

The Municipal Medical and Hospital Services Act

being

Chapter 161 of *The Revised Statutes of Saskatchewan, 1940*
(effective February 1, 1941).

FOR HISTORICAL REFERENCE ONLY

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 161

An Act respecting Medical and Hospital Services in Municipalities

SHORT TITLE

Short title

1 This Act may be cited as *The Municipal Medical and Hospital Services Act*.

1939, c.55, s.1; R.S.S. 1940, c.161, s.1.

INTERPRETATION

Interpretation

2 In this Act, unless the context otherwise requires, the expression:

“Fiscal year”

1. “**Fiscal year**” means a period commencing on the first day of October and ending on the thirtieth day of September next following;

“Hospital services”

2. “**Hospital services**” means services provided by a hospital receiving public aid under *The Hospitals Act*;

“Medical services”

3. “**Medical services**” means attendance and treatment given or prescribed by a duly qualified medical practitioner or surgeon and includes necessary medicines and appliances furnished upon prescription;

“Municipality voter”

4. “**Municipality**” means a town, village or rural municipality;

“Voter”

5. “**Voter**” means a person entitled to vote on a bylaw submitted under the provisions of this Act.

1939, c.55, s.2; 1940, c.66, s.2; R.S.S. 1940, c.161, s.2.

BYLAWS

Bylaws affecting whole municipality

3(1) The council of a municipality may, at a regular meeting or at a special meeting called for the purpose, resolve to submit to the voters of the municipality a bylaw empowering the council to make provision for medical or hospital services, or both, to residents of the municipality.

(2) The bylaws shall be in form A or to the like effect.

(3) Upon receipt before the first day of November in any year of a petition to that effect signed by not less than twenty-five per cent. of the resident voters, the council shall submit to be voted upon at the then next ensuing annual election a bylaw repealing any bylaw passed under the foregoing provisions of this section.

c. 161**MEDICAL AND HOSPITAL SERVICES**

- (4) The repealing bylaw shall be in form B or to the like effect.
- (5) The repealing bylaw shall receive its first and second readings as soon as possible after receipt of the petition mentioned in subsection (3).

1939, c.55, s.3; R.S.S. 1940, c.161, s.3.

Bylaws affecting portions of rural municipalities

4(1) The council of a rural municipality may, at a regular meeting or at a special meeting called for the purpose, resolve to submit to the voters of any portion of the municipality a bylaw empowering the council to make provision for medical or hospital services, or both, to residents of that portion of the municipality.

(2) The bylaw shall be in form C or to the like effect.

(3) Upon receipt before the first day of November in any year of a petition to that effect, signed by not less than twenty-five per cent. of the resident voters of the portion of the municipality affected, the council shall submit to be voted upon by the electors in that portion of the municipality at the then next ensuing annual election a bylaw repealing any bylaw passed under the foregoing provisions of this section.

(4) The repealing bylaw shall be in form D or to the like effect.

(5) The repealing bylaw shall receive its first and second readings as soon as possible after receipt of the petition mentioned in subsection (3).

1939, c.55, s.4; 1940, c.66, s.3; R.S.S. 1940, c.161, s.4.

Approval of proposed bylaws by Health Services Board

5(1) The council shall, at least one month before a bylaw is submitted to the voters, forward a copy thereof to the Health Services Board for its approval, along with a statement showing the area of the municipality, the estimated number of persons in respect of whom the tax is to be levied, the estimated total amount of the tax in the municipality, the existing medical facilities and the salary or salaries to be paid and containing such other information as the board may require.

(2) No bylaw shall be submitted to the voters unless the written consent of the Health Services Board has first been obtained by the council.

1939, c.55, s.4; 1940, c.66, s.4; R.S.S. 1940, c.161, s.5.

VOTERS AND VOTERS' LIST**Persons entitled to vote on bylaws**

6 The persons entitled to vote on a bylaw submitted under this Act shall be all persons of the full age of twenty-one years who have resided in the municipality for a period of not less than three months prior to the submission of the bylaw.

1939, c.55, s.6; R.S.S. 1940, c.161, s.6.

Preparation of voters' list

7 The assessor or clerk in the case of towns and the secretary in the case of villages and rural municipalities shall not later than one month prior to the submission of a bylaw prepare a voters' list showing the names of all persons entitled to vote on the bylaw.

1939, c.55, s.7; R.S.S. 1940, c.161, s.7.

List to be certified

8 When the list has been prepared the assessor, clerk or secretary shall, immediately after the last name on the list, write the words “certified correct” followed by his signature and the date on which the certificate is made, which date shall not be later than one month prior to the date of the submission of the bylaw.

1939, c.55, s.8; R.S.S. 1940, c.161, s.8.

List to be posted

9(1) The assessor, clerk or secretary shall forthwith make a true and correct copy of the list and post it in his office and the copy or the original thereof shall be open to inspection by any person at all reasonable hours.

(2) The assessor, clerk or secretary shall also cause a copy of the list to be posted up in each of five other conspicuous places conveniently separated within the municipality.

1939, c.55, s.9; R.S.S. 1940, c.161, s.9.

Revision of list

10(1) If through inadvertence or otherwise any mistake, error, wrongful entry or omission has been made in the original list or any copy, the assessor, clerk or secretary shall, upon being notified in writing of the mistake, error, wrongful entry or omission, revise the list accordingly.

(2) No revision shall be made except for the purpose of correcting the spelling of names, unless the notification is received by the assessor, clerk or secretary at least seven clear days prior to the date fixed for voting on the bylaw.

(3) Every revision of the original list or of a copy, by way of alteration, correction or addition, shall have placed opposite it the date of the revision and the initials of the assessor, clerk or secretary.

1939, c.55, s.10; R.S.S. 1940, c.161, s.10.

VOTE

Manner of taking vote

11(1) The vote upon a bylaw shall be taken in the same manner as a vote upon a bylaw submitted under the relevant municipal Act and the provisions of such Act shall apply thereto *mutatis mutandis*, except that the bylaw shall require the assent of three-fifths of the persons voting thereon.

(2) Subject to the provisions of section 12 no person shall be permitted to vote whose name does not appear on the voters’ list.

1939, c.55, s.11; R.S.S. 1940, c.161, s.11.

Oath of voter

12 A deputy returning officer shall, while the poll is open, if required by a person whose name is not on the voters list, administer to such person the oath (form E); and such oath having been taken the deputy returning officer shall at once cause such person’s name to be added to the voters’ list with the word “sworn” written thereafter.

1939, c.55, s.12; R.S.S. 1940, c.161, s.12.

AGREEMENTS

Agreements for medical and hospital services

13(1) The authority given to the council by a bylaw under subsection (1) of section 3 or subsection (1) of section 4 shall be a continuing authority until the bylaw has been repealed in the manner hereinbefore provided, and the council or councils acting thereunder may engage one or more medical practitioners or surgeons, either individually, or collectively as an association or corporation composed solely of medical practitioners or surgeons, or both, by whom the medical services are to be rendered, upon such terms and conditions as may be agreed upon for the purpose of providing the medical services specified in the agreement or agreements to residents of the municipality or the portion thereof affected by the bylaw, and may also enter into an agreement or agreements with one or more hospital boards for the hospital services specified therein to residents of the municipality or the said portion thereof.

(2) The terms of the agreement between the council and the medical practitioner or surgeon shall be in writing signed and sealed by the parties thereto.

1939, c.55, s.13; 1940, c.66, s.5; R.S.S. 1940,
c.161, s.13.

Agreements with other municipalities

14(1) The council of a municipality which has passed a bylaw under subsection (1) of section 3 or subsection (1) of section 4 may enter into an agreement with one or more contiguous municipalities, which have also passed such a bylaw, respecting the provision of medical or hospital services, or both, to residents of the said municipalities.

(2) The cost of the services shall be borne by the co-operating municipalities in proportion to the amounts of the total taxes levied therein under the provisions of this Act.

1939, c.55, s.14; R.S.S. 1940, c.161, s.14.

Approval of agreements by Health Services Board

15 All agreements to be entered into pursuant to section 13 or 14 shall be subject to the approval of the Health Services Board.

1939, c.55, s.15; R.S.S. 1940, c.161, s.15.

TAX

Estimate of cost of services, and amount of tax

16(1) Within thirty days of the passing of a bylaw under subsection (1) of section 3 or subsection (1) of section 4 the council shall prepare, in such detail and form as the Health Services Board may prescribe, an estimate of the amount required to meet the cost of the services mentioned in the bylaw for the remaining portion of the fiscal year in which the bylaw is passed, and shall as soon thereafter as practicable determine the amount of the tax to be levied in respect of each resident of the municipality for that fiscal year.

(2) In each succeeding fiscal year the council shall not later than the first day of November prepare, in such detail and in such form as the Health Services Board may prescribe, an estimate of the amount required to meet the cost of the services mentioned in the bylaw for the fiscal year, and shall as soon thereafter as practicable determine the amount of the tax to be levied in respect of each resident of the municipality for the fiscal year.

(3) The amount of the tax shall be subject to the approval of the Health Services Board but the total tax in respect of any one family shall not exceed \$50. For the purpose of this subsection the expression “**family**” means the father, mother and dependent members of the family under twenty-one years of age.

(4) Every resident of the municipality over twenty-one years of age, and every resident of the municipality under twenty-one years of age who is living apart from his parents and is supporting himself, shall be personally liable for the tax. The father, or where the father is deceased, the mother, shall be liable for payment of the tax levied in respect of each person, whether or not a member of the family, dependent upon and residing with the father or mother, as the case may be.

(5) Subject to subsection (7), the tax shall be payable by or on behalf of every person who has been a resident of the municipality for at least thirty days.

(6) Where a person becomes a resident of the municipality after the thirty-first day of October in any fiscal year he shall be required, in respect of that fiscal year, to pay the tax only for the portion thereof during which he is so resident.

(7) The tax shall not be less than \$2 in the case of any employee engaged in seeding, harvesting or threshing operations and shall be payable on demand.

(8) Where the amount of taxes collected in any fiscal year is not sufficient to meet the necessary expenditures the council may, with the consent of the Minister of Municipal Affairs, pay the deficit from the general funds of the municipality. The amount of such payment shall be deemed to be a loan from the general funds and shall be repaid from the moneys first thereafter collected under the provisions of this Act.

1939, c.55, s.16; 1940, c.66, s.6; R.S.S. 1940, c.161, s.16.

Instalments of tax

17 The council may by resolution provide for payment of the tax in monthly or other instalments as it deems advisable.

1939, c.55, s.17; R.S.S. 1940, c.161, s.17.

Payment of tax in advance

18 Notwithstanding the provisions of subsection (2) of section 16, the council may by resolution provide that the tax shall be paid in advance of the period during which the medical or hospital services, or both, are to be furnished pursuant to a bylaw under this Act; and may by such resolution prescribe the time and manner of payment. No such resolution shall have any effect until approved by the Health Services Board.

1940, c.66, s.7; R.S.S. 1940, c.161, s.18.

Notice and collection of tax

- 19(1)** The assessor, clerk or secretary treasurer shall mail to each person liable for payment of the tax, a notice of the amount due by him.
- (2) The tax may be collected in the same manner as other municipal taxes, or may be recovered on summary conviction with costs against a person neglecting or refusing to pay the same.
- (3) The council may appoint one or more collectors to collect taxes due to the municipality under this Act.
- (4) A collector so appointed may demand from the employer of a person liable to pay the tax, whether on such person's own account or in respect of others dependent upon him for support, payment of the tax or taxes owing by the employee, in which case the employer shall deduct the same from the salary or wages which are then or shall first thereafter become owing by him to the employee, and shall pay the same to the collector as soon as the amount of the tax or taxes for which the employee is liable is earned by the employee; and in default the employer may, on summary conviction, be ordered to pay the tax or taxes together with costs, and in default of payment shall be liable to imprisonment for a period not exceeding thirty days.

1939, c.55, s.18; 1940, c.66, s.8; R.S.S. 1940,
c.161, s.19.

CENSUS

Annual municipal census

- 20(1)** In each fiscal year during which a bylaw remains in force there shall be an annual registration of all persons resident in the municipality.
- (2) Persons over twenty-one years of age and persons under twenty-one years of age who are living apart from their parents shall register with the clerk or secretary of the municipality.
- (3) The father or failing him the mother shall also register with the clerk or secretary each member of the family under twenty-one years of age who is living with him or her.
- (4) Every employer shall register each person employee by him.
- (5) Registration shall be made within thirty days of the passing of the bylaw in the fiscal year in which the bylaw is passed and during the month of October in each succeeding fiscal year.
- (6) Every person who becomes a resident of the municipality after the time for the annual registration has elapsed shall, within fifteen days of the date of his arrival, register himself and the members of his family with the clerk or secretary of the municipality.
- (7) Every employer who, after the registration has been made in any year, commences to employ any person shall register such person within five days after the date of the commencement of such employment, and shall also notify the clerk or secretary when such person leaves his employment.
- (8) Any person who fails to comply with any of the foregoing provisions shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$25 and in default of payment to imprisonment for a term not exceeding thirty days.

1939, c.55, s.19; 1940, c.66, s.9; R.S.S. 1940,
c.161, s.20.

REGULATIONS

Power to make regulations

21 For the purpose of carrying out the provisions of this Act according to their true intent and of supplying any deficiency therein the Lieutenant Governor in Council may make regulations not inconsistent with the spirit of the Act which shall have the same force and effect as if incorporated herein.

1939, c.55, s.20; R.S.S. 1940, c.161, s.21.

Power of council

22 The council of a municipality may, subject to the provisions of this Act and any regulations made under section 21, make rules and regulations relating to medical or hospital services, or both, provided pursuant to a bylaw under this Act. No such rules or regulations shall have any effect until approved by the Health Services Board.

1940, c.66, s.10; R.S.S. 1940, c.161, s.22.

GENERAL

Expenses of vote and administration

23 The council of a municipality may pay from the general funds of the municipality necessary expenses incurred in taking a vote on a bylaw under this Act and, if it deems fit, any necessary expenses in connection with the administration of the medical or hospital services, or both.

1940, c.66, s.10; R.S.S. 1940, c.161, s.23.

Appointment of joint secretary

24 The councils of municipalities which have entered into an agreement under subsection (1) of section 14 may jointly appoint a secretary to perform necessary clerical and other duties in connection with the administration of the medical or hospital services, or both, for such municipalities. The secretary may be paid, from the general funds of the municipalities in the proportion mentioned in subsection (2) of section 14, such remuneration as may be mutually agreed upon by the municipalities.

1940, c.66, s.10; R.S.S. 1940, c.161, s.24.

SCHEDULE

FORM A

(Section 3(2))

BYLAW No. _____

of the (name of municipality)

A bylaw to authorize the council to provide medical and hospital services for residents of the municipality.

The council of the (name of municipality) enacts as follows:

1. The council of the municipality may, subject to the provisions of *The Municipal Medical and Hospital Services Act*, provide medical and hospital services for residents of the municipality.

Read a first time this _____ day of _____, 19 _____.

Read a second time this _____ day of _____, 19 _____.

Read a third time after having received the assent of the voters thereto and finally passed on _____ the day of _____, 19 _____.

.....
Mayor (or Reeve or Overseer).

.....
Clerk (or Secretary).

(SEAL)

FORM B

(Section 3(4))

BYLAW No. _____

of the (name of municipality)

A bylaw to repeal a bylaw authorizing the council to provide medical and hospital services for residents of the municipality.

The council of the (name of municipality) enacts as follows:

1. A bylaw authorizing the council to provide medical and hospital services for residents of the municipality, which bylaw was read a third time and after having received the assent of the voters and finally passed at (name of place) on the _____ day of _____ 19 _____, is hereby repealed.

Read a first time this _____ day of _____, 19 _____.

Read a second time this _____ day of _____, 19 _____.

Read a third time after having received the assent of the voters thereto and finally passed this _____ day of _____, 19 _____.

.....
Mayor (or Reeve or Overseer).

.....
Clerk (or Secretary).

(SEAL)

FORM C

(Section 4(2))

BYLAW No. _____

of the (name of municipality)

A bylaw to authorize the council to provide for medical and hospital services for residents of (here describe area affected).

The council of the (name of municipality) enacts as follows:

1. The council of the municipality may, subject to the provisions of *The Municipal Medical and Hospital Services Act*, provide medical and hospital services for residents of (here describe area affected).

Read a first time this _____ day of _____, 19 _____.

Read a second time this _____ day of _____, 19 _____.

Read a third time after having received the assent of the voters thereto and finally passed this _____ day of _____, 19 _____.

.....
Mayor (or Reeve or Overseer).

.....
Clerk (or Secretary).

(SEAL)

FORM D

(Section 4(4))

BYLAW No. _____

of the (name of municipality)

A bylaw to repeal a bylaw authorizing the council to provide medical and hospital services for residents of (here describe area affected).

The council of (name of municipality) enacts as follows:

1. A bylaw authorizing the council to provide medical and hospital services for residents of (here describe area affected) which bylaw was read a third time and after having received the assent of the voters and finally passed at (name of place) on the _____ day of _____, 19 _____, is hereby repealed.

Read a first time this _____ day of _____, 19 _____.

Read a second time this _____ day of _____, 19 _____.

Read a third time after haying received the assent of the voters thereto and finally passed this _____ day of _____, 19 _____.

.....
Mayor (or Reeve or Overseer).

.....
Clerk (or Secretary).

(SEAL)

FOR HISTORICAL REFERENCE ONLY

FORM E

(Section 12)

OATH OF VOTER

1. You do swear that you are of the full age of twenty-one years and that you have resided in the (*name of municipality*) for at least three months immediately preceding the _____ day of (*here insert the date of the voting on the bylaw*);
2. That you are entitled to vote at this polling place on the bylaw to authorize the council to provide medical and hospital services for residents of the municipality;
3. That you have not voted before on this bylaw at this or any other polling place;
4. That you have not received anything nor has anything been promised to you directly or indirectly to induce you to vote on this bylaw or for loss of time, travelling expenses, hire of conveyance or any services whatever connected with the voting on this bylaw;
5. And that you have not, directly or indirectly, paid or promised anything to any person to induce him or her to vote or to refrain from voting on this bylaw. So help you God.

Note.— If a voter is a person who may by law affirm in civil cases then for “swear” substitute “solemnly affirm”,