of the Lieutenant Governor in Council shall not be required, and in such case Part III applies and the expropriation of the land or the acquisition of an easement from the owner of the land shall not fall within the provisions of this Part, except as provided in subsection (4) of section 23.

R.S.S. 1965, c.40, s.13; R.S.S. 1978, c.P-19, s.14.

Application to judge for vesting order

15(1) The corporation may apply to a judge of the Court of Queen's Bench for an order vesting in the corporation the land to be expropriated under this Part, and all buildings, erections, machinery, plant and other works and appliances upon that land, and also such other property of every description as the corporation desires to expropriate, including easements and other rights that may have been acquired in or over land.

(2) On such application the corporation shall submit a sufficient description of the real and personal property to be expropriated, including a plan of any land included in the application if in the opinion of the judge a plan is necessary in order that the land to be taken may be accurately determined. Such plan shall be prepared by a duly qualified land surveyor.

(3) The application of the corporation shall be made on one month's notice to the owner of the property to be taken and to all persons having registered interests therein, stating the time and place at which the application will be made; provided that a judge of the said court may, on the application of the corporation and on sufficient cause being shown, dispense with such notice or reduce the period thereof; and provided further that a judge of the said court may, on the application of the owner of the property or any person interested therein and on sufficient cause being shown, enlarge the period of the notice.

(4) The judge to whom an application for a vesting order is made shall, upon the production to him of a certificate of the chairman, vice-chairman or general manager of the corporation stating that the real and personal property included in the application is required for the purposes of this Act, a sufficient description of the property as provided for in subsection (2), a copy of a minute of meeting of the corporation authorizing the taking of the said property, certified to be a true copy by the secretary of the corporation, and a copy of such order of the Lieutenant Governor in Council as is required under section 14, certified to be a true copy by the Clerk of the Executive Council, make the vesting order applied for.

(5) An order so made by a judge shall have the effect of divesting all persons other than Her Majesty of any interest in the property expropriated but the right and title to mines and minerals that may be found to exist under any land included in the order shall not pass to the corporation under the order.

(6) The costs of or occasioned by an application for dispensing with notice of application or for reducing or enlarging the period of notice shall be in discretion of the judge hearing the application.

R.S.S. 1965, c.40, s.14; R.S.S. 1978, c.P-19, s.15.

Warrant for possession

16(1) Nothing in this Act shall be taken to require that a vesting order by a judge shall be obtained, or a survey made or a plan prepared, before or at the time of the entry upon or taking possession of the property to be expropriated.

(2) If resistance or opposition is made to the taking by the corporation, or a person authorized by it, of any property as provided by this Act, a judge of the Court of Queen's Bench may, on proof of the proper taking of such property as herein provided, issue his warrant to the sheriff for the judicial centre nearest to which the property is situated directing him to put down the resistance or opposition, and to put the corporation, or a person acting for it, in possession of the property.

(3) The sheriff shall take with him sufficient assistance for such purpose, and shall put down such resistance or opposition, and put the corporation, or the person acting for it, in possession thereof; and he shall forthwith make a return to the Court of Queen's Bench of the warrant, and of the manner in which he has executed the same.

(4) Every person who interrupts, hinders or molests any person while engaged under the authority of the corporation in entering upon or taking possession of any property as authorized by this Act, or in removing any obstruction, making any examination or constructing, maintaining or repairing property taken or to be taken by the corporation under this Act, either before or after a vesting order by a judge has been made, is guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

R.S.S. 1965, c.40, s.15; R.S.S. 1978, c.P-19, s.16.

Operation by corporation of works taken

17 Where the property taken by the corporation consists of or includes any machinery, plant or other work or appliances for the generation, production, transmission or distribution of electrical energy, steam or gas, the corporation may take all such steps as it may consider necessary for the purpose of operating or continuing to operate the machinery, plant or other work or appliances.

R.S.S. 1965, c.40, s.16; R.S.S. 1978, c.P-19, s.17.

Compensation for property taken

18(1) If the corporation and the owner of the property taken by the corporation and any other person interested therein agree as to the amount of compensation to be paid by the corporation, that amount shall be paid by the corporation within three months after an agreement has been reached as regards the amount and the proper conveyances of the said property have been executed and delivered, or within such other period as may be mutually agreed on.

(2) If the amount to be paid as compensation is agreed upon by the corporation and the persons claiming the compensation, but those persons are unable to agree within three months after the date of the taking of the property as to which of them shall receive the compensation or in what proportions the same shall be paid to them, the corporation may pay the amount into the office of the local registrar of the Court of Queen's Bench nearest to the land affected, or to the place where property taken other than land is situated, to be paid out to the parties interested in such proportions as may be ordered by a judge of the said court on application therefor.

(3) If the corporation and the person or persons claiming compensation for property taken under this Act are unable to agree, within three months after the date on which the property is taken, as to the amount of the compensation, the question of the amount to be paid, and the person or persons who should receive it, shall be determined by one arbitrator, who shall be a judge of the Court of Queen's Bench named by the Attorney General, and *The Arbitration Act* shall apply to the arbitration proceedings.

(4) An appeal lies from the award of the arbitrator to the Court of Appeal in the same manner as from the judgment of a judge of the Court of Queen's Bench in an action or other proceeding in court, or as may be provided by rules of court, but the decision of the Court of Appeal shall be final and not subject to further appeal.

(5) The claimant or claimants shall, before the arbitration is proceeded with, deposit with the corporation as security for the costs of the arbitration, a sum of money equal to ten per cent of the amount claimed by him or them; provided that the arbitrator may, on the application of a claimant, reduce the amount to be so deposited if it appears to him that a lesser sum is reasonably sufficient, but the amount of the deposit shall not in any event be less than \$25.

(6) The amount of the compensation shall be paid by the corporation within three months after the award of the arbitrator has been made or, if an appeal is taken, within three months after the date on which the decision on appeal has been rendered, or within such other period as may be mutually agreed on.

R.S.S. 1965, c.40, s.17; R.S.S. 1978, c.P-19, s.18.

Determination of amount of compensation

19(1) In determining the amount of compensation to be paid by the corporation the arbitrator shall, if the property taken consists only of land, or land and buildings, consider and find separately as to the following:

- (a) the value of the land taken and the fair replacement value of all buildings thereon, but making a reasonable deduction for depreciation, deterioration, wear and tear, and obsolescence;
- (b) the damage, if any, to the remaining property of the owner in the immediate vicinity of the land taken;

- (c) the original costs of any extra fencing that may be necessary by reason of the taking of the land.
- (2) If the property taken consists of or includes machinery, plant or other works or appliances with or without land and buildings, or land or buildings, the arbitrator shall consider and find separately as to the following:
- (a) the fair replacement value of the machinery, plant or other works or appliances, and of the buildings or erections in which any of the same are located, or that are used in connection therewith, as a going concern, together with the value of the land taken, if any, but making a reasonable deduction for depreciation, deterioration, wear and tear, and obsolescence; provided that the value found shall not include any value for franchise rights, good-will or future earnings;
 - (b) where land is taken, the damage, if any, to the remaining property of the owner in the immediate vicinity of the land taken;
 - (c) the original costs of any extra fencing that may be necessary by reason of the taking of the land.
- (3) If the value of the remaining property of the owner in the immediate vicinity of the property taken is or will be increased by the construction or installation of any buildings or works on the land taken, or by the use to be made by the corporation of the land taken, the arbitrator, whether acting under subsection (1) or (2), shall consider and find separately as to the amount of the increase in value, and that amount shall be deducted from the amount to which the claimant or claimants are entitled.
- (4) If any of the parties to the arbitration so request, the arbitrator shall show separately the amount awarded by him in respect of machinery, plant or other works or appliances used or suitable for use:
- (a) for the generation or production of electrical energy, steam or gas;
 - (b) for the distribution of electrical energy, steam or gas in a city, town, village or hamlet; and
 - (c) for the transmission of electrical energy, steam or gas otherwise than by means of a distribution system in a city, town, village or hamlet;

and in each case shall include the land, buildings and erections, if any, on or in which the machinery, plant or other works or appliances are located.

R.S.S. 1965, c.40, s.18; R.S.S. 1978, c.P-19, s.19.

Costs of arbitration

- 20(1)** If the difference between the sum awarded and the amount offered by the corporation is less than the difference between the sum awarded and the amount claimed, the claimant or claimants shall pay all costs and expenses of the arbitration, and if the difference between the sum awarded and the amount offered by the corporation is greater than the difference between the sum awarded and the amount claimed, the corporation shall pay the costs and expenses of the arbitration.
- (2) The only costs allowable upon an arbitration shall be taxable solicitor's fees on the Queen's Bench scale and counsel fees, arbitrator's expenses and witnesses' fees and expenses.

(3) Subject to the *Judges Act* (Canada), the judge, for his services as arbitrator, may be allowed such allowance for travelling and living expenses as may be approved by the Lieutenant Governor in Council, or as may be fixed by regulations approved by the Lieutenant Governor in Council.

(4) If the costs are to be paid by the claimant or claimants the corporation may deduct the amount thereof from the amount deposited, and the surplus, if any, shall be returned to the claimant or claimants.

(5) If the costs are not to be paid by the claimant or claimants the full amount deposited shall be returned to him or them.

R.S.S. 1965, c.40, s.19; R.S.S. 1978, c.P-19, s.20.

Cessation of obligation to supply electrical energy, etc.

21 Where the property taken by the corporation consists of or includes machinery, plant or other works or appliances for the generation, transmission or distribution of electrical energy, steam or gas, the person from whom such property is taken shall, from and after the date on which the corporation takes possession, be under no further obligation to supply electrical energy, steam or gas to persons whose supply has been derived from the said machinery, plant or other works or appliances, or to continue to purchase coal, oil or other fuel for the purpose of any generating plant included in such property.

R.S.S. 1965, c.40, s.20; R.S.S. 1978, c.P-19, s.21.

Appointment of sole arbitrator

22 In lieu of the provisions of subsection (3) of section 18, with respect to the appointment of an arbitrator, where land or other property is taken by the corporation under the authority of this Part, the Chief Justice of the Court of Queen's Bench, upon the request of the Lieutenant Governor in Council, may nominate such person who, in his opinion, is skilled in valuing land or other property, and upon such nomination being approved by order of the Lieutenant Governor in Council, the person so nominated shall be the sole arbitrator for the purpose of any and all matters mentioned in the order of the Lieutenant Governor in Council. In all other respects the provisions of this Part, including the right of appeal given by subsection (4) of section 18, shall apply.

R.S.S. 1965, c.40, s.21; R.S.S. 1978, c.P-19, s.22.

PART III

RIGHTS OF WAY

Power to acquire lands for power lines or pipe lines

23(1) The corporation may acquire such lands as it deems advisable or necessary for the purpose of constructing, maintaining and operating power lines, including any substations forming part thereof (such lines with or without substations being in this Part referred to as "power lines"), or pipe lines, including any pumping stations forming part thereof (such lines with or without pumping stations being in this Part referred to as "pipe lines"); and the corporation may for the like purposes acquire leases of lands or easements on lands.

(2) For the purposes mentioned in subsection (1), the corporation may, without the consent of the owner thereof or any other person interested therein, enter upon, take possession of, expropriate and use such lands and such rights in or in respect to lands as it deems necessary or advisable.

(3) The powers mentioned in subsections (1) and (2) may be exercised without any prerequisite or preliminary action or proceeding, and without any other sanction or authority than this Act, and shall include the right to take, acquire and possess for such time as the corporation deems proper, under agreement with the owner or other person interested or without his consent, such lands or such rights in or in respect to lands as the corporation deems advisable or necessary.

(4) Subsections (2), (3) and (4) of section 16 apply to the taking of lands or interests in or in respect to lands under this Part.

R.S.S. 1965, c.40, s.22; R.S.S. 1978, c.P-19, s.23.

Same

24(1) When the corporation desires to acquire land by purchase for the purposes of power lines or pipe lines, the corporation may acquire the land by transfer from the registered owner under *The Land Titles Act* or by proceedings under this Part.

(2) When the corporation desires to acquire an easement on or in respect to land for the purposes of power lines or pipe lines, it may acquire the easement in accordance with *The Public Utilities Easements Act* or by proceedings under this Part.

(3) An easement acquired by proceedings under this Part means an easement for a right of way over land consisting of the right to the corporation to use the land for the purpose of constructing or placing thereon power lines or pipe lines, with such apparatus and equipment as the corporation considers necessary, and the right of entry on the land by the employees or agents of the corporation for the purposes of constructing or placing thereon such power lines or pipe lines with such apparatus and equipment as the corporation considers necessary, and inspecting, repairing, replacing, maintaining and removing the same.

R.S.S. 1965, c.40, s.23; R.S.S. 1978, c.P-19, s.24.

Notice of requirement of land

25(1) For the purpose of acquiring title to land the corporation may file or cause to be filed, in the land titles office for the land registration district within which the land is situated, a notice of requirement of the land under this Part.

(2) The notice shall contain a sufficient description of the land, so that it may be accurately determined, and shall, in cases where a description by words is insufficient, refer to a plan filed under section 106 of *The Land Titles Act*.

(3) The notice shall be sufficiently executed on behalf of the corporation if signed by the chairman, the general manager, the secretary or the assistant secretary thereof, and attested in accordance with section 63 of *The Land Titles Act*.

(4) On receipt of the notice the registrar shall register it and shall cancel the existing certificate of title as to the land to be acquired and issue a clear certificate of title therefor in the name of the corporation.

(5) The corporation shall without avoidable delay forward a copy of the notice of requirement to the registered owner of the land and to each person appearing by the records of the land titles office to be interested therein.

(6) Notwithstanding section 56 of *The Land Titles Act*, it shall not be necessary to produce to the registrar the duplicate certificate of title to the land affected by the notice.

R.S.S. 1965, c.40, s.24; 1976, c.46, s.4; R.S.S.
1978, c.P-19, s.25.

Notice of requirement of easement

26(1) For the purpose of acquiring an easement on or in respect to land the corporation may file or cause to be filed in the land titles office for the land registration district within which the land is situated a notice of requirement of an easement on or in respect to the land under the provisions of this Part, on terms and conditions to be stated in the notice.

(2) The notice shall contain a sufficient description of the land, so that it may be accurately determined, and shall in cases where a description by words is insufficient, refer to a plan filed under section 106 of *The Land Titles Act*.

(3) The notice shall be sufficiently executed on behalf of the corporation if signed by the chairman, the general manager, the secretary or the assistant secretary thereof, and attested in accordance with section 63 of *The Land Titles Act*.

(4) On receipt of the notice the registrar shall endorse a memorandum of the easement on the certificate of title to the land.

(5) The easement shall thereupon enure to the benefit of the corporation and its successors and assigns and shall run with the land and be binding on the registered owner, his heirs, executors, administrators and assigns, and on all other persons interested in the land.

(6) The corporation shall without avoidable delay forward a copy of the notice of requirement to the registered owner of the land and to each person appearing by the records of the land titles office to be interested therein.

(7) Notwithstanding the provisions of section 56 of *The Land Titles Act*, it shall not be necessary to produce to the registrar the duplicate certificate of title to the land affected by the notice.

R.S.S. 1965, c.40, s.25; 1976, c.46, s.5; R.S.S.
1978, c.P-19, s.26.

Determination of price of land acquired or of amount of compensation for easement

27(1) If the corporation and the owner of the land referred to in section 25 or 26, or any other person interested therein, are unable to agree on the price of land acquired, or the compensation for the easement, the amount shall be determined by a person skilled and experienced in valuing land and other property, appointed as valuator for the purposes of this Part by the Lieutenant Governor in Council. A person so appointed shall hold office for a period not exceeding one year, but shall be eligible for reappointment.

(2) An appointment as valuator under subsection (1) may be revoked by the Lieutenant Governor in Council.

(3) A valuator appointed under this section shall, in each matter brought before him, personally inspect the land, and shall determine the compensation to be paid by the corporation as follows:

1. Where land is acquired, the price or compensation to be paid by the corporation shall be the fair market value of the land, with all improvements thereon, as of the date of the entry upon and taking possession of the land, together with the amount of the damage, if any, to the remaining property of the owner resulting from the severance therefrom of the land acquired; and no allowance shall be made for compulsory taking but interest shall be allowed at five per cent per annum from the date of entry upon and taking possession of the land;

2. Where easement rights only are acquired, the compensation to be paid by the corporation shall be the value of the land included in the right of way, determined according to the provisions of paragraph 1, less the value of any rights of user or ownership remaining to the owner in respect of such land.

(4) The valuator shall, by an award in writing executed by him in duplicate in the presence of a witness, clearly state the amount of the price or compensation fixed by him and shall forthwith deliver one executed copy of the award to the corporation and the other copy to the owner of the land.

(5) The corporation and the owner shall each have the right to appeal from the valuator's award to a judge of the District Court acting at the judicial centre nearest to which the land is situated. Such appeal shall be by notice of motion returnable within thirty days from the date of delivery of the award and, unless otherwise ordered by the judge, there shall be at least four clear days between service of the notice of motion and the day of the hearing. The appeal shall take the form of a hearing *de novo*, but the judge shall determine the amount of the price or compensation to be paid in accordance with the provisions of subsection (3).

(6) The judge shall award the costs of the appeal as follows:

1. If the owner appeals, and the sum awarded by the judge exceeds the sum awarded by the valuator by at least ten per cent of the latter sum, the costs of the appeal shall be awarded to the owner, but otherwise the costs shall be awarded to the corporation;

2. If the corporation appeals and the sum awarded by the judge is less than the sum awarded by the valuator by at least ten per cent of the latter sum, the costs of the appeal shall be awarded to the corporation, but otherwise the costs shall be awarded to the owner;

3. If both the owner and the corporation appeal, costs shall be awarded as the judge may in his discretion determine, having regard to paragraphs 1 and 2.

(7) The decision of the judge shall be final and not subject to further appeal.

R.S.S. 1965, c.40, s.26; R.S.S. 1978, c.P-19, s.27.

Payment into District Court

28(1) If the owner of land referred to in section 25 or 26 and any other person interested therein are unable to agree as to what person or persons shall receive the price of land acquired or the compensation for the easement, the corporation may pay the amount of such price or such compensation into the office of the local clerk of the District Court for the judicial centre nearest to which the land is situated, and on so doing shall be under no further liability as to the payment of the price or compensation.

(2) Any person claiming to be entitled to payment of a sum of money paid into court under subsection (1), or any part of that sum, may apply to the judge of the court for an order directing that the said sum or part thereof be paid to him.

(3) The judge shall cause such notice of the application to be given to persons who may be interested in the said sum as to him seems proper, and on such notice being given he shall hear the parties appearing to be interested and determine the disposition of the money in court as to him seems just and proper.

(4) No costs shall be awarded on an application under subsection (2) unless the application is opposed, in which case the judge may direct any of the parties to the application to pay the costs of any of the other parties, or may make such other order with respect to costs as under all of the circumstances he deems just.

R.S.S. 1965, c.40, s.27; R.S.S. 1978, c.P-19, s.28.

Non-application of *Homesteads Act*, etc.

29 *The Homesteads Act* and subsection (1) of section 172 of *The Land Titles Act* do not apply to the acquisition of lands or easements by the corporation for the purposes of power lines or pipe lines whether under this Part or otherwise.

R.S.S. 1965, c.40, s.28; R.S.S. 1978, c.P-19, s.29.

Release of easement

30(1) Upon the filing in the land titles office for the land registration district in which the land is situated of an instrument executed by the corporation under the signature of the chairman, the general manager or the secretary thereof, and attested in accordance with section 63 of *The Land Titles Act*, releasing an easement that has been registered under section 26, the registrar shall endorse a memorandum of the instrument on the certificate of title and thereupon the easement shall cease to be effective.

(2) Notwithstanding section 56 of *The Land Titles Act*, it shall not be necessary to produce to the registrar the duplicate certificate of title to the land affected by the instrument of release.

R.S.S. 1965, c.40, s.29; R.S.S. 1978, c.P-19, s.30.

PART IV

Supply of Electrical Energy, Steam and Gas, Etc.

TRANSMISSION LINES AND DISTRIBUTION SYSTEMS

Power to place poles, etc., on highways outside cities, etc.

31(1) Subject to subsection (2) of this section and clause (f) of section 5 of *The Highways Act*, the corporation may construct or place poles, structures, wires, conduits or pipes on or under any provincial highway wherever situated, or on or under any other highway, road allowance, road, street, lane or other public place vested in Her Majesty, and not situated in a city, town or village, or in a hamlet in a rural municipality; and may carry its wires, conduits or pipes along or across the provincial highway or other highway, road allowance, road, street, lane or public place; and the corporation may also take down, remove or take up such poles, structures, wires, conduits or pipes.

(2) Before exercising the powers of construction conferred by subsection (1), the corporation shall submit a copy of a plan showing the location of the proposed power line or pipe line to each of the following:

1. the Minister of Highways and Transportation;
2. the Minister of Telephones;
3. the secretary or treasurer of any rural municipality within which the power line or pipe line or any part thereof is to be constructed;
4. the Minister of Municipal Affairs, if the power line or pipe line or any part thereof is to be constructed in a local improvement district.

(3) When it becomes necessary, for the purpose of construction, reconstruction, alteration or improvement of any highway, road allowance, road, street, lane or other public place vested in Her Majesty, and not situated in a city, town or village, or in a hamlet in a rural municipality, to take down, remove or take up any poles, structures, wires, conduits or pipes constructed or placed thereon or thereunder and belonging to the corporation, the costs and expenses incurred in the work shall be apportioned between the corporation and the Department of Highways and Transportation, in such manner as may be mutually agreed on, and if the corporation and the Department are unable to agree on the apportionment, it shall be made by The Local Government Board, after such inquiry as it deems advisable.

R.S.S. 1965, c.40, s.30; R.S.S. 1978, c.P-19, s.31.

Power to place poles, etc., on highways, in cities, etc.

32(1) Subject to subsection (2), the corporation may construct or place poles, structures, wires, conduits or pipes on or under any highway, road, street, lane or other public place vested in Her Majesty and situated in a city, town or village, or in a hamlet in a rural municipality, and may carry its wires, conduits or pipes along or across the highway, road, street, lane or other public place, and may also take down, remove or take up the same.

(2) Before exercising the powers of construction conferred by subsection (1), the corporation shall submit a plan showing the location of the proposed power line or pipe line to the council of the city, town, village or rural municipality.

R.S.S. 1965, c.40, s.31; R.S.S. 1978, c.P-19, s.32.

Entry on land adjoining power lines

33(1) The corporation may enter upon any land on either side of its transmission or distribution lines, or the right of way acquired for such lines, for the purpose of doing all things necessary for the operation, maintenance, repair and replacement of any line or part thereof.

(2) Any cross arms, wires or other attachments to power poles may project over the property adjoining a highway, road allowance, road, street, lane or other public place vested in Her Majesty, and any trees or shrubs that are likely to or do interfere with such overhanging cross arms, wires or other attachments may be trimmed or removed and other obstructions may be removed to such extent as may be necessary, and the owner of the adjoining property shall not be entitled to compensation for the overhanging cross arms, wires and attachments or on account of such trimming or removal. In the trimming of a tree or shrub every care shall be taken to ensure that no damage is done to the tree or shrub other than damage that is unavoidable.

R.S.S. 1965, c.40, s.32; R.S.S. 1978, c.P-19, s.33.

CONTRACTS WITH MUNICIPALITIES**Supply of electrical energy, etc.**

34(1) The corporation may contract with any city, town, village or rural municipality for the supply of electrical energy, steam or natural or manufactured gas to the city, town or village, and to the inhabitants thereof, or to a hamlet situated within a rural municipality and to the inhabitants of such hamlet.

(2) The council of a city, town, village or rural municipality may contract with the corporation for the supply of electrical energy, steam or natural or manufactured gas as mentioned in subsection (1).

(3) Notwithstanding anything in any other Act, a contract entered into under subsections (1) and (2) may be made for such period as may be agreed on, or for an indefinite period, and it shall not be necessary to obtain the assent of the burgesses to the contract.

(4) Where a contract or agreement is made with a city or town for the supply of electrical energy, steam or gas to the city or town in bulk for the purposes of a distribution system belonging to the city or town, the contract or agreement shall be subject to the approval of the Lieutenant Governor in Council. On such approval being given the contract or agreement shall be valid and binding on the parties thereto and shall not be open to question on any ground whatever, notwithstanding anything in this Act or in any other Act to the contrary.

(5) The Lieutenant Governor in Council may by regulation determine the bases on which rates and charges for the supply of electrical energy, steam or natural or manufactured gas, as mentioned in subsections (1) and (4), shall be fixed.

R.S.S. 1965, c.40, s.33; R.S.S. 1978, c.P-19, s.34.

Supply and installation of natural gas incinerators

35 The corporation may enter into an agreement with any city, town, village or rural municipality providing for payment to the corporation by the city, town, village or rural municipality of such sum or sums, and upon such terms, as may be specified in the agreement to cover the cost of providing and installing natural gas incinerators in buildings whose owners make application therefor, for the purpose of disposing of combustible garbage or refuse.

R.S.S. 1965, c.40, s.34; R.S.S. 1978, c.P-19, s.35.

Payment by corporation of sums in lieu of taxes

36(1) Where the council of a town or village desires to receive from the corporation a yearly or half-yearly payment in lieu of taxes, the corporation may add to the monthly account for electrical energy of every customer in the town or village a sum equal to five per cent thereof, and shall pay the proceeds of such additional charge to the council of the town or village, as a payment in lieu of taxes, yearly or half-yearly as may be mutually agreed.

(2) Where the council of a city desires to receive from the corporation a yearly or half-yearly payment in lieu of taxes, the corporation may add to the monthly account for electrical energy of every customer in the city a sum not to exceed ten per cent thereof, and shall pay the proceeds of such additional charge to the council of the city as a payment in lieu of taxes, yearly or half-yearly as may be mutually agreed.

R.S.S. 1965, c.40, s.35; R.S.S. 1978, c.P-19, s.36.

Amendment of supply contract

37(1) The corporation may, by a written notice addressed to the clerk of a city or town, or the secretary treasurer of a village, or the secretary or treasurer of a rural municipality, with which the corporation now or hereafter has a contract for the supply of electrical energy, inform the city, town, village or rural municipality of its intention to amend the contract so far as regards the provisions relating to the rates and charges for such supply, as contained in the contract or any schedule thereto.

(2) Contracts entered into between The Saskatchewan Power Commission and any such city, town, village or rural municipality shall be deemed to be within the scope of this section, as if they had been entered into by the corporation.

(3) The notice shall be sent by registered mail to such clerk or secretary treasurer at his office and shall contain or shall be accompanied by a copy of the clause, subclause or schedule that is to be made effective in lieu of provisions in the contract or any schedule thereto. The notice shall also state the date on which the amendment is to take effect.

(4) Subject to subsections (5) and (6), on and after the date specified in the notice the contract shall be deemed to be amended in accordance with the terms of the notice.

(5) The council of a city, town, village or rural municipality may within thirty days after receiving from the corporation a notice of amendment, notify the corporation and The Local Government Board in writing that it considers the proposed amendment to be unfair or unreasonable, and that it wishes to appeal against the same.

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(6) The Local Government Board may, by order in writing, made after such hearing as it considers advisable, allow or disallow the appeal, and the decision of the board shall, subject to subsection (7), be final. If the appeal is allowed the decision shall relate back to the date on which the amended rates and charges were made effective, and the corporation shall make the proper adjustments with customers in the city, town, village or rural municipality.

(7) A contract that has been amended under this section may be further amended from time to time by a notice given by the corporation in the manner provided for in this section.

(8) This section does not apply to contracts or agreements with municipal corporations for the supply of electrical energy in bulk, for the purposes of distribution systems belonging to such municipal corporations.

R.S.S. 1965, c.40, s.36; R.S.S. 1978, c.P-19, s.37.

EXCLUSIVE RIGHTS OF CORPORATION

Exclusive right to supply electrical energy, etc., in certain areas

38(1) Notwithstanding anything in any Act, notwithstanding any special franchise or privilege in the nature of a franchise heretofore or hereafter granted and notwithstanding any alteration on or after the first day of January, 1958, of the limits of a city, town or village, the corporation shall have, and shall be deemed to have had on and from the first day of January, 1958, the exclusive right:

- (a) to supply electrical energy and gas in any area in which on the said date electrical energy and gas were not being supplied;
- (b) to supply electrical energy and gas in any area in which on the said date the corporation was supplying electrical energy and gas;
- (c) to supply electrical energy and gas in any area in which on the said date the corporation was supplying electrical energy and no gas was being supplied;
- (d) to supply electrical energy and gas in any area in which on the said date the corporation was supplying gas and no electrical energy was being supplied;
- (e) to supply electrical energy in any area in which on the said date electrical energy was being supplied by the corporation or no electrical energy was being supplied;
- (f) to supply gas in any area in which on the said date gas was being supplied by the corporation or no gas was being supplied.

(2) Notwithstanding subsection (1), the corporation may, upon such terms and conditions as it deems advisable, consent to the supplying, otherwise than by the corporation, of electrical energy or gas, or both, in any specified area.

R.S.S. 1965, c.40, s.37; R.S.S. 1978, c.P-19, s.38.

PART V

FINANCE AND ACCOUNTING

Borrowing powers of Minister of Finance

39(1) The Lieutenant Governor in Council may authorize the Minister of Finance from time to time to raise by way of loan upon the credit of the province such sums of money, within the borrowing limitation prescribed by section 43, as the Lieutenant Governor in Council deems requisite for the purposes of this Act.

(2) The said sums of money shall be raised in accordance with *The Saskatchewan Loans Act*, and may be borrowed for any term or terms not exceeding thirty years.

(3) Moneys raised under this section shall be paid into the consolidated fund and the balance, after deduction and payment of discount and commission applicable to the loan, shall be advanced by the Minister of Finance to the corporation for the purposes of this Act by way of advances in such amounts, at such times and upon such terms as may be determined by the Lieutenant Governor in Council.

(4) The corporation shall reimburse the Minister of Finance for all charges and expenses incurred in raising money under this section.

R.S.S. 1965, c.40, s.38; R.S.S. 1978, c.P-19, s.39.

Power to borrow by sale of bonds, etc.

40(1) The corporation may with the approval of the Lieutenant Governor in Council, borrow from time to time such sums of money, within the borrowing limitation prescribed by section 43, as the corporation deems requisite for the purposes of the corporation, including, without limiting the generality of the foregoing:

- (a) the repayment, renewal or refunding from time to time of the whole or any part of any loan raised or securities issued by the corporation under this Act;
- (b) the repayment in whole or in part of advances made by the Minister of Finance to The Saskatchewan Power Commission or to the corporation;
- (c) the payment of the whole or any part of any loan or of any liability or of any bonds, debentures or other securities, payment whereof is guaranteed or assumed by the corporation;
- (d) the payment of the whole or any part of any other liability or indebtedness of the corporation;
- (e) carrying out any of the powers of the corporation referred to in this Act; providing in whole or in part for expenditures of the corporation made or to be made in connection therewith; reimbursing the corporation for any such expenditures heretofore or hereafter made; and repaying in whole or in part any temporary borrowings of the corporation for any of such purposes;

and for the purpose of such borrowing may issue such bonds, debentures or other securities, bearing such rate or rates of interest and being payable as to principal and interest at such time or times, in such manner, in such place or places in Canada or elsewhere, and in the currency of such country or countries, as the corporation with the approval of the Lieutenant Governor in Council may determine.

- (2) The bonds, debentures and other securities referred to in subsection (1) may be issued in such amounts as will realize the net sums required for the purposes of the corporation, and a recital or declaration in the resolution or minute of the corporation authorizing the issue of securities to the effect that the amount of the securities so authorized is necessary to realize the net sum required for the purposes of the corporation shall be conclusive evidence of that fact.
- (3) The corporation may with the approval of the Lieutenant Governor in Council sell or otherwise dispose of such bonds, debentures or other securities on such terms and conditions as may be deemed advisable, or may with the like approval charge, pledge, hypothecate, deposit or otherwise deal with them as collateral security, or may do any of these things.
- (4) The Lieutenant Governor in Council may appoint the Minister of Finance or any other person or persons to be the agent or agents of the corporation for the purpose of negotiating any loans under this section, and the Minister of Finance or other duly appointed person or persons may arrange all details and do, transact and execute all such deeds, matters and things as may be requisite during the conduct of negotiations or for the purpose of placing the loans.
- (5) Any securities dealt with as collateral security pursuant to subsection (3), when redelivered to the corporation or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which those securities may have been given as collateral, or when the corporation again becomes entitled to the securities, may be treated by the corporation as unissued and may, subject to the approval of the Lieutenant Governor in Council, and to the borrowing limitation prescribed by section 43, be issued, reissued, charged, pledged, hypothecated, deposited, dealt with as collateral security, sold or otherwise disposed of from time to time upon such terms and conditions as the corporation may deem advisable, or at its option be cancelled and fresh securities to the like amount and in like form may be issued in lieu thereof with the like consequences and upon such issue or reissue any person entitled thereto shall have the same rights and remedies as if the securities had not been previously issued.
- (6) Bonds, debentures and other securities issued by the corporation under this section shall be in such form or forms and shall be executed in such manner as the corporation may by resolution or minute determine.
- (7) The corporation may by resolution or minute provide that the seal of the corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any bonds, debentures or other securities to which it is to be affixed, and that any signature upon any bonds, debentures or other securities, and upon the coupons, if any, attached thereto, may be engraved, lithographed or printed or otherwise mechanically reproduced thereon.
- (8) The seal of the corporation when so mechanically reproduced shall be of the same force and effect as if manually affixed, and such mechanically reproduced signatures shall for all purposes be valid and binding upon the corporation, notwithstanding that any person whose signature is reproduced has ceased to hold office before the date of the security or before the issue thereof.

(9) Subject to the approval of the Lieutenant Governor in Council and within the borrowing limitation prescribed by section 43, the corporation may also from time to time borrow by way of temporary loans from any chartered bank or from any person or corporation such sums, upon such terms, for such purposes and upon such conditions as the corporation may determine, by way of bank overdraft or line of credit, or by the pledging as security for such temporary loans of notes, bonds, debentures or other securities of the corporation pending the sale thereof or in lieu of selling the same, or in such other manner as the corporation may determine; and any cheques, promissory notes or other instruments that may be necessary or desirable in connection with the borrowing of money and the obtaining of advances by way of temporary loans may be executed in such manner as the corporation may determine.

R.S.S. 1965, c.40, s.39; R.S.S. 1978, c.P-19, s.40.

Charge on revenues

41 All interests and instalments of principal and all sinking fund and other debt service charges in respect of the securities mentioned in sections 39 and 40 shall be a first charge on the revenues of the corporation.

R.S.S. 1965, c.40, s.40; R.S.S. 1978, c.P-19, s.41.

Guarantee by province

42(1) The Lieutenant Governor in Council may, on such terms as may be stated in the order in council passed for the purpose, guarantee the payment of the principal and interest of any bonds, debentures and other securities issued by the corporation and of any loans, temporary or otherwise, raised by the corporation.

(2) The form and manner of any such guarantee shall be such as the Lieutenant Governor in Council may approve.

(3) Such guarantee shall be signed by the Minister of Finance or such other officer or officers as may be designated by the Lieutenant Governor in Council, and on being so signed the Province of Saskatchewan shall become liable for the payment of the principal and interest of the bonds, debentures, securities and loans guaranteed according to the tenor thereof. Any guarantee so signed shall be conclusive evidence that the terms of this section have been complied with.

(4) The Lieutenant Governor in Council may make such arrangements as may be necessary for supplying the money required to implement any such guarantee and to advance the amount necessary for that purpose out of the consolidated fund.

R.S.S. 1965, c.40, s.41; R.S.S. 1978, c.P-19, s.42.

Limitation on borrowing powers

43(1) Neither the Minister of Finance nor the corporation shall borrow any money by the issue and sale of bonds, debentures or other securities or by way of temporary loans or otherwise, under the authority of this Act, where such borrowing would cause the aggregate principal amount of the outstanding bonds, debentures or other securities and outstanding temporary loans to exceed the aggregate sum of \$1,000,000,000 unless the borrowing is for the purpose of paying in whole or in part any indebtedness previously incurred for the purpose of this Act.

(2) Sums raised or authorized to be raised by the Minister of Finance by way of loan under the authority of sections 2 and 3 of *The Saskatchewan Loans Act* for any of the objects or purposes therein mentioned shall not in any way limit or restrict the borrowing powers of the Minister of Finance and the corporation under the authority of this Act.

(3) For the purpose of calculating the aggregate sum mentioned in subsection (1), one dollar of the United States of America shall be deemed to be the equivalent of one dollar in lawful money of Canada, and the principal amount of outstanding bonds, debentures and other securities or temporary loans payable in the currency of any country other than Canada or the United States of America shall be deemed to be the equivalent principal amount in Canadian dollars calculated in each case in accordance with the nominal rate of exchange between the Canadian dollar and the currency of the country concerned on the business day next preceding the day on which the Lieutenant Governor in Council approved the issue of those outstanding securities or the raising of those outstanding temporary loans, as the case may be, as that nominal rate is determined by any bank in Canada.

R.S.S. 1965, c.40, s.42; 1967, c.15, s.1; 1969, c.42, s.1 ; 1972, c.90, s.1; 1976, c.46, s.6; R.S.S. 1978, c.P-19, s.43.

Investments

44(1) The corporation may from time to time:

- (a) invest any part of capital or operating moneys, not presently required for expenditure:
 - (i) in public securities of Canada or of Saskatchewan or of any province of Canada, or guaranteed thereby respectively;
 - (ii) in the public stock, funds or Government securities of or securities guaranteed by the United Kingdom or the United States of America;
 - (iii) with the approval of the Lieutenant Governor in Council, in the bonds, debentures or other evidences of indebtedness of a company, society or association operating commercially on a co-operative basis and incorporated by a special Act of the Legislature or incorporated by a special Act of the Parliament of Canada and registered under *The Co-operative Associations Act* or *The Co-operative Marketing Associations Act*;
 - (iv) in deposits with a society or company in respect of which an order of the Lieutenant Governor in Council approving of deposits with the society or company, obtained under *The Trustee Act*, chapter 123 of *The Revised Statutes of Saskatchewan, 1953*, or under any former *Trustee Act* is in force;
- (b) dispose of such investments in such manner, on such terms and to such amount as may be deemed expedient.

(2) The Lieutenant Governor in Council may appoint the Minister of Finance or any other person or persons to be the agent or agents of the corporation for the purpose of making investments under this section or disposing thereof, and the Minister of Finance or other duly appointed person or persons may arrange all details and do, transact and execute all such deeds, matters and things as may be requisite for the purpose of making such investments or disposing thereof.

R.S.S. 1965, c.40, s.43; R.S.S. 1978, c.P-19, s.44.

Financial year

45 All books and accounts of the corporation shall be closed and balanced in each year on the thirty-first day of December, or such other date as may be determined by the Lieutenant Governor in Council.

R.S.S. 1965, c.40, s.44; R.S.S. 1978, c.P-19, s.45.

Bonding officials

46 All persons employed by the corporation who in the course of their employment receive or disburse cash, and such other officials or employees as may be deemed advisable, shall be bonded in such sums as may be required by the corporation for duly accounting for moneys or goods that come into their hands or under their control.

R.S.S. 1965, c.40, s.45; R.S.S. 1978, c.P-19, s.46.

Regulations

47(1) The Lieutenant Governor in Council may make regulations providing for:

- (a) the setting up by the corporation of reserves for depreciation, obsolescence, replacements, contingencies and other purposes;
- (b) the accounting by the corporation for advances made by the Minister of Finance and the repayment of such advances, including provision for the creation and management of a sinking fund for the retirement of such advances;
- (c) the creation and management of a sinking fund for the repayment of moneys borrowed by the corporation under section 40;
- (d) determining the sums of money to be paid by the corporation in order to reimburse to the Minister of Finance the full amount of interest paid by him on moneys advanced for the purposes of the corporation, and the charges and expenses incurred by him in providing such moneys, and the times and manner of making payments by the corporation to the Minister of Finance on account of interest and other charges and expenses.

(2) The Treasury Board may make regulations with regard to the conduct of the financial operations of the corporation and the audit of its books and accounts.

R.S.S. 1965, c.40, s.46; R.S.S. 1978, c.P-19, s.47.

Auditor

48 The auditor of utilities shall be the auditor of the books and accounts of the corporation.

R.S.S. 1965, c.40, s.47; R.S.S. 1978, c.P-19, s.48.

Powers of Government Finance Office

49(1) The Government Finance Office shall have access at all reasonable times to the books and records of the corporation, and may at all reasonable times, in its discretion, require the production thereof.

(2) If the corporation desires to make a recommendation to the Treasury Board regarding any matter referred to in section 47, the corporation shall submit such recommendation to The Government Finance Office before forwarding it to the Treasury Board.

R.S.S. 1965, c.40, s.48; R.S.S. 1978, c.P-19, s.49.

Crown Corporations Act

50 Notwithstanding anything in *The Crown Corporations Act*, the corporations shall not be subject to that Act.

R.S.S. 1965, c.40, s.49; R.S.S. 1978, c.P-19, s.50.

PART VI**GENERAL PROVISIONS****Insurance**

51(1) The corporation may cause its property to be insured against loss by fire or from any other cause in such organizations, authorized to do business in Saskatchewan, as may be designated by the corporation.

(2) The corporation may enter into a contract or contracts of insurance with any organization or organizations, authorized to do business in Saskatchewan, insuring the corporation against loss or damage to the person or property of others in such amounts as it deems expedient.

R.S.S. 1965, c.40, s.50; R.S.S. 1978, c.P-19, s.51.

Use of unused works to produce revenue

52 When any land, buildings, plant, machinery, apparatus or equipment belonging to the corporation is not in use for the purpose of supplying electrical energy, steam or gas, or for any other purpose, within the corporation's powers, for which such property may have been acquired, constructed or installed, the corporation may utilize the property for such revenue producing purposes as it deems proper.

R.S.S. 1965, c.40, s.51; R.S.S. 1978, c.P-19, s.52.

Loan of equipment

53(1) The corporation may lend to any municipality or person, or permit any municipality or person to use, on such terms and conditions as may be agreed on, plant, machinery, apparatus or equipment for the generation, transmission, distribution or use of electrical energy, steam or gas.

(2) Where plant, machinery, apparatus or equipment belonging to the corporation and lent or permitted to be used under subsection (1) is affixed to realty, the plant, machinery, apparatus or equipment shall nevertheless remain subject to the rights of the corporation as fully as before being so affixed.

R.S.S. 1965, c.40, s.52; R.S.S. 1978, c.P-19, s.53.

Programs respecting wiring of buildings

54 The corporation may participate in, and undertake and carry out, programs designed to encourage the maintenance and improvement of high standards in the wiring of buildings for electrical service thereto.

R.S.S. 1965, c.40, s.53; R.S.S. 1978, c.P-19, s.54.

Loans to meet cost of improving, extending or replacing wiring

55 The corporation may advance to owners of buildings, on such terms and conditions respecting repayment as the corporation may deem advisable, a portion or the whole of the cost of improving, extending or replacing the electrical wiring in the buildings.

R.S.S. 1965, c.40, s.54; R.S.S. 1978, c.P-19, s.55.

Extent of powers of corporation

56 The compulsory powers conferred by this Act shall extend to land, buildings, plant, machinery, apparatus and equipment notwithstanding that they are or may be deemed to be devoted to public use or that the owner thereof possesses the power of taking property compulsorily.

R.S.S. 1965, c.40, s.55; R.S.S. 1978, c.P-19, s.56.

Load building

57(1) The corporation may take such steps as it may deem advisable to increase the demand for electricity, steam or gas on its system.

(2) Without limiting the generality of subsection (1) the corporation may advertise and may in such other manner as it deems advisable disseminate information to the public concerning its operations and the uses of electrical energy, steam and gas.

R.S.S. 1965, c.40, s.56; R.S.S. 1978, c.P-19, s.57.

Enforcement of payment of rates, etc.

58(1) The corporation may enforce payment of rates, charges or rents for electrical energy, steam or natural or manufactured gas supplied or other service rendered, including service charges, current charges and all charges of any nature or kind whatsoever, by action in any court of competent jurisdiction or by distress and sale of the goods and chattels of the person owing such rates, charges or rents wherever the same may be found.

(2) Such distress and sale shall be conducted in the same manner as distresses and sales for unpaid taxes are conducted under *The Urban Municipality Act*, and the costs chargeable therefor shall be those payable to bailiffs under *The Distress Act*.

R.S.S. 1965, c.40, s.57; R.S.S. 1978, c.P-19, s.58.

Entry upon premises of customers

59(1) The corporation may by its officers and employees enter upon the premises of customers to inspect service conditions, read meters and, when service is discontinued, to remove meters and other equipment belonging to the corporation.

(2) The corporation may by its officers and employees enter upon premises of customers and cut off the supply of electrical energy, steam or natural or manufactured gas, or may discontinue any other service rendered, when customers are in arrears for more than ten days in payment of accounts for the supply or service.

R.S.S. 1965, c.40, s.58; R.S.S. 1978, c.P-19, s.59.

Penalties

60 A person who:

- (a) wilfully or maliciously damages, destroys, pulls down, defaces, alters or removes or causes or knowingly suffers to be damaged, destroyed, pulled down, defaced, altered or removed any machinery, plant or other works, pole, wire, conductor, service pipe, fitting, lamp, meter or other property belonging to the corporation;
- (b) wilfully alters or impairs or knowingly suffers a meter belonging to the corporation to be altered or impaired so that the meter indicates less electricity, steam or gas than actually passes through it; or
- (c) by any wrongful or improper means increases the supply of electricity, steam or gas agreed for with the corporation;

is guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

R.S.S. 1965, c.40, s.59; R.S.S. 1978, c.P-19, s.60.

Regulations

61 The Lieutenant Governor in Council may make regulations not inconsistent with the spirit of this Act for the purpose of carrying out its provisions according to their true intent and supplying any deficiency therein.

R.S.S. 1965, c.40, s.60; R.S.S. 1978, c.P-19, s.61.

Annual report

62(1) The corporation shall, in accordance with *The Tabling of Documents Act*, annually submit to the Lieutenant Governor in Council:

- (a) a report of the corporation upon its business for its immediately preceding year;
- (b) a financial statement showing the business of the corporation for such financial year, in such form as may be required by Treasury Board.

(2) The report and statement required by subsection (1) shall be laid before the Legislative Assembly in accordance with *The Tabling of Documents Act*.

R.S.S. 1965, c.40, s.61; R.S.S. 1978, c.P-19, s.62.

