

The Provincial Court General Regulations

being

Chapter P-30.11 Reg 3 (effective April 1, 1997) as amended by
Saskatchewan Regulations 12/2003.

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 P-30.11 REG 3

The Provincial Court Act, 1998

Title

- 1** These regulations may be cited as *The Provincial Court General Regulations*.

Interpretation

- 2** In these regulations:

- (a) “**Act**” means *The Provincial Court Act, 1998*;
- (b) “**superannuation fund**” means the Judges of the Provincial Court Superannuation Fund continued pursuant to section 32 of the Act.

29 Jan 99 cP-30.11 Reg 3 s2.

Application

- 3(1)** These regulations, with the exception of section 12, apply to judges appointed pursuant to section 6 of the Act.
- (2)** Sections 12 and 18 apply to temporary judges.

29 Jan 99 cP-30.11 Reg 3 s3.

Statutory holidays

- 4** In addition to his or her annual vacation leave, a judge is entitled to leave of absence with pay for each statutory holiday.

29 Jan 99 cP-30.11 Reg 3 s4.

Sick leave

- 5(1)** A judge is entitled to sick leave calculated at the rate of 1 ½ days for each month of service, and sick leave may be accumulated in total from year to year.
- (2)** A judge who accumulated sick leave prior to the coming into force of the Act is entitled to that sick leave in addition to any sick leave accumulated pursuant to this section.
- (3)** The chief judge may request a medical certificate from any judge who is absent from judicial duties because of illness.
- (4)** A judge who was an employee of the Government of Saskatchewan immediately prior to his or her appointment is entitled to accumulate all unused sick leave from that employment.

Leave of absence

- 6(1)** With the consent of the chief judge and where the minister considers it in the best interests of the administration of justice, the minister may grant leave of absence to a judge.
- (2)** The minister may grant a leave of absence pursuant to subsection (1) without pay, with pay or with partial pay.

(3) A judge who is granted leave of absence with pay and who is contributing to the superannuation fund must, by reservation from his or her salary, contribute to that fund in accordance with the Act for the period of the leave of absence.

(4) A judge who is granted leave of absence without pay or with partial pay and who is contributing to the superannuation fund when the leave of absence is granted may:

(a) within 30 days after returning to judicial duties, indicate in writing to the chief judge that he or she wishes the period of the leave of absence to be pensionable service and, after so indicating, there shall be deducted from the judge's salary and credited to the superannuation fund the sums that would have been deducted if the salary had been paid in full during the period of the leave of absence; or

(b) within 30 days after returning to judicial duties, indicate in writing to the chief judge that he or she wishes the period of the leave of absence to be pensionable service and, after so indicating, the judge shall make contributions to the superannuation fund, during the period of the leave of absence, equal to the sums that would have been deducted from his or her salary if the salary had been paid in full during the period of the leave of absence.

(5) A leave of absence granted pursuant to this section is deemed to be pensionable service only if the judge makes contributions to the superannuation fund in accordance with this section.

29 Jan 99 cP-30.11 Reg 3 s6.

Deferred salary leave plan

7 Subject to the approval of the chief judge and the minister, a judge may participate in a deferred salary leave plan designated by the Lieutenant Governor in Council pursuant to subsection 64(2) of *The Financial Administration Act, 1993*.

29 Jan 99 cP-30.11 Reg 3 s7.

Pressing necessity

8 Subject to any guidelines that the chief judge may establish and to the prior approval of the chief judge, a judge may use his or her accumulated sick leave to take leave of absence with pay for reasons of pressing necessity.

29 Jan 99 cP-30.11 Reg 3 s8.

Absence from judicial duties

9(1) A judge shall report to the chief judge any time that the judge is absent from his or her judicial duties.

(2) Where a judge is absent from his or her judicial duties without the prior approval of the chief judge, the absence is deemed to be an absence without pay.

29 Jan 99 cP-30.11 Reg 3 s9.

Records

10 The chief judge shall ensure that adequate records are maintained of the work days, sick leave and vacation leave of all judges.

29 Jan 99 cP-30.11 Reg 3 s10.

Expenses away from home

11(1) Where a judge, for the purpose of performing any judicial duty, attends at any place other than the place where he or she is required to reside, the judge is entitled to be paid the amount of any actual and reasonable travelling and sustenance expenses that he or she incurs as a result of that attendance, in accordance with any guidelines that the chief judge may establish from time to time.

(2) Where a judge is required to move his or her permanent residence from one place to another, the judge is entitled to be paid his or her moving expenses, including reasonable relocation costs, in accordance with any guidelines that the chief judge may establish from time to time.

29 Jan 99 cP-30.11 Reg 3 s11.

Expenses for temporary judges

12 A temporary judge is entitled to be reimbursed for all actual and reasonable travelling and sustenance expenses that the temporary judge incurs in the performance of his or her duties as a judge.

29 Jan 99 cP-30.11 Reg 3 s12.

Contributions to life insurance

13 A judge must contribute to a group life insurance plan established for the employees of the Government of Saskatchewan.

29 Jan 99 cP-30.11 Reg 3 s13.

Dental plan

14 A judge must participate in the Public Employees Dental Plan.

29 Jan 99 cP-30.11 Reg 3 s14.

Health care plan

15(1) A judge must participate in the Extended Health Care Plan established for judges.

(2) The Northern Employment Medical/Dental Leave Policy established for employees of the Government of Saskatchewan applies, with any necessary modification, to a judge who is designated pursuant to section 9 of the Act to reside in the Town of Meadow Lake or the Northern Town of La Ronge.

29 Jan 99 cP-30.11 Reg 3 s15; 14 Mar 2003 SR
12/2003 s2.

Disability allowance

16(1) A disability allowance payable to a judge pursuant to section 20 of the Act is to be reduced by the amount of any of the following:

- (a) a disability benefit from the *Canada Pension Plan*;
 - (b) a disability benefit from the Workers' Compensation Board;
 - (c) a disability benefit payable from any other government agency or board;
 - (d) a disability benefit from any insurance plan;
 - (e) any income received by a judge from any occupation entered into by the judge during the period of incapacity;
 - (f) any regular payments awarded as compensation for the loss of earnings because of third party liability.
- (2) For the purposes of subsection (1), any lump sum payments awarded as compensation for loss of earnings because of third party liability are to be prorated actuarially to a regular monthly payment.
- (3) The following are not to be used for the purpose of reducing a disability allowance payable to a judge pursuant to section 20 of the Act:
- (a) a disability benefit payable for a prior disability;
 - (b) a disability benefit received from a private individual policy paid for by the judge.
- (4) If, in the opinion of the council, a judge may qualify for *Canada Pension Plan* or Workers' Compensation Board benefits or may be entitled to enforce a claim for compensation against a third party for loss of earnings, and the judge refuses to apply for those benefits or pursue that claim with reasonable diligence, the disability allowance payable to the judge pursuant to section 20 of the Act may be reduced by an amount equal to an estimate of the amount of the *Canada Pension Plan* or Workers' Compensation Board benefits or the amount of compensation that might have been awarded for a claim for loss of earnings.

29 Jan 99 cP-30.11 Reg 3 s16.

Enforcement of maintenance orders

17 For the purposes of clause 31(4)(a) of the Act, the cost of complying with an attachment is deemed to be \$200.

29 Jan 99 cP-30.11 Reg 3 s17.

Unclaimed moneys

18 A judge must regularly forward to the minister all unclaimed money for which no proper disposition can be made.

29 Jan 99 cP-30.11 Reg 3 s18.

Seal

19(1) The seal of the court is the seal set out in the Appendix.

(2) The seal of the court may be used to certify and authenticate the proceedings of the court.

29 Jan 99 cP-30.11 Reg 3 s19.

R.R.S. c.P-30.1 Reg 2 repealed

20 *The Provincial Court Regulations* are repealed.

29 Jan 99 cP-30.11 Reg 3 s20.

Appendix

[Section 19]

Seal

