

2000

CHAPTER 21

An Act to amend *The Personal Property Security Act, 1993* and to enable the transfer of assets and employees respecting that Act to a Crown corporation

(Assented to June 21, 2000)

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

PART I Short Title

Short title

1 This Act may be cited as *The Personal Property Security Amendment Act, 2000*.

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

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

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

Section 2 amended

3 The following clause is added after clause 2(1)(l):

“(l.1) ‘**Crown corporation**’ means the Crown corporation created by the Lieutenant Governor in Council pursuant to *The Crown Corporations Act, 1993* as the Crown corporation through which the minister shall administer this Act”.

New section 2.1

4 The following section is added after section 2:

“Administration of Act

2.1(1) The Crown corporation is responsible to the minister for the performance of the duties imposed on the Crown corporation and in the exercise of the powers conferred on the Crown corporation for the purposes of administering this Act.

(2) Subject to the approval of the Lieutenant Governor in Council, the Crown corporation may impose fees, taxes, rates and other charges for any services provided pursuant to this Act and may determine the amount, and manner of payment, of those fees, taxes, rates and other charges.

(3) All revenues derived from fees, taxes, rates and other charges imposed or collected pursuant to this Act are to be paid to and are the property of the Crown corporation, unless the Lieutenant Governor in Council directs that all or any of the revenues be paid to the general revenue fund”.

Section 9 amended

5 Subsection 9(2) is repealed and the following substituted:

“(2) A security interest in collateral ceases to be valid with respect to that collateral to the extent that and for so long as the security interest secures payment or performance of an obligation that is also secured by a security in favour of that secured party on that collateral created pursuant to sections 425 to 436 of the *Bank Act* (Canada)”.

New section 42.1

6 The following section is added after section 42:

“Status of registry

42.1(1) The registry is a public registry of the people of Saskatchewan.

(2) All information in the registry is the property of the Government of Saskatchewan.

(3) Access to and disclosure of information in the registry is to be provided only in accordance with this Act and the regulations”.

Section 52 amended

7(1) Subsection 52(1) is amended by striking out “in right of Saskatchewan” and substituting “corporation”.

(2) Subsection 52(2) is amended:

(a) in the portion preceding clause (a) by striking out “in right of Saskatchewan” and substituting “corporation”; and

(b) in clause (a) by adding “or the Crown corporation” after “Saskatchewan”.

(3) Subsection 52(3) is amended by striking out “in right of Saskatchewan” and substituting “corporation”.

(4) Subsection 52(4) is amended by adding “the Crown corporation,” after “Saskatchewan,”.

Section 53 amended

8 Section 53 is amended by striking out “in right of Saskatchewan” wherever it appears and in each case substituting “corporation”.

Section 54 amended

9(1) Subsection 54(2) is amended by striking out “in right of Saskatchewan” and substituting “corporation”.

(2) Subsection 54(3) is amended by adding “corporation” after “Crown”.

(3) Subsection 54(4) is amended:

(a) by striking out “The Minister of Finance” and substituting “The Crown corporation”; and

(b) by striking out “in right of Saskatchewan” and substituting “corporation”.

(4) Subsection 54(5) is amended by striking out “Minister of Finance shall authorize payment out of the consolidated fund” and substituting “Crown corporation shall pay”.

New sections 54.1 and 54.2**10 The following sections are added after section 54:****“Continuation of action**

54.1 Where a claim is made or an action is brought against the Crown in right of Saskatchewan pursuant to section 52 or 53 before the coming into force of *The Personal Property Security Amendment Act, 2000*, that claim or action is to be continued against the Crown corporation.

“Payment of claims

54.2 Notwithstanding sections 52 to 54.1, any payment to be made pursuant to those sections respecting a claim relating to an error or omission that occurred:

- (a) before the coming into force of section 1 of this Act is to be made by the Minister of Finance from the general revenue fund; and
- (b) after the coming into force of section 1 of this Act is to be made by the Crown corporation”.

Section 71 amended

11(1) Clause 71(1)(f) is repealed.

(2) The following clause is added after clause 71(1)(p.6):

“(p.7) respecting access to or disclosure of information in the registry, including disclosure of large volumes of information in the registry, and respecting any privacy requirements that must be complied with by any person to whom information in the registry is disclosed”.

(3) Clause 71(1)(r) is repealed.

PART III**Transitional and Coming into Force****Interpretation of Part**

12 In this Part:

- (a) **“agency”** means any department, board, commission, Crown corporation or other agency;
- (b) **“corporation”** means the Crown corporation as defined in *The Personal Property Security Act, 1993* as amended by *The Personal Property Security Amendment Act, 2000*;
- (c) **“minister”** means the minister as defined in *The Personal Property Security Act, 1993*.

Transitional – transfer of assets and liabilities

13(1) Notwithstanding any other Act or law, the Lieutenant Governor in Council may transfer to and vest in the corporation any assets, liabilities, contracts and causes of action of any agency of the Government of Saskatchewan respecting *The Personal Property Security Act, 1993* and the operations of the Personal Property Registry, subject to any terms and conditions that the Lieutenant Governor in Council may prescribe.

(2) The corporation may exercise all the powers, rights and privileges over or with respect to the things and matters mentioned in subsection (1) that any agency of the Government of Saskatchewan could or might have exercised, and may:

- (a) sell, release, discharge, assign, transfer, convey, dispose of or otherwise deal with all or any of those things and matters;
- (b) execute all requisite or proper assignments, transfers, discharges, releases, grants or other conveyances or documents that may be required; and
- (c) exercise all powers in connection with those things and matters in the name of the corporation as if they stood in the name of, or had been made to or in favour of, the corporation.

(3) No action, appeal, application or other proceeding being carried on or power or remedy being exercised with respect to the things and matters mentioned in subsection (1) is to be discontinued or abated on account of this Act, but may be continued in the name of the corporation, and the corporation has the same rights, is subject to the same liabilities, and shall pay or receive the same costs as if the action, appeal, application or other proceeding had been commenced or defended in the name of the corporation.

(4) With respect to the things and matters mentioned in subsection (1), the corporation may bring, maintain and exercise in its own name any action, appeal, application or other proceeding, or exercise any power, right or remedy or right of distress that any agency of the Government of Saskatchewan could have brought, maintained or exercised.

(5) The corporation is responsible for all debts, liabilities and obligations of any agency of the Government of Saskatchewan with respect to the matters and things mentioned in subsection (1), and nothing in this Act affects the rights of any creditor of, or any person having a claim against, any agency of the Government of Saskatchewan with respect to those matters and things, and all those rights may be asserted against the corporation.

Transitional – transfer of employees

14(1) Notwithstanding any other Act or law, the chairperson of the Public Service Commission may transfer any employees in the public service within the meaning of *The Public Service Act, 1998* employed respecting *The Personal Property Security Act, 1993* and the operations of the Personal Property Registry to, and cause them to become employees of, the corporation.

(2) Notwithstanding any other Act or law, any transfer described in subsection (1) is deemed not to constitute an abolition of any position or job for the purposes of any collective bargaining agreement.

Superannuation

15 *The Public Service Superannuation Act* and *The Public Employees Pension Plan Act* apply, with any necessary modification, to the persons employed by the corporation for the purpose of administering this Act.

Coming into force

16(1) Subject to subsection (2), this Act comes into force on proclamation.

(2) Section 5 of this Act comes into force on assent.