

The Vital Statistics Administration Transfer Act

being

Chapter V-7.3* of *The Statutes of Saskatchewan, 2008* (effective October 12, 2008) as amended by the *Statutes of Saskatchewan, 2013, c.O-4.2*.

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

NOTE:

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER V-7.3

An Act to effect the transfer of the administration of *The Vital Statistics Act, 1995*, *The Change of Name Act, 1995* and other statutory duties of the Director of Vital Statistics to the Information Services Corporation of Saskatchewan, and to make consequential amendments to other Acts

Short title

1 This Act may be cited as *The Vital Statistics Administration Transfer Act*.

Interpretation

2 In this Act:

- (a) “**CIC**” means the Crown Investments Corporation of Saskatchewan continued pursuant to *The Crown Corporations Act, 1993*;
- (b) “**corporation**” means e-Health Saskatchewan created by the Lieutenant Governor in Council as a Crown corporation pursuant to *The Crown Corporations Act, 1993*, through which the minister shall administer this Act, *The Vital Statistics Act, 2009* and *The Change of Name Act, 1995*;
- (c) “**ISC**” means Information Services Corporation of Saskatchewan incorporated pursuant to *The Crown Corporations Act, 1993* and continued pursuant to *The Business Corporations Act* by *The Information Services Corporation Act* as Information Services Corporation, and includes any continuation of it resulting from one or more amalgamations pursuant to *The Business Corporations Act*;
- (d) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned.

2013, c.O-4.2, s.157.

Transfer of administration

3(1) The corporation is responsible to the minister in the performance of the duties imposed on the corporation and the exercise of the powers conferred on the corporation for the purpose of administering this Act, *The Vital Statistics Act, 2009* and *The Change of Name Act, 1995*.

(2) All revenues derived from fees, taxes, rates and other charges imposed or collected pursuant to this Act, *The Vital Statistics Act, 2009* or *The Change of Name Act, 1995* are to be paid to and are the property of the corporation, unless Treasury Board directs that all or any of the revenues be paid to the general revenue fund.

2013, c.O-4.2, s.157.

c. V-7.3**VITAL STATISTICS ADMINISTRATION TRANSFER****Transfer of employees**

4(1) Notwithstanding any other Act or law or provision of a contract, for the purpose of facilitating the administration of this Act, *The Vital Statistics Act, 2009* and *The Change of Name Act, 1995*, the president, chief executive officer or other head of ISC may, by agreement with the corporation, transfer any employees or class of employees of ISC to and cause them to become employees of the corporation.

(2) Notwithstanding any other Act or law or provision of a contract, any transfer described in subsection (1):

- (a) does not constitute the abolition or termination of any position or job;
- (b) does not require any advance notice, including any notice that may be required pursuant to *The Trade Union Act* or *The Labour Standards Act*; and
- (c) does not constitute constructive dismissal of any person or a breach of contract.

2013, c.O-4.2, s.157..

Superannuation

5 *The Public Service Superannuation Act* and *The Public Employees Pension Plan Act* apply, with any necessary modification, to the persons employed by the corporation for the purpose of administering this Act.

2008, c.V-7.3, s.5.

Transfer of assets and liabilities

6(1) Notwithstanding any other Act or law, the Lieutenant Governor in Council or ISC may transfer to and vest in the corporation or CIC any assets, liabilities, contracts and causes of action of ISC respecting the operations of the Vital Statistics Registry or the Change of Name Registry or arising from the administration or enforcement of *The Vital Statistics Act, 2009* or *The Change of Name Act, 1995*, subject to any terms and conditions that the Lieutenant Governor in Council may set.

(2) If any things and matters mentioned in subsection (1) are transferred to CIC, the Lieutenant Governor in Council or CIC may transfer those things or matters to the Government of Saskatchewan or the corporation subject to any terms and conditions that the Lieutenant Governor in Council or CIC may set.

(3) If any things and matters mentioned in subsection (1) are transferred to the Government of Saskatchewan, the Lieutenant Governor in Council may transfer those things or matters to the corporation subject to any terms and conditions that the Lieutenant Governor in Council may set.

(4) The corporation may exercise all the powers, rights and privileges over or with respect to the things and matters mentioned in subsection (1) that ISC could or might have exercised, and may:

- (a) sell, release, discharge, assign, transfer, convey, dispose of or otherwise deal with all or any of those things and matters;
- (b) execute all requisite or proper assignments, transfers, discharges, releases, grants or other conveyances or documents that may be required; and

- (c) exercise all powers in connection with those things and matters in the name of the corporation as if they stood in the name of, or had been made to or in favour of, the corporation.
- (5) No action, appeal, application or other proceeding being carried on or power or remedy being exercised with respect to the things and matters mentioned in subsection (1) is to be discontinued or abated on account of this Act, but may be continued in the name of the corporation, and the corporation has the same rights, is subject to the same liabilities, and shall pay or receive the same costs as if the action, appeal, application or other proceeding had been commenced or defended in the name of the corporation.
- (6) With respect to the things and matters mentioned in subsection (1), the corporation may bring, maintain and exercise in its own name any action, appeal, application or other proceeding, or exercise any power, right or remedy that ISC could have brought, maintained or exercised.
- (7) Subject to subsection (8), the corporation is responsible for all liabilities of ISC with respect to the matters and things mentioned in subsection (1), and nothing in this Act affects the rights of any person having a claim against ISC with respect to those matters and things, and all those rights may be asserted against the corporation.
- (8) If a claim is made or an action is brought against the corporation respecting an error or omission made in the administration of *The Vital Statistics Act, 2009*, any former *Vital Statistics Act*, *The Change of Name Act, 1995*, any former *Change of Name Act* or a provision of any other Act that imposes a duty or confers a power on the Director of Vital Statistics, any payment to be made respecting the claim or action is to be made:
 - (a) by the Minister of Finance from the general revenue fund if the error or omission occurred before the coming into force of this section; and
 - (b) by the corporation if the error or omission occurred on or after the coming into force of this section.

2013, c.O-4.2, s.158.

7 Repealed. 2013, c.O-4.2, s.158.

8 Repealed. 2013, c.O-4.2, s.159.

Certain matters not affected

- 9** Any activity undertaken by the registrar or a deputy registrar and not completed before the coming into force of this section may be continued by the registrar or a deputy registrar after the coming into force of this section.

2013, c.O-4.2, s.160.

c. V-7.3**VITAL STATISTICS ADMINISTRATION TRANSFER****References to Director of Vital Statistics**

10(1) A reference in any Act, regulation or order to the Director of Vital Statistics is deemed to be a reference to the registrar.

(2) A reference in *The Vital Statistics Act, 1995*, *The Change of Name Act, 1995* or any regulation made pursuant to those Acts to the director is deemed to be a reference to the registrar.

2008, c.V-7.3, s.10.

References to branch

11 A reference in any Act, regulation or order to the Vital Statistics branch of the Ministry of Health is deemed to be a reference to the registrar and those officers, employees and agents of the corporation who are under the direction of the registrar for the purposes of administering this Act.

2008, c.V-7.3, s.11.

12 Repealed. 2013, c.O-4.2, s.161.

Regulations

13 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (c) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act

2013, c.O-4.2, s.162.

Act prevails

14 If there is a conflict between this Act and any other Act or regulation, this Act prevails.

2008, c.V-7.3, s.14.

Limitation of actions

15 No action or proceeding lies or shall be commenced against the Government of Saskatchewan, any member of the Executive Council, the corporation or any officer, employee or agent of the Government of Saskatchewan or the corporation because of the enactment of this Act.

2008, c.V-7.3, s.15

Limitation of actions respecting amendments

15.1 No action or proceeding lies or shall be commenced against the Government of Saskatchewan, any member of the Executive Council, the corporation, CIC, ISC or any officer, employee or agent of the Government of Saskatchewan, the corporation, CIC or ISC because of the enactment of the amendments to this Act by *The Operation of Public Registry Statutes Act*

2013, c.O-4.2, s.163.

16 and 17 **Dispensed.** This/these section(s) makes consequential amendments to another/other Act(s). Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the amendments have been incorporated into the corresponding Act(s). Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

Coming into force

18 This Act comes into force on proclamation.

2008, c.V-7.3, s.18.

