

UNEDITED

# *The Legal Profession Act*

*being*

Chapter 271 of *The Revised Statutes of Saskatchewan, 1953*  
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY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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SCHEDULE



## CHAPTER 271

### An Act respecting the Legal Profession and the Law Society of Saskatchewan

#### SHORT TITLE

##### Short title

1 This Act may be cited as *The Legal Profession Act*.

R.S.S. 1953, c.271, s.1.

#### INCORPORATION OF LAW SOCIETY

##### Incorporation

2 The Law Society of Saskatchewan, hereinafter called the society, is continued as a body corporate and politic with power to acquire, hold and dispose of real and personal property for its corporate purposes.

R.S.S. 1940, c.208, s.2; R.S.S. 1953, c.271, s.2.

##### Constitution

3 Barristers and solicitors of Saskatchewan and persons admitted to the society as students at law shall be members of the society.

R.S.S. 1940, c.208, s.3; R.S.S. 1953, c.271, s.3.

#### ROLL OF BARRISTERS AND SOLICITORS

##### Roll

4 The secretary of the society shall continue to keep a roll on which he shall enter the names of all persons who are or who become barristers and solicitors of Saskatchewan. He shall also continue to keep a roll on which he shall enter the names of all persons admitted to the society as students at law.

R.S.S. 1940, c.208, s.4; R.S.S. 1953, c.271, s.4.

#### QUALIFICATIONS OF BARRISTERS AND SOLICITORS

##### Qualifications

5(1) No person except those enrolled as barristers and solicitors of Saskatchewan and holding subsisting annual certificates issued to them pursuant to the rules and bylaws of the society shall practise at the bar of any court of civil or criminal jurisdiction in Saskatchewan, or advise, do or perform any work or service for fee or reward, either directly or indirectly, in matters pertaining to the law, or sue out any writ or process, or commence, carry on or defend any action or proceeding in any court. Every person who violates this subsection is guilty of an offence and liable on summary conviction to a fine of not less than \$10 nor more than \$100.

(2) Any of the following persons may become a barrister and solicitor of Saskatchewan and entitled to practise as a barrister and solicitor in the courts of Saskatchewan:

(a) a British subject of the age of twenty-one years who, having been entered and admitted as a student at law in the society, has conformed to the rules of the society;

(b) a person who has been called to the bar of any part of Her Majesty's dominions or any of the provinces of Canada or who has been admitted to practise as an attorney, barrister or solicitor in any of Her Majesty's superior courts of law therein, who produces sufficient evidence of such call or admission and testimonials satisfactory to the benchers of good character and of good standing in the law society of that part of Her Majesty's dominions of which he is a barrister, attorney, advocate or solicitor, and who has complied with the rules of the society:

provided that if the person applying is a barrister, solicitor, advocate or attorney in a part of such dominions in which a barrister and solicitor of Saskatchewan is or may be required to pass any examination before his call or admission therein, the benchers may impose a like requirement on such applicant; and

provided further that if the person applying is a barrister, solicitor, advocate or attorney in a part of such dominions in which a barrister or solicitor of Saskatchewan is or may be required to reside therein or serve under articles for any certain period before call or admission, the benchers may require a like residence or service under articles upon such applicant.

R.S.S. 1940, c.208, s.5; 1951, c.68, s.2; R.S.S. 1953, c.271, s.5.

## OATHS

### Barristers

**6(1)** Every person before being admitted as a barrister and solicitor shall make and subscribe such oath as may be prescribed by the benchers.

### Students

**(2)** Every person admitted to the society as a student at law shall make and subscribe such oath as may be prescribed by the benchers.

R.S.S. 1940, c.208, s.6; R.S.S. 1953, c.271, s.6.

### Visitors

**7** The judges of the Court of Appeal and the Court of Queen's Bench shall be visitors of the society.

R.S.S. 1940, c.208, s.7; R.S.S. 1953, c.271, s.7.

## BENCHERS

### Benchers

**8** The society shall be governed by the benchers thereof who, exclusive of *ex officio* members, shall consist of twelve of the members of the society to be chosen from the eligible persons resident in Saskatchewan.

R.S.S. 1940, c.208, s.8; R.S.S. 1953, c.271, s.8.

**Ex officio**

**9** The Attorney General of Canada for the time being, the Attorney General for Saskatchewan for the time being, all barristers and solicitors who have at any time held the office of Attorney General for Saskatchewan, and any person who has been elected a bencher at four triennial elections of the society, shall respectively be *ex officio* benchers of the society.

R.S.S. 1940, c.208, s.9; R.S.S. 1953, c.271, s.9.

**Elections**

**10** Elected benchers shall hold office for a term of three years from the date of their election. An election of benchers shall be held on the first Monday in November every third year.

R.S.S. 1940, c.208, s.10; R.S.S. 1953, c.271, s.10.

**Voters**

**11** Each duly enrolled barrister and solicitor of Saskatchewan not otherwise ineligible may, at an election of benchers, vote for twelve persons who have been nominated as hereinafter provided.

R.S.S. 1940, c.208, s.11; R.S.S. 1953, c.271, s.11.

**List of voters**

**12** At least six weeks prior to the election the secretary shall make out a list of the barristers and solicitors who are entitled to vote thereat and shall transmit a copy of such list by post to each local registrar of the Court of Queen's Bench. Every local registrar shall forthwith on the receipt thereof post the list in a conspicuous place in his office.

R.S.S. 1940, c.208, s.12; R.S.S. 1953, c.271, s.12.

**Correction of list**

**13** If a barrister and solicitor complains to the secretary, at least one month before the election, of the improper omission or inclusion of any name from or on the list, the secretary shall forthwith examine into the complaint and rectify the error, if any, and if any person is dissatisfied with the decision of the secretary he may within one week thereafter appeal to the president. The president shall forthwith nominate a committee of the benchers, who shall summarily try and decide the questions involved, and the list shall remain or be altered in accordance with the decision of that committee.

R.S.S. 1940, c.208, s.13; R.S.S. 1953, c.271, s.13.

**Only persons on list entitled to vote**

**14** No person shall be entitled to vote unless all his fees have been paid before the preparation of the list, and no person whose name is not included in the list as finally settled shall be entitled to vote at the election.

R.S.S. 1940, c.208, s.14; R.S.S. 1953, c.271, s.14.

**Void votes**

**15** If an elector places more or less than twelve names on his voting paper his vote shall not be counted.

R.S.S. 1940, c.208, s.15; R.S.S. 1953, c.271, s.15.

**Qualification of benchers**

**16** No person shall be eligible as a candidate at any election who is not a barrister and solicitor and qualified to vote at such election. At all elections retiring benchers shall be eligible for re-election, except those who have become *ex officio* benchers under the provision of section 9.

R.S.S. 1940, c.208, s.16; R.S.S. 1953, c.271, s.16.

**Notice of election**

**17** Six weeks prior to the date of election, notice of the election (form A) shall be sent by the secretary to each member of the society whose name appears on the list prepared pursuant to section 12.

R.S.S. 1940, c.208, s.17; R.S.S. 1953, c.271, s.17.

**Nominations**

**18** Every nomination for election as a bencher shall be in writing, and the nomination shall be signed by at least five members of the society entitled to vote at the election. The consent of the nominee shall be attached thereto, and the nomination paper shall be filed with the secretary not later than the first Monday in October preceding the day of election.

R.S.S. 1940, c.208, s.18; R.S.S. 1953, c.271, s.18.

**Election**

**19(1)** If only so many candidates are nominated for the office of bencher as are required to be elected, such candidates shall be deemed to have been elected; if fewer, the candidates nominated shall be deemed to have been elected, and they shall appoint further benchers to complete the required number of twelve.

(2) If a poll is necessary, the secretary shall, not later than the second Monday of October preceding the day of election, send to each member of the society whose name appears on the list prepared pursuant to section 12, at his last known place of residence, a list of the candidates nominated, arranged in alphabetical order, accompanied by one copy of a voting paper (form B), and the secretary shall also transmit a copy of the list to each local registrar of the Court of Queen's Bench, and every local registrar shall forthwith on receipt thereof, post the list in a conspicuous place in his office.

(3) The voting paper, when completed, shall be enclosed in a sealed envelope marked "Voting Paper" and mailed by post to the secretary or delivered to him at his office so as to be in his hands on the day of election before the hour prescribed for opening the voting papers.

R.S.S. 1940, c.208, s.19; R.S.S. 1953, c.271, s.19.

**Count**

**20(1)** The benchers shall, at the quarterly convocation immediately preceding the day of election, appoint, with their assent, two members of the society who shall act as scrutineers at the election and who shall not be eligible for the election to the office of bencher. The president may fill any vacancy in the office of scrutineer.

(2) The voting papers shall, at the hour of eleven o'clock in the forenoon on the day of election, mountain standard time, be opened by the secretary in the presence of the scrutineers, who shall scrutinize and count the votes and make a record thereof in a book to be provided by the society.

R.S.S. 1940, c.208, s.20; R.S.S. 1953, c.271, s.20.

**Members elected**

**21** The twelve candidates receiving respectively the highest number of votes cast shall be declared by the secretary to be elected benchers.

R.S.S. 1940, c.208, s.21; R.S.S. 1953, c.271, s.21.

**Equality of votes**

**22** In case of an equality of votes between two or more candidates which leaves the election of one or more of such benchers undecided, the secretary shall forthwith put into a box a number of papers equal to the number of candidates who have an equality of votes, each paper having the name of one of the candidates written thereon. The papers shall be so folded that the name shall be inside and not visible without the papers being opened. The papers shall be mixed together in the box and the secretary shall draw by chance from the box, in presence of the persons present, one or more of such papers sufficient to make up the required number; and the persons whose names are upon the papers so drawn shall be declared elected.

R.S.S. 1940, c.208, s.22; R.S.S. 1953, c.271, s.22.

**Notice of result of election**

**23** The secretary shall forthwith after the election notify the benchers elect of their election and cause their names to be published in *The Saskatchewan Gazette*.

R.S.S. 1940, c.208, s.23; R.S.S. 1953, c.271, s.23.

**Rules for election**

**24** The benchers may make such regulations as they consider expedient, not contrary to the provisions of this Act, for regulating the procedure as to election of benchers.

R.S.S. 1940, c.208, s.24; R.S.S. 1953, c.271, s.24.

**Voting papers retained**

**25** The secretary shall retain the voting papers used at an election until all petitions in respect thereof have been decided.

R.S.S. 1940, c.208, s.25; R.S.S. 1953, c.271, s.25.

**Disputed elections**

**26** If a dispute arises as to the election of benchers it may be decided in a summary way by a judge of the Court of Queen's Bench upon petition presented within ten days from the declaration of the result; the decision of the judge shall be final and the costs of the petition shall be in his discretion; the judge shall have the like powers as in an ordinary cause in the Court of Queen's Bench.

R.S.S. 1940, c.208, s.26; R.S.S. 1953, c.271, s.26.

**False voting**

**27** No person shall sign the name of any other person to a voting paper or alter, add to, falsify or fill up any blank in a voting paper signed by another person or deliver or cause to be delivered to the secretary any such false voting paper or any voting paper which has been added to or falsified or in which any blank has been filled up after the same was signed.

R.S.S. 1940, c.208, s.27; R.S.S. 1953, c.271, s.27.

**Absence of secretary**

**28** If there is no secretary at the time at which an election is to be held, or if the secretary is unable through illness or other unavoidable cause to act, the president, or, if there is no president, the Attorney General shall appoint in writing some person to act as secretary, and that person shall perform all the duties of the secretary.

R.S.S. 1940, c.208, s.28; R.S.S. 1953, c.271, s.28.

**Vacancies**

**29** In case of failure to elect the required number of benchers, or in case of a vacancy caused by the death, resignation or departure from Saskatchewan of a bencher, or by any other cause, the remaining benchers may appoint to the vacant place any person duly qualified to be elected a bencher, and the person so appointed shall hold office for the residue of the period for which the other benchers have been elected.

R.S.S. 1940, c.208, s.29; R.S.S. 1953, c.271, s.29.

## OFFICERS OF SOCIETY

**Officers**

**30** The officers of the society shall consist of a president, vice-president, secretary and treasurer and in the discretion of the society the office of secretary and treasurer may be filled by a secretary treasurer; and such officer may be a person other than a bencher.

R.S.S. 1940, c.208, s.30; R.S.S. 1953, c.271, s.30.

## BENCHERS' POWERS

**Rules and bylaws**

**31** The benchers may from time to time make rules and bylaws:

- 1 for the government of the society and other purposes connected therewith;
- 2 subject to section 94, for prescribing the qualifications, course and manner of study and examinations of students at law and the requirements preliminary to their admission as barristers and solicitors, and for regulating the admission and enrolment of barristers and solicitors;
- 3 for fixing the fees payable to the society for admission and enrolment of students at law and barristers and solicitors respectively:  
provided that the fee for admission and enrolment as a barrister and solicitor payable by a student at law shall not exceed \$100;
- 4 for fixing the fees payable annually by each barrister and solicitor and other fees incidental to the society;
- 5 for the striking off the roll and suspension from practice of any barrister and solicitor for non-payment of fees due to the society and for his reinstatement upon such terms as the benchers see fit;
- 6 for reporting legal decisions;

7 for regulating their own procedure and that of the discipline committee in connection with the disciplinary provisions of this Act, in order to provide a procedure for carrying into effect all such provisions.

R.S.S. 1940, c.208, s.31; 1948, c.69, s.2; R.S.S. 1953, c.271, s.31.

**Status granted to students**

**32** The benchers of the society may grant to any person possessed of educational qualifications, equal to those required of a student at law in Saskatchewan on his enrolment as such, who has been actually engaged in the study of law in any other part of Her Majesty's dominions, a status as a student at law in Saskatchewan; but not greater than his status in the country in which he had previously been a student at law, and on such conditions as to undergoing examinations as the benchers may in each case decide.

R.S.S. 1940, c.208, s.32; R.S.S. 1953, c.271, s.32.

**Special admissions to practise**

**33** Notwithstanding anything herein contained, the benchers may make rules and regulations for the admission of persons to practise as barristers and solicitors other than those mentioned in section 5:

Provided that no such person shall be admitted unless he is a British subject and has been admitted to practise as a legal practitioner in some province, state or country.

R.S.S. 1940, c.208, s.33; R.S.S. 1953, c.271, s.33.

**Admission of women**

**34** The benchers may make rules providing for the admission of women to practise as barristers and solicitors.

R.S.S. 1940, c.208, s.34; R.S.S. 1953, c.271, s.34.

**False pretences**

**35(1)** Any unqualified person who pretends or holds himself out to be a barrister and solicitor Saskatchewan or takes, assumes or uses any name, title, addition or description other than such as he actually possesses and is legally entitled to, or implying or calculated to lead people to infer that he is a barrister and solicitor duly enrolled or that he is recognized by law as a barrister and solicitor or lawyer qualified and entitled to practise or do business as such within Saskatchewan, or in any way publishes or advertises himself as such, is guilty of an offence and liable on summary conviction to a fine not exceeding \$100.

(2) Any person, not the holder of a subsisting annual certificate issued to him pursuant to the rules and bylaws of the society, who wilfully pretends to be or takes or uses any name, title, addition or description implying that he is qualified or recognized by law as qualified to act as a barrister or solicitor is guilty of an offence and liable on summary conviction to a fine not exceeding \$100.

(3) In any prosecution under this Act the burden of proof as to enrolment and qualification shall be upon the person accused.

R.S.S. 1940, c.208, s.35; R.S.S. 1953, c.271, s.35.

**Disposal of fines**

**36** All fines imposed and recovered under this Act shall belong to the society and form part of the funds thereof.

R.S.S. 1940, c.208, s.36; R.S.S. 1953, c.271, s.36.

**Special fund for certain purposes**

**37(1)** The benchers may create a special fund by the levy of an annual assessment, of such amount as may be fixed by the benchers from time to time, on the members of the society entitled to practise in the province, for the purpose of reimbursement in whole or in part of persons sustaining pecuniary loss by reason of the misappropriation or conversion by any member of the society, after the date on which this section comes into force, of money or other property entrusted to or received by such member in his professional capacity, and may administer the fund and for that purpose make such rules and bylaws as they deem necessary.

(2) A member of the society who fails to pay any annual assessment levied under subsection (1) shall be subject to the same consequences as a member who fails to pay his annual fee.

(3) The fund created pursuant to subsection (1) shall be deposited in an account in a chartered bank, separately and apart from all other funds of the society, and shall be the property of the society.

(4) The fund and the proceeds thereof may be invested in such securities as the benchers from time to time determine, and shall be administered by the benchers in such manner as they in their discretion deem proper and shall not be subject to any trust.

(5) The benchers shall not later than the first day of February in each year cause to be prepared a report as to the fund and all dispositions made thereof during the last preceding calendar year and shall not later than the said date cause a copy of the report to be delivered to the Attorney General.

1949, c.81, s.2; R.S.S. 1953, c.271, s.37.

**FUNDS OF SOCIETY****Fees**

**38** All fees, dues and subscriptions payable under the provisions of this Act shall be the property of the society and shall be paid to the treasurer thereof.

R.S.S. 1940, c.208, s.37; R.S.S. 1953, c.271, s.38.

**Custody of funds**

**39** The funds of the society shall be deposited by the treasurer to the credit of the society in a chartered bank and shall be withdrawn only by cheque signed by the treasurer and countersigned by a bencher authorized for the purpose by the benchers in convocation or by cheque signed by a bencher and countersigned by another bencher, both authorized for the purpose by the benchers in convocation.

1945, c.80, s.1; R.S.S. 1953, c.271, s.39.

**Expenditure**

**40** The funds of the society shall be disbursed and appropriated under the direction of the benchers in payment of the necessary expenses of the society:

Provided that the benchers may disburse and appropriate to the Canadian Bar Association out of such funds amounts not exceeding \$500 per annum and may out of such funds provide for relief and assistance for members of the society who in the opinion of the benchers are in needy circumstances, for burial of such persons and for relief and assistance of their wives and families.

R.S.S. 1940, c.208, s.39; 1947, c.76, s.1; 1949, c.81, s.3; 1951, c.68, s.3; R.S.S. 1953, c.271, s.40.

#### **Investment of funds**

41(1) The benchers may invest such portions of the funds of the society as are not required for the ordinary purposes thereof in:

- (a) securities which are a first charge upon land in Saskatchewan; or
- (b) the stock, funds or Government securities of Canada or of Saskatchewan or guaranteed thereby respectively.

(2) The benchers may, from time to time, vary or transpose any securities in which money in their hands is invested into or for any other securities of a nature authorized by this section.

(3) Money already invested in such stock, debentures or securities shall be held and taken to have been lawfully and properly invested.

R.S.S. 1940, c.208, s.40; R.S.S. 1953, c.271, s.41.

#### **Purchase of libraries**

42(1) The benchers may expend such portion of the funds of the society as are not required for the ordinary purposes thereof in the establishment of, or addition to, law libraries for the general use of the members at such points in Saskatchewan as they deem proper.

#### **Borrowing powers**

(2) The benchers may also pass bylaws from time to time providing for borrowing money for the purpose of the establishment of, or addition to, law libraries for the general use of the members at such points in Saskatchewan as they deem proper; and for issuing debentures, with coupons attached for the instalments payable thereunder, for the amount proposed to be borrowed with interest.

(3) The amounts borrowed under the provisions of subsection (2) shall at no time exceed in the aggregate the sum of \$15,000 and the same shall be made payable in consecutive annual instalments, in such manner that:

- (a) an equal amount of the principal together with the total interest on the principal, or balance of principal, remaining due shall be payable in each year of the period during which the debenture is to run; or
- (b) the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period.

(4) The period during which debentures are to run shall not exceed twenty years from their respective dates.

(5) Every debenture issued under the foregoing provisions shall constitute a specific charge upon all the law libraries owned by the society at the time of the issue thereof or thereafter acquired, and upon the gross annual income of the society received from the members of the society for annual certificates.

(6) The debentures shall be under the common seal of the society and shall be signed by the president or vice-president and the treasurer.

(7) No purchaser of a debenture shall be bound to inquire as to the application of the money borrowed thereon.

(8) Any municipality may invest in such debentures any part of the moneys held by it to the credit of a sinking fund account which it can lawfully invest by purchase of Dominion Government securities, school or municipal debentures; and any trustee, executor or administrator may invest in such debentures any part of the money in his hands which he can otherwise lawfully invest.

R.S.S. 1940, c.208, s.41; R.S.S. 1953, c.271, s.42.

## DISCIPLINARY

### **Barristers are officers of court**

**43** All barristers and solicitors shall be officers of the courts, and the Court of Appeal or the Court of Queen's Bench, or any judge of either, shall possess and may exercise the same powers and jurisdiction over and in respect of barristers and solicitors as on the sixteenth day of September, 1907, was possessed by the Supreme Court of Judicature in England over and in respect of solicitors of the said last mentioned court.

R.S.S. 1940, c.208, s.42; R.S.S. 1953, c.271, s.43.

### **Assisting unauthorized persons to practise**

**44** No barrister and solicitor shall wilfully and knowingly act as the professional agent of any person not duly enrolled and qualified to act as a barrister and solicitor, or suffer his name to be used in any such agency on account of, or for the profit of, an unqualified person, or send any process to such person or do any other act to enable such person to practise in any respect as a barrister and solicitor, knowing him not to be duly qualified.

R.S.S. 1940, c.208, s.43; R.S.S. 1953, c.271, s.44.

### **Discipline committee**

**45(1)** The benchers shall appoint, and shall maintain for the purposes hereinafter named, a committee of their members to be known as the "discipline committee", not exceeding five in number, of whom three shall constitute a quorum, and may at any time alter the number, constitution and tenure of office of such committee.

(2) The discipline committee shall meet from time to time for the dispatch of business and, subject to any rules made by the benchers, may regulate the convening, notice, place, management and adjournment of such meetings, the appointment of a chairman, the mode of deciding questions, and generally the transaction and management of business; and, if there is a quorum, the committee may act notwithstanding any vacancy in their body and, in case of a vacancy, may appoint a bencher to fill the vacancy until the next convocation of the benchers.

R.S.S. 1940, c.208, s.44; R.S.S. 1953, c.271, s.45.

**Inquiries**

**46(1)** The discipline committee shall, on a written order of the benchers, or may, either of its own motion or on the application of any person, inquire into and determine any matter of complaint against a member of the society where it is in substance alleged, or the committee has reasonable grounds for believing, that such member has been guilty of:

- (a) professional misconduct or conduct unbecoming a barrister and solicitor or gross negligence in conducting or handling for a client any matter whether in litigation or: not; or
- (b) default in payment of moneys received by him in his capacity as a barrister and solicitor; or
- (c) a breach of any of the provisions of this Act or of any rule or bylaw made or passed hereunder.

(2) At such inquiry the discipline committee may receive testimony and evidence and hear and inquire into any matter of complaint against any member of the society and, subject to the provisions of subsection (4) of section 48, determine and pronounce judgment thereon, notwithstanding that the existence, interpretation or construction of a contract, or the determination of any other question of fact, may be involved, and without referring such matters, or any of them, to the courts for adjudication. The finding or judgment of the discipline committee shall take the form of a report to the benchers.

R.S.S. 1940, c.208, s.45; R.S.S. 1953, c.271, s.46.

**Power of committee to suspend from practise**

**47(1)** After holding an inquiry the discipline committee shall report to the benchers at the next following convocation its findings and such recommendations as it may deem advisable in a written report, signed by the members taking part in the inquiry and concurring in the report, together with minutes of the proceedings before the discipline committee and of the evidence adduced and all exhibits produced or copies thereof.

(2) Such report, if signed by a majority of the members taking part in the inquiry, shall be deemed to be the report of the committee.

(3) The committee may suspend the person whose conduct is under inquiry from practising until the convocation of the benchers next following.

R.S.S. 1940, c.208, s.46; R.S.S. 1953, c.271, s.47.

**Benchers' powers**

**48(1)** The benchers in convocation may, upon receiving a report from the discipline committee and after consideration thereof and of the proceedings in relation thereto, if they find the matter of complaint well founded, order that the name of the person whose conduct is under inquiry be struck from the roll of barristers and solicitors, or that he be suspended from practising for such period as may be considered proper, or that the matter be referred back to the committee for further inquiry and report, or may make such other order either on terms or otherwise as may seem just.

(2) The benchers in convocation may exercise the powers set out in subsection (1) notwithstanding that the exercise of these powers may require them to make findings of fact or upon questions of contract or as to the existence of a contract as between the member of the society and his client or clients.

(3) Where the facts have been found by a court of competent jurisdiction, such findings shall be accepted by the discipline committee and the benchers in convocation.

(4) An order made under subsection (1) shall not bind in any way any person not a party to the proceedings, and shall not be deemed to settle any civil rights as among the parties concerned in such proceedings, including the member of the society, nor to affect the rights of any person other than the member of the society with relation to whom the inquiry has been held.

(5) In case of an appeal from any order made by the benchers in convocation pursuant to the powers contained in this Act, no order shall be made for payment of costs against the benchers or the members of the discipline committee personally.

(6) In case of an appeal in respect of an order made under subsection (1) the barrister shall not be suspended and his name shall not be struck from the roll until the appeal is disposed of:

Provided that the appeal is proceeded with within thirty days from the date on which the barrister is notified of the order of the benchers.

R.S.S. 1940, c.208, s.47; R.S.S. 1953, c.271, s.48.

**Deposit to cover expenses of inquiry**

**49** The benchers or the discipline committee may demand from any person requesting an inquiry and before undertaking the same, a reasonable sum as a deposit to cover the necessary costs and expenses, and, in case the complaint is found to be frivolous or vexatious, the deposit may be so applied; otherwise the deposit shall be returned to the person making the same.

R.S.S. 1940, c.208, s.48; R.S.S. 1953, c.271, s.49.

**Costs of frivolous or vexatious complaint**

**50** The benchers or the discipline committee may order to be paid out of the funds deposited pursuant to section 49, to any person against whom a complaint which is found to be frivolous or vexatious has been made, such costs as it deems just.

R.S.S. 1940, c.208, s.49; R.S.S. 1953, c.271, s.50.

**Costs of inquiry**

**51(1)** If, as the result of an inquiry under this Act, a person who is a barrister and solicitor is suspended from practising or the name of such person is struck off the roll of barristers and solicitors, the benchers or the discipline committee may order that the costs of and incidental to the inquiry, including the expenses of the discipline committee or the benchers, and fees payable to witnesses, solicitors and counsel, or any of them, shall be paid by such person.

**Taxation of costs**

(2) The costs shall, on payment of the fees prescribed by rules of court, be taxed by the local registrar of the Court of Queen's Bench at Regina, on the Queen's Bench scale, and upon his certificate execution may issue for the taxed costs as upon a judgment in an action in that court.

R.S.S. 1940, c.208, s.50; R.S.S. 1953, c.271, s.51.

**Legal or other assistance**

**52** The discipline committee or the benchers may, in the execution of their duties under this Act, employ at the expense of the society such legal or other assistance as they think necessary, and the person whose conduct is the subject of inquiry may be represented before the discipline committee or before the benchers by counsel.

R.S.S. 1940, c.208, s.51; R.S.S. 1953, c.271, s.52.

**Notice to barrister and solicitor**

**53(1)** At least one week before the holding of an inquiry by the discipline committee a notice shall be served upon the person whose conduct is the subject of inquiry.

Such notice shall embody, or be accompanied by, a copy of the charges made against him or a statement of the subject matter of inquiry, and shall also specify the time and place for holding the inquiry and shall be signed by the chairman or acting chairman of the discipline committee or by the secretary of the 'society.

**Service by registered letter**

(2) Service of any notice or documents required by this Act, or by any rule, regulation or bylaw made hereunder, may be effected by registered letter addressed to the last known place of abode or business of the person to be served and posted at least fifteen days before the date for holding the inquiry, and proof that the letter was so addressed and posted shall be proof of service.

**Evidence on oath**

(3) The testimony of witnesses shall be taken under oath, which the chairman or acting chairman of the discipline committee is hereby authorized to administer, and there shall be full right to cross-examine and re-examine all witnesses called and to adduce evidence in defence and reply.

R.S.S. 1940, c.208, s.52; R.S.S. 1953, c.271, s.53.

**Attendance of witnesses**

**54** For the purpose of procuring the attendance and evidence of witnesses before the discipline committee or before the benchers, the local registrar of the Court of Queen's Bench in any judicial district shall, upon the application of a party to the inquiry or on the application of a member of the discipline committee, or the secretary of the law society, and on payment of the fees prescribed by rules of court, issue writs of *subpoena ad testificandum* or *subpoena duces tecum*; and the rules of evidence on the inquiry, and the proceedings and penalties in the case of disobedience to such writs, shall be the same as obtain in civil cases in the Court of Queen's Bench.

R.S.S. 1940, c.208, s.53; R.S.S. 1953, c.271, s.54.

**Absence of barrister**

**55(1)** If the person whose conduct is the subject of inquiry fails to attend, the discipline committee may, upon proof of service of the notice above referred to in accordance with the provisions of this Act, which proof of service may be by affidavit or by statutory declaration, proceed with the inquiry and, without further notice to such person, make a report of their findings or take such other action as they are authorized to do under this Act.

**Power to act on evidence given by affidavit**

(2) When the person whose conduct is the subject of inquiry does not appear and the discipline committee determines to proceed in his absence, and in any other case with the consent in writing of that person, the committee may, either as to the whole case or as to any particular fact or facts, proceed and act upon evidence by affidavit.

R.S.S. 1940, c.208, s.54; R.S.S. 1953, c.271, s.55.

**Appeal**

**56(1)** A person whose name has been ordered to be struck from the roll of barristers and solicitors, or who has been suspended from practising under the provisions of this Act, may appeal from the order of the benchers, or of the discipline committee in case of suspension by that committee, to the Court of Appeal within six months from the date of the order, and the Court of Appeal upon the hearing of the appeal may make such order as to the restoration of the name so struck off, or confirming or varying the order, or for further inquiries by the benchers or discipline committee into the facts of the case, and as to costs, as shall be just.

(2) The appeal shall be by motion, notice of which shall be served upon the secretary of the society and such other person or persons as the Court of Appeal or a judge thereof in chambers may direct, and shall be founded upon a copy of the proceedings before the discipline committee, the evidence taken, the report of the discipline committee and the order of the benchers in the matter, certified by the secretary of the society, and the secretary shall upon request of any person desiring to appeal furnish him with a certified copy of all proceedings, reports, orders and papers upon which the discipline committee or benchers have acted in making the report or order complained of, upon payment for the same at the rate of fifteen cents per folio.

R.S.S. 1940, c.208, s.55; R.S.S. 1953, c.271, s.56.

**Conviction for crime**

**57** A barrister and solicitor who has been convicted of a felony shall be struck off the roll of the society or suspended from practising by resolution of the benchers.

R.S.S. 1940, c.208, s.56; R.S.S. 1953, c.271, s.57.

**Effect of suspension and being struck off roll**

**58** Upon a barrister and solicitor being struck off the roll under the provisions of this Act or by any competent authority, all his rights and privileges as a barrister and solicitor shall cease and determine; and in case he is suspended from practising he shall during the period of his suspension possess no rights or privileges as a barrister and solicitor, and notice of his being struck off the roll or suspended shall forthwith be given by the secretary of the society to the judges of the Court of Appeal, and the Court of Queen's Bench and the district courts.

R.S.S. 1940, c.208, s.57; R.S.S. 1953, c.271, s.58.

**Reinstatement**

**59(1)** The benchers may, on application made for that purpose and when in their opinion the subsequent conduct of the barrister and solicitor and the facts warrant, order the name of any barrister and solicitor struck off the roll to be restored thereto upon such terms as to payment of money or otherwise as they deem fit. In that case the secretary of the society shall certify the same under his hand and the seal of the society and deliver the certificate to the person whose name has been restored to the roll, and shall make a note opposite his name on the roll of his having been restored thereto. Notice of the restoration shall be forthwith given by the secretary of the society to the judges of the Court of Appeal, the Court of Queen's Bench and the district courts; provided that, before being entitled to be restored to the roll hereunder, such person whose name is sought to be restored shall pay all arrears of fees due by him to the society, including the fees for the period which has elapsed since he was struck off the roll.

(2) Notice in writing of the application shall be given by the person applying to such person or persons as the secretary may direct, and the persons so notified may appear in person or by counsel and oppose the application.

(3) If, on application made under subsection (1), the benchers refuse to restore the name of the applicant to the roll, the applicant may appeal from the order of the benchers to the Court of Appeal within six months from the date of the order, and the Court of Appeal upon the hearing of the appeal may allow or disallow the same.

(4) The appeal shall be founded upon a copy of the proceedings before the benchers on the application for reinstatement, including the past record of the applicant as shown by the books and records of the society, the evidence taken before the benchers or before any committee of the benchers to which the application may have been referred, any report made by such committee to the benchers in the matter and the decision appealed against, and in other respects the procedure on appeal shall *mutatis mutandis* be in accordance with the provisions of subsection (2) of section 56.

(5) If the Court of Appeal orders the name of the appellant to be restored to the roll, the secretary of the society shall proceed in accordance with the provisions of subsection (1).

R.S.S. 1940, c.208, s.58; R.S.S. 1953, c.271, s.59.

**Improper conduct of students at law**

**60** In all cases where it is in substance alleged that an enrolled student at law has been guilty of professional misconduct or conduct unbecoming a student at law, or a breach of any of the provisions of this Act or of any rule or bylaw passed hereunder, all the disciplinary provisions of this Act with respect to the holding of inquiries, suspensions, striking from the roll, restoration to the roll and appeals to the Court of Appeal shall apply *mutatis mutandis*.

R.S.S. 1940, c.208, s.59; R.S.S. 1953, c.271, s.60.

**No action against committee or benchers**

**61** No action shall lie against the benchers or the discipline committee or any member thereof for any proceedings taken in good faith or orders made or enforced under the disciplinary provisions of this Act.

R.S.S. 1940, c.208, s.60; R.S.S. 1953, c.271, s.61.

**Rules governing complaints**

**62** The benchers, or the discipline committee, with the concurrence of the benchers, may make rules for regulating the making, hearing and determining of matters of complaint under the disciplinary provisions of this Act.

R.S.S. 1940, c.208, s.61; R.S.S. 1953, c.271, s.62.

**Disciplinary powers of visitors vested in benchers and committee**

**63** Any powers which the visitors of the society may have in matters of discipline are hereby vested in the benchers and the discipline committee, and the powers by the disciplinary provisions of this Act conferred upon the benchers and the discipline committee may be exercised by the benchers or the discipline committee without reference to or the concurrence of the visitors.

R.S.S. 1940, c.208, s.62; R.S.S. 1953, c.271, s.63.

**Unauthorized persons practising**

**64(1)** If any person, unless himself a plaintiff or defendant in the proceeding, commences, prosecutes or defends in his own name or that of any other person an action or proceeding in any court of civil or criminal jurisdiction, or acts as counsel or barrister and solicitor in any action or proceeding, without being enrolled and holding a subsisting annual certificate as aforesaid, he shall be incapable of recovering any fee, reward or disbursement on account thereof. Such person shall be deemed guilty of a contempt of the court in which the proceeding has been commenced, carried on or defended and may be punished accordingly, and may be proceeded against for contempt before the Court of Appeal or any judge of the Court of Queen's Bench sitting in chambers.

(2) No person who is not a barrister and solicitor shall on behalf of a creditor or person alleging himself to be a creditor of another, or acting for a creditor, write, publish or send any card, letter or notice to such other person, threatening legal proceedings for the recovery of money or property or containing an intimation to the effect that legal proceedings will be taken to recover money or property of which he shall have the conduct, but this provision does not apply to any card, letter or notice threatening or intimating that the matter will be handed to a duly qualified barrister and solicitor for legal proceedings.

(3) No person shall use in any manner whatsoever any document or writing which simulates or is intended or is likely to lead any person to the belief that the same is a court process or form.

(4) Every person who and every corporation which violates any of the provisions of this section, is guilty of an offence and liable on summary conviction to a fine of not more than \$100 and costs for each offence, and in default of payment to imprisonment for a term not exceeding three months.

R.S.S. 1940, c.208, s.63; R.S.S. 1953, c.271, s.64.

**Exception to sections 5 and 64**

**65** Subsection (1) of section 5 and subsections (1) and (4) of section 64 do not apply to:

- (a) the members of a police force prosecuting in summary conviction cases or appearing for the Crown on preliminary hearings or summary trials before provincial or city police magistrates or justices of the peace; or

(b) a government servant prosecuting in a summary conviction case for the infraction of a provincial statute.

R.S.S. 1940, c.208, s.64; R.S.S. 1953, c.271, s.65.

**Power of benchers to institute proceedings**

**66** The benchers may institute or authorize the institution of proceedings under this Act for any breach of its provisions.

R.S.S. 1940, c.208, s.65; R.S.S. 1953, c.271, s.66.

**Suit for fees**

**67(1)** No barrister and solicitor, and no executor, administrator or assign of a barrister and solicitor, shall commence or maintain an action for the recovery of fees, charges or disbursements until the expiration of one month after a bill thereof has been delivered to the party to be charged therewith or sent by prepaid post to or left for him at his house, office or place of business or last known place of abode.

(2) Where the party to be charged is dead and has no legal representative the bill may be delivered or sent by prepaid post to the official administrator for the judicial district in which the deceased resided at the time of his death or, where the deceased did not at the time of his death reside in Saskatchewan, to the official administrator for the judicial district in which the barrister and solicitor carried on business when the services covered by the bill were rendered or the disbursements included therein were incurred. A bill so delivered or sent shall be accompanied by a fee of \$5, which amount may be added to the bill.

(3) Such bill shall either be subscribed with the proper hand of the barrister and solicitor or of his executor, administrator or assignee, or, in case of a partnership, by one of the partners, either with his own name or with the name or style of the partnership, or it shall be enclosed in or accompanied by a letter subscribed in like manner, referring to the bill.

(4) In proving a compliance with this Act it shall not be necessary in the first instance to prove the contents of the bill delivered, sent or left, and it shall be sufficient to prove that a bill of fees, charges or disbursements, subscribed as required by subsection (3) or enclosed in or accompanied by a letter as mentioned in that subsection, was delivered, sent or left in the manner mentioned in subsection (1) or (2), but the other party may show that the bill so delivered, sent or left was not such a bill as constituted a *bona fide* compliance with this Act.

(5) Nothing herein contained shall limit the power at present possessed by the courts with respect to the revision or taxation of a bill of costs.

(6) A bill of fees, charges or disbursements of a barrister and solicitor shall be sufficient in form if it contains a reasonable statement or description of the services rendered, with a lump sum charge or charges therefor, together with a detailed statement of disbursements, and in any action upon or taxation of such bill further details of the service may, if it is deemed proper, be ordered.

R.S.S. 1940, c.208, s.66; 1942, c.55, s.2; R.S.S. 1953, c.271, s.67.

**Interpretation: "court", "judge"**

**68** In sections 69 to 82 "court" means the Court of Queen's Bench and "judge" means a judge of the said court.

1942, c.55, s.3; R.S.S. 1953, c.271, s.68.

**Taxation of bill within one month**

**69** Upon application to be made within one month after the delivery of a bill of fees or disbursements by any party chargeable with the bill, the court or a judge shall, without any money being brought into court, refer the bill and the demand thereon to be taxed by the proper officer of the court for the judicial district in which any of the business charged for in the bill was done, and the court or judge making such reference may restrain the bringing of any action for such demand pending the reference.

R.S.S. 1940, c.208, s.67; R.S.S. 1953, c.271, s.69.

**Taxation of bill after one month**

**70** If no application is made within such month, the court or judge, upon the application of either party, may order a reference with such directions and conditions as may be deemed proper; and may, upon such terms as seem just, restrain any action for such demand pending the reference.

R.S.S. 1940, c.208, s.68; R.S.S. 1953, c.271, s.70.

**Limit for taxation reference**

**71** No such reference shall be directed upon the application of the party chargeable with the bill after a judgment has been obtained or after one month from the time the bill was delivered, sent or left as aforesaid, except under special circumstances to be proved to the satisfaction of the court or judge to whom the application for the reference is made.

R.S.S. 1940, c.208, s.69; R.S.S. 1953, c.271, s.71.

***Ex parte* taxation**

**72** If either party to the reference, having due notice, refuses or neglects to attend the taxation, the officer to whom the reference is made may tax the bill *ex parte*; and, if the reference is made upon the application of either party and the party chargeable with the bill attends the taxation, the costs of the reference shall, except as hereinafter provided, be paid according to the event of the taxation, that is to say, if a sixth part is taxed off the costs shall be paid by the party by whom or on whose behalf the bill was delivered, and, if, less than a sixth part is taxed off, then by the party chargeable with the bill if he applied for or attended the taxation.

R.S.S. 1940, c.208, s.70; R.S.S. 1953, c.271, s.72.

**Order for reference**

**73** Every order for a reference shall direct the officer to whom the reference is made to tax the costs and to certify what he finds to be due to or from either party in respect of the bill and of the costs of the reference.

R.S.S. 1940, c.208, s.71; R.S.S. 1953, c.271, s.73.

**Special circumstances**

**74** Such officer may certify specially any circumstances relating to the bill or taxation, and the court or judge may thereupon make such order as may be deemed right respecting the payment of the costs of taxation.

R.S.S. 1940, c.208, s.72; R.S.S. 1953, c.271, s.74.

**Costs**

**75** If the reference is made when not authorized except under special circumstances, as hereinbefore provided, the court or judge in making the same may give special directions relative to the costs.

R.S.S. 1940, c.208, s.73; R.S.S. 1953, c.271, s.75.

**Delivery of bill and documents**

**76** Where no bill has been delivered and where the bill if documents delivered might have been referred as aforesaid, the court or a judge may order delivery of a bill and may also order the delivery up of deeds or papers in the possession, custody or power of the barrister and solicitor, his assignee or representatives, in the same manner as has heretofore been done in cases where any such business has been transacted in the said court.

R.S.S. 1940, c.208, s.74; R.S.S. 1953, c.271, s.76.

**Immediate action on bill**

**77** A judge of the Court of Queen's Bench or of a district court, on proof to his satisfaction, that there is probable cause for believing that the party chargeable in respect of such bill is about to leave Saskatchewan, may authorize the barrister and solicitor claiming payment of the same to forthwith commence an action for the recovery of his fees or disbursements against the party chargeable therewith although one month has not expired since the delivery thereof.

R.S.S. 1940, c.208, s.76; R.S.S. 1953, c.271, s.77.

**Taxation on application of person other than principal**

**78** Where any person, not chargeable as the principal party, is liable to pay or has paid a bill either to the barrister and solicitor, his assignee or representative or to the principal party chargeable therewith, the person so paying, his assignee or representative, may make the like application for a reference thereof to taxation as the party chargeable therewith might himself have made and in like manner; and the same proceedings shall be had thereupon as if the application had been made by the party so chargeable.

R.S.S. 1940, c.208, s.77; R.S.S. 1953, c.271, s.78.

**Special circumstances**

**79** If such application is made when, under the provision hereinbefore contained, a reference is not authorized to be made except under special circumstances, the court or judge to which or to whom the application is made may take into consideration any additional special circumstances applicable to the person making it although such circumstances might not be applicable to the party chargeable with the bill if he were the party making the application.

R.S.S. 1940, c.208, s.78; R.S.S. 1953, c.271, s.79.

**Delivery of bill**

**80** For the purpose of such reference, the court or judge may, upon the application of the person not being the party chargeable or of a party interested as aforesaid, order the barrister and solicitor, his assignee or representative, to deliver to the party making the application a copy of the bill on payment of the costs of the copy.

R.S.S. 1940, c.208, s.79; R.S.S. 1953, c.271, s.80.

**Retaxation**

**81** No bill previously taxed shall be again referred unless under the special circumstances of the case the court or judge to which or to whom application is made thinks fit to direct a retaxation thereof.

R.S.S. 1940, c.208, s.80; R.S.S. 1953, c.271, s.81.

**Taxation after payment**

**82** The payment of any bill shall in no case preclude the court or judge to which or to whom application is made from referring the bill for taxation if the application is made within one month after payment, or within six years if the special circumstances in the case are in the opinion of the court or judge such as to require the same, the reference in either case to be on such terms and subject to such directions as to the court or judge seem right.

R.S.S. 1940, c.208, s.81; R.S.S. 1953, c.271, s.82.

**Extension of powers to district court**

**83** Where the bill is in respect of services or disbursements in an action or other proceeding in a district court, the district court and the judge thereof shall have the same powers in respect of such bill as are hereinbefore conferred on the Court of Queen's Bench and a judge thereof.

1942, c.55, s.5; R.S.S. 1953, c.271, s.83.

**Style of proceedings**

**84** All applications made to refer a bill to be taxed or for the delivery of a bill or for the delivery up of deeds, documents and papers shall be made "In the matter of (such barrister and solicitor)"; and upon the taxation the certificate of the officer by whom the bill is taxed shall, unless set aside or altered by order of a judge or by decree or order of court, be final and conclusive as to the amount thereof; and payment of the amount certified to be due and directed to be paid may be enforced according to the practice of the court.

R.S.S. 1940, c.208, s.83; R.S.S. 1953, c.271, s.84.

## SUPPLEMENTAL

**Bylaws, rules and regulations to be filed with Provincial Secretary**

**85(1)** The society shall file in the Department of the Provincial Secretary two copies, certified by the secretary to be true copies, of:

- (a) all bylaws, rules and regulations hereafter made under this Act;
- (b) all amendments made to such bylaws, rules and regulations;
- (c) all amendments hereafter made to bylaws, rules and regulations and to amendments thereto made before the twenty-fifth day of March, 1948;

within thirty days after the same are made.

(2) Where the society adopts a code of ethics governing its members, and subscription thereto or observance thereof is a condition of membership, the code of ethics shall for the purpose of this section and sections 86, 87, 88 and 89 be deemed to be a bylaw of the society.

(3) Where a bylaw, rule or regulation is hereafter amended, two copies thereof shall be filed with the amendment.

1948, c.69, s.3; R.S.S. 1953, c.271, s.85.

**Effective date of bylaws, etc.**

**86** All bylaws, rules, regulations and amendments thereto hereafter made shall take effect upon the making thereof or on a date stated therein for the purpose.

1948, c.69, s.3; R.S.S. 1953, c.271, s.86.

**Effect of failure to file bylaw, etc.**

**87** Failure to file any bylaw, rule, regulation or amendment as required by section 85 shall render the bylaw, rule, regulation or amendment ineffective as from the expiration of the time allowed for filing the same and it shall be deemed to have been revoked.

1948, c.69, s.3; R.S.S. 1953, c.271, s.87.

**Review by Legislative Assembly**

**88(1)** One copy of all bylaws, rules and regulations and amendments thereto filed in the Department of the Provincial Secretary as required by section 85 shall be laid before the Legislative Assembly forthwith if the Assembly is then in session or, if the Assembly is not then in session, within fifteen days from the commencement of its next session.

(2) Where any bylaw, rule or regulation or any amendment thereto laid before the Legislative Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, such bylaw, rule, regulation or amendment shall thereupon cease to have any effect and be deemed to have been revoked.

1948, c.69, s.3; R.S.S. 1953, c.271, s.88.

**Record of revocation and notification to society**

**89(1)** Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw, rule or regulation or amendment thereto has ceased to have effect, the Clerk of the Assembly shall forthwith forward two copies of such Votes and Proceedings to the Deputy Provincial Secretary and at the same time advise him that the copies are forwarded pursuant to this subsection.

(2) Upon receipt of such copies the Deputy Provincial Secretary shall file one of the copies with the bylaw, rule, regulation or amendment to which it relates and forthwith forward the other copy to the society and at the same time advise the society that the copy is forwarded pursuant to this subsection.

1948, c.69, s.3; R.S.S. 1953, c.271, s.89.

**Lists of barristers and solicitors to be filed with Provincial Secretary**

**90** The society shall, before the first day of February in each year, file in the Department of the Provincial Secretary a return, certified by the secretary of the society to be correct, showing:

- (a) the names and addresses and dates of admission to membership in the society of all persons who were admitted as barristers and solicitors during the preceding year;

- (b) the names of all persons whose names were struck off the roll of barristers and solicitors or who were suspended or otherwise ceased to be in good standing during that year;
- (c) the names of all persons whose names were restored to the said roll during that year or who have otherwise become entitled during that year to resume practice;
- (d) any known change in the addresses of members.

1948, c.69, s.3; R.S.S. 1953, c.271, s.90.

**Additions to and alterations in list filed in department**

**91** Upon receipt of the return required by section 90 the Provincial Secretary shall cause the list of barristers and solicitors on file in his department to be amended by the addition or insertion of appropriate entries in accordance with the information contained in the return.

1948, c.69, s.3; R.S.S. 1953, c.271, s.91.

**Report to Attorney general where application for admission refused**

**92** Where an application for reinstatement or for admission as a barrister and solicitor is made in compliance with this Act and the bylaws, rules and regulations and is refused, the society shall within seven days thereafter forward by registered mail to the Attorney General a report setting forth the circumstances and stating the reasons for the refusal.

1948, c.69, s.3; R.S.S. 1953, c.271, s.92.

**Discipline**

**93(1)** Where the benchers order that the name of a barrister and solicitor be struck from the roll or that a barrister and solicitor be suspended from practising, the society shall within fourteen days after the date on which the order is made forward by registered mail to the Attorney General a copy, certified by the secretary to be a true copy, of the complaint, the report of the discipline committee and the order of the benchers, and shall furnish the Attorney General with such relative information as he may require.

(2) If the Attorney General is of opinion that the order is unjust or contrary to the public interest, he may:

- (a) request the benchers to reconsider the case and their findings thereon;
- (b) if the benchers and the person whose conduct is under inquiry agree, appoint a board of arbitration consisting of one member nominated by the benchers, one nominated by the person whose conduct is under inquiry and one appointed by the Lieutenant Governor in Council to review or rehear the case and render decision thereon; or
- (c) institute an appeal to the Court of Appeal.

(3) Nothing contained in this section shall prejudice the right of appeal conferred by section 56 or the right of application or appeal conferred by section 59.

1948, c.69, s.3; R.S.S. 1953, c.271, s.93.

**Examinations**

- 94(1)** The examination of candidates for admission to practise as barristers and solicitors shall be under the control of the University of Saskatchewan.
- (2) The Senate may, from time to time after consultation with the benchers:
- (a) appoint a board of examiners to examine all candidates; and
  - (b) make regulations governing the conduct of examinations and prescribing the fees payable by candidates.
- (3) The registrar of the university shall report the results of all examinations to the secretary of the society.

1948, c.69, s.3; R.S.S. 1953, c.271, s.94.

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SCHEDULE

FORM A

(Section 17)

LAW SOCIETY OF SASKATCHEWAN

NOTICE OF ELECTION

Notice is hereby given that an election of benchers will be held on the first Monday of November, next. Your attention is called to section 18 of *The Legal Profession Act* as follows:

“18 Every nomination for election as a bencher shall be in writing, and the nomination shall be signed by at least five members of the society entitled to vote at the election. The consent of the nominee shall be attached thereto, and the nomination paper shall be filed with the secretary not later than the first Monday in October preceding the day of election”.

Dated at Regina, Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_\_.

.....  
*Secretary.*

FORM B  
(Section 19)

VOTING PAPER

Election of Benchers, 19\_\_\_\_\_.

I, \_\_\_\_\_, of \_\_\_\_\_ in  
the Province of Saskatchewan, barrister and solicitor, do hereby declare:

- 1 That the signature hereto is my proper handwriting;
- 2 That I now reside at \_\_\_\_\_;
- 3 That I vote for the following persons as Benchers of the law society:

- A.B. \_\_\_\_\_ of \_\_\_\_\_
- C.D. \_\_\_\_\_ of \_\_\_\_\_
- E.F. \_\_\_\_\_ of \_\_\_\_\_
- G.H. \_\_\_\_\_ of \_\_\_\_\_
- J.K. \_\_\_\_\_ of \_\_\_\_\_
- L.M. \_\_\_\_\_ of \_\_\_\_\_
- NO. \_\_\_\_\_ of \_\_\_\_\_
- P.Q. \_\_\_\_\_ of \_\_\_\_\_
- R.S. \_\_\_\_\_ of \_\_\_\_\_
- T.U. \_\_\_\_\_ of \_\_\_\_\_
- V.W. \_\_\_\_\_ of \_\_\_\_\_
- X.Y. \_\_\_\_\_ of \_\_\_\_\_

- 4 That I have signed no other voting paper at this election;
- 5 That the voting paper was executed on the day of the date hereof .

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

FOR HISTORICAL REFERENCE ONLY