

The Provincial Court Regulations

Repealed

by Chapter P-30.11 Reg 3 (effective April 1, 1997).

Formerly

Chapter P-30.1 Reg 2 (effective November 3, 1982)
as amended by Saskatchewan Regulations 177/83,
21/86, 81/88, 18/90, 59/93, 29/94, 85/95, 62/97, 74/97
and 34/98.

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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Appendix

CHAPTER P-30.1 REG 2

The Provincial Court Act

Title

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

Interpretation

- 2 In these regulations:

- (a) “**Act**” means *The Provincial Court Act*;
- (b) “**superannuation fund**” means the Judges of the Provincial Court Superannuation Fund continued pursuant to section 27 of the Act.

12 Nov 82 cP-30.1 Reg 2 s2; 6 Aug 93 SR 59/93 s3.

Application

- 3(1) These regulations, with the exception of sections 12 and 13, apply to all judges appointed pursuant to section 5 of the Act.

- (2) Sections 12 and 13 and 21 to 24 of these regulations apply to judges appointed pursuant to subsection 6(4) of the Act.

12 Nov 82 cP-30.1 Reg 2 s3; 7 Oct 88 SR 81/88 s3.

Salaries

- 3.1(1) Every judge appointed pursuant to section 5 of the Act is entitled to be paid a salary of:

- (a) for the period commencing on October 1, 1988 and ending on September 30, 1989, \$80,052 per annum;
- (b) for the period commencing on October 1, 1989 and ending on March 31, 1993, \$90,000 per annum;
- (c) for the period commencing on April 1, 1993 and ending on March 31, 1994, \$92,250 per annum;
- (d) for the period commencing on April 1, 1994 and ending on March 31, 1997, \$94,556 per annum;
- (e) for the period commencing on April 1, 1997, \$112,961.20.

- (2) The chief judge appointed pursuant to subsection 10(1) of the Act is entitled to be paid a salary of:

- (a) for the period commencing on October 1, 1988 and ending in September 30, 1989, \$85,126 per annum;
- (b) for the period commencing on October 1, 1989 and ending on March 31, 1993, \$95,705;
- (c) for the period commencing on April 1, 1993 and ending on March 31, 1994, \$98,098 per annum;

(d) for the period commencing on April 1, 1994 and ending on March 31, 1997, \$100,550 per annum;

(e) for the period commencing on April 1, 1997, \$119,961.20.

(3) A judge who has been assigned administrative duties pursuant to clause 11(c.2) of the Act is entitled to be paid a remuneration of \$2,000 per annum, in addition to any salary to which the judge is entitled.

(4) Where a judge performs administrative duties for a period of less than a year, the remuneration to which the judge is entitled pursuant to subsection (3) shall be prorated based on the number of months the judge performed those duties.

7 Oct 88 SR 81/88 s4; 16 Mar 90 SR 18/90 s2; 8 Apr 94 SR 29/94 s2; 11 Jly 97 SR 62/97 s3.

Vacation leave

4(1) Commencing in 1993, a judge is entitled to annual vacation leave equivalent to 30 working days.

(2) For any period less than one year, vacation leave pursuant to subsection (1) is to be calculated at the rate of 2 1/2 working days for each month of service.

(3) Subject to the prior approval of the chief judge, a judge may accumulate vacation leave from one year to the next, but a judge shall not accumulate more than the equivalent of 20 working days.

(4) A judge shall obtain the prior approval of the chief judge for the time that the judge intends to take his or her vacation leave.

(5) Notwithstanding subsection (3), a judge who, immediately prior to his or her appointment, was an employee of the Government of Saskatchewan is entitled to accumulate all unused vacation leave from his or her employment in the public service.

6 Aug 93 SR 59/93 s4.

Statutory holidays

5 In addition to his annual vacation leave, a judge is entitled to leave of absence with pay for each statutory holiday.

12 Nov 82 cP-30.1 Reg 2 s5; 6 Aug 93 SR 59/93 s5.

Sick leave

6(1) A judge is entitled to sick leave calculated at the rate of 1 1/2 days for each month of service, and sick leave may be accumulated in total from year to year.

(2) Where a judge accumulated sick leave prior to the proclamation of the Act, he is entitled to that sick leave in addition to any sick leave accumulated pursuant to the Act.

(3) **Repealed.** 6 Aug 93 SR 59/93 s6.

(4) **Repealed.** 6 Aug 93 SR 59/93 s6.

(5) The chief judge may request a medical certificate from any judge who is absent from judicial duties because of illness.

(6) A judge who, immediately prior to his appointment, was an employee of the Government of Saskatchewan, is entitled to accumulate all unused sick leave from his employment in the public service.

12 Nov 82 cP-30.1 Reg 2 s6; 4 Nov 83 SR 177/83 s4; 7 Oct 88 SR 81/88 s5; 6 Aug 93 SR 59/93 s6.

Leave of absence

7(1) The minister may, with the consent of the chief judge and where the minister considers it in the best interests of the administration of justice, grant leave of absence to a judge.

(2) The Minister of Justice may grant a leave of absence pursuant to subsection (1) without pay, with pay or with partial pay.

(3) Where a judge is granted leave of absence with pay and he is contributing to the superannuation fund, he shall, by reservation from his salary, contribute to that fund in accordance with the Act for the period of his 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 at the time he is granted the leave of absence may:

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

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

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

12 Nov 82 cP-30.1 Reg 2 s7; 4 Nov 83 SR 177/83 s5; 21 Mar 86 SR 21/86 s2; 24 Jly 87 SR 65/87 s16; 7 Oct 88 SR 81/88 s6; 1 May 98 SR 34/98 s3.

Deferred Salary Leave Plan

7.1 Subject to the approval of the chief judge and the Minister of Justice, 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*.

12 Jan 96 SR 85/95 s2.

Pressing necessity

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

12 Nov 82 cP-30.1 Reg 2 s8.

Absence from judicial duties

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

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

12 Nov 82 cP-30.1 Reg 2 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.

12 Nov 82 cP-30.1 Reg 2 s10; 6 Aug 93 SR 59/93 s7.

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 is required to reside, he is entitled to be paid the amount of any actual and reasonable travelling and sustenance expenses that he incurs as a result of his attendance, in accordance with any guidelines that the chief judge may from time to time establish.

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

(3) **Repealed.** 6 Aug 93 SR 59/93 s8.

12 Nov 82 cP-30.1 Reg 2 s11; 6 Aug 93 SR 59/93 s8.

Expenses for judges appointed pursuant to subsection 6(4)

12 Every judge appointed pursuant to subsection 6(4) of the Act is entitled to be reimbursed for all actual and reasonable travelling and sustenance expenses that the judge incurs in the performance of his or her duties as a judge.

1 May 98 SR 34/98 s4.

Same

13(1) Every judge appointed pursuant to subsection 6(4) of the Act is entitled to be paid \$300 for each day and \$150 for each half day on which he is engaged in his duties as a judge.

(2) Effective November 1, 1997, each judge appointed pursuant to subsection 6(4) of the Act is entitled to be paid \$350 for each day and \$175 for each half day on which he or she is engaged in his or her duties as a judge.

7 Oct 88 SR 81/88 s7; 1 May 98 SR 34/98 s5.

Contributions to life insurance

14 Every judge shall contribute to a group life insurance plan established for the employees of the Government of Saskatchewan.

12 Nov 82 cP-30.1 Reg 2 s14.

Dental Plan

15 Every judge shall participate in the Public Employees Dental Plan established for the employees of the Government of Saskatchewan.

12 Nov 82 cP-30.1 Reg 2 s15.

Professional allowance

15.1(1) In the period commencing in the 1993-94 fiscal year and ending on March 31, 1997, every judge shall be paid an accountable annual professional allowance of \$1,250.

(2) Commencing in the 1997-98 fiscal year, every judge shall be paid an accountable annual professional allowance of \$3,000.

11 Jly 97 SR 62/97 s4.

Health Care Plan

15.2 Every judge shall participate in the Extended Health Care Plan established for employees of the Government of Saskatchewan.

11 Jly 97 SR 62/97 s4.

Northern allowance

16 Where a judge is required to perform his judicial duties out of the Northern Saskatchewan Administration District, he shall be paid an additional \$5,000 for each year so engaged and shall be paid a proportionate part of that amount for any period of less than one year that he is so engaged.

12 Nov 82 cP-30.1 Reg 2 s16; 7 Oct 88 SR 81/88 s8; 6 Aug 93 SR 59/93 s11.

Deduction of overpayments from superannuation

17 Where a judge retires, resigns or is removed from office, any overpayments made to him in the form of advances or unearned vacation or sick leave may be deducted from any pension contribution refunds or superannuation payments that are payable to him by the government.

12 Nov 82 cP-30.1 Reg 2 s17; 6 Aug 93 SR 59/93 s12.

Disability allowance

17.1(1) A disability allowance payable to a judge pursuant to section 39 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 disability;

- (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 the loss of earnings because of third party liability are to be actuarially prorated 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 39 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 Judicial 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 a judge pursuant to section 39 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.

6 Aug 93 SR 59/93 s13.

Payment of superannuation

18 Where a judge who is receiving a pension dies, there shall be payable to his estate a payment equal to a one month entitlement, notwithstanding that the amount payable in arrears is less than a one month entitlement.

12 Nov 82 cP-30.1 Reg 2 s18.

Enforcement of maintenance orders

18.1 For the purposes of clause 46(2.1)(a) of the Act, the cost of complying with an attachment is deemed to be \$200.

1 Aug 97 SR 74/97 s2.

19 Repealed. 6 Aug 93 SR 59/93 s14.

Judicial council

20(1) Each member of the Judicial Council or of any committee of the Judicial Council who is not an employee of the Government of Saskatchewan or a person appointed as a judge pursuant to the Act or the *Judges Act* (Canada), as amended from time to time, is entitled to an honourarium of \$100 per day for each day or part of a day that he is necessarily engaged in council or committee work.

(2) Each member of the Judicial Council or of any committee of the Judicial Council is entitled to reimbursement from the Department of Justice for actual and reasonable travelling and sustenance expenses that he incurs while he is necessarily engaged in council or committee work.

12 Nov 82 cP-30.1 Reg 2 s20; 4 Nov 83 SR 177/83 s6.

21 Repealed. 11 Jly 97 SR 62/97 s5.

22 Repealed. 1 May 98 SR 34/98 s6.

23 Repealed. 1 May 98 SR 34/98 s7.

PROVINCIAL COURT

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Unclaimed moneys

24 Every judge shall regularly forward to the Minister of Justice all unclaimed moneys for which no proper disposition can be made.

12 Nov 82 cP-30.1 Reg 2 s24; 4 Nov 83 SR 177/83 s9.

Seal

25 The seal of the court is the seal set out in the Appendix, and may be used to certify and authenticate the proceedings of the court.

12 Nov 82 cP-30.1 Reg 2 s25.

Repeal

26 Saskatchewan Regulations 308/78 are repealed.

12 Nov 82 cP-30.1 Reg 2 s26.

Appendix

[Section 25]

Seal

12 Nov 82 cP-30.1 Reg 2.

