

The Saskatchewan Telecommunications Act

being

[Chapter S-34](#) of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by *The Revised Statutes of Saskatchewan, 1978 (Supplement)*, c.C-50.1, 66 and 67, and the *Statutes of Saskatchewan, 1979*, c.68; 1979-80, c.92 and 95; 1980-81, c.83; 1982-83, c.22 and 44; 1983, c.11 and 29; 1983-84, c.16 and 34; 1984-85-86, c.61, 83 and 84; 1986, c.19; 1986-87-88, c.27 and 29; 1988-89, c.42; [1989-90, c.20](#) and [59](#); [1991, c.11](#); [1992, c.A-24.1](#); [1993, c.C-50.101](#); [1996, c.E-7.3](#); [1998, c.S-35.2](#) and [20](#); [2000, c.L-5.1](#) and [62](#); [2001, c.23](#); [2002, c.C-11.1](#); [2003, c.39](#); [2004, c.10](#); [2013, c.W-17.11](#) and [c.16](#); [2015, c.21](#); and [2018, c.36](#) and [c.42](#).

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.

Table of Contents

1	Short title	23	Notice of requirement of easement
1.1	Interpretation	24	Price or compensation to be fixed by valuator
PART I			
Organization and Powers			
2	Interpretation	25	Payment into Court of Queen's Bench
3	Organization	26	Non-application of <i>Homesteads Act, 1989</i>
4	Capacity to contract, etc.	27	Discharge of easement
5	Ownership of property	27.1	Unregistered easements
6	Chairman, vacancies, quorum, etc.	PART IV	
6.1	Executive committee; advisory committee	Finance and Accounting	
7	Head office	28	Borrowing powers of Minister of Finance
8	Publication of appointment of members	29	Power to borrow by sale of bonds, etc.
9	Powers of corporation to prescribe rates, etc.	30	Charge on revenues
9.1	Payment of dividends	31	Guarantee by province
10	Staff	32	Limitation on borrowing powers
11	Acquisition and disposal of property	33	Investments
PART I.1			
Reorganization of Saskatchewan			
Telecommunications			
11.1	Interpretation of Part	34	Financial years
11.2	Transfer of non-integral assets	35	Bonding of officials
11.3	Assignment of liability to purchaser corporation	36	Regulations
11.4	Rights on sale	37	Audit
11.5	Waiver of default or breach	37.1	Repealed
11.6	Crown bound	38	Repealed
PART II			
Acquisition of Property by Expropriation			
12	Power to expropriate	PART V	
13	Application to judge for vesting order	General Provisions	
14	Warrant for possession	39	Power to break and open up highways, streets, etc.
15	Operation by corporation of works taken	40(1)	Entry on land adjoining telecommunications
16	Compensation for property taken	40(2)	Removal of trees and obstructions
17	Determination of amount of compensation	41	Power to enter premises of subscribers
18	Costs of arbitration	42	Use of unused property to produce revenue
19	Appointment of sole arbitrator	43	Agreements, purchase of shares, etc. and guarantees
PART III			
Rights of Way			
20	Power to acquire lands for telephone and telegraph lines	43.1	Repealed
21	Same	44	Loan of equipment
22	Notice of requirement of land	44.1	Repealed
		44.2	Repealed
		44.3	Repealed
		44.4	Repealed
		44.5	Repealed
		45	Liability for damage to buried telecommunication lines
		45.1	Sask911 account
		45.2	Sask911 and other fees
		46	Regulations
		47	Annual report

CHAPTER S-34

An Act respecting Saskatchewan Telecommunications

Short title

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

Interpretation

1.1 In this Act, “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned.

1993, c.C-50.101, s.54.

PART I

Organization and Powers

Interpretation

2 In this Act:

(a) “**emergency 911 telephone call**” means an emergency telephone call placed to a public safety answering point by means of dialling the telephone digits 911;

(a.01) “**public safety answering point**” means a telephone answering point that receives emergency 911 telephone calls and directs those calls to appropriate emergency service providers;

(a.02) “**Sask911 account**” means the account established pursuant to section 45.1;

(a.03) “**Sask911 system**” means the Sask911 system defined in *The Emergency 911 System Act*;

(a.04) “**Saskatchewan Telecommunications Holding Corporation**” means the Saskatchewan Telecommunications Holding Corporation established pursuant to *The Saskatchewan Telecommunications Holding Corporation Act*;

(a.1) “**telecommunication**” means the emission, reception, transmission, switching, storage, compilation, transformation or manipulation of information or intelligence of any nature and includes any means by which communication, video, computer or data services are provided;

(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.

R.S.S. 1978, c.S-34, s.2; 1991, c.11, s.3; 1996,
c.E-7.3, s.13.

Organization

3(1) There shall continue to be 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.

(1.1) **Repealed.** 1998, c.20, s.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 “SaskTel” 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.

R.S.S. 1978, c.S-34, s.3; 1982-83, c.44, s.3; 1984-85-86, c.84, s.3; 1993, c.C-50.101, s.54; 1998, c.20, s.9.

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, 2013*, 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. 1978, c.S-34, s.4; 2013, c.W-17.11, s.198.

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. 1978, c.S-34, s.5.

Chairman, vacancies, quorum, etc.

6(1) The Lieutenant Governor in Council shall designate one member of the corporation as chairperson of the corporation.

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

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

(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.

(7) The Crown Investments Corporation of Saskatchewan shall fix the remuneration and rate of reimbursement for expenses of members of the board.

R.S.S. 1978, c.S-34, s.6; 1993, c.C-50.101, s.54;
1998, c.20, s.9; 2015, c.21, s.64.

Executive committee; advisory committee

6.1(1) The members of the corporation may, from time to time:

- (a) appoint from their number an executive committee;
- (b) by resolution, delegate to the executive committee any powers that they consider necessary for the efficient conduct of the affairs and business of the corporation.

(2) A member of the executive committee holds office until:

- (a) his removal by resolution of the members of the corporation; or
- (b) he ceases to be a member of the corporation.

(3) The executive committee may exercise any powers that are delegated to it by a resolution mentioned in clause 6.1(1)(b), subject to any restrictions contained in that resolution.

(4) The executive committee shall:

- (a) fix a quorum for meetings of the committee, which shall be not less than a majority of its members;

- (b) keep minutes of its proceedings;
 - (c) submit to the members of the corporation, at each meeting of the members of the corporation, the minutes of the committee's proceedings during the period since the most recent meeting of the members of the corporation.
- (5) The members of the corporation may appoint any advisory committees that they consider necessary for the efficient conduct of the affairs and business of the corporation.

1979-80, c.95, s.3.

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. 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 3.

R.S.S. 1978, c.S-34, s.8; 1980-81, c.83, s.49.

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;
 - (b.1) the manufacture, distribution, leasing and sale of equipment used for telecommunication purposes;
- (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.1) to exercise any powers, in addition to those described in clauses (a) to (d), that may be designated and prescribed by the Lieutenant Governor in Council;
- (d.2) to provide, as a component of the telecommunications services offered to the public, the ability to place emergency 911 telephone calls;
- (d.3) subject to the regulations, to establish the amount of charges and to charge the cost of acquiring, installing, maintaining and operating the equipment and facilities required to place emergency 911 telephone calls to those classes of customers of telecommunications services who have the ability to place emergency 911 telephone calls;
- (d.4) subject to the regulations, to collect Sask911 fees;

- (d.5) to establish a Sask911 account;
 - (d.6) to make payments from the Sask911 account in accordance with any directions from the minister responsible for *The Emergency 911 System Act*;
 - (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 of them by any person are subject to:
- (a) the terms and conditions set forth in the regulations; and
 - (b) the charges, rates, terms and conditions that are:
 - (i) established and revised from time to time by the corporation; and
 - (ii) set out or described in a schedule.
- (3) The corporation shall make the schedule mentioned in subsection (2) available for public inspection at the business offices of the corporation during the corporation's normal business hours.
- (4) Notwithstanding subsection (2), where in the opinion of the corporation the schedule of charges, rates, terms and conditions mentioned in that subsection does not adequately accommodate the provision of a particular telecommunication service requested by a person, the corporation:
- (a) by itself; or
 - (b) jointly with the owners or operators of other telecommunication systems;
- may enter into a special agreement with that 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.
- (5) An agreement mentioned in subsection (4) shall have precedence over the schedule, mentioned in subsection (2) to the extent necessary to give effect to the agreement.
- (6) Notwithstanding subsection (2), where the corporation provides any telecommunication service that is similar to or the same as a telecommunication service provided in Saskatchewan by any other person, the corporation is not required to set out or describe:
- (a) in a schedule; or
 - (b) in any other manner;
- the charges, rates, terms and conditions to which the acceptance and use of the service is subject.

Payment of dividends

9.1 Notwithstanding any other provisions of this Act or any other Act, the corporation may declare and pay to the Saskatchewan Telecommunications Holding Corporation those dividends that the corporation considers advisable out of the retained earnings of the corporation.

1991, c.11, s.4.

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. 1978, c.S-34, s.10.

Pension plans and benefits programs

10.1(1) The corporation may establish, operate, administer and manage any pension plan or benefits program for all or any class of employees of the corporation or any other body corporate that has applied to the corporation to participate in the pension plan or benefits program and been approved by the corporation to participate.

(2) For the purposes of establishing, operating, administering and managing a pension plan or benefits program mentioned in subsection (1) or managing, investing or disposing of all or any part of the assets of any pension plan or benefits program, the corporation may:

- (a) enter into any agreements with any person;
- (b) engage the services of or retain any technical, professional or other advisers, specialists or consultants that the corporation considers necessary; and
- (c) do any other thing that the corporation considers necessary, incidental or conducive to those purposes.

1998, c.S-35.2, s.14.

Acquisition and disposal of property

11(1) The corporation:

- (a) may acquire, by purchase, lease or otherwise, any real or personal property; and
- (b) may sell, lease or otherwise dispose of:
 - (i) any of its personal property; and
 - (ii) subject to subsection (3), any of its real property.

(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) The corporation shall obtain the approval of the Lieutenant Governor in Council if the purchase price or sale price of real property included in one transaction entered into by the corporation exceeds the amount fixed by the Lieutenant Governor in Council.

R.S.S. 1978, c.S-34, s.11; 1991, c.11, s.5; 2013, c.16, s.2.

PART I.1

Reorganization of Saskatchewan Telecommunications

Interpretation of Part

11.1 In this Part:

- (a) “**integral assets**” means all the personal property constituting the public switched telephone network of the corporation;
- (b) “**non-integral assets**” means all the property of the corporation other than the integral assets;
- (c) “**public switched telephone network**” means the transmission and switching facilities constituting the ordinary dial-up telephone system of the corporation, but does not include radio telecommunication facilities or telephone directory assets;
- (d) “**purchaser corporation**” means the Saskatchewan Telecommunications Holding Corporation;
- (e) “**SaskTel subsidiary**” means Saskatchewan Telecommunications International Inc., a body corporate incorporated under *The Business Corporations Act* on May 28, 1985 and includes a subsidiary of that body corporate.

1991, c.11, s.6.

Transfer of non-integral assets

11.2(1) Notwithstanding any other provision of this Act or any other Act or law but subject to the approval of the Lieutenant Governor in Council, the corporation may enter into transactions that provide, directly or indirectly, for the sale, assignment, transfer or other disposition of all or any part of the non-integral assets of the corporation to the purchaser corporation on any terms and conditions that may be approved by the Lieutenant Governor in Council.

(2) *The Bulk Sales Act* does not apply to a transaction entered into pursuant to subsection (1).

1991, c.11, s.6.

Assignment of liability to purchaser corporation

11.3(1) Notwithstanding any other provision of this Act or any other Act or law but subject to the approval of the Lieutenant Governor in Council, the corporation, as part of a transaction entered into pursuant to section 11.2, may assign to the purchaser corporation any indebtedness, liability or obligation of:

- (a) the corporation; or
- (b) the SaskTel subsidiary.

(2) Where the corporation assigns to the purchaser corporation any indebtedness, liability or obligation pursuant to subsection (1):

(a) unless the instrument effecting the assignment otherwise requires, the purchaser corporation is directly liable to the person:

- (i) to whom the indebtedness, liability or obligation is due; or
- (ii) by whom the indebtedness, liability or obligation is held;

as if the indebtedness, liability or obligation had been incurred by the purchaser corporation on its own behalf; and

(b) the liability of the corporation with respect to the indebtedness, liability or obligation is extinguished.

1991, c.11, s.6.

Rights on sale

11.4(1) With respect to a transaction mentioned in section 11.2:

(a) all preferential or other rights to acquire the nonintegral assets are deemed to have been waived; and

(b) all notices, consents or approvals that are required pursuant to any agreement that relates to the non-integral assets are deemed to have been given.

(2) Where the purchaser corporation acquires non-integral assets of the corporation as part of a transaction mentioned in section 11.2 with respect to which there are preferential or other rights or with respect to which the notice, consent or approval mentioned in subsection (1) is required, with respect to any matter arising after the closing of the transaction:

- (a) the purchaser corporation shall:
 - (i) observe, fulfil or perform those preferential or other rights; and
 - (ii) comply with the requirements for:
 - (A) giving notice; or
 - (B) obtaining consent or approval; and

- (b) any liability of the corporation to:
 - (i) observe, fulfil or perform those preferential or other rights; or
 - (ii) comply with the requirements for:
 - (A) giving notice; or
 - (B) obtaining consent or approval;
- is extinguished.

1991, c.11, s.6.

Waiver of default or breach

11.5(1) The sale, assignment, transfer or other disposition of the non-integral assets of the corporation pursuant to a transaction mentioned in section 11.2 is deemed not to be a default or breach of covenant under any instrument:

- (a) binding on:
 - (i) the corporation;
 - (ii) the SaskTel subsidiary; or
 - (iii) the purchaser corporation; or
- (b) relating to the sale, assignment, transfer or other disposition.

(2) The purchaser corporation is responsible for any default or breach of covenant that occurs after the closing of the transaction mentioned in subsection (1).

(3) Any liability of the corporation or the SaskTel subsidiary for a default or breach of covenant that occurs after the closing of the transaction mentioned in subsection (1) is extinguished.

1991, c.11, s.6.

Crown bound

11.6 The Crown is bound by this Part.

1991, c.11, s.6.

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. 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 chairperson, vice-chairperson or president 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.

R.S.S. 1978, c.S-34, s.13; 1982-83, c.44, s.4;
2015, c.21, s.64.

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. 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. 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 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 Minister of Justice, and all the provisions of *The Arbitration Act, 1992* 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 upon.

R.S.S. 1978, c.S-34, s.16; 1983, c.11, s.80; 1992, c.A-24.1, s.61.

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. 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. 1978, c.S-34, s.18; 1983-84, c.16, s.22.

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. 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. 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 pursuant to *The Land Titles Act, 2000*, 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. 1978, c.S-34, s.21; 2000, c.L-5.1, s.489.

Notice of requirement of land

22(1) For the purpose of acquiring title to land that is shown as a parcel on a plan and for which title has issued, the corporation may apply to the Registrar of Titles for registration of a transfer of title.

- (2) An application pursuant to subsection (1) must be accompanied by a notice that the land is required pursuant to this Part, executed on behalf of the corporation by the chairperson, president, vice-president, secretary, general counsel or assistant general counsel of the corporation.
- (3) On registration of the transfer of title mentioned in subsection (1), the Registrar of Titles shall issue title to the land to the corporation, clear of all registered interests.
- (4) For the purpose of acquiring title to a parcel of land for which title has issued but that is not shown as a parcel on a plan, the corporation shall submit a plan to the Controller of Surveys for approval in accordance with *The Land Surveys Act, 2000*.
- (5) Where the Controller of Surveys approves a plan submitted pursuant to subsection (4), the corporation shall apply to the Registrar of Titles to issue title respecting the new parcel of land.
- (6) An application pursuant to subsection (5) must be accompanied by a notice in accordance with subsection (2).
- (7) Where the Registrar of Titles issues title to the land to the corporation pursuant to an application pursuant to subsection (5), the title issues clear of all registered interests.
- (8) The corporation shall without avoidable delay forward a copy of the notice mentioned in subsection (2) to the registered owner of the title to the land and to each person appearing by the records of the Land Titles Registry to be interested in the land.

2000, c.L-5.1, s.490.

Notice of requirement of easement

- 23(1)** For the purpose of acquiring an easement on or with respect to a parcel of land, the corporation may register, in the Land Titles Registry, an interest based on a notice of requirement of an easement pursuant to this Part:
- (a) on terms and conditions stated in the notice; and
 - (b) signed by of the chairperson, president, vice-president, secretary, general counsel or assistant general counsel of the corporation.
- (2) A notice registered pursuant to subsection (1) must:
- (a) contain a sufficient description of the land so that the land may be accurately determined; and
 - (b) in cases where a description of the land by words is insufficient, refer to a plan approved pursuant to *The Land Surveys Act, 2000*.
- (3) An easement registered as an interest pursuant to this section:
- (a) enures to the benefit of the corporation and its successors and assigns;
 - (b) runs with the land; and

- (c) is binding on:
- (i) the registered owner of the title to the land;
 - (ii) the registered owner's heirs, executors, administrators and assigns;
and
 - (iii) all other persons interested in the land.
- (4) The corporation shall without avoidable delay forward a copy of the notice mentioned in subsection (1) to the registered owner of the title to the land and to each person appearing by the records of the Land Titles Registry to be interested in the land.

2000, c.L-5.1, s.490.

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. 1978, c.S-34, s.24.

Payment into Court of Queen's Bench

- 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 registrar of the Court of Queen's Bench at 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 Court of Queen's Bench sitting 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. 1978, c.S-34, s.25; 1979-80, c.92, s.90;
2018, c.42, s.65.

Non-application of *Homesteads Act, 1989*

26 *The Homesteads Act, 1989* does 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. 1978, c.S-34, s.26; 1989-90, c.20, s.9;
2000, c.L-5.1, s.491.

Discharge of easement

27(1) In order to discharge any interest registered in accordance with section 23, the corporation shall apply to the Registrar of Titles to discharge the registration.

(2) The application for discharge mentioned in subsection (1) must be executed by the corporation under the signature of the chairperson, president, vice-president, secretary, general counsel or assistant general counsel.

(3) On discharge of the registration in accordance with this section, the easement ceases to be effective.

2000, c.L-5.1, s.492.

Unregistered easements

27.1(1) In this section:

(a) **“owner”** means:

(i) the person registered in the Land Titles Registry as owner of the title to a parcel of land; or

(ii) a person who has purchased the parcel from the person mentioned in subclause (i) pursuant to an agreement for sale;

(b) **“parcel”** or **“parcel of land”** means each quarter section or portion thereof included in a title to land.

(c) **“urban municipality”** includes a city incorporated or continued pursuant to *The Cities Act*.

(2) Notwithstanding any other provision of this Act, where the corporation acquires or constructs a telecommunication line on a parcel of land situated outside the corporate limits of an urban municipality for the purpose of supplying telecommunication service to one or more subscribers residing in the area in which the parcel is situated, and the present owner or a previous owner of that parcel has granted permission to a rural telephone company or to the corporation to construct the telecommunication line on the parcel but no interest based on an easement covering the line has been registered against the title to the parcel, the corporation shall have the right to continue to maintain, inspect and replace the line and to install new telecommunications lines on the parcel subject to the following conditions:

1 The number and location of above-ground structures installed as part of any line shall be determined by the corporation with due regard to the agricultural or industrial operations of the owner on the parcel within the limits permitted by the economic and technical requirements of the corporation;

- 2 The corporation shall pay to the owner or lessee of the parcel, or to any other person entitled thereto, reasonable compensation for any damage caused by the corporation to crops, buildings, fences, chattels or livestock during the course of entry on the parcel for the purpose of constructing, inspecting, maintaining, replacing or removing any line;
- 3 Where, in order to accommodate any construction or excavation on the parcel, it is necessary to modify any line or to move it to a different location on the parcel, the corporation shall, after receiving a written request from the owner of the parcel establishing the need for the construction or excavation and the details thereof, make the modification or move to the extent that is reasonably required to accommodate the construction or excavation, but, if any line was installed or is required for the purpose of supplying telecommunication service to a past or present occupant or owner of the parcel, the corporation shall be entitled to charge all or part of the cost of the modification or move to the owner of the parcel or to any other person who may be responsible for the construction or excavation.
- (3) Where an easement accommodating a telecommunication line owned by the corporation is registered as an interest against the title to a parcel of land situated outside the corporate limits of an urban municipality and the consideration from the corporation for the easement does not exceed the sum of \$1, paragraphs 2 and 3 of subsection (2) shall apply, *mutatis mutandis*, to that easement.
- (4) The right granted to the corporation by subsection (2) shall be deemed to be a right of way or public easement for the purposes of clause 18(1)(c) of *The Land Titles Act, 2000*.
- (5) Where an interest based on an easement in favour of a rural telephone company has been registered pursuant to *The Land Titles Act, 2000* against the title to a parcel and the rural telephone company has been wound up, that easement shall be deemed to have been assigned to the corporation and the corporation shall possess all the rights of the rural telephone company thereunder and may execute a valid discharge thereof as though a total assignment of that easement in favour of the corporation had been registered against the title to the parcel.
- (6) This section shall not affect the right of the corporation to acquire or expropriate easements or rights of way for telecommunication lines under the authority of any other provision of this Act or any provision of any other Act.
- (7) No new telecommunication line shall be installed pursuant to the authority of this section unless it is installed:
- (a) only for the purpose of supplying telecommunication service to subscribers residing in the area; and
 - (b) within the boundaries of a right granted to the corporation in writing to install the line or within five metres of the line that was first installed where the right to install the first line is not evidenced in writing.

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) Any moneys that the Minister of Finance is authorized to borrow pursuant to subsection (1) are to be borrowed in accordance with *The Financial Administration Act, 1993*.

(3) Moneys raised under this section shall be paid into the general revenue 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. 1978, c.S-34, s.28; 1983, c.29, s.45; 1988-89, c.42, s.98; 2004, c.10, s.17 and 18; 2013, c.16, s.2.

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.

R.S.S. 1978, c.S-34, s.29.

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. 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 general revenue fund.

R.S.S. 1978, c.S-34, s.31; 2004, c.10, s.17.

Limitation on borrowing powers

32(1) Neither the Minister of Finance nor the corporation may borrow any moneys 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 that borrowing would cause the aggregate principal amount of:

- (a) the outstanding bonds, debentures or other securities; and
- (b) the outstanding temporary loans;

of the corporation and the Saskatchewan Telecommunications Holding Corporation, established pursuant to *The Saskatchewan Telecommunications Holding Corporation Act*, to exceed the aggregate sum of \$1,800,000,000 unless the borrowing is for the purpose of paying in whole or in part any indebtedness previously incurred for the purpose of this Act or *The Saskatchewan Telecommunications Holding Corporation Act*.

(2) Sums raised or authorized to be raised by the Minister of Finance by way of loan under the authority of *The Financial Administration Act, 1993* 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) **Repealed.** 1984-85-86, c.61, s.3.

R.S.S. 1978, c.S-34, s.32; R.S.S. 1978 (Supp.), c.66, s.4; 1982-83, c.44, s.8; 1983, c.29, s.45; 1984-85-86, c.61, s.3; 1988-89, c.42, s.98; 1991, c.11, s.7; 2004, c.10, s.18; 2018, c.36, s.2.

Investments

33(1) The corporation may, from time to time:

- (a) invest any part of its capital or operating moneys not presently required for expenditure in any security or class of securities authorized for the investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*;
- (b) dispose of any investments made pursuant to clause (a) in any manner, on any terms and in any amount of corporation considers 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. 1978, c.S-34, s.33; 1979, c.68, s.2; 1983, c.29, s.45; 1988-89, c.42, s.98; 2004, c.10, s.17 and 18.

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. 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. 1978, c.S-34, s.35.

Regulations

36(1) The Crown Investments Corporation of Saskatchewan may make orders and issue directives 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 Crown Investments Corporation of Saskatchewan may make orders and issue directives with regard to the conduct of the financial operations of the corporation and the audit of its books and accounts.

R.S.S. 1978, c.S-34, s.36; 1983-84, c.34, s.24;
1993, c.C-50.101, s.54.

Audit

37 The Provincial Auditor, or any other auditor or firm of auditors that the Crown Investments Corporation of Saskatchewan with the approval of the Lieutenant Governor in Council may appoint, shall audit the accounts and financial statements of the corporation annually and at any other times that the Crown Investments Corporation of Saskatchewan may require.

1993, c.C-50.101, s.54.

37.1 Repealed. 2001, c.23, s.7.

38 Repealed. R.S.S. 1978 (Supp.), c.C-50.1, 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. 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. 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. 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. 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, for the purpose of allowing the corporation to better carry out its purposes and powers or for the purposes of the manufacture, distribution, leasing or sale of equipment used for telecommunication purposes, 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;
- (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).

R.S.S. 1978, c.S-34, s.43; 1979-80, c.95, s.5;
1984-85-86, c.84, s.5; 1989-90, c.59, s.4; 2000,
c.62, s.3.

43.1 Repealed. 2000, c.62, s.4.

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. 1978, c.S-34, s.44.

44.1 to 44.5 Repealed. 2000, c.62, s.5.

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.

(4.1) For the purposes of this section, the corporation may designate a person to receive requests on its behalf to accurately locate the corporation's buried lines, and a request received by that person is deemed to have been received by the corporation.

(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.

R.S.S. 1978, c.S-34, s.45; 2003, c.39, s.6.

Sask911 account

45.1(1) In this section, in clauses 9(1)(d.3) and (d.4) and in sections 45.2 and 46:

- (a) **“customer”** includes a person:
 - (i) who connects any part of his or her telecommunications system with the telecommunications system of the corporation; and
 - (ii) whose customers have the capacity to place emergency 911 telephone calls through the corporation's telecommunications system;
- (b) **“Sask911 fee”** means a fee prescribed pursuant to clause 46(c).

(2) The corporation shall establish an account to be called the Sask911 account.

(3) The Sask911 account is to consist of:

- (a) all Sask911 fees collected by the corporation, less any reasonable amount the corporation may retain for collecting the Sask911 fees;
- (b) all fees collected and remitted to the corporation pursuant to section 22.1 of *The Saskatchewan Telecommunications Holding Corporation Act*; and
- (c) any earnings on investments of the Sask911 account.

(4) The corporation shall hold all moneys in the Sask911 account separate and apart from its other moneys.

- (5) The corporation may:
- (a) invest any part of the moneys in the Sask911 account in any security or class of securities that is authorized for the investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
 - (b) dispose of the investments in any manner, on any terms and in any amount that the corporation considers expedient.
- (6) Moneys in the Sask911 account may be used:
- (a) to develop, implement and operate the Sask911 system and to carry out the purposes of *The Emergency 911 System Act*; and
 - (b) with the approval of the minister responsible for *The Emergency 911 System Act*, to pay for costs associated with administering the Sask911 account.
- (7) The corporation shall make payments out of the Sask911 account at the time and in the manner directed by the minister responsible for *The Emergency 911 System Act*.
- (8) The fiscal year of the Sask911 account is the period commencing on April 1 of one year and ending on March 31 of the following year.
- (9) The Provincial Auditor or any other auditor or firm of auditors appointed by the Lieutenant Governor in Council shall audit the records, accounts and financial statements of the Sask911 account annually and at any other times that the Lieutenant Governor in Council may require.
- (10) The corporation shall prepare a report and financial statement respecting the Sask911 account for the minister responsible for *The Emergency 911 System Act* in the manner and at the times required by that Act.

1996, c.E-7.3, s.13.

Sask911 and other fees

- 45.2(1) Where a Sask911 fee has been prescribed:
- (a) the corporation shall charge the Sask911 fee to those customers and operators of telecommunications facilities or services who are required by the regulations to pay the Sask911 fee; and
 - (b) those customers and operators of telecommunications facilities or services who are required by the regulations to pay the Sask911 fee shall pay the fee.
- (2) If a customer fails to pay the Sask911 fee or a charge established pursuant to clause 9(1)(d.3) or clause 46(b) when required pursuant to this Act, the corporation may terminate the customer's telecommunications services until the fee or charge is paid in full.
- (3) The Sask911 fee and any charge established pursuant to clause 9(1)(d.3) or clause 46(b) are in addition to any sums due to the corporation from its customers pursuant to contracts in writing between the corporation and its customers.

(4) Notwithstanding any other Act or any contract, every customer described in clause 45.1(1)(a) shall, in every month, inform the corporation of the average number of its working telecommunications lines that have the capacity to place emergency 911 telephone calls through the corporation's telecommunications system.

1996, c.E-7.3, s.13.

Regulations

46 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing the amount of charges the corporation may collect for the purpose of reimbursing the corporation for the costs mentioned in clause 9(1)(d.3);
- (c) prescribing the amount of the Sask911 fee;
- (d) prescribing the classes of customers and classes of operators of telecommunications facilities and services who are required to pay the Sask911 fee and prescribing different Sask911 fees for different classes of customers and classes of operators of telecommunications facilities and services;
- (e) prescribing any matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (f) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or desirable to carry out the intent of this Act.

1996, c.E-7.3, s.13

Annual report

47 The corporation shall prepare and submit its annual report and financial statements in accordance with *The Crown Corporations Act, 1993*.

1993, c.C-50.101, s.54.

