

# *The Court Officials Act, 1984*

*Repealed*

by [Chapter C-43.101 of the \*Statutes of Saskatchewan, 2012\*](#)  
(effective January 1, 2014).

*Formerly*

[Chapter C-43.1 of the \*Statutes of Saskatchewan, 1984-85-86\*](#)  
(effective April 1, 1985) as amended by the [Statutes of  
\*Saskatchewan, 1992, c.62; 1994, c.27; 1998, c.48; and 2006, c.41.\*](#)

## **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 C-43.1

### An Act respecting Court Officials

#### Short title

1 This Act may be cited as *The Court Officials Act, 1984*.

#### Interpretation

2 In this Act:

- (a) “**Court of Queen’s Bench**” means Her Majesty’s Court of Queen’s Bench for Saskatchewan;
- (b) “**court official**” means any person appointed pursuant to section 3;
- (c) “**Crown**” means Her Majesty in right of Saskatchewan;
- (d) “**inspector**” means the Inspector of Legal Offices appointed pursuant to section 8;
- (e) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned.

1984-85-86, c.C-43.1, s.2.

#### Court officials

3(1) The Lieutenant Governor in Council may appoint a Registrar of Courts to act as the registrar of the Court of Appeal and Registrar of the Court of Queen’s Bench.

(2) The minister or his designate may appoint a person to hold the office and perform the duties of:

- (a) deputy inspector;
- (b) deputy registrar of the Court of Appeal;
- (c) local registrar or deputy local registrar of the Court of Queen’s Bench for any judicial centre;
- (d) **Repealed.** 1992, c.62, s.21.
- (e) **Repealed.** 1994, c.27, s.22.
- (f) sheriff, deputy sheriff or sheriff’s bailiff for any judicial centre;
- (g) clerk of the Provincial Court;
- (h) official court reporter;
- (i) examiner or special examiner; or
- (j) taxing officer.

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(3) The minister or his designate may determine the area of Saskatchewan in which a person appointed pursuant to this section shall maintain his office and perform his duties.

(4) A person may be appointed pursuant to this section to more than one office.

1984-85-86, c.C-43.1, s.3; 1992, c.62, s.21; 1994, c.27, s.22.

**Oath**

4(1) Every court official shall take the oath that is prescribed in the regulations with respect to any office that he may be performing.

(2) An oath taken pursuant to subsection (1) is to be filed with the inspector.

1984-85-86, c.C-43.1, s.4.

**Jurisdiction**

5(1) Subject to subsection (2), every court official has jurisdiction throughout Saskatchewan and may act anywhere in Saskatchewan.

(2) No court official shall act outside the area specified pursuant to subsection 3(3) without the permission of the minister or his designate.

1984-85-86, c.C-43.1, s.5.

**Court official is officer of court**

6 Every court official is an officer of the court in respect of which he is appointed or in respect of which he serves and he shall obey the orders of that court and of the judge of that court.

1984-85-86, c.C-43.1, s.6.

**Duties**

7(1) Every court official shall perform the duties assigned to him by this Act, the regulations, any other Act or law and any rule of court.

(2) Every court official shall file returns as prescribed in the regulations.

1984-85-86, c.C-43.1, s.7.

**Duties and powers of inspector**

8(1) The Lieutenant Governor in Council may appoint an Inspector of Legal Offices.

(2) The inspector shall:

(a) maintain his office at the city of Regina;

(b) inspect the offices of all court officials and inquire into the maintenance, management and affairs of those offices;

(c) examine the books and records of court officials in order to satisfy himself of the correctness of any returns required to be made by them; and

(d) perform any duties that may be prescribed in the regulations.

- (3) The inspector may:
- (a) investigate the conduct of any present or former court official relating to duties performed as a court official; and
  - (b) exercise any powers and perform any duties that may be exercised by a court official.
- (4) The inspector shall report to the minister any findings made pursuant to subsection (2) or (3).

1984-85-86, c.C-43.1, s.8.

**Duties of registrar**

**9** The Registrar of Courts shall:

- (a) maintain his office at the city of Regina; and
- (b) advise and direct the court officials of the registries of the courts for which he is registrar.

1984-85-86, c.C-43.1, s.9.

**Duties of local registrars**

**10** Every local registrar of a court shall for that court:

- (a) issue all warrants, writs of execution and other such documents and file all papers related to actions in his office;
- (b) enter, record, issue, register and receive all court documents as required by law;
- (c) make any returns required by law;
- (d) keep under separate headings a record of all proceedings taken in any cause or matter and an account of all fines, fees and moneys payable or paid into court, which records and accounts are to be accessible to any person;
- (e) deal with all moneys that are paid into court in the manner directed by a judge pursuant to a rule of court or, in the absence of such a direction, in the manner prescribed in the regulations; and
- (f) attend all sittings of the court or of a judge in chambers unless his attendance is dispensed with by a judge.

1984-85-86, c.C-43.1, s.10.

**Clerks of the court, *Bankruptcy and Insolvency Act***

**10.1** For the purposes of Part X of the *Bankruptcy and Insolvency Act* (Canada), every local registrar and every deputy local registrar appointed pursuant to this Act is deemed to be a clerk of the court as defined in section 217 of the *Bankruptcy and Insolvency Act* (Canada).

1998, c.48, s.3.

**Court reporters**

**10.2(1)** An official court reporter appointed pursuant to this Act shall:

- (a) take and report the evidence at trials and the opinions, decisions and judgments made by judges; and
- (b) perform any other duties that may be assigned by order of the Lieutenant Governor in Council or fixed pursuant to the rules of court.

(2) A copy of evidence taken at a trial by an official court reporter and certified by the court reporter who took the evidence or by the local registrar of the court with whom the evidence has been filed has, for all purposes, the same effect as the original evidence.

1998, c.48, s.3.

**Powers of special examiner**

**11** An examiner or special examiner may:

- (a) administer oaths and take affidavits and depositions, either within or outside Saskatchewan, in connection with any matter to be heard in the Court of Appeal or the Court of Queen's Bench; and
- (b) take depositions of parties and persons whenever the examination of parties and persons is authorized by any Act, regulation, law or rule of court.

1984-85-86, c.C-43.1, s.11; 1992, c.62, s.21;  
1994, c.27, s.22.

**Remuneration**

**12(1)** A court official other than a member of the public service is entitled to charge fees in an amount not to exceed the fees prescribed in the regulations.

(2) Except in the case of criminal matters, the fees prescribed pursuant to this Act are payable by the party requesting the particular service and are costs in the cause unless otherwise directed by the court.

1984-85-86, c.C-43.1, s.12.

**Moneys paid into court**

**13(1)** On or before January 31 in each year, all moneys paid into court in respect of any cause or matter and deposited in a chartered bank or credit union pursuant to the regulations or an order of a judge that have remained on deposit for six years or more are, together with accrued interest thereon, to be paid to the Minister of Finance.

(2) Each payment made pursuant to subsection (1) is to be accompanied by a statement showing:

- (a) the style of cause of the cause or matter in respect of which the money was paid into court;
- (b) the date of payment into court;
- (c) the amount paid into court; and
- (d) the amount of accrued interest.

(3) Where the local registrar is satisfied that a claim may be made to moneys paid to the Minister of Finance pursuant to subsection (1), he may request that the Minister of Finance pay the amount into court and when such a request is made the Minister of Finance shall comply with it.

(4) No interest is payable by the Minister of Finance in respect of moneys paid to him pursuant to subsection (1).

1984-85-86, c.C-43.1, s.13.

#### **Hours of opening**

**14(1)** The Registrar of Courts and every registrar, local registrar and sheriff shall attend at his office and keep it open to the public on the days and at the times prescribed in this section.

(2) The office of every person mentioned in subsection (1) shall be open to the public, during those hours between 8:00 a.m. and 5:00 p.m. that are prescribed in the regulations on all days except:

(a) Saturdays and Sundays;

(b) New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, the first Monday in August, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day;

(c) any day or specified portion of a day that the office is closed pursuant to an order of the Lieutenant Governor in Council or a non-working day declared by the Chairman of the Public Service Commission.

(3) If the time limit for the doing of something in an office mentioned in subsection (1), as prescribed in any Act or regulation, expires or falls on a day on which the office is closed, the time limit is to be extended to and the thing may be done on the day first following the appointed day on which the office is open.

1984-85-86, c.C-43.1, s.14; 2006, c.41, s.6.

#### **Fees**

**15** No court official is required to render a service of his office unless, where demanded by him, all fees authorized by law for performing those duties and all reasonably anticipated costs are first paid or an undertaking satisfactory to him is given by the person requesting the service or payment is made in a manner prescribed in the regulations.

1984-85-86, c.C-43.1, s.15.

#### **Sheriff's seal**

**16** Each sheriff shall use for the purpose of his office the seal of office that is prescribed in the regulations.

1984-85-86, c.C-43.1, s.16.

**Books and records are property of Crown**

**17** All seals, books, accounts, records, papers, writs, warrants, processes, moneys and other things in the possession or under the control of a court official by virtue of his office are deemed to be the property of the Crown.

1984-85-86, c.C-43.1, s.17.

**Evidence of appointment of court official**

**18** In any proceeding, the certificate signed by the inspector relating to the appointment and oath of a court official is admissible in evidence as prima facie proof of the appointment and oath without proof of the signature of the inspector.

1984-85-86, c.C-43.1, s.18.

**Conflict of interest**

**19(1)** No person employed or acting in connection with an execution, seizure or sale by a sheriff or deputy sheriff nor any court official shall directly or indirectly purchase any property, offered for sale by a sheriff.

**(2)** Any person who contravenes this section is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000.

1984-85-86, c.C-43.1, s.19.

**Regulations**

**20(1)** For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) prescribing the form and content of returns to be made by court officials, the time when they are to be made and the person to whom they are to be delivered;
- (b) prescribing forms for the use of court officials;
- (c) prescribing fees for court officials who are not employed in the public service;
- (d) prescribing a system for the collection of fees payable to any court official;
- (e) prescribing the duties of any court official or inspector, in addition to the duties established by law or by a rule of court;
- (f) prescribing a seal for the use of a sheriff;
- (g) prescribing the manner in which moneys paid into court may be dealt with;
- (h) prescribing the oaths of office required of court officials.

**(2)** The Lieutenant Governor in Council may make the first regulation made pursuant to clause (1)(c) retroactive to August 1, 1984.

1984-85-86, c.C-43.1, s.20.

**Transitional**

**21** Any person who is acting in an office mentioned in section 3 or 8 pursuant to an appointment made under another Act on the day this section comes into force is deemed to have been appointed pursuant to this Act.

1984-85-86, c.C-43.1, s.21.

**R.S.S. c.C-43 repealed**

**22** *The Court Officials Act* is repealed.

1984-85-86, c.C-43.1, s.22.

