

UNEDITED

The Public Trustee Consequential Amendment Act

being

Chapter 80 of *The Statutes of Saskatchewan, 1983*
(Assented to June 17, 1983).

NOTE:

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

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CHAPTER 80

An Act respecting the Consequential Amendments resulting from the enactment of The Public Trustee Act and to repeal The Administration of Estates of Mentally Disordered Persons Act

(Assented to June 17, 1983)

Short title

1 This Act may be cited as *The Public Trustee Consequential Amendment Act*.

S.S. 1983, c.80, s.1.

Rev. Stat. c.A-3, section 8 amended

2 Section 8 of *The Absentee Act* is amended:

(a) by striking out “Official Guardian” in clause (a) and substituting “Public Trustee”; and

(b) by striking out “Administrator of Estates” in clause (c) and substituting “Public Trustee”.

S.S. 1983, c.80, s.2.

Rev. Stat. c.A-5 repealed

3 *The Administration of Estates of Mentally Disordered Persons Act* is repealed.

S.S. 1983, c.80, s.3.

Rev. Stat. c.A-35

4(1) *The Automobile Accident Insurance Act* is amended in the manner set forth in this section.

Section 29 amended

(2) Section 29 is amended:

(a) by striking out “Official Guardian” in subsection (1) and substituting “Public Trustee”; and

(b) by striking out “Administrator of Estates” in subsection (2) and substituting “Public Trustee”.

Section 35 amended

(3) Paragraph 3(b)(ii) of section 35 is amended by striking out “Official Guardian” and substituting “Public Trustee”.

S.S. 1983, c.80, s.4.

Rev. Stat. c.C-26, section 18 amended

5 Section 18 of *The Condominium Property Act* is amended by striking out “Official Guardian”:

(a) in clause (1)(a); and

(b) in subsection (2);

and in each case substituting “Public Trustee”.

S.S. 1983, c.80, s.5.

Rev. Stat. c.C-47, section 18 amended

6 Section 18 of *The Criminal Injuries Compensation Act* is amended:

- (a) by striking out “Administrator of Estates” wherever it appears in clause (a) and substituting “Public Trustee”; and
- (b) by striking out “Official Guardian” wherever it appears in clause (c) and substituting “Public Trustee”.

S.S. 1983, c.80, s.6.

Rev. Stat. c.D-23, section 13 amended

7 Subsection 13(4) of *The Department of Social Services Act* is amended by striking out “Official Guardian” and substituting “Public Trustee”.

S.S. 1983, c.80, s.7.

Rev. Stat. c.D-27

8(1) *The Devolution of Real Property Act* is amended in the manner set forth in this section.

Section 13 amended

(2) Section 13 is amended by striking out “Official Guardian” and substituting “Public Trustee”.

Section 14 amended

(3) Section 14 is amended by striking out “Official Guardian on behalf of infants and, in the case of a lunatic, with the approval of the Administrator of Estates” and substituting “Public Trustee on behalf of infants or lunatics”.

Section 15 amended

(4) Section 15 is amended by striking out “Official Guardian on behalf of infants and, in the case of a lunatic, with the approval of the Administrator of Estates”:

- (a) in subclause (b)(ii); and
- (b) in subclause (c)(ii);

and in each case substituting “Public Trustee on behalf of infants or lunatics”.

S.S. 1983, c.80, s.8.

Rev. Stat. c.E-6, section 27 amended

9 Subclause 27(d)(iv) of *The Election Act* is amended by striking out “Administrator of Estates” and substituting “Public Trustee”.

S.S. 1983, c.80, s.9.

Rev. Stat. c.F-11, section 11 repealed

10 Section 11 of *The Fatal Accidents Act* is repealed.

S.S. 1983, c.80, s.10.

Rev. Stat. c.I-9

11(1) *The Infants Act* is amended in the manner set forth in this section.

Sections 9 to 16 repealed

(2) Sections 9 to 16 are repealed.

Sections 18 to 20 repealed

(3) Sections 18 to 20 are repealed.

Section 21 amended

(4) The following subsection is added after subsection 21(3):

“(4) The registrar shall notify the Public Trustee of the appointment or removal of a guardian of the estate of an infant and shall:

- (a) certify the date on which the appointment or removal was made;
- (b) state whether or not a bond was filed; and (c) where a bond was filed state the amount of the bond”.

Section 27 amended

(5) Subsection 27(1) is amended by striking out “Official Guardian” and substituting “Public Trustee”.

New sections 29 to 31

(6) Sections 29 to 55 are repealed and the following substituted:

“**29(1)** On application on behalf of an infant by a person considered by the court to be a proper person to represent the interests of the infant, the court may require that a guardian of the estate of an infant, other than the Public Trustee, bring in his accounts with respect to the administration of that property, and when the accounts are brought in, examine and pass them.

“(2) The authority of the court in subsection (1) extends to a final passing of accounts after the infant has attained the age of majority.

“**30** A testator may not by his will appoint a guardian or trustee of the estate of an infant, other than the executor of his will, to act without bond but, where a person is appointed as guardian or trustee of the estate of an infant in a will by a testator, he may apply for an order of guardianship under section 21.

“**31** A guardian of the estate of an infant appointed by the court is subject to the provisions of *The Trustee Act* and *The Public Trustee Act*”.

S.S. 1983, c.80, s.11.

Rev. Stat. c.L-5

12(1) *The Land Titles Act* is amended in the manner set forth in this section.

Section 124.2 amended

(2) Subsection 124.2(2) is amended by striking out “section 16 of *The Administration of Estates of Mentally Disordered Persons Act*” wherever it appears and in each case substituting “section 33 of *The Public Trustee Act*”.

Section 159 amended

Subsection 159(2) is amended:

- (a) by striking out “section 16 of *The Administration of Estates of Mentally Disordered Persons Act*” and substituting “section 33 of *The Public Trustee Act*”; and
- (b) by striking out “Administrator of Estates as required by the said section 16” and substituting “Public Trustee”.

c. 80 PUBLIC TRUSTEE CONSEQUENTIAL AMENDMENT

Section 172 amended

- (4) Section 172 is amended by striking out “Official Guardian”:
- (a) in clause (1)(a);
 - (b) in clause (1)(b); and
 - (c) in subsection (2);
- and in each case substituting “Public Trustee”.

S.S. 1983, c.80, s.12.

Rev. Stat. c. L-15

13(1) *The Limitation of Actions Act* is amended in the manner set forth in this section.

New section 6

(2) Section 6 is repealed and the following substituted:

“6 The running of time with respect to a limitation period to bring an action fixed by this or any other Act is postponed for a person who is entitled to bring such an action for so long as he is an infant or:

- (a) he is by reason of mental disorder not competent to manage his affairs or estate; and
- (b) he or his estate is not represented by a committee appointed under *The Public Trustee Act* or *The Mentally Disordered Persons Act* who:
 - (i) is aware of the cause of action; and
 - (ii) has the legal capacity to commence the cause of action on behalf of that person or his estate”.

Section 48 repealed

(3) Section 48 is repealed.

S.S. 1983, c.80, s.13.

1979, c.M-6.1, section 48 amended

14 Section 48 of *The Matrimonial Property Act* is amended:

- (a) by striking out “Official Guardian or the Administrator of Estates” wherever it appears in subsection (1) and in each case substituting “Public Trustee”; and
- (b) by striking out “Official Guardian” in subsection (2) and substituting “Public Trustee”.

S.S. 1983, c.80, s.14.

Rev. Stat. c.M-13

15(1) *The Mental Health Act* is amended in the manner set forth in this section.

Section 2 amended

(2) Clause 2(a) is repealed.

Section 28 amended

- (3) Section 28 is amended by striking out “Administrator of Estates”:
- (a) in subsection (2);
 - (b) in subsection (3);
 - (c) wherever it appears in subsection (4);
 - (d) in subsection (6);
 - (e) in subsection (7);
 - (f) in subsection (9);
 - (g) in subsection (11); and
 - (h) in subsection (12);

and in each case substituting “Public Trustee”.

Section 33 amended

- (4) Clause 33(3)(c) is amended by striking out “Administrator of Estates” and substituting “Public Trustee”.

S.S. 1983, c.80, s.15.

Rev. Stat. c.M-14

- 16(1)** *The Mentally Disordered Persons Act* is amended in the manner set forth in this section.

Section 3 amended

- (2) Section 3 is amended by striking out “*The Administration of Estates of Mentally Disordered Persons Act*” and substituting “*The Public Trustee Act*”.

Section 10 amended

- (3) Section 10 is amended by striking out “Administrator of Estates” and substituting “Public Trustee”.

Section 36 repealed

- (4) Section 36 is repealed.

S.S. 1983, c.80, s.16.

1983, N-5.1 section 26 amended

- 17** Subclause 26(1)(h)(iv) of *The Northern Municipalities Act* is amended by striking out “Administrator of Estates” and substituting “Public Trustee”.

S.S. 1983, c.80, s.17.

Rev. Stat. c.P-29, section 4.1 amended

- 18** Section 4.1 of *The Property Improvement Grant Act* is amended by striking out “Official Guardian”:

- (a) wherever it appears in subsection (1); and
- (b) in subsection (3);

and in each case substituting “Public Trustee”.

S.S. 1983, c.80, s.18.

c. 80 PUBLIC TRUSTEE CONSEQUENTIAL AMENDMENT

Rev. Stat. c.Q-1, sections 21 and 22 repealed

19 Sections 21 and 22 of *The Queen's Bench Act* are repealed.

S.S. 1983, c.80, s.19.

Rev. Stat. c.S-26

20(1) *The Saskatchewan Insurance Act* is amended in the manner set forth in this section.

Section 182 amended

(2) Subsection 182(3) is amended by striking out "official guardian of infants" and substituting "Public Trustee".

Section 255 amended

(3) Subsection 255(3) is amended by striking out "Official Guardian" and substituting "Public Trustee".

S.S. 1983, c.80, s.20.

Rev. Stat. c.S-66, section 67 amended

21 Clause 67(c) of *The Surrogate Court Act* is amended by striking out "Official Guardian" and substituting "Public Trustee".

S.S. 1983, c.80, s.21.

Rev. Stat. c.T-23

22(1) *The Trustee Act* is amended in the manner set forth in this section.

(2) Subsection 53(2) is repealed and the following substituted:

"(2) In addition to the amounts authorized by the court to be applied towards the infant's maintenance and education, the court may authorize application of any additional amounts that are, in its opinion, required to meet special circumstances or expenditures in the best interests of the infant".

Section 54 amended

(3) Subsection 54(1) is amended by striking out "property, real or personal," and substituting "personal property".

Section 55 repealed

(4) Section 55 is repealed.

S.S. 1983, c.80, s.22.

Coming into force

23 This Act or any provision of this Act comes into force on the day or days to be fixed by proclamation of the Lieutenant Governor.

S.S. 1983, c.80, s.23.