

The Justices of the Peace Act, 1988

Justices of the peace in Saskatchewan perform a wide variety of duties. Some of the more basic tasks include handling court process and paperwork matters such as oaths, affirmations and affidavits. Other justices of the peace undertake more complex matters such as conducting remand and release hearings and issuing search warrants.

Justices of the peace and the supervising justice of the peace are appointed by the Lieutenant Governor in Council. The Lieutenant Governor in Council may also appoint an assistant supervising justice of the peace and an administrative justice of the peace, with the consent of the supervising justice of the peace. The Act provides the ability for the supervising justice of the peace to appoint a relief justice of the peace if the supervising justice of the peace expects to be absent, or if additional justices of the peace are required to meet the business of the court. The Chief Judge of the Provincial Court has general direction and supervision over the duties and sittings of justices of the peace.

Senior justices of the peace have the most responsibility and hear trials for provincial regulatory offences as well as bylaw and traffic safety matters. They also preside over regular court sittings at some locations to hear first appearances, guilty pleas and sentencing on traffic and provincial offence matters, in addition to small claims matters. The Act establishes the Justices of the Peace Review Council. The Council is composed of the Chief Judge of the Provincial Court, a Provincial Court judge appointed by the Chief Judge, and a member of the public appointed by the Lieutenant Governor in Council. The Council:

- reviews the conduct and performance of duties by justices of the peace;
- receives complaints against a justice of the peace with respect to any misconduct, neglect of duty, or inability to perform his or her duties; and
- takes any action to investigate complaints that the Council considers advisable, including holding an inquiry to determine if a justice of the peace should be removed from office.

If the Council makes a finding of misconduct or incapacity, the Act gives the Council the authority to impose a wide range of disciplinary orders, including:

- recommending to the Lieutenant Governor in Council that the person's appointment as a justice of the peace be cancelled;
- suspending the person for a specified period of time; or
- reprimanding the person.