

The Saskatchewan Telecommunications Act

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Chapter S-34 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 S-34

An Act respecting Saskatchewan Telecommunications

Short title

1 This Act may be cited as *The Saskatchewan Telecommunications Act*.

R.S.S. 1978, c.S-34, s.1.

PART I

ORGANIZATION AND POWERS

Interpretation

2 In this Act:

“telecommunication”

(a) **“telecommunication”** means the emission, reception, transmission, switching, storage and presentation of messages, communications, sounds, signs, signals, images, impressions and information by electric, electromagnetic, electro-optical, sonic, supersonic, mechanical or chemical means or by a combination of any such means and the processing and transformation of such messages, communications, sounds, signs, signals, images, impressions and information into useful forms, media or functions and, without restricting the generality of the foregoing, includes all means by which telephone, telegraph, wireless, data, facsimile, radio, television and other communication services are provided;

“telecommunication line”

(b) **“telecommunication line”** includes poles, structures, wires, cables, anchors, pipes, conduits, apparatus and equipment of all kinds used in whole or in part to provide telecommunication services.

1969, c.52, s.9; R.S.S. 1978, c.S-34, s.2.

Organization

3(1) There shall continue to a corporation to be called “Saskatchewan Telecommunications” 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 9.

(2) The corporation constituted under the name of Saskatchewan Government Telephones is hereby continued as the corporation referred to in subsection (1) under the name of Saskatchewan Telecommunications, subject to such changes in personnel as may be made under that subsection.

(3) The name “Sask Tel” is the abbreviated form of the name of the corporation and the abbreviation when used has the same legal effect and meaning as the full name of the corporation.

1969, c.52, s.9; R.S.S. 1978, c.S-34, s.3.

Capacity to contract, etc.

4(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.

(2) 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.

(3) 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 any breach of those duties which a person owes to his officers, employees or agents by reason of being their employer or principal;
- (c) in respect of any 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 the authority of any statute;

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

(4) 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.42, s.3; R.S.S. 1978, c.S-34, s.4.

Ownership of property

5 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 30, 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.42, s.4; R.S.S. 1978, c.S-34, s.5.

Chairman, vacancies, quorum, etc.

6(1) The Lieutenant Governor in Council shall designate one of the persons constituting the corporation to be the chairman thereof.

(2) The present chairman of the corporation shall continue to hold the office of chairman until a successor is appointed.

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

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

(5) 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.

(6) 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.42, s.5; R.S.S. 1978, c.S-34, s.6.

Head office

7 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.42, s.6; R.S.S. 1978, c.S-34, s.7.

Publication of appointment of members

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

R.S.S. 1965, c.42, s.7; 1969, c.52, s.10; R.S.S. 1978, c.S-34, s.8.

Powers of corporation to prescribe rates, etc.

9(1) The purposes and powers of the corporation are:

- (a) the construction, maintenance and operation of a telecommunication system;
- (b) the leasing or otherwise providing to any person telecommunication services;
- (c) to participate in projects and undertakings to establish, construct and operate a co-ordinated telecommunication system in the province and in Canada and to provide connection and intercommunication with and between other telecommunication systems;
- (d) to acquire, construct, operate and manage buildings and the premises, facilities and services associated therewith for any purposes, and to lease, sell or otherwise dispose of, or to make available to other persons, any part thereof;
- (e) any other purposes and powers connected with or incidental to the purposes and powers herein mentioned.

(2) The telecommunication services provided by the corporation and the acceptance or use thereof by any person are subject to the charges, rates, terms and conditions established and revised from time to time by the corporation and set out or described in a schedule that shall be available for public inspection at the business offices of the corporation during business hours.

(3) Notwithstanding subsection (2), where in the opinion of the corporation the schedule of charges, rates, terms and conditions referred to in that subsection does not adequately accommodate the provision of a particular telecommunication service requested by a person, the corporation may, by itself or jointly with the owners or operators of other telecommunication systems, enter into a special agreement with such person to provide the service in accordance with charges, rates, terms or conditions at variance with or in addition to those set out or described in the schedule and the agreement shall have precedence over the schedule to the extent necessary to give effect to such agreement.

1969, c.52, s.11; 1976-77, c.75, s.2; R.S.S. 1978, c.S-34, s.9.

Staff

10(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.42, s.9; R.S.S. 1978, c.S-34, s.10.

Acquisition and disposal of property

11(1) Subject to subsection (3), the corporation may acquire, by purchase, lease or otherwise, any real or personal property that 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, that 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 \$100,000, the approval of the Lieutenant Governor in Council shall be obtained.

R.S.S. 1965, c.42, s.10; 1976-77, c.75, s.3; R.S.S. 1978, c.S-34, s.11.

PART II

ACQUISITION OF PROPERTY BY EXPROPRIATION

Power to expropriate

12(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 telecommunication lines 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 20.

R.S.S. 1965, c.42, s.11; 1969, c.52, s.12; R.S.S. 1978, c.S-34, s.12.

Application to judge for vesting order

13(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 the 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, prepared by a duly qualified land surveyor, is necessary in order that the land to be taken may be accurately determined.

(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 the 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 the provisions of section 12, 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; except the right and title to mines and minerals that may be found under the land included in 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 the discretion of the judge hearing the application.

Warrant for possession

14(1) Nothing contained herein 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 any 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 at the judicial centre nearest to which the property is situated directing him to put down such resistance or opposition and to put the corporation, or any 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 of the property; 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.42, s.13; R.S.S. 1978, c.S-34, s.14.

Operation by corporation of works taken

15 Where the property taken by the corporation consists of or includes any machinery, plant or other work or appliances for telecommunication, the corporation may take all such steps as it may consider necessary for the purpose of operating or continuing to operate the same.

R.S.S. 1965, c.42, s.14; 1969, c.52, s.13; R.S.S. 1978, c.S-34, s.15.

Compensation for property taken

16(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, the 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 upon.

(2) If the amount to be paid as compensation is agreed upon by the corporation and the persons claiming the same, but such 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 same, 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 the same, shall be determined by one arbitrator who shall be a judge of the Court of Queen's Bench named by the Attorney General, and all the provisions of *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 been 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 upon.

R.S.S. 1965, c 42, s.15; R.S.S. 1978, c.S-34, s.16.

Determination of amount of compensation

17(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 which 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 but the value found shall not include any value for franchise rights, goodwill 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.

R.S.S. 1965, c.42, s.16; R.S.S. 1978, c.S-34, s.17.

Costs of arbitration

18(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 scale specified by the arbitrator and counsel fees, arbitrator's expenses and witnesses' fees and expenses.

(3) 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 same 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.42, s.17; R.S.S. 1978, c.S-34, s.18.

Appointment of sole arbitrator

19 In lieu of the provisions of subsection (3) of section 16, 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 some 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 this Part, including the right of appeal given by subsection (4) of section 16, shall apply.

R.S.S. 1965, c.42, s.18; R.S.S. 1978, c.S-34, s.19.

PART III

RIGHTS OF WAY

Power to acquire lands for telephone and telegraph lines

20(1) The corporation may acquire such lands as it deems advisable or necessary for the purpose of constructing, maintaining and operating telecommunication lines and the corporation may for such purpose acquire leases of lands or easements on lands.

(2) For any purpose 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 proceedings, and without any other sanction or authority than the provisions of 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 14 apply to the taking of lands or interests in or in respect to lands under the provisions of this Part.

R.S.S. 1965, c.42, s.19; 1969, c.52, s.14; R.S.S.
1978, c.S-34, s.20.

Same

21(1) When the corporation desires to acquire land by purchase for the purposes of telecommunication lines, the corporation may acquire the same by transfer from the registered owner under *The Land Titles Act*, or may acquire the same by proceedings under this Part.

(2) When the corporation desires to acquire an easement on or in respect to land for the purposes of telecommunication lines, it may acquire the same in accordance with *The Public Utilities Easements Act*, or may acquire the same 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 or thereunder telecommunication lines, with such apparatus and equipment as the corporation considers necessary, and the right to entry on the land by the employees or agents of the corporation for the purposes of constructing or placing thereon or thereunder such telecommunication lines with such apparatus and equipment as the corporation considers necessary, and of inspecting, repairing, replacing, maintaining and removing the same.

R.S.S. 1965, c.42, s.20; 1969, c.52, s.15; R.S.S.
1978, c.S-34, s.21.

Notice of requirement of land

22(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 such land under the provisions of this Part.

(2) The notice shall contain a sufficient description of the land so that the same may be accurately determined and shall, in cases where a description by words is insufficient, refer to a plan filed under section 107 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 or the secretary thereof, and attested in accordance with section 63 of *The Land Titles Act*.

(4) On receipt of the notice the registrar shall register the same 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.42, s.21; R.S.S. 1978, c.S-34, s.22.

Notice of requirement of easement

23(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 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 the same 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 or the 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 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 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.42, s.22; R.S.S. 1978, c.S-34, s.23.

Price or compensation to be fixed by valuator

24(1) If the corporation and the owner of the land referred to in section 22 or 23, 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.

(2) A person appointed as described in subsection (1) shall hold office for a period not exceeding one year, but shall not be eligible for reappointment from time to time.

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

(4) A valuator appointed under this section shall, in each matter brought before him, personally inspect the land and, by a writing executed by him in duplicate in the presence of a witness, clearly state the amount of purchase money or compensation fixed by him, and he shall deliver one executed copy of the writing to the corporation and the other copy to the owner of the land.

R.S.S. 1965, c.42, s.23; R.S.S. 1978, c.S-34, s.24.

Payment into District Court

25(1) If the owner of land referred to in section 22 or 23 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 such sum, may apply to a judge of the District Court acting at the judicial centre nearest to which the land is situated 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.

R.S.S. 1965, c.42, s.26; R.S.S. 1978, c.S-34, s.25.

Non-application of *Homesteads Act*

26 *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 telecommunication lines whether under this Part or otherwise.

R.S.S. 1965, c.42, s.25; 1969, c.52, s.16; R.S.S. 1978, c.S-34, s.26.

Release of easement

27(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 23, the registrar shall endorse a memorandum of the same 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.42, s.26; R.S.S. 1978, c.S-34, s.27.

PART IV

FINANCE AND ACCOUNTING

Borrowing powers of Minister of Finance

28(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 32, 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 provisions of *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.42, s.27; R.S.S. 1978, c.S-34, s.28.

Power to borrow by sale of bonds, etc.

29(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 32, as the corporation deems requisite for the purposes of the corporation, including, without prejudice to the foregoing generality:

- (a) the repayment, renewal or refunding from time to time of the whole or any part of a 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 corporation;
- (c) the payment of the whole or in any part of a 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 the same 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 the 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 32 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 a person entitled thereto shall have the same rights and remedies as if the same 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 32 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.

Charge on revenues

30 Notwithstanding the provisions of this or any other Act, all interest and instalments of principal and all sinking fund and other debt service charges in respect of the securities mentioned in sections 28 and 29 shall be a first charge on the revenues of the corporation.

R.S.S. 1965, c.42, s.29; 1969, c.52, s.18; R.S.S. 1978, c.S-34, s.30.

Guarantee by province

31(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 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.

(4) Any guarantee so signed shall be conclusive evidence that the terms of this section have been complied with.

(5) 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.42, s.30; R.S.S. 1978, c.S-34, s.31.

Limitation on borrowing powers

32(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 \$500,000,000 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 in lawful money 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.42, s.31; 1966, c.7, s.1; 1968, c.62, s.1; 1971, c.46, s.1; 1973-74, c.102, s.1; 1976, c.54, s.2; R.S.S. 1978, c.S-34, s.32.

Investments

33(1) The corporation may from time to time invest any portion of capital or operating moneys, not presently required for expenditure, in public securities of Canada or of Saskatchewan or of any province of Canada, or guaranteed thereby respectively, or in the public stock, funds or Government securities of or securities guaranteed by the United Kingdom or the United States of America, or, 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*, or 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; and may from time to time 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.42, s.32; R.S.S. 1978, c.S-34, s.33.

Financial years

34 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.42, s.33; R.S.S. 1978, c.S-34, s.34.

Bonding of officials

35 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 which come into their hands or under their control.

R.S.S. 1965, c.42, s.34; R.S.S. 1978, c.S-34, s.35.

Regulations

36(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 to the corporation 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 the provisions of section 29;
- (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.42, s.35; 1969, c.52, s.19; R.S.S. 1978, c.S-34, s.36.

Auditor

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

R.S.S. 1965, c.42, s.36; R.S.S. 1978, c.S-34, s.37.

Crown Corporations Act

38 Notwithstanding anything contained in *The Crown Corporations Act*, the corporation shall not be subject to that Act.

R.S.S. 1965, c.42, s.38; R.S.S. 1978, c.S-34, s.38.

PART V

GENERAL PROVISIONS

Power to break and open up highways, streets, etc.

39(1) The corporation, or any other person or persons lawfully authorized by it, may, as often as the corporation deems proper and without the consent of any municipal council or other authority, enter upon and break and open up any highway, road, street, lane, square or other public place for the purpose of erecting poles and stringing wires or cables thereon or thereto or of placing wires or cables underground or of taking down, removing or taking up any of such poles, wires or cables or of exercising all or any of the powers conferred on it by this Act.

(2) In the exercise of the powers conferred by subsection (1) the following precautions shall be taken:

- (a) in all cases the surface of the ground so broken or opened up shall be restored as far as possible to its former condition by and at the expense of the corporation;
- (b) the public right of travel shall not be unreasonably interfered with;
- (c) the entrance to any door or gateway or the free access to any building shall not be unreasonably obstructed;
- (d) no trees shall be unnecessarily cut down or mutilated.

R.S.S. 1965, c.42, s.39; R.S.S. 1978, c.S-34, s.39.

Entry on land adjoining telecommunications

40(1) The corporation may enter upon any land on either side of its telecommunication 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.

Removal of trees and obstructions

(2) Any cross-arms, wires or other attachments to telecommunication lines may project over the property adjoining land, including a right of way, vested in the corporation or 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 such adjoining property shall not be entitled to compensation for such overhanging cross-arms, wires and attachments or on account of such trimming or removal.

(3) In the trimming of any 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.42, s.40; 1969, c.52, s.21; R.S.S. 1978, c.S-34, s.40.

Power to enter premises of subscribers

41(1) The corporation may by its agents, workmen or servants enter into or upon the premises of any subscriber for the purpose of removing any apparatus or equipment belonging to the corporation for nonpayment of rental or for any other infraction of the corporation's regulations.

(2) A person who obstructs an agent, workman or servant in the performance of his duties under this section is guilty of an offence and liable on summary conviction to a fine not exceeding \$20.

R.S.S. 1965, c.42, s.41; R.S.S. 1978, c.S-34, s.41.

Use of unused property to produce revenue

42 When any land, building, plant, machinery, apparatus or equipment belonging to the corporation is not in use for any 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 may deem proper.

R.S.S. 1965, c.42, s.42; R.S.S. 1978, c.S-34, s.42.

Agreements, purchase of shares, etc., and guarantees

43(1) For the purpose of establishing, constructing or operating a telecommunication system, including a telecommunication satellite system, to provide telecommunication services in Canada and connection and intercommunication with and between telecommunication systems, the corporation may:

- (a) enter into agreements with any person including a corporation, agency or commission of any government controlling, owning or operating a telecommunication system, providing for connection, intercommunication, joint operation and reciprocal use or transmission of business between telecommunication systems;
- (b) subject to the approval of the Lieutenant Governor in Council and subject to such terms, if any, as he may prescribe:
 - (i) purchase or otherwise acquire and enter into agreements to purchase or otherwise acquire shares, bonds, debentures or securities of a company incorporated by or under the authority of an Act of Canada or of any province in Canada;
 - (ii) guarantee the payment of the principal and interest on any notes, bonds, debentures and other securities issued, and temporary loans obtained, by a company incorporated by or under the authority of an Act of Canada or of any province in Canada.

(2) The corporation may do all such acts and things as are necessary or incidental to the exercise of its rights, privileges and obligations in respect of any agreement, purchase, acquisition or guarantee made under the authority of subsection (1) and without restricting the generality of the foregoing, the corporation may for those purposes:

- (a) hold, sell, transfer or otherwise deal with shares, bonds, debentures or securities purchased or acquired by it;
- (b) exercise the right to vote as owner of the shares, bonds, debentures or securities purchased or acquired by it or appoint proxies to exercise such right on behalf of the corporation;
- (c) make such arrangements as it deems advisable for the proper apportionment of expenditures and commissions, the division of receipts and profits, the payment of compensation and such other adjustments as may be necessary under any agreement entered into under subsection (1).

1969, c.52, s.22; R.S.S. 1978, c.S-34, s.43.

Loan of equipment

44(1) The corporation may lend to any person or permit any person to use on such terms and conditions as may be agreed on, plant, machinery, apparatus or equipment belonging to the corporation.

(2) Where plant, machinery, apparatus or equipment belonging to the corporation and lent or permitted to be used under the authority of 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.42, s.44; R.S.S. 1978, c.S-34, s.44.

Liability for damage to buried telecommunication lines

45(1) The corporation shall keep a record of its telecommunication lines buried within each parcel of land and within land comprising a highway, road, street, lane, square or other public place.

(2) A person may, in writing, request from the corporation information describing generally the telecommunication lines, if any, buried in the land described in the request, and the corporation shall, upon receipt of the request and such reasonable fee as it may prescribe, deliver the information to the person making the request.

(3) A person intending to conduct digging, grading, levelling, excavating, blasting or similar activities in an area where buried telecommunication lines are situated shall, at least forty-eight hours before the commencement of the activity, request the corporation to accurately locate the lines on the land in which the lines are buried.

(4) A person conducting any digging, grading, levelling, excavating, blasting or similar activity on land in which a telecommunication line is buried, who:

- (a) having failed to request the accurate location of the line as required by subsection (3); or
- (b) having had the line accurately located for him;

damages the line, shall be civilly liable to the corporation for the cost of repairing the line and, where toll service has been affected by the damage, for an additional amount equal to fifty per cent of that cost to compensate the corporation for the loss of toll revenue.

(5) The corporation shall be deemed to have accurately located the buried telecommunication line if it has identified the location or route of the line by means of visible markers affixed along the route above the line and spaced not more than two hundred feet apart and not more than two feet horizontal distance from the route of the line.

1976, c.54, s.3; R.S.S. 1978, c.S-34, s.45.

Regulations

46 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.42, s.46; R.S.S. 1978, c.S-34, s.46.

Annual report

47(1) The corporation shall, in each fiscal year, in accordance with *The Tabling of Documents Act*, submit to the Lieutenant Governor in Council:

(a) a report of the corporation upon its business for the immediately preceding fiscal year; and

(b) a financial statement showing the business of the corporation for the fiscal year mentioned in clause (a) 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.42, s.47; R.S.S. 1978, c.S-34, s.47.