

# *The Court Officials Act, 2012*

*being*

Chapter C-43.101\* of the *Statutes of  
Saskatchewan, 2012* (effective January 1, 2014).

**\*NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

## **NOTE:**

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER C-43.101

### An Act respecting Court Officials and making consequential amendments to certain Acts

#### Short title

1 This Act may be cited as *The Court Officials Act, 2012*.

#### Interpretation

2 In this Act:

“**court official**” means any person appointed pursuant to section 3; (« *fonctionnaire de justice* »)

“**Crown**” means the Crown in right of Saskatchewan; (« *Couronne* »)

“**inspector**” means the Inspector of Court Offices appointed pursuant to section 8; (« *inspecteur* »)

“**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned; (« *ministre* »)

“**prescribed**” means prescribed in the regulations; (« *réglementaire* »)

“**Provincial Court**” means the Provincial Court of Saskatchewan continued pursuant to *The Provincial Court Act, 1998*. (« *Cour provinciale* »)

2012, c.C-43-101, s.2.

#### Court officials

3(1) The Lieutenant Governor in Council may appoint:

- (a) a Registrar of the Court of Appeal;
- (b) a Registrar of the Court of Queen’s Bench; and
- (c) a Registrar of the Provincial Court.

(2) The minister may appoint one or more persons to hold the office and perform the duties of all or any of the following:

- (a) deputy inspector;
- (b) deputy registrar of the Court of Appeal;
- (c) deputy registrar of the Court of Queen’s Bench;
- (d) deputy registrar of the Provincial Court.

(3) The inspector may appoint one or more persons to hold the office and perform the duties of all or any of the following:

- (a) local registrar or deputy local registrar of the Court of Queen's Bench for any judicial centre;
- (b) sheriff, deputy sheriff or sheriff's bailiff for any judicial centre;
- (c) clerk of the Provincial Court;
- (d) court transcriber;
- (e) taxing officer;
- (f) any other prescribed official.

(4) The minister or the inspector may determine the area of Saskatchewan in which a person appointed pursuant to this section must maintain his or her office.

(5) A person may be appointed pursuant to this section to more than one office.

2012, c.C-43.101, s.3.

#### **Oath**

4(1) Every court official shall take the prescribed oath with respect to any office to which he or she is appointed.

(2) An oath taken pursuant to subsection (1) is to be filed with the inspector.

2012, c.C-43.101, s.4.

#### **Jurisdiction**

5 Every court official has jurisdiction throughout Saskatchewan and may act anywhere in Saskatchewan.

2012, c.C-43.101, s.5.

#### **Court official is officer of court**

6 Every court official:

- (a) is an officer of the court with respect to which he or she is appointed or with respect to which he or she serves; and
- (b) shall obey the orders of that court and of a judge of that court.

2012, c.C-43.101, s.6.

#### **Duties**

7(1) Every court official shall perform the duties assigned to him or her by this Act, the regulations, any other Act or regulations, any rule of court or any other law.

(2) Every court official shall file any prescribed returns.

2012, c.C-43.101, s.7.

**Duties and powers of inspector**

- 8(1)** The Lieutenant Governor in Council may appoint an Inspector of Court Offices.
- (2) The inspector shall:
- (a) maintain an office at the City of Regina;
  - (b) inspect the offices of all court officials;
  - (c) inquire into the maintenance, management and affairs of those offices;
  - (d) examine the books and records of court officials in order to assess the correctness of any returns required to be made by them;
  - (e) inquire into the maintenance and management of court facilities; and
  - (f) perform any other prescribed duties.
- (3) The inspector may:
- (a) investigate and evaluate the conduct of any present or former court official relating to duties performed as a court official; and
  - (b) exercise any powers and perform any duties that may be exercised by a court official.
- (4) The inspector may report to the minister any findings made pursuant to subsection (2) or (3).

2012, c.C-43.101, s.8.

**Duties of Registrar of the Court of Appeal**

- 9(1)** The Registrar of the Court of Appeal shall:
- (a) maintain an office at the City of Regina;
  - (b) advise and direct the court officials of the Court of Appeal; and
  - (c) perform any other prescribed duties.
- (2) If the Registrar of the Court of Appeal is absent or unable to act, the powers and duties of the registrar devolve on:
- (a) the deputy registrar of the Court of Appeal; or
  - (b) in the absence or inability to act of the deputy registrar, on the Registrar of the Court of Queen's Bench or another court official designated by the inspector.

2012, c.C-43.101, s.9.

**Duties of Registrar of the Court of Queen's Bench**

**10(1)** The Registrar of the Court of Queen's Bench shall:

- (a) advise and direct the court officials of the Court of Queen's Bench; and
- (b) perform any other prescribed duties.

(2) If the Registrar of the Court of Queen's Bench is absent or unable to act, the powers and duties of the registrar devolve on:

- (a) the deputy registrar of the Court of Queen's Bench; or
- (b) in the absence or inability to act of the deputy registrar, on the Registrar of the Court of Appeal or another court official designated by the inspector.

2012, c.C-43.101, s.10.

**Duties of Registrar of the Provincial Court**

**11(1)** The Registrar of the Provincial Court shall:

- (a) advise and direct the court officials of the Provincial Court; and
- (b) perform any other prescribed duties.

(2) If the Registrar of the Provincial Court is absent or unable to act, the powers and duties of the registrar devolve on:

- (a) the deputy registrar of the Provincial Court; or
- (b) in the absence or inability to act of the deputy registrar, on another court official designated by the inspector.

2012, c.C-43.101, s.11.

**Duties of local registrars**

**12(1)** Every local registrar of a court shall, for that court:

- (a) enter, record, issue, register and receive all court documents as required by law;
- (b) file all documents related to actions in his or her office;
- (c) make any returns required by law;
- (d) keep under separate headings a record of all proceedings taken in any cause or matter and an account of all fines, administrative fees and moneys payable or paid into court;
- (e) deal with all moneys that are paid into court in the manner directed by a judge or, in the absence of a direction, in the prescribed manner;
- (f) attend all sittings of the court or of a judge in chambers unless the local registrar's attendance is dispensed with by a judge; and
- (g) perform any other prescribed duties.

(2) All records and accounts mentioned in clause (1)(d) are to be accessible to the public.

2012, c.C-43.101, s.12.

**Court transcribers**

- 13(1)** A court transcriber appointed pursuant to this Act shall:
- (a) produce transcripts as required pursuant to *The Evidence Act*;
  - (b) perform any other duties that may be prescribed or that may be fixed pursuant to the rules of court.
- (2) No court transcriber shall prepare a transcript of the evidence from a proceeding if the court transcriber could reasonably be seen to be in a conflict of interest.
- (3) All transcripts prepared pursuant to the authority of this section are the property of the Crown.

2012, c.C-43.101, s.13.

**Remuneration**

- 14(1)** A court official who is not a member of the public service is entitled to charge professional fees in an amount not to exceed the prescribed amount for a service.
- (2) In the case of civil matters, the prescribed professional fees mentioned in subsection (1) are payable by the party requesting the service and are costs in the cause unless otherwise directed by the court.

2012, c.C-43.101, s.14.

**Moneys paid into court**

- 15(1)** On or before January 31 in each year, all moneys paid into court with respect to any cause or matter and deposited in a bank or credit union pursuant to the regulations or an order of a judge that have remained on deposit for six years or more are, together with any accrued interest, to be paid to the Minister of Finance.
- (2) Each payment made pursuant to subsection (1) is to be accompanied by a statement showing:
- (a) the style of cause of the cause or matter with respect to which the money was paid into court;
  - (b) the date of payment into court;
  - (c) the amount paid into court; and
  - (d) the amount of any accrued interest.
- (3) If the local registrar is satisfied that a claim may be made to moneys paid to the Minister of Finance pursuant to subsection (1), the local registrar may request that the Minister of Finance pay the amount into court and, when a request is so made, the Minister of Finance shall comply with it.
- (4) No interest is payable by the Minister of Finance with respect to moneys paid to him or her pursuant to subsection (1).

2012, c.C-43.101, s.15.

**Hours of opening**

**16** The Registrar of the Court of Appeal, the Registrar of the Court of Queen's Bench and the Registrar of the Provincial Court and every local registrar and sheriff shall attend at the court or registry office and keep it open to the public on the days and at the times established by the minister.

2012, c.C-43.101, s.16.

**Fees**

**17** Before rendering a service, a court official may require that the person requesting the service:

- (a) pay to the court official:
  - (i) all professional fees and administrative fees authorized by law for performing those duties; and
  - (ii) all reasonably anticipated costs; or
- (b) give the court official an undertaking that is satisfactory to the court official to pay the professional fees and administrative fees and costs mentioned in clause (a).

2012, c.C-43.101, s.17.

**Seals for sheriffs and local registrars**

**18** Each sheriff and local registrar shall have and use a prescribed seal of office.

2012, c.C-43.101, s.18.

**Books and records are property of Crown**

**19(1)** Subject to subsection (2), all seals, books, accounts, records, papers, writs, warrants, processes, moneys and other things in the possession or under the control of a court official by virtue of his or her office are the property of the Crown.

(2) In the case of a court official who is not a member of the public service, all professional fees payable pursuant to section 14 are the property of the court official and are not the property of the Crown.

2012, c.C-43.101, s.19.

**Evidence of appointment of court official**

**20** In any proceeding, the certificate signed by the inspector relating to the appointment and oath of a court official is admissible in evidence as proof, in the absence of evidence to the contrary, of the appointment and oath, without proof of the signature of the inspector.

2012, c.C-43.101, s.20.

**Conflict of interest**

**21** No person employed or acting in connection with an enforcement instruction by a sheriff or deputy sheriff and no court official shall directly or indirectly purchase any property offered for sale by a sheriff or a deputy sheriff.

2012, c.C-43.101, s.21.



**Offence**

**22** Every person who contravenes subsection 13(2) or section 21 is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000.

2012, c.C-43.101, s.22.

**Regulations**

**23** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or phrase used in this Act but not defined in this Act;
- (b) prescribing other officials who may be appointed pursuant to clause 3(3)(f) and any duties of those officials;
- (c) prescribing the form and content of returns to be made by court officials, the time when they are to be made and the person to whom they are to be delivered;
- (d) prescribing forms for the use of court officials;
- (e) prescribing professional fees for court officials who are not members of the public service;
- (f) prescribing a system for the collection of professional fees and administrative fees payable to any court official;
- (g) prescribing the duties of any registrar or other court official or the inspector, in addition to the duties established by this Act, any other Act or regulations, any rule of court or any other law;
- (h) prescribing a seal for the use of a sheriff or local registrar;
- (i) prescribing the manner in which moneys paid into court may be dealt with by court officials;
- (j) prescribing the oath of office required of court officials;
- (k) prescribing any other matter or thing required to be prescribed in the regulations;
- (l) respecting any other matter that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

2012, c.C-43.101, s.23.

**S.S. 1984-85-86, c.C-43.1 repealed**

**24** *The Court Officials Act, 1984* is repealed.

2012, c.C-43.101, s.24.

**Transitional**

**25** The person who, on the day on which section 1 of this Act comes into force, held office as the Inspector of Legal Offices is continued in office as the inspector.

2012, c.C-43.101, s.25.

**26 to 31** **Dispensed.** This/these section(s) make(s) consequential amendments to another/other Act(s). Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the amendments have been incorporated into the corresponding Act(s). Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

**Coming into force**

**32** This Act comes into force on proclamation.

2012, c.C-43.101, s.32.