

The Regulations Act, 1989

Repealed

by Chapter R-16.2 of the *Statutes of Saskatchewan, 1995*
(effective March 1, 1997).

Formerly

Chapter R-16.1 of the *Statutes of Saskatchewan, 1989-90*
(effective April 1, 1990) as amended by the *Revised
Regulations of Saskatchewan*, R-16.1 Reg 2 and R-16.1 Reg 3.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER R-16.1

An Act respecting Regulations

Short title

1 This Act may be cited as *The Regulations Act, 1989*.

Interpretation

2 In this Act:

- (a) **“file”** means filed pursuant to section 4;
- (b) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (c) **“publish”** means published in accordance with section 6;
- (d) **“registrar”** means the registrar of regulations appointed pursuant to section 3 and includes any deputy registrar of regulations;
- (e) **“regulation”** means a regulation, as defined in *The Interpretation Act*, that is:

- (i) made pursuant to a power in a public Act where the word “regulation” or “regulations” is used in conferring that power; or
- (ii) identified in Schedule 1;

but does not include:

- (iii) a regulation adopted by reference;
- (iv) a regulation, as defined in *The Interpretation Act*, that is made by a corporation, unless:
 - (A) that regulation is identified in Schedule 1; or
 - (B) all the members of the corporation or all the members of the board of directors or board of management of the corporation are appointed pursuant to an Act or by the Lieutenant Governor in Council and the regulation complies with subclause (i);
- (f) **“regulation adopted by reference”** means a regulation, as defined in *The Interpretation Act*, a code or a document that is adopted or incorporated by reference but that is not attached to or accompanying the regulation.

1989-90, c.R-16.1, s.2.

Registrar

3 The minister may:

- (a) appoint a person as registrar of regulations; and
- (b) appoint one or more other persons as a deputy registrar or deputy registrars of regulations.

1989-90, c.R-16.1, s.3.

Effect only if filed

- 4(1) A regulation has no effect unless it or a copy of it is filed with the registrar.
- (2) Every authority making a regulation, other than the Lieutenant Governor in Council, shall certify that every copy of the regulation that is filed is a true copy.
- (3) The registrar shall make filed regulations available for inspection at the registrar's office during regular office hours.
- (4) On application to the registrar and payment of any fee prescribed pursuant to section 18, a person may obtain a copy of a regulation filed with the registrar.

1989-90, c.R-16.1, s.4.

Effect when filed

- 5 A regulation or part of a regulation comes into force on the date of its filing unless:
- (a) a later date is specified in the regulations; or
- (b) an earlier date is specified in the regulations and the Act pursuant to which the regulation is made authorizes the regulation to come into force on the earlier date.

1989-90, c.R-16.1, s.5.

Publication

- 6(1) The registrar shall cause to be published in the Gazette each filed regulation within 30 days after the date of its filing.
- (2) The minister may extend by regulation the time prescribed in subsection (1) for publication of a filed regulation.

1989-90, c.R-16.1, s.6.

Exemption from publication

- 7(1) The registrar may exempt a regulation from publication in the Gazette if the registrar considers that the regulation:
- (a) is or will be available to persons who are likely to be affected by it; and
- (b) is of a length to render publication in the Gazette impractical or unduly expensive.
- (2) Where a regulation includes a map, illustration, plan, diagram, photograph, graph, table, agreement or any other similar record or thing, the registrar may exempt that part of the regulation from publication.
- (3) Where the registrar exempts a regulation or part of a regulation from publication, the registrar shall publish in the Gazette a notice:
- (a) stating that the regulation or part of the regulation has been exempted from publication; and
- (b) indicating where and when the exempted regulation or part of the regulation may be inspected.

1989-90, c.R-16.1, s.7.

Consequence of not publishing

8 No person shall be convicted of an offence against a regulation that is not published in the Gazette unless it is shown that reasonable steps had been taken by the time of the offence to bring the substance of the regulation to the notice of the public, of persons likely to be affected by it or of the person charged.

1989-90, c.R-16.1, s.8.

Non-application of section 8

9 After publication in the Gazette of a notice made pursuant to section 7, section 8 does not apply to the regulation or the portion of the regulation that is exempted from publication by the notice.

1989-90, c.R-16.1, s.9.

Judicial notice of published regulation

10 A regulation that is published shall be judicially noticed.

1989-90, c.R-16.1, s.10.

Evidence of filing

11(1) A certificate purporting to be signed by the registrar to the effect that a regulation was filed with the registrar on a date specified is admissible as prima facie evidence that the regulation was filed on the date specified.

(2) The certificate mentioned in subsection (1) is admissible without proof of the signature or official position of the registrar.

1989-90, c.R-16.1, s.11.

Correction of errors

12(1) Where an error occurs in the printing of a regulation in the Gazette, the registrar shall publish in the Gazette an errata notice that clearly identifies the error.

(2) A correction made in accordance with subsection (1) is effective on and from the date of the Gazette in which the errata notice effecting the correction is published.

1989-90, c.R-16.1, s.12.

Repeal of regulations

13 Where:

(a) in the process of preparing a consolidation and revision of regulations, it is considered desirable to repeal any regulations; or

(b) it is considered appropriate to repeal regulations and there is, in the opinion of the Lieutenant Governor in Council, no authority in an Act to effect that repeal;

the Lieutenant Governor in Council may repeal by regulation those regulations pursuant to the authority of this section.

1989-90, c.R-16.1, s.13.

Errors in regulations

14 Where errors are discovered in a revision of regulations, the Lieutenant Governor in Council may amend by regulation the regulations to correct those errors pursuant to the authority of this section.

1989-90, c.R-16.1, s.14.

Copies to be furnished to Clerk of Legislative Assembly

15 The registrar shall furnish the Clerk of the Legislative Assembly with a copy of every regulation.

1989-90, c.R-16.1, s.15.

Permanent reference to committee of Assembly

16 Every regulation, a copy of which is furnished to the Clerk of the Legislative Assembly pursuant to section 15, stands permanently referred to any committee that the Legislative Assembly may appoint for any purpose directed by the Legislative Assembly.

1989-90, c.R-16.1, s.16.

Procedure if disapproval

17(1) The Legislative Assembly may by resolution:

- (a) disapprove of a regulation or any part of a regulation; or
- (b) require a regulation or any part of a regulation to be amended.

(2) Where the Legislative Assembly disapproves of a regulation or part of a regulation or requires a regulation or part of a regulation to be amended, the Clerk of the Legislative Assembly shall forward the resolution mentioned in subsection (1) to:

- (a) the authority making the regulation; or
- (b) in the case of a regulation made by the Lieutenant Governor in Council, the member of the Executive Council who recommended it.

(3) On receipt of a resolution pursuant to subsection (2):

- (a) the authority making the regulation; or
- (b) the Lieutenant Governor in Council;

as the case may be, shall repeal or amend the regulation or part of the regulation as required by the resolution.

1989-90, c.R-16.1, s.17.

Regulations

18 The Lieutenant Governor in Council may make regulations:

- (a) prescribing the form, numbering, citation and arrangement of regulations;
- (b) prescribing fees for copies of regulations provided by the registrar;
- (c) providing for the consolidation, revision and re-publication of regulations;
- (d) adding to Schedule 1.

1989-90, c.R-16.1, s.18.

Transition

19(1) In this section, “**former Act**” means *The Regulations Act* as that Act existed on the day before the coming into force of this Act.

(2) A regulation that would have been effective under the former Act without being filed pursuant to that Act ceases to have effect two years after the coming into force of this Act unless:

- (a) it was filed pursuant to the former Act;
- (b) it was exempted from filing pursuant to the former Act; or
- (c) it is filed pursuant to this Act.

(3) If a regulation described in subsection (2) is filed after the expiry of the two-year period mentioned in that subsection, the regulation becomes effective on the date of its filing.

(4) A regulation that was filed pursuant to the former Act is deemed to be filed pursuant to this Act.

1989-90, c.R-16.1, s.19.

R.S.S. 1978, c.R-16 repealed

20 *The Regulations Act* is repealed.

1989-90, c.R-16.1, s.20.

Schedule 1

(a) all orders prescribing fees made by the Lieutenant Governor in Council pursuant to section 21 of *The Change of Name Act*;

(b) all orders prescribing fees made by the Lieutenant Governor in Council pursuant to section 17 of *The Court of Appeal Act*;

(c) all orders prescribing fees and charges made by the Lieutenant Governor in Council pursuant to section 90 of *The Surrogate Court Act*.

10 May 91, c.R-16.1 Reg 2, s.2; 27 Dec 91, c.R-16.1 Reg 3, s.2.

