

The Time Act

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Chapter T-14 of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1978) as amended by the *Statutes of Saskatchewan, 1979-80, c.M-32.01, 45 and 92; 1983, c.11, 27 and 77; 1983-84, c.49 and 54; 1986-87-88, c.35; 1989-90, c.54; 1990-91, c.28; 1996, c.E-6.01 and 32; and 2005, c.M-36.1.*

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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SCHEDULE

CHAPTER T-14

An Act respecting Time

Short title

1 This Act may be cited as *The Time Act*.

Interpretation

2 In this Act:

- (a) **“board”** means the board of education of a school division;
- (a.1) **“central standard time”** means the time that is six hours behind Greenwich time;
- (b) **“Chief Electoral Officer”** means the Chief Electoral Officer appointed under *The Election Act, 1996*;
- (c) **“eastern Saskatchewan”** means:
 - (i) The Prince Albert Rural School Division No. 56 of Saskatchewan;
 - (ii) The Rosthern School Division No. 49 of Saskatchewan, including that portion of The Wakaw School Division No. 48 of Saskatchewan lying west of the third meridian in the system of Dominion land surveys;
 - (iii) The Saskatoon (East) School Division No. 41 of Saskatchewan, including the portion of the city of Saskatoon situated outside the division;
 - (iv) The Davidson School Division No. 31 of Saskatchewan;
 - (v) The Thunder Creek School Division No. 78 of Saskatchewan;
 - (vi) The Assiniboia School Division No. 69 of Saskatchewan;
 - (vii) The Borderland School Division No. 68 of Saskatchewan;

as altered from time to time under *The Education Act*, and includes that portion of Saskatchewan outside the Northern Saskatchewan Administration District, not included in the school divisions mentioned in subclauses (i) to (vii), that lies east of the third meridian in the system of Dominion land surveys;

- (d) **“elector”** means a person who on the day fixed for the taking of a vote under this Act:
 - (i) is of the age of eighteen years or more; and
 - (ii) resides within the time option area in which he seeks to vote and has resided within that area for at least six months immediately preceding the day for taking the vote;

- (e) “**mountain standard time**” means the time that is seven hours behind Greenwich time;
- (f) “**northeastern Saskatchewan**” means that portion of the Northern Saskatchewan Administration District lying east of the third meridian in the system of Dominion land surveys;
- (g) “**northwestern Saskatchewan**” means that portion of the Northern Saskatchewan Administration District lying west of the third meridian in the system of Dominion land surveys;
- (h) “**school division**” means a school division within the meaning of *The Education Act*;
- (i) “**summer period**” means that period in each year beginning at two o'clock, mountain standard time, in the forenoon of the first Sunday in April and ending at two o'clock, mountain standard time, in the forenoon of the last Sunday in October;
- (j) “**time option area**” means:
- (i) an area established as a time option area by or under section 9;
 - (ii) any school division or area constituting a time option area pursuant to subsection 10(3);
- (k) “**western Saskatchewan**” means the portion of the province that is south of the southern boundary of the Northern Saskatchewan Administration District and is not included in eastern Saskatchewan;
- (l) “**winter period**” means that period beginning at two o'clock, mountain standard time, in the forenoon of the last Sunday in October in any year and ending at two o'clock, mountain standard time, in the forenoon of the first Sunday in April in the following year.

R.S.S. 1978, c.T-14, s.2; 1979-80, c.45, s.3;
 1983, c.77, s.79; 1983-84, c.49, s.13; 1986-87-88,
 c.35, s.3; 1996, c.E-6.01, s.288.

Provisions of Act to prevail

3 Subject to section 5, this Act applies notwithstanding the provisions of any other Act and where there is a conflict between this Act and any other Act or any regulation, order, rule, resolution or bylaw made under any other Act the provisions of this Act apply.

R.S.S. 1978, c.T-14, s.3.

Reference to time

4 A reference to time in an Act or in any regulation, order, rule, resolution or bylaw made under or pursuant to an Act shall, with respect to the area in the province to which the Act, regulation, order, rule, resolution or bylaw applies, be deemed to be a reference to the time to be used and observed in that area pursuant to this Act.

R.S.S. 1978, c.T-14, s.4.

Non-application of Act

5 Nothing in this Act applies to a reference to time in:

- (a) *The Lloydminster Charter*; or
- (b) any provision of *The Local Government Election Act* relating to the holding of an election in a rural municipality or to the taking of a vote with respect to any municipal matter in the rural municipality.

2005, c.M-36.1, s.473.

Time in eastern Saskatchewan and northeastern Saskatchewan

6 Central standard time shall be used and observed throughout the year in eastern Saskatchewan and in northeastern Saskatchewan.

R.S.S. 1978, c.T-14, s.6.

Time in northwestern Saskatchewan

7 Central standard time shall be used and observed throughout the year in northwestern Saskatchewan except in respect of any portion thereof where a time other than central standard time is decided upon by a majority of the electors voting with respect thereto under this Act whose ballots are not rejected.

R.S.S. 1978, c.T-14, s.7; 1979-80, c.45, s.4;
1986-87-88, c.35, s.4.

Time in certain areas of western Saskatchewan

8(1) The time to be used and observed in western Saskatchewan:

- (a) during the summer period, is central standard time; and
- (b) during the winter period, is mountain standard time, except in respect of any time option area where central standard time is decided upon by a majority of the electors of the time option area voting with respect thereto under this Act whose ballots are not rejected.

(2) Notwithstanding subsection (1), on and from the commencement of the winter period in 1983 and until a vote is taken in accordance with this Act, the time to be used and observed:

- (a) in the Battle River Time Option Area:
 - (i) during the summer period, is central standard time; and
 - (ii) during the winter period, is mountain standard time; and
- (b) throughout the year in the Paynton Time Option Area is central standard time.

1983, c.27, s.3.

Establishment of time option areas in western Saskatchewan

9(1) There are hereby established in western Saskatchewan the time option areas set forth in the schedule to this Act.

(2) Any municipality:

- (a) which or the greater portion of which is conterminous with; or
- (b) that is surrounded by;

a school division set forth in the schedule to this Act is, for the purposes of this Act, deemed to be a part of that school division.

(3) Where any area in western Saskatchewan other than the city of Lloydminster is not included in a time option area the Lieutenant Governor in Council may, by regulation:

- (a) establish a time option area consisting of:
 - (i) the area; or
 - (ii) the area and any other area in western Saskatchewan other than the city of Lloydminster that is not included in a time option area;
- (b) add the area to an existing time option area.

(4) A regulation establishing a time option area under subsection (3) shall designate the name of the time option area.

R.S.S. 1978, c.T-14, s.9; 1979-80, c.45, s.5;
1989-90, c.54, s.4; 1990-91, c.28, s.12; 2005,
c.M-36.1, s.473.

Taking a vote

10(1) When requested to do so:

- (a) by a resolution of the board of a school division situated within a time option area;
- (b) by a resolution of the board of a school division that is not situated within a time option area set forth in the schedule to this Act;
- (c) by an order of the Minister of Municipal Government in respect of any area in northwestern Saskatchewan that is not in a school division; or
- (d) by an order of the Minister of Municipal Government in respect of a time option area established under subsection 9(3) within which there is no school division;

the Chief Electoral Officer must arrange, in accordance with this Act, for the taking of a vote in the time option area, school division or area, as the case may require.

(2) Subject to section 28, a resolution or order requesting the taking of a vote pursuant to subsection (1):

- (a) may be passed by the board or made by the Minister of Municipal Government, as the case may require, at any time;

(b) shall be passed by the board or made by Minister of Municipal Government, as the case may require, within thirty days after the day on which the board or minister receives a petition signed by:

- (i) at least twenty-five percent of the total number of persons who:
 - (A) on the date of the submission of the petition are of the age of eighteen years or more; and
 - (B) are ordinarily resident in the time option area, school division or area in respect of which the vote is to be taken; or
- (ii) at least one hundred of the persons mentioned in subclause (i);

whichever is the lesser.

(3) For the purposes of this Act, each school division or area in respect of which a vote is to be taken pursuant to subsection (1) constitutes a time option area and the name of the time option area must correspond to the name of the school division or, in the case of an area mentioned in clause (1)(c), to the name given to the area in the order.

R.S.S. 1978, c.T-14, s.10; 1979-80, c.45, s.6 and
c.M-32.01, s.72; 1983, c.11, s.87; 1983-84, c.49,
s.13; 1996, c.32, s.14.

Date for vote and order for issue of writ

11 The Lieutenant Governor in Council shall fix the date and order the issue of writs in Her Majesty's name for the taking of the vote mentioned in subsection (1) of section 10.

R.S.S. 1978, c.T-14, s.11.

Issue of writ to returning officer

12 The writ shall be addressed, and forwarded by registered mail by the Chief Electoral Officer, to the returning officer named in the writ and shall require the votes of the electors to be taken upon the day set forth in the writ and between such hours as may be deemed expedient.

R.S.S. 1978, c.T-14, s.12.

Notice to be published

13(1) The Chief Electoral Officer shall forthwith upon issue of the writ:

- (a) publish in *The Saskatchewan Gazette*:
 - (i) a notice of the writ, naming the time option area in which the vote is to be taken;
 - (ii) the form of the ballot papers to be used in the taking of the vote;

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- (b) cause to be inserted in every newspaper published in the time option area, or if there is no newspaper so published, in at least one newspaper circulating therein:
- (i) a notice of the taking of the vote;
 - (ii) the form of the ballot papers to be used in the taking of the vote;
- (c) cause to be forwarded to the returning officer named in the writ a printed notice of the vote to be taken together with such number of copies of the notice as he deems necessary;
- (d) cause to be printed by the Queen's Printer the ballot papers required for the taking of the vote.
- (2) Upon receipt of the notice under subsection (1) the returning officer shall complete the notice, and all copies thereof, with respect to the location of polls and hours of voting and shall immediately post the copies in such public places, as may be designated under this Act, in the time option area.
- (3) A returning officer who fails to post the copies of the notice as required by subsection (2), and every person who removes, destroys or defaces any such copy after it has been posted and before the close of the poll, is guilty of an offence and liable on summary conviction to a fine of not less than \$12.50 nor more than \$25 and in default of payment to imprisonment for not less than five days nor more than ten days.

R.S.S. 1978, c.T-14, s.13.

Duties of returning officer

14 Immediately upon receipt of the writ the returning officer shall:

- (a) endorse on the writ the date on which he receives it and before taking any further action thereon make and subscribe a notice in the prescribed form;
- (b) divide the time option area into as many polling divisions as he may deem necessary for the convenience of the voters;
- (c) appoint the necessary deputy returning officers and other officials;
- (d) make all other arrangements necessary for the taking of the vote.

R.S.S. 1978, c.T-14, s.14.

Evidence of appointment of returning officer

15 The naming of a person in a writ is sufficient appointment and sufficient evidence of his appointment as returning officer for the purpose mentioned in the writ.

R.S.S. 1978, c.T-14, s.15.

Form of ballot papers

16 The ballot papers to be used in the taking of a vote respecting the time to be used and observed in a time option area in western Saskatchewan shall be in the following form:

(insert name of time option area)

Note — Do not write any word or figure on this ballot. Mark your choice by placing a cross (thus, X) on the right hand side in the blank space opposite the time you choose.

Mountain standard time during the winter period.
Central standard time during the winter period.

R.S.S. 1978, c.T-14, s.16.

Form of ballot papers for northwestern Saskatchewan

17 The ballot papers to be used in the taking of a vote respecting the time to be used and observed in a time option area in northwestern Saskatchewan shall be in the following form:

(insert name of time option area)

Note — Do not write any word or figure on this ballot. Mark your choice by placing a cross (thus, X) on the right hand side in the blank space opposite the time you choose.

Mountain standard time throughout the year.
Central standard time throughout the year.
Mountain standard time during the winter period and central standard time during the summer period.

R.S.S. 1978, c.T-14, s.17; 1983-84, c.54, s.24.

Ballot papers, etc., to be forwarded to the returning officer

18 The Chief Electoral Officer shall forward the ballot papers, with the writ and such forms, notices and instructions as may be prescribed by the regulations, to the returning officer in sufficient number for the time option area.

R.S.S. 1978, c.T-14, s.18.

Additional duties of returning officer

19(1) The returning officer shall, prior to the holding of a vote under this Act, furnish every deputy returning officer with at least two copies of sections 3 and 4 of *The Controverted Municipal Elections Act*.

(2) It shall be the duty of the officer presiding at every polling place to place a copy of sections 3 and 4 of *The Controverted Municipal Elections Act* at some place at his polling place where the sections may be seen and read by persons attending at the poll and to see that they are kept so posted during the hours of polling.

R.S.S. 1978, c.T-14, s.19.

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Voting

20(1) Subject to subsection (2), every person who presents himself for the purpose of voting shall, upon satisfying the deputy returning officer that he is an elector, be given a ballot and permitted to vote.

(2) Where objection is made to the right of any person to vote the deputy returning officer shall, upon the person taking the following oath or affirmation, allow that person to vote:

I, _____, do solemnly swear (*or* affirm):

(a) that I am of the age of eighteen years or more;

(b) that I have resided in the time option area in which I now seek to vote for at least six months immediately preceding the day fixed for taking the vote.

(3) Every elector shall be entitled to vote once only during the taking of a vote under this Act.

R.S.S. 1978, c.T-14, s.20.

Scrutiny and statement of poll by deputy

21(1) The results of the poll in each polling division shall be ascertained by a scrutiny to be conducted by the deputy returning officer in the presence and subject to the inspection of such scrutineers as are authorized by regulation to be present and are present.

(2) The scrutiny shall commence as soon as practicable after the closing of the poll and on completion of the scrutiny the deputy returning officer shall prepare a statement of the poll and forward it to the returning officer.

R.S.S. 1978, c.T-14, s.21.

Certification of results by returning officer

22 Upon the completion of his final summing up the returning officer shall endorse on the writ a statement certifying in relation to the votes polled:

(a) the number of votes given for each of the times in respect of which the vote was taken;

(b) the number of ballot papers rejected as spoiled;

(c) the number of unused ballot papers;

and shall, within ten days of the holding of the final summing up, transmit the writ so endorsed together with all sealed packets of ballots to the Chief Electoral Officer.

R.S.S. 1978, c.T-14, s.22.

Return to writ

23 The Chief Electoral Officer shall prepare from the returns endorsed on the writ a statement of:

- (a) the total number of votes given for each of the times in respect of which the vote was taken;
- (b) the number of ballots rejected as spoiled;

and shall give notice of the final summing up of the votes by publishing a copy of the statement in the *Gazette* within thirty days after the holding of the final summing up.

R.S.S. 1978, c.T-14, s.23.

Application of *Local Government Election Act*

24 Except as otherwise provided in this Act, the provisions of *The Local Government Election Act* respecting votes on bylaws and questions apply, with any modifications that may be prescribed in the regulations, to a vote taken under this Act.

1983, c.27, s.4.

Irregularities

25 The result of a vote taken under this Act shall not be invalid by reason of non-compliance with the provisions of this Act:

- (a) with regard to the taking of the vote;
- (b) with regard to the counting of the votes;
- (c) by reason of a mistake in the use of forms; or
- (d) by reason of any irregularity;

if it appears that the proceedings were conducted substantially in accordance with this Act and the regulations and that the non-compliance, mistake or irregularity did not affect the result of the vote.

R.S.S. 1978, c.T-14, s.25.

Contested vote

26 Subject to section 25, the validity of a vote taken under this Act may be contested before a judge of Her Majesty's Court of Queen's Bench for Saskatchewan by an elector and the proceedings thereon shall be the same, *mutatis mutandis*, as in the case of a contested election under *The Controverted Municipal Elections Act* except that:

- (a) the Crown, any minister of the Crown or any employee of the Government of Saskatchewan;
- (b) the board or any employee of the board;
- (c) any person performing duties in connection with the taking of the vote;

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shall not be a party or be added by a judge as a party to any proceedings taken under *The Controverted Municipal Elections Act* or be liable for any costs in connection with the proceedings.

R.S.S. 1978, c.T-14, s.26; 1979-80, c.45, s.8 and c.92, s.96.

Use and observance of time after taking of vote

27(1) Where a vote is not contested under section 26, the time decided upon by the vote shall be used and observed on, from and after the commencement of the winter or summer period, as the case may require, next following the expiry of the period during which the vote could have been contested.

(2) Where a vote is contested under section 26 and the vote is not adjudged invalid, the time decided upon by the vote shall be used and observed on, from and after the commencement of the winter or summer period, as the case may require, next following the date of the order of the judge.

R.S.S. 1978, c.T-14, s.27.

Limitation respecting the taking of subsequent votes

28 Where a vote is taken pursuant to section 10 in a time option area and the vote is not held invalid no further vote shall be taken in that time option area under this Act unless a period of at least three years has expired since the taking of the latest vote.

R.S.S. 1978, c.T-14, s.28.

Regulations

29(1) The Lieutenant Governor in Council may make all regulations necessary or expedient for the effectual carrying out of this Act and of the proceedings had thereunder, and for the adapting to this Act of the provisions of *The Local Government Election Act*.

(2) Without limiting the general powers conferred by subsection (1), the Lieutenant Governor in Council may:

- (a) cause to be adopted such measures as are necessary for removing any obstacle or the doing of or the omission to do any act of a technical or formal nature by which, or the want of which, the due course of the taking of any vote may be impeded;
- (b) provide for any proceeding, matter or thing for which express provision is not made in this Act, or for which only partial provision is made;
- (c) prescribe such forms as are deemed necessary;
- (d) make such alterations or extensions of the times provided for the doing of any act for the purpose of this Act as are deemed necessary, and make any alteration of dates consequent thereon; and

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(e) provide for the selection and appointment of persons to attend at the polling places and act as scrutineers at the voting and counting of the ballots, and prescribe the duties and powers of such scrutineers.

(3) **Repealed.** 1989-90, c.54, s.5.

R.S.S. 1978, c.T-14, s.29; 1979-80, c.45, s.9;
1983, c.27, s.5; 1989-90, c.54, s.5.

Expenses

30(1) All necessary expenses incurred in or about the taking of a vote pursuant to this Act or otherwise in the execution of the provisions of this Act and all expenses consequent thereupon including the compensation, if any, of the returning officer, deputy returning officers, officials and clerks, except costs related to proceedings taken under *The Controverted Municipal Elections Act*, shall be paid by the Chief Electoral Officer out of moneys appropriated by the Legislature for such purposes.

(2) All accounts for services and expenses payable under this section shall be rendered in duplicate, duly certified, and accompanied by satisfactory vouchers showing disbursements made, if any, and shall be forwarded to the Chief Electoral Officer, who shall determine the sums to be allowed and paid, subject to any regulations made by the Lieutenant Governor in Council.

R.S.S. 1978, c.T-14, s.30.

Offences and penalties

31 Any act done in relation to or connected with any of the proceedings under this Act that is of a like character to any act made punishable when done in relation to or connected with any of the proceedings under *The Local Government Election Act* is an offence against this Act and also against *The Local Government Election Act* and is punishable in the same manner and to same extent as the corresponding offence would be punishable under *The Local Government Election Act*.

R.S.S. 1978, c.T-14, s.31; 1979-80, c.45, s.10;
1983, c.27, s.6.

SCHEDULE

[Section 9]

TIME OPTION AREAS IN WESTERN SASKATCHEWAN

NAME	AREA
Battle River Time Option Area	The Battle River School Division No. 60 of Saskatchewan
Biggar Time Option Area	The Biggar School Division No. 50 of Saskatchewan and The St. Gabriel's Roman Catholic Separate School Division No. 23 of Saskatchewan
Blaine Lake Time Option Area	The Blaine Lake School Division No. 57 of Saskatchewan
Eastend Time Option Area	The Eastend School Division No. 8 of Saskatchewan
Eston-Elrose Time Option Area	The Eston-Elrose School Division No. 33 of Saskatchewan
Gull Lake Time Option Area	The Gull Lake School Division No. 76 of Saskatchewan
Herbert Time Option Area	The Herbert School Division No. 79 of Saskatchewan

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NAME	AREA
Kerrobert Time Option Area	The Kerrobert School Division No. 44 of Saskatchewan
Kindersley Time Option Area	The Kindersley School Division No. 34 of Saskatchewan
Leader Time Option Area	The Leader School Division No. 24 of Saskatchewan
Maple Creek Time Option Area	The Maple Creek School Division No. 17 of Saskatchewan
Meadow Lake Time Option Area	The Meadow Lake School Division No. 66 of Saskatchewan and The Northern Lights School Division No. 113 of Saskatchewan
North Battleford Time Option Area	The Battleford School Division No. 58 of Saskatchewan, The North Battleford School Division No. 103 of Saskatchewan and The North Battleford Roman Catholic Separate School Division No. 16 of Saskatchewan
Northern Lakes Time Option Area	The Northern Lakes School Division No. 64 of Saskatchewan The Spiritwood Roman Catholic Separate School Division No. 82 of Saskatchewan
Outlook Time Option Area	The Outlook School Division No. 32 of Saskatchewan
Paynton Time Option Area	The Paynton School Division No. 102 of Saskatchewan
Rosetown Time Option Area	The Rosetown School Division No. 43 of Saskatchewan
Saskatoon (West) Time Option Area	The Saskatoon (West) School Division No. 42 of Saskatchewan
Shaunavon Time Option Area	The Shaunavon School Division No. 71 of Saskatchewan and The Christ the King Roman Catholic Separate School Division No. 83 of Saskatchewan
Shell Lake Time Option Area	The Parkland School Division No. 63 of Saskatchewan
Swift Current Time Option Area	The Swift Current Rural School Division No. 75 of Saskatchewan, The Swift Current School Division No. 94 of Saskatchewan and The Swift Current Roman Catholic Separate School Division No. 11 of Saskatchewan
Turtleford Time Option Area	The Turtleford School Division No. 65 of Saskatchewan
Wilkie Time Option Area	The Wilkie School Division No. 59 of Saskatchewan, The Wilkie St. George Roman Catholic Separate School Division No. 85 of Saskatchewan and The Unity Roman Catholic Separate School Division No. 88 of Saskatchewan
Wood River Time Option Area	The Wood River School Division No. 70 of Saskatchewan, The Gravelbourg School Division No 109 of Saskatchewan, The Mathieu Roman Catholic Separate School Division No. 7 of Saskatchewan, The Meyronne Roman Catholic Separate School Division No. 10 of Saskatchewan and The Mankota Our Lady of Fatima Roman Catholic Separate School Division No. 90 of Saskatchewan.

1979-80, c.45, s.11; 1983-84, c.27, s.7; 1986-87-
88, c.35, s.5