

# *The Recording of Evidence by Sound Recording Machine Act*

*Repealed*

by Chapter E-11.2 of *The Statutes of Saskatchewan, 2006*  
(effective September 1, 2006).

*Formerly*

Chapter R-6 of *The Revised Statutes of Saskatchewan, 1978*  
(effective February 26, 1979) as amended by the *Statutes of  
Saskatchewan, 1979-80, c.92; 1982-83, c.16; 1983, c.11; 1992,  
c.62; and 1994, c.27.*

## **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 R-6

### An Act respecting the Taking and Recording of Evidence by Sound Recording Machine

#### Short title

**1** This Act may be cited as *The Recording of Evidence by Sound Recording Machine Act*.

#### Interpretation

**2** In this Act:

- (a) **“court”** means the Court of Appeal, Her Majesty’s Court of Queen’s Bench for Saskatchewan, any provincial magistrate, justice of the peace, coroner, commissioner, board, local registrar of the Court of Queen’s Bench, sheriff, arbitrator, referee or any other person or tribunal authorized by or under any Act or otherwise to hear witnesses, take evidence or make any order, decree, finding, decision or report or exercise any judicial or quasi-judicial function;
- (b) **“evidence”** includes the opinion, decision and judgment of the judge or of the court in a proceeding;
- (c) **“judge”** means the person lawfully presiding over a proceeding;
- (d) **“proceeding”** means a proceeding before a court;
- (e) **“sound recording machine”** means a device, machine or system, of a type approved by the Minister of Justice, for the making of a record of voice or other sound.

R.S.S. 1978, c.R-6, s.2; 1979-80, c.92, s.83; 1983, c.11, s.74; 1992, c.62, s.29; 1994, c.27, s.30.

#### Recording of evidence by sound recording machine

**3** Notwithstanding anything in any other Act, the evidence in any proceeding, or any portion of such evidence, may, by order of the judge, or pursuant to an order of the Minister of Justice in general or specific terms, be recorded by a sound recording machine.

R.S.S. 1978, c.R-6, s.3; 1983, c.11, s.74.

#### Certification of records

**4(1)** A record made under section 3 shall be certified by the judge or by the person in charge of the sound recording machine during the proceeding as being the record made of the evidence or portion thereof, as the case may be, in the proceeding.

(2) Every certificate made under subsection (1) shall, without proof of the signature of the judge or, where made by the person in charge of the sound recording machine, without proof of his signature or official character, be *prima facie* evidence that the record is the record of the evidence or portion thereof, as the case may be, in the proceeding.

R.S.S. 1978, c.R-6, s.4.

**Transcription of records**

5 An official court reporter or a stenographer may reduce to typewritten copy the whole or any part of a record made under section 3 and certified pursuant to section 4, and where a reporter or stenographer does so he shall attach to the typewritten copy his affidavit stating that it is a true and correct transcription of such record or part thereof and thereupon the typewritten copy shall have the same effect as the original evidence.

R.S.S. 1978, c.R-6, s.5.

**Reproduction of records**

6 The contents of a record made under section 3 and certified pursuant to section 4 may be reproduced by any device, machine or system of a type approved by the Minister of Justice, and the contents so reproduced shall have the same effect as the original evidence.

R.S.S. 1978, c.R-6, s.6; 1983, c.11, s.74.

**Filing, transfer and removal of records**

7(1) Records made under section 3 shall be filed with the officer designated for the purpose by the Minister of Justice in general or specific terms or, in the absence of any designation, with the officer having custody of the records of the court.

(2) Subject to an order made under subsection (3), the Minister of Justice may by order in general or specific terms direct that any such record be transferred from the custody of the officer having custody thereof pursuant to subsection (1) to the custody of any other officer designated in the order.

(3) Subject to section 9, no such record shall be removed from the custody of the officer having custody thereof except pursuant to an order made under subsection (2) or where required by an Act or rule of court or pursuant to an order of a judge of the Court of Appeal where the record was made in that court or of a judge of the Court of Queen's Bench in any other case.

R.S.S. 1978, c.R-6, s.7; 1979-80, c.92, s.83; 1983, c.11, s.74.

**Non-application of *Archives Act* to records**

8 Records made under section 3 shall be deemed not to be court records within the meaning of *The Archives Act*.

R.S.S. 1978, c.R-6, s.8.

**Destruction of records**

**9** Subject to an order under subsection (1) or (3) of section 10, the officer having custody of a record made under section 3, or any other person under his direction, may destroy the record or erase the recording thereon:

- (a) after the expiration of thirty days from the day on which a typewritten copy of the record is completed under section 5 and filed with the officer; or
- (b) pursuant to an order of the Minister of Justice in general or specific terms, after the expiration of the period specified in the order which period shall be not less than thirty days from the day on which the record was made, whether the order was made before or after the making of the record.

R.S.S. 1978, c.R-6, s.9; 1983, c.11, s.74.

**Preservation of records**

**10(1)** Any interested person may without notice to any other person apply for an order providing for the preservation of any record made under section 3 or the recording thereon for a specified period:

- (a) in the case of a record made before the Court of Appeal, to a judge of that court; or
- (b) in the case of any other record, to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan;
- (c) **Repealed.** 1979-80, c.92, s.83.

and the judge hearing the application may make such order as he deems just under the circumstances.

(2) Where an order is made under subsection (1), the applicant shall file the order with the officer having custody of the record affected by the order.

(3) The Attorney General may, whether or not an order under subsection (1) has been made, by order in general or specific terms:

- (a) provide for the preservation of any record made under section 3 or the recording thereon; or
- (b) extend the period prescribed for the preservation of any such record or recording.

R.S.S. 1978, c.R-6, s.10; 1979-80, c.92, s.83;  
1982-83, c.16, s.51.

**Filing of certain orders made by Minister of Justice**

**11** An order made under clause (b) of section 9 or subsection (3) of section 10 shall be filed with the officer having custody of the record affected by the order.

R.S.S. 1978, c.R-6, s. 11.

**Regulations**

**12** The Lieutenant Governor in Council may make such regulations as he may deem necessary or advisable for the purpose of carrying out the provisions of this Act and of supplying any deficiency therein.

R.S.S. 1978, c.R-6, s.12.

