

The Small Claims Act

Repealed

by [Chapter S-50.11 of the Statutes of Saskatchewan, 1997](#)
(effective February 16, 1998).

Formerly

[Chapter S-50.1 of the Statutes of Saskatchewan, 1988-89](#)
(effective December 1, 1989) as amended by the [Statutes of Saskatchewan, 1990-91, c.C-8.1 and L-10.1](#).

NOTE:

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

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CHAPTER S-50.1

An Act respecting Small Claims in the Provincial Court of Saskatchewan

SHORT TITLE

Short title

- 1 This Act may be cited as *The Small Claims Act*.

INTERPRETATION AND APPLICATION

Interpretation

- 2 In this Act:

- (a) “**certificate of judgment**” means a certificate of judgment prepared pursuant to section 33;
- (b) “**clerk**” means a clerk of the Provincial Court appointed pursuant to *The Court Officials Act, 1984*;
- (c) “**counterclaim**” includes a set-off;
- (d) “**court**” means the Provincial Court of Saskatchewan established pursuant to *The Provincial Court Act*;
- (e) “**defendant**” means a person to whom a summons issued pursuant to this Act is directed;
- (f) “**judge**” means, except in clause 4(f) and where the context otherwise requires, a judge appointed pursuant to *The Provincial Court Act*, but does not include a judge of the Queen’s Bench Court acting *ex officio* as a judge of the court;
- (g) “**lawyer**” means a member in good standing of the Law Society of Saskatchewan pursuant to *The Legal Profession Act, 1990*;
- (h) “**plaintiff**” means a person at whose instance a summons is applied for or issued pursuant to this Act;
- (i) “**prescribed**” means prescribed in the regulations;
- (j) “**Queen’s Bench Court**” means Her Majesty’s Court of Queen’s Bench for Saskatchewan.

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Application

3(1) Subject to subsection (2) and section 4, this Act applies, whether or not the Crown is a party to the action, to:

- (a) all claims and demands for debt, payable in money or otherwise, where the amount or balance claimed by a person:
 - (i) does not exceed \$5,000; or
 - (ii) exceeds \$5,000 but has been reduced by payment or abandonment to \$5,000 or less; and
- (b) all claims for recovery of goods or chattels or for damages where:
 - (i) the amount or balance of the damages claimed by; or
 - (ii) the value of the goods or chattels sought to be recovered by;
 the person, as the case may be, does not exceed \$5,000.

(2) For the purposes of determining whether the amount of any claim or counterclaim is within the jurisdiction of the court given by this Act, the amount is to be calculated without taking into consideration:

- (a) any interest payable on the claim or counterclaim pursuant to *The Pre-judgment Interest Act*; or
- (b) costs.

1988-89, c.50.1, s.3.

Non-application

4 This Act does not apply to an action:

- (a) in which title to land is brought into question;
- (b) in which the validity of a devise, bequest or limitation is disputed;
- (c) for malicious prosecution, malicious arrest, false imprisonment, libel, slander or breach of promise to marry;
- (d) by or against the personal representative of a deceased person, other than an action by or against the estate of the deceased person for:
 - (i) damages; or
 - (ii) recovery of a debt;

where the amount claimed or sought to be recovered does not exceed \$5,000;

- (e) against the assignees of an insolvent debtor;
- (f) against a judge, justice of the peace or other peace officer for anything done by him in the execution of his office.

1988-89, c.S-50.1, s.4; 1990-91, c.C-8.1, s.78.

COMMENCEMENT OF PROCEEDINGS

Choice of proceedings

5 A person may proceed in any other manner authorized by law rather than proceeding pursuant to this Act.

1988-89, c.S-50.1, s.5.

Division of action prohibited

6 No person shall divide a cause of action into two or more actions for the purpose of bringing it within the jurisdiction of this Act.

1988-89, c.S-50.1, s.6.

Preparation of summons; statement

7(1) Any person having a claim pursuant to this Act may apply to a clerk for a summons in the prescribed form.

(2) A person applying for a summons shall:

- (a) furnish the clerk with the particulars of his claim; and
- (b) produce for inspection by the clerk any documents in his possession pertaining to his claim.

(3) The clerk shall assist the plaintiff in preparing a concise written statement of the claim.

(4) The plaintiff shall sign the written statement of claim mentioned in subsection (3).

1988-89, c.S-50.1, s.7.

Issuing a summons

8(1) The clerk shall present the statement of the plaintiff's claim mentioned in subsection 7(3) to a judge.

(2) Subject to subsections (3) and (4) and 15(2), if the judge is satisfied that the plaintiff has a cause of action, the judge shall issue a summons returnable at the time and place he considers most equitable.

(3) For the purposes of deciding which place is most equitable pursuant to subsection (2), the judge shall consider the following matters in the following order of priority:

- (a) any agreement between the parties respecting the location of the trial;
- (b) the place where the cause of action arose;
- (c) the place where the defendant resides; and
- (d) the place where the plaintiff resides.

(4) The judge may refuse to issue a summons if he considers that it is not in the interest of one or more of the parties to adjudicate the claim pursuant to this Act.

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(5) Where a judge refuses to issue a summons, that refusal does not prejudice a plaintiff's right to proceed in the Queen's Bench Court or in any other manner authorized by law.

1988-89, c.S-50.1, s.8.

Counterclaims

9(1) Any defendant who has been served with a summons issued pursuant to this Act:

- (a) may serve on the plaintiff; and
- (b) where served on the plaintiff, shall file with the court;

a notice of counterclaim in the prescribed form.

(2) Notwithstanding subsection (1), a defendant may set up his counterclaim orally at trial.

(3) Where:

- (a) a defendant sets up his counterclaim orally pursuant to subsection (2); and
- (b) the judge is of the opinion that the plaintiff is taken by surprise;

the judge may adjourn the trial.

(4) Notwithstanding subsections (1) and (2), no counterclaim that involves the matters described in section 4 may be set up pursuant to this Act.

1988-89, c.S-50.1, s.9.

Fees

10(1) Every person who applies for a summons and every person who proposes to file any document with respect to an action pursuant to this Act, including a notice of counterclaim, shall furnish the prescribed fee, if any, to the clerk.

(2) The court may refuse to issue a summons or to file any document if the prescribed fee, if any, is not paid.

1988-89, c.S-50.1, s.10.

Powers of clerks

11 A clerk has the authority to:

- (a) issue subpoenas;
- (b) certify certificates of judgment; and
- (c) adjourn any cause or matter.

1988-89, c.S-50.1, s.11.

Venue of trial

12 Subsequent to issuing a summons, a judge may transfer the place of the trial to any other place if all parties to the action consent to the transfer of the trial to the other place.

1988-89, c.S-50.1, s.12.

Register

13 The clerk or judge shall keep a register in which he shall enter:

- (a) the names of the parties to every action;
- (b) the particulars of every judgment rendered;
- (c) all dates relevant to every action or judgment; and
- (d) any other details that he considers relevant.

1988-89, c.S-50.1, s.13.

Concurrent jurisdiction

14 Where a judge has issued a summons pursuant to this Act, any other judge has the same powers with respect to the matter as if he had issued the summons.

1988-89, c.S-50.1, s.14.

Service of documents

15(1) Subject to the other provisions of this Act respecting service, any document required by this Act to be served may be served:

- (a) subject to clause (f), personally, by any adult by delivering a copy of the document to the person to be served;
- (b) by mailing to the person to be served a copy of the document by registered mail or certified mail;
- (c) on a municipal corporation, by leaving a copy of the document with the mayor, reeve, clerk or secretary of the municipality or a deputy of any of those persons;
- (d) on a Crown corporation, by sending a copy of the document by registered mail or certified mail to the Chief Executive Officer of the Crown corporation or by personal service of a copy of the document on the Chief Executive Officer of the Crown corporation;
- (e) on any corporation other than a corporation mentioned in clause (c) or (d):
 - (i) by leaving a copy of the document with any officer, director, agent or liquidator of the corporation or the clerk, manager, agent or other representative at, or in charge of, any office or any other place where the corporation carries on business in Saskatchewan; or
 - (ii) by sending by registered mail or certified mail or delivering a copy of the document to the registered office of the corporation;
- (f) on a minor, by leaving a copy of the document with:
 - (i) the minor; and
 - (ii) his father, mother or guardian or another adult with whom the minor resides;

- (g) on the Government of Saskatchewan, by leaving a copy of the document with:
- (i) the Attorney General;
 - (ii) the Deputy Attorney General; or
 - (iii) any barrister and solicitor who is:
 - (A) employed in the department over which the Attorney General presides; and
 - (B) designated by the Attorney General for the purposes of section 15 of *The Proceedings Against the Crown Act*.
- (2) A summons is to be served at least 10 days before the return date indicated on the summons.
- (3) Where a summons has not been served and sufficient time does not remain before the return date of the summons in order to comply with subsection (2), a judge may fix a new return date and, where the judge does so, the summons is to be altered to reflect the new date.
- (4) Notwithstanding subsection (1), a document may be served on a person by leaving a copy with his lawyer if the lawyer accepts service by signing his name on a true copy of the document indicating that he is the solicitor for that person.

1988-89, c.S-50.1, s.15.

Proof of service

16(1) Service of a document may be proved:

- (a) where service is effected by personal service, by the oral testimony or affidavit, in the prescribed form, of the person who effected service;
 - (b) where service is by registered mail, by filing with the court the post office acknowledgment of receipt card purporting to be signed by or on behalf of the addressee;
 - (c) where service is effected by certified mail, by filing with the court the post office proof of delivery card purporting to be signed by or on behalf of the addressee;
 - (d) where service is effected by a sheriff, his deputy or his bailiff, by filing a copy of the document served endorsed with the certificate of service in the prescribed form; or
 - (e) by filing with the court a true copy of the document endorsed with the acceptance of service by a lawyer pursuant to subsection 15(4).
- (2) Where service by registered mail or certified mail is authorized pursuant to subsection 15(1), the post office acknowledgment of receipt or proof of delivery card purporting to be signed by or on behalf of the addressee is admissible as prima facie evidence of service without proof of the signature.

1988-89, c.S-50.1, s.16.

Date service effected

17(1) Where service is authorized to be made by registered mail or certified mail, service is deemed to have been effected on the person:

- (a) on the delivery date shown on the signed post office acknowledgment of receipt card or proof of delivery card; or
- (b) if the card mentioned in clause (a) is not dated, on the date the signed post office acknowledgment of receipt card or proof of delivery card is returned to the sender.

(2) Notwithstanding that a person is deemed to have been served pursuant to subsection (1), that person may prove the contrary and, for that purpose may apply to a judge:

- (a) pursuant to section 36;
- (b) for an adjournment; or
- (c) for an extension of time;

as the case may be.

1988-89, c.S-50.1, s.17.

Deemed service

18(1) Service of the summons is deemed to have been properly effected when the defendant takes any action or step to participate in the proceedings without being served.

(2) Notwithstanding that service of a document does not comply with this Act, the court may order that the service is deemed to be sufficiently served if, in the opinion of the court, the document came to the attention of the person to be served.

1988-89, c.S-50.1, s.18.

Substitutional service

19(1) A judge may make an order for substitutional service if he is satisfied that it is impractical for any reason to effect service in accordance with section 15 and, where he does so order, may, in the order, prescribe the terms of the service.

(2) Service of a document in accordance with the terms of an order made pursuant to subsection (1) is deemed to be good service.

1988-89, c.S-50.1, s.19.

ADJUDICATION

Hearings are public

20 Hearings held pursuant to this Act shall be open and accessible to the public to the extent that is conveniently possible in each case.

1988-89, c.S-50.1, s.20.

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Trial and determination of cause

21(1) Subject to subsections (2) and (3) and 9(3), every cause is to be tried on the return date of the summons or on the date to which the hearing has been adjourned.

(2) A judge or clerk may adjourn a hearing from time to time or day to day as may be required.

(3) A judge may reserve judgment.

1988-89, c.S-50.1, s.21.

Decision on written material

22 Notwithstanding any other provision of this Act, a judge may make his decision, with or without the attendance of the parties, on the basis of written material filed with the court.

1988-89, c.S-50.1, s.22.

Withdrawal

23 At any time before or during a trial, a plaintiff or a defendant may:

- (a) withdraw his claim or counterclaim; or
- (b) consent to judgment.

1988-89, c.S-50.1, s.23.

Failure to appear

24(1) If only one party to the action appears at trial, the judge may:

- (a) give judgment in the absence of a defendant who does not appear, on proof of the claim;
- (b) give judgment in the absence of a plaintiff who does not appear, where the defendant files proof of service on the plaintiff of the notice of counterclaim and on proof of the counterclaim;
- (c) adjourn the hearing; or
- (d) dismiss the claim of the party who does not appear.

(2) A claim or counterclaim may be proved for the purposes of subsection (1) by:

- (a) an affidavit of the plaintiff, or his agent having personal knowledge of the facts, verifying the claim;
- (b) an affidavit of the defendant, or his agent having personal knowledge of the facts, verifying the counterclaim; or
- (c) oral evidence given under oath.

1988-89, c.S-50.1, s.24.

Proceedings

25(1) If oral evidence is given at trial:

- (a) it shall be given under oath; and

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- (b) the parties and witnesses shall be subject to cross-examination and re-examination.
- (2) The judge shall cause a recording to be made of the oral evidence given at trial.
- (3) It is not necessary for a judge to make notes of the evidence given at trial.

1988-89, c.S-50.1, s.25.

Telephone evidence

26(1) A judge may order that the sworn oral evidence of any witness may be taken by telephone where:

- (a) the parties consent; or
 - (b) in the opinion of the judge, it is necessary for the purposes of justice.
- (2) Where the taking of evidence by telephone is or becomes unsatisfactory or the personal attendance of the witness is desirable, the judge may:
- (a) refuse to hear or continue to hear the evidence;
 - (b) receive or reject the evidence that has been heard; and
 - (c) make any order or give directions, including directions as to costs, that he considers appropriate.
- (3) Unless the judge orders otherwise, the party who intends to call a witness whose oral evidence is to be taken by telephone shall file with the court, prior to the trial, all written material to which the witness intends to refer.
- (4) The party on whose behalf a witness is called shall, in the first instance, pay all of the telephone charges of calling that witness.

1988-89, c.S-50.1, s.26.

Representation

27 The parties may be represented at trial by lawyers or agents.

1988-89, c.S-50.1, s.27.

Voluntary appearance

28(1) The parties to a claim or demand to which this Act applies may appear voluntarily before a judge.

- (2) Where the parties pursuant to subsection (1) voluntarily appear before a judge, the judge shall set a date for a hearing at which he shall:
- (a) hear the parties and their witnesses; and
 - (b) adjudicate on the claim or demand without requiring a summons to be issued pursuant to this Act.

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- (3) Subject to clause (2)(b), this Act applies to:
- (a) a hearing pursuant to clause (2)(a); and
 - (b) the judgment pronounced by the judge.

1988-89, c.S-50.1, s.28.

Costs

29 A judge may award to the successful party in an action brought pursuant to this Act all or any part of the costs for:

- (a) the prescribed fee for issuing a summons or a counterclaim;
- (b) service fees paid to a third party to effect service;
- (c) when substitutional service is made pursuant to an order made under section 19, the cost of effecting service;
- (d) telephone charges incurred pursuant to section 26;
- (e) fees paid to a witness pursuant to section 31.

1988-89, c.S-50.1, s.29.

Claim against personal representative

30 When a claim is established against a personal representative of a deceased person, the judgment binds only the assets of the estate in the hands of the personal representative.

1988-89, c.S-50.1, s.30.

Subpoenas

31(1) A judge or clerk may issue subpoenas to witnesses, in the prescribed form, to be served in Saskatchewan.

(2) A person who is subpoenaed shall, on being tendered the prescribed fee, attend at the time and place indicated in the subpoena.

(3) A subpoena issued pursuant to subsection (1) has the force and effect of a subpoena issued out of the Queen's Bench Court, and any witness who does not attend in obedience to a subpoena is liable in the same manner as if he disobeyed a subpoena issued out of that court.

1988-89, c.S-50.1, s.31.

Service of subpoena

32 Service of a subpoena may be effected by delivering a copy of the subpoena, together with the prescribed fee, to the person named in the subpoena.

1988-89, c.S-50.1, s.32.

Certificate of judgment

33(1) The judge who has tried a cause of action shall cause a certificate of every judgment given by him to be prepared in the prescribed form and to be certified by the clerk.

(2) The clerk shall deliver or send by registered mail to each of the parties a copy of the certificate of judgment.

(3) A certificate of judgment prepared pursuant to subsection (1) is to be accompanied by a notice stating that any aggrieved party may appeal from the judgment within 30 days of the date of the judgment.

(4) The date of the judgment is the date the certificate of judgment is certified by the clerk.

1988-89, c.S-50.1, s.33.

Counterclaim

34(1) A counterclaim is, to the extent of the amount established, to be applied in satisfaction of any claim established by the plaintiff.

(2) Where the counterclaim established exceeds the amount of the plaintiff's claim by not more than \$5,000, the defendant is entitled to have judgment entered for the excess.

(3) Where the counterclaim established exceeds the plaintiff's claim by more than \$5,000, the defendant may set-off the amount of the plaintiff's claim but he is not entitled to judgment for the excess unless he abandons that portion of the claim which will reduce the excess to \$5,000.

(4) Where a defendant mentioned in subsection (3) does not abandon that portion of his claim which will reduce the excess to \$5,000, he may sue for the difference in the Queen's Bench Court.

(5) Where the counterclaim established is less than the established amount of the plaintiff's claim, the plaintiff is entitled to judgment for the difference.

1988-89, c.S-50.1, s.34.

Registration of judgment

35(1) The successful party to the action may file the certificate of judgment in the office of the local registrar of the Queen's Bench Court at the judicial centre nearest to the place where the hearing was held.

(2) A certificate of judgment filed pursuant to subsection (1) is admissible in evidence as proof of the judgment without proof of the signature of the clerk.

(3) Subject to subsection (4), the local registrar of the Queen's Bench Court shall, on receipt of a certificate of judgment pursuant to subsection (1), enter the certificate as a judgment of the Queen's Bench Court, and, subject to subsection 37(6), that judgment may be enforced as a judgment of that court.

(4) A local registrar of the Queen's Bench Court shall not enter a certificate of judgment unless he is satisfied that the time for appealing an order has elapsed and an appeal has not been filed with respect to that judgment.

1988-89, c.S-50.1, s.35.

Setting aside judgment

36(1) If there has been no appeal from a judgment pursuant to this Act, either party to the action may, within six months after the date of the judgment, apply by notice of motion to a judge of the Queen's Bench Court to set aside the judgment on any of the following grounds:

- (a) that the subject matter of the action was in excess of the jurisdiction of the judge;
 - (b) that he had not been properly served with the summons or notice of counterclaim, as the case may be, and the judgment was entered against him by default; or
 - (c) that the judgment was otherwise bad in law.
- (2) On an application made pursuant to subsection (1), the judge of the Queen's Bench Court may set aside the judgment on those terms as to costs that he considers just in the circumstances.

1988-89, c.S-50.1, s.36.

APPEALS**Appeal to Queen's Bench**

37(1) A party may appeal from a judgment made pursuant to this Act to the Queen's Bench Court at the judicial centre nearest to the place where the hearing was held within 30 days after the date of judgment, or within any further time which that court may allow, by filing with the local registrar of the Queen's Bench Court:

- (a) a notice of appeal, in the prescribed form:
 - (i) setting forth the grounds of the appeal; and
 - (ii) where the appeal is by a defendant who did not serve and file a notice of counterclaim prior to trial, setting forth briefly the particulars of his defence and of any counterclaim;
 - (b) proof of service of the notice of appeal on the opposite party or the party's solicitor; and
 - (c) a copy of the certificate of judgment.
- (2) Subject to subsection (7), the appellant shall file, with the local registrar mentioned in subsection (1), a transcript of evidence heard before the judge.
- (3) Where the transcript mentioned in subsection (2) is not filed within six months of the date that the notice of appeal is filed, the appeal is deemed to be dismissed unless an order has been made by a judge of the Queen's Bench Court, prior to the expiration of the six-month period, extending the time for filing the transcript.

- (4) If:
- (a) a judge of the Queen's Bench Court extends the time for filing the transcript pursuant to subsection (3); and
 - (b) the transcript is not filed prior to the expiration of that extended period;
- the appeal is deemed to be dismissed.
- (5) On receipt of the transcript, the local registrar of the Queen's Bench Court shall enter the appeal for hearing at the next sittings at the judicial centre where the appeal is filed.
- (6) Unless a judge or a judge of Queen's Bench Court orders otherwise, on an appeal being filed pursuant to this section, execution of the judgment and all other proceedings in the action are stayed pending the appeal.
- (7) Where a judge of the Queen's Bench Court is satisfied that a transcript cannot be provided for the appeal, he may, on application by the appellant:
- (a) order that the matter be returned to the court for a new trial; or
 - (b) make any order, other than one mentioned in clause (a), that he considers appropriate.

1988-89, c.S-50.1, s.37.

Form of appeal

38 An appeal pursuant to this Act is to take the form of an appeal on the record.

1988-89, c.S-50.1, s.38.

Records from hearing

39 On being notified by the local registrar of the Queen's Bench Court that an appeal has been filed pursuant to this Act, the judge who gave the judgment shall cause to be transmitted to the local registrar:

- (a) the summons;
- (b) the notice of counterclaim, if any;
- (c) any exhibits entered at the trial.

1988-89, c.S-50.1, s.39.

Order on appeal

40 A judge of the Queen's Bench Court on hearing an appeal pursuant to section 37 may:

- (a) allow the appeal and give the judgment that the judge who made the judgment which is appealed should have given;
- (b) dismiss the appeal; or
- (c) order that the action be returned to the court for a new trial.

1988-89, c.S-50.1, s.40.

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Costs on appeal

41 A judge of the Queen's Bench Court may allow a successful party costs of the appeal calculated in accordance with the prescribed tariff.

1988-89, c.S-50.1, s.41.

Entry as Queen's Bench judgment

42(1) The judgment of the judge hearing the appeal is to be entered as a judgment of the Queen's Bench Court and may be enforced as a judgment of that court.

(2) The local registrar of the Queen's Bench Court shall forward a copy of the judgment of the Court of Queen's Bench to the judge who made the judgment which was appealed.

1988-89, c.S-50.1, s.42.

Appeal to Court of Appeal

43 The judgment of the judge hearing the appeal is subject to appeal to the Court of Appeal on a question of law, with leave of a judge of that court.

1988-89, c.S-50.1, s.43.

GENERAL

Powers of judge re judgment

44(1) Subject to subsection (2), sections 75 to 84 of *The Queen's Bench Act* apply *mutatis mutandis* to the presiding judge who pronounces judgment pursuant to this Act.

(2) Subsection (1) does not apply:

- (a) where the judgment has been appealed from pursuant to section 37; or
- (b) where the judgment has been entered as a judgment of the Queen's Bench Court.

(3) Where a judgment made pursuant to this Act has been entered as a judgment of the Queen's Bench Court and the judge has not, prior to the entry, made an order pursuant to subsection (1), sections 75 and 77 to 84 of *The Queen's Bench Act* apply *mutatis mutandis*.

1988-89, c.S-50.1, s.44.

Motor vehicle claims

45(1) In this section, "**motor vehicle**" means vehicle as defined in *The Highway Traffic Act*.

(2) Notwithstanding any other Act, law or rule of any court, where a person has a claim arising out of a motor vehicle accident and he:

- (a) files, in the prescribed manner, a notice in the prescribed form with a judge or clerk prior to the expiration of any limitation period prescribed in any Act or law; and

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(b) serves a notice in the prescribed form on the proposed defendant or the defendant's insurer with its consent;

the limitation period applicable to the claim is extended for a period of one year.

(3) Where a person who files a notice pursuant to subsection (2) intends to pursue his claim, he shall apply for a summons pursuant to section 7.

1988-89, c.S-50.1, s.45.

Procedure

46 No proceedings pursuant to this Act are to be considered invalid for informality if there has been substantial compliance with this Act.

1988-89, c.S-50.1, s.46.

Regulations

47 For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) prescribing the form of any document required for the purposes of this Act;
- (b) prescribing the fees where fees are authorized by this Act;
- (c) fixing the costs, or prescribing a tariff of costs, where costs are authorized to be fixed or prescribed by this Act;
- (d) prescribing any matter or thing required or authorized by this Act to be prescribed.

1988-89, c.S-50.1, s.47.

References

48(1) A reference in any Act, regulation or document to *The Small Claims Enforcement Act*, as that Act existed on the day before the coming into force of this Act, is deemed to be a reference to this Act unless the context otherwise requires.

(2) Any proceedings commenced pursuant to *The Small Claims Enforcement Act*, as that Act existed on the day before the coming into force of this Act, may be continued pursuant to this Act as if commenced pursuant to this Act.

1988-89, c.S-50.1, s.48.

REPEAL AND COMING INTO FORCE

R.S.S. 1978, c.S-51 repealed

49 *The Small Claims Enforcement Act* is repealed.

1988-89, c.S-50.1, s.49.

