

The Queen's Bench Fees Regulations

Repealed

by chapter Q-1.01 Reg 1 (effective July 1, 1999).

Formerly

Chapter Q-1 Reg 2 as amended by Saskatchewan
Regulations 22/86, 2/87, 29/87, 39/89, 19/92, 28/92, 117/92,
140/92, 68/93, 86/94, 85/96, 39/98 and 24/1999.

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.

Table of Contents

1	Title
1.1	Interpretation
	COURT OFFICIALS
2	Local registrars' fees
3	Sheriffs' fees
4	Transcript services fees
5	Payment in advance
5.1	Value of estate
	WITNESSES AND INTERPRETERS
6	Interpretation
7	Daily witness fee
8	Medical reports
9	Interpreters' fees
10	Expenses

Appendix

CHAPTER Q-1 REG 2

The Queen's Bench Act

TITLE

Title

- 1 These regulations may be cited as *The Queen's Bench Fees Regulations*.

Interpretation

- 1.1 In these regulations:

- (a) "Act" means *The Queen's Bench Act*;
- (b) "value of an estate" means the value of an estate as determined in section 5.1.

6 Nov 92 SR 117/92 s3.

COURT OFFICIALS

Local registrars' fees

- 2(1) The fees payable to the local registrars of the Court of Queen's Bench are the fees set out in the Tables 1, 2 and 3.

(1.1) The fees payable to the registrar of the Court of Queen's Bench are the fees set out in Table 6.

(2) The fee payable to the local registrar of the Court of Queen's Bench with respect to a matter tried in the Provincial Court of Saskatchewan pursuant to *The Small Claims Act* and not specifically provided for in Table 2 is one half of the fee set out in Table 1 for a similar service.

(3) The fee payable to the local registrar of the Court of Queen's Bench with respect to an order made under *The Residential Tenancies Act* and not specifically provided for in Table 3 is one half of the fee set out in Table 1 for a similar service.

(4) The fee set out in item 20 of Table 1 does not apply to actions commenced pursuant to:

- (a) *The Children's Law Act*;
- (b) the *Divorce Act* (Canada);
- (c) *The Family Maintenance Act*;
- (d) *The Matrimonial Property Act*; or
- (e) sections 25 to 38 of *The Queen's Bench Act*.

8 Mar 85 cQ-1 Reg 2 s2; 14 Jly 89 SR 39/89 s3; 3
Apr 92 SR 19/92 s3; 6 Nov 92 SR 117/92 s4.

Q-1 REG 2**QUEEN'S BENCH FEES****Sheriffs' fees**

3(1) The fees payable to sheriffs with respect to matters in Her Majesty's Court of Queen's Bench for Saskatchewan are the fees set out in Tables 3 and 4.

(2) The fees payable to sheriffs with respect to matters tried in the Provincial Court of Saskatchewan pursuant to *The Small Claims Act* are 50% of the fees set out in Table 4.

(3) The fees payable to sheriffs with respect to orders made under *The Residential Tenancies Act* and not specifically provided for in Table 3 are 50% of the fees set out in Table 4.

(4) In every case, sheriffs are entitled to payment for all disbursements properly incurred.

(5) Notwithstanding subsections (2) and (3), in every case, sheriffs are entitled to an additional transportation fee for each kilometre travelled from the sheriff's office at twice the rate for persons using a privately owned automobile on government business established by the Public Service Commission pursuant to *The Public Service Regulations*, with a minimum charge of \$5 in each case.

8 Mar 85 cQ-1 Reg 2 s3; 14 Jly 89 SR 39/89 s4;
24 Sep 93 SR 68/93 s3.

Transcript services fees

4 The fees payable to the Government of Saskatchewan for transcript services are the fees set out in Table 5.

14 Jly 89 SR 39/89 s5.

Payment in advance

5 All fees set pursuant to sections 2 and 3 are payable in advance unless other arrangements are made with the official to whom the fees are payable.

8 Mar 85 cQ-1 Reg 2 s5.

Value of estate

5.1(1) Subject to subsections (2) and (3), the value of an estate is the value of all the real and personal property of a deceased at the time of death.

(2) In calculating the value of the property of a deceased, there shall be deducted from the value the actual amount owed by the deceased, at the date of death, on any loan, mortgage or agreement for sale relating to any real property in excess of any amount of insurance payable to discharge the loan, mortgage or agreement for sale.

(3) The following assets are not to be considered as property of the deceased in calculating the value of an estate:

- (a) real property held jointly by the deceased and another person;
- (b) insurance payable to a named beneficiary;
- (c) *Canada Pension Plan* payments to a surviving spouse;

- (d) pensions and annuities payable to a spouse, child or any other named beneficiary;
- (e) joint deposit accounts;
- (f) personal property outside Saskatchewan, if the deceased was domiciled outside Saskatchewan on the date of death; and
- (g) real property outside Saskatchewan.

6 Nov 92 SR 117/92 s5.

WITNESSES AND INTERPRETERS

Interpretation

6 In sections 7 to 10:

- (a) **“professional witness”** means a witness who is called to give evidence in consequence of professional services rendered by him and who is:
 - (i) a barrister or solicitor;
 - (ii) a physician or surgeon;
 - (iii) a professional engineer;
 - (iv) a surveyor;
 - (v) a chartered accountant;
 - (vi) a certified public, accredited or general public accountant;
 - (vii) an architect;
 - (viii) a dentist;
 - (ix) a veterinary surgeon; or
 - (x) if the judge hearing the cause directs, a person who is:
 - (A) a member of a profession not mentioned in clauses (i) to (ix); or
 - (B) a person called to give expert evidence;
- (b) **“witness”** means a person called on to give evidence in a criminal cause before a court who is:
 - (i) not a party of that cause; or
 - (ii) if a corporation is a party, not an officer of that corporation.

8 Mar 85 cQ-1 Reg 2 s6.

Daily witness fee

7(1) Subject to subsection 10(2), no fee is payable to a witness other than a professional witness or consultant.

Q-1 REG 2**QUEEN'S BENCH FEES**

- (2) The fee payable for each half day or part of a half day attendance in court:
- (a) to a professional witness, other than a physician or surgeon is \$52.50;
 - (b) to a consultant called to give expert testimony is \$72.50.
- (3) The fees payable to a physician or surgeon are the fees set out in Table 7 of the Appendix.
- (4) On the application of a professional witness, the Executive Director of Public Prosecutions, in his or her discretion, may authorize payment of a fee to a professional witness, other than a physician or surgeon, in an amount set out in Table 7 of the Appendix as a result of attending a criminal trial.

8 Mar 85 cQ-1 Reg 2 s7; 21 Mar 86 SR 22/86 s3;
8 Nov 96 SR 85/96 s3.

Medical reports

8 If a medical report is prepared at the request of a Crown prosecutor for use as evidence in a criminal trial, the fee payable to the physician or surgeon who prepared the report is:

- (a) \$100 for a letter that is a factual report based on a review of office and hospital records that summarizes a patient's history, symptomatology, present condition and any investigation or therapy and the results of any intervention;
- (b) \$250 for a report that expresses an expert opinion concerning cause and effect, long-term consequences, possible complications, extent of or degree of disability, or other similar matters.

8 Nov 96 SR 85/96 s4.

Interpreters' fees

9 The fee payable to an interpreter for each half-hour or part of a half-hour that the interpreter necessarily attends in court in a criminal proceeding is \$17.50.

22 May 98 SR 39/98 s2.

Expenses

10(1) A witness or interpreter:

- (a) is entitled to be paid for meal expenses at the rates approved for members of the public service; and
- (b) on submission of his or her receipts, is entitled to be paid for accommodation at the rate approved for members of the public service.

(1.1) A witness or interpreter who submits receipts for his or her travel expenses is entitled to be paid for those expenses in an amount equal to:

- (a) 50% of the rate approved for those expenses incurred by members of the public service, if the witness or interpreter uses a private vehicle; or
- (b) 100% of the rate approved for those expenses incurred by members of the public service, if the witness or interpreter uses public transportation.
- (2) On the application of a witness, the Deputy Minister of Justice may, in his discretion, authorize payment of a fee to the witness in an amount not exceeding:
- (a) the amount of wages lost by the witness;
- (b) the cost incurred by the witness for hiring temporary labour or for child care; or
- (c) subject to subsection (1), the actual amount of other expenses incurred; as a result of attending a criminal trial.

8 Mar 85 cQ-1 Reg 2 s10; 21 Mar 86 SR 22/86
s4; 3 Apr 92 SR 19/92 s4; 8 Nov 96 SR 85/96 s5.

Appendix

TABLE 1 [Section 2]

Local Registrars' Fees In Civil Matters

1	Commencement of any action or proceeding in court or in chambers by statement of claim, originating notice of motion, petition, notice of appeal, notice of motion, <i>ex parte</i> or otherwise (excepting any proceeding under the <i>Divorce Act (Canada)</i>)	\$75.00
2	Filing a defence or answer (including counter-claim and counter petition where parties added, cross claim, third party proceedings)	30.00
3	Setting down every cause or matter for pre-trial conference, trial or argument in court	75.00
4	Hearing fee at trial after first five hours, per hour or fraction of an hour	15.00
5	Entering every order or judgment (except a judgment in default)	20.00
6	Filing a demand for jury (in addition to deposit for fees and expenses required by <i>The Jury Act, 1981</i> and in addition to the fee paid under item 3)	50.00
7	On every reference to the local registrar, including taxation of costs, examining bond and affidavits, settling judgment or order, inquiry or taking accounts under an order (including a certificate or report required), per hour or fraction of an hour	15.00
8	On issuing every garnishee summons, writ of replevin, attachment, execution or possession	10.00
9	On money being paid into court (except in any proceeding to which item 1, 2 or 8 applies and maintenance payments)	10.00

Q-1 REG 2

QUEEN'S BENCH FEES

10	Every search within five years (no search fee is payable by parties to a proceeding or their solicitors)	10.00
11	Every other search	20.00
12	Every certificate not otherwise provided for	10.00
13	Filing a judgment, a decree or an order from another court	10.00
14	For copied matter, in addition to certificate, if required, per page50
15	On swearing a witness for examination in aid of execution, for examination for discovery in an action from foreign jurisdiction or as a special examiner, including certificate, if required	10.00
16	Packaging and forwarding file, plus disbursements	5.00
17	On every application for judgment in an undefended proceeding under Part Forty-eight of the Queen's Bench Rules, including filing all papers, presenting to the judge, entering and mailing judgment, completing and mailing certificate	95.00
18	On commencement of any proceedings under the <i>Divorce Act</i> (Canada)	75.00
19	For summoning of a jury and cancellation of the summoning where a demand for jury is withdrawn after a jury has been summoned by the sheriff	200.00
20	For filing any interlocutory motion, notice or memorandum of relief in an ongoing action	10.00
21	Hearing fee at chambers after first half day, per hour or fraction of an hour	15.00
22	On every application or petition for a grant of letters probate or letters of administration or for resealing of letters probate or letters of administration, including filing of record all papers, presenting to the judge, and preparing and recording letters, a fee of \$7 on each \$1,000 of sworn value or fraction thereof.	
23	On every application for a grant of administration <i>de bonis non administratis</i> , double probate or cessate grant, or in any other case where a second or subsequent application for letters is made to the court in an estate and full fees were paid pursuant to item 22 on the initial application, one half of the fee payable pursuant to item 22 to a maximum of \$200.00.	
24	For services and proceedings pursuant to section 103 of the Act, a basic fee of \$30.00 and an additional fee of \$6.00 on each \$1,000.00 of sworn value or fraction thereof.	
25	On every application pursuant to section 105 of the Act	30.00

QUEEN'S BENCH FEES

Q-1 REG 2

26	Filing affidavit pursuant to section 137 of the Act and issuing certificate, if any	10.00
27	On lodgment of a caveat, including making copy and forwarding it to registrar	10.00
28	For receiving or registering a will of a living person for safe keeping, including issuing receipt for it	10.00
29	For certified copy of letters	10.00
	and, in addition, where will, per page	0.50
30	For every certificate that no infants are interested in the estate of a deceased person	25.00

8 Mar 85 cQ-1 Reg 2; 23 Jan 87 SR 2/87 s2; 1
May 87 SR 29/87 s2; 14 Jly 89 SR 39/89 s6; 3
Apr 92 SR 19/92 s5; 15 May 92 SR 28/92 s2; 6
Nov 92 SR 117/92 s6; 23 Dec 94 SR 86/94 s2.

TABLE 2

[Section 2]

**Registrar's and Local Registrars' Fees In Matters Tried
Pursuant to *The Small Claims Act***

1	Filing a certificate of judgment of Small Claims Court	\$ 5.00
2	Filing a notice of appeal to the Court of Queen's Bench or to the Court of Appeal or filing an application to set aside judgment, including all subsequent steps to the appeal	10.00
3	Filing an application for an extension of time within which to appeal	10
4	Filing an application for an extension of time within which to file a transcript of the evidence heard in Small Claims Court	10

8 Mar 85 cQ-1 Reg 2; 14 Jly 89 SR 39/92 s7.

TABLE 3

[Section 2]

**Local Registrars' and Sheriffs' Fees In Matters Pursuant to
*The Residential Tenancies Act***

1	Filing an order of the Rentalsman or of the Rent Appeal Commission	\$5.00
2	Executing a writ of possession of land, in part or in whole, delivery and return	75.00
	and for each succeeding day, per day	25.00

8 Mar 85 cQ-1 Reg 2; 24 Sep 93 SR 68/93 s4.

TABLE 4
[Section 3]

Sheriffs' Fees

1	Service:	
	(a) receiving, filing and serving on one person and returning any process together with an affidavit of service or attempted service	\$25.00
	(b) each additional party served	10.00
2	Arrest or execution on goods and chattels or land:	
	(a) every arrest, execution or similar writ or order and return and for services provided pursuant to subsection 180(1) of <i>The Land Titles Act</i> with respect to each land registration district in which the writ is registered or withdrawn	10.00
	(b) executing any replevin or other order, either in whole or in part, including approving a bond or other security and assigning the same and return:	
	(i) up to \$5,000	50.00
	(ii) over \$5,000	50.00 plus 1% on the amount in excess of \$5,000.00
	(c) attending, investigating, inventorying, cataloging, taking possession and preparing for sale, per hour or fraction of an hour for each person involved	25.00
	(d) poundage on the sum realized following sale:	
	(i) when that sum is less than \$2,000	10%
	(ii) when that sum is \$2,000 or more but less than \$5,000	200.00 plus 5% on the amount in excess of \$2,000.00
	(iii) when that sum is \$5,000 or more but less than \$100,000	350.00 plus 2 1/2% on the amount in excess of \$5,000.00
	(iv) when that sum is \$100,000 or more	2,725.00 plus 1% on the amount in excess of \$100,000.00

QUEEN'S BENCH FEES

Q-1 REG 2

(e) when payment is received from or on behalf of a debtor or a settlement is made by reason of the coercive effect of the writ, the sheriff is entitled to receive poundage at the rate of:	
(i) following a delivery of the writ to and demand by the sheriff but prior to seizure	25% of the amount provided in clause (d)
(ii) following seizure but prior to sale by the sheriff	50% of the amount provided in clause (d)
3 Executing a writ of possession of land, in part or in whole, delivery and return	75.00
and for each succeeding day, per day	25.00
4 Fee for sheriff's services in respect of judicial sales of land pursuant to court order:	
(a) for adjourned, cancelled or aborted sales or when the realized value does not exceed \$25,000	250.00
(b) when the realized value is \$25,000 or more but less than \$200,000	250.00 plus 1% on the amount in excess of \$25,000.00
(c) when the realized value is \$200,000 or more	2,000.00 plus one quarter of 1% on the amount in excess of \$200,000.00 to a maximum of \$5,000.00
5 Each interpleader application, including preparation and service of documents on one party and attendance in chambers thereon	50.00
6 Each additional party served	10.00
7 Each search made by sheriff and certificate of result	20.00
8 Each affidavit made (other than of service) including oath	10.00
9 Each letter written as requested by a party or his solicitor respecting original writ, statement of claim or process	5.00

TABLE 5
[section 4]

Fees For Transcript Services
(Government of Saskatchewan)

<i>Description of Service</i>	<i>Fees per Page or Portion of a Page</i>
Trial transcript preparation, maximum fee per page for:	
(a) original	\$2.25
(b) copy30

NOTE: For the purposes of this table, a page comprises 300 words, every figure authorized to be used being counted as one word.

The expedited rate applies if the transcript is requested to be produced within two full working days and applies to partial transcripts and excerpts from transcripts as well as complete transcripts.

14 Jly 89 SR 39/89 s8.

TABLE 6
[Section 2]

Registrar's Fees For Wills and Estates

1 Each search:	
(a) if within five years	\$10.00
(b) if beyond five years	20.00
2 Each certificate	10.00
3 On lodgment of a caveat, when filed with the registrar in the first instance	10.00
4 Examining copies of instruments on file, when prepared by solicitor in addition to fee for certificate if required, per page	0.50
5 Photocopy of documents, in addition to fee for certificate if required, per page	0.50

6 Nov 92 SR 117/92 s7.

TABLE 7
Tariff of Fees for Physicians and Surgeons In Criminal Proceedings
 [Subsection 7(3)]

	<u>General Practitioner</u>	<u>Specialist</u>
1. Testimony - for the <i>first hour</i> or part of the <i>first hour</i> (includes preparation, pretrial briefing and waiting time):		
(a) For first court appearance during fiscal year ¹	\$150	\$175
– If testimony is <i>more than one hour</i> , for each subsequent quarter hour or major portion of a quarter hour	35	40
(b) For subsequent court appearance during the same fiscal year ²	175	200
– If testimony is <i>more than one hour</i> , for each subsequent quarter hour or major portion of a quarter hour	40	45
2. Cancellation Notice: For Failure to give notification of adjournment or cancellation to the practitioner's offices by noon of the work day prior to the date of scheduled court appearance notice	\$125	\$150

¹fiscal year - April 1 to March 31

²If the testimony is given during a 'subsequent court appearance during the same fiscal year' it is the responsibility of the witness to advise the prosecutor of the 'subsequent' appearance status

