

# Chapter 5: Saskatchewan

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LAST UPDATE: NOVEMBER 2017

## Saskatchewan – Main Language Laws

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### [The Language Act, S.S. 1988-89, c. L-6.1](#)

#### 1. Short title

1. This Act may be cited as *The Language Act*.

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#### 2. Interpretation

##### 2. In this Act:

“Act” means an Act or statute of the Legislature of Saskatchewan; (« *loi* »)

“Assembly” means the Legislative Assembly of Saskatchewan; (« *Assemblée* »)

“Ordinance” means an Ordinance of the North-West Territories that is or was at any time in force in Saskatchewan or that part of the North-West Territories that formed Saskatchewan; (« *Ordonnance* »)

“records and journals of the Assembly” includes:

(i) the documents of the Assembly entitled “debates and proceedings”, “routine proceedings and orders of the day”, “votes and proceedings” and “journals of the Legislative Assembly”; and

(ii) reports, sessional papers and other documents produced by or tabled in the Assembly; but does not include rules and procedures of the Assembly; (« *archives et comptes rendus* »)

“regulation” includes a regulation, order, bylaw or rule that is:

(i) of a legislative nature; and

(ii) enacted pursuant to an Act or an Ordinance;

but does not include the rules of the courts mentioned in subsection 11(1) or of tribunals; (« *règlements* »)

“rules and procedures of the Assembly” means the document of the Assembly entitled “rules and procedures of the Legislative Assembly of Saskatchewan”; (« *règlement de l’Assemblée* »)

“tribunal” means a board, commission, tribunal or other body that:

(i) is established pursuant to an Act; and

(ii) performs a judicial or quasi-judicial function; but does not include a court mentioned in subsection 11(1). (« *autorité administrative* »)

1988-89, c.L-6.1, s.2.

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### 3. Validation of certain Acts and matters

3. (1) All Acts, regulations and Ordinances enacted prior to the coming into force of this Act, whether proclaimed in force or not, are declared valid notwithstanding that they were enacted, printed and published in English only.

3. (2) All:

(a) actions, proceedings, transactions or other matters taken, done or arising by or pursuant to an Act, regulation or Ordinance validated pursuant to subsection (1) are declared not to be invalid;

(b) rights, obligations, duties, powers and other effects created, limited, revoked or otherwise dealt with by or pursuant to an Act, regulation or Ordinance validated pursuant to subsection (1) are declared not to have been invalidly created, limited, revoked or otherwise dealt with; and

(c) matters or things, in addition to those mentioned in clauses (a) and (b), done by, in, in reliance on or pursuant to an Act, regulation or Ordinance validated pursuant to subsection (1) are declared not to have been invalidly done; solely by reason of the fact that the Act, regulation or Ordinance was enacted, printed and published in English only.

1988-89, c.L-6.1, s.3.

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### 4. Language of Acts

4. All Acts and regulations may be enacted, printed and published in English only or in English and French.

1988-89, c.L-6.1, s.4.

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### ANNOTATIONS

[R. v. Rottiers](#), 1995 CanLII 4003 (SK CA) [judgment available in French only]

[OUR TRANSLATION]

Issues in dispute

## 1. Is the Saskatchewan *Language Act* *ultra vires*?

[6] The appellant claims that section 110 of the *North-West Territories Act, 1891* (R.S.C.) is still in force and that the Saskatchewan *Language Act* is *ultra vires* in this regard. He maintains that the Supreme Court of Canada erred in *Mercure* because it did not take into consideration the fact that the amendment of section 110 in 1891 is different in English and French. According to the appellant, the French version of the amendment was time-limited, and it had no further force or effect after the Legislature in question was dissolved, with the result that section 110 of the *North-West Territories Act* would have returned to its original wording. Therefore, given the fact that the French version of the amendment has the same official value as the English version, for purposes of interpretation, the Supreme Court erred when it ruled that section 110 was not constitutional and that the Government of Saskatchewan had the authority to repeal it. The Supreme Court ruled that section 110 was in force at the time of the *Mercure* case and that the Saskatchewan legislature had the authority to repeal it. Further to this decision, the Saskatchewan Legislature repealed the legislation by the *Language Act*. We are governed by the Supreme Court decision and rule that the Government of Saskatchewan repealed the legislation under section 16 of the *Saskatchewan Act*, S.C.1905, 1905, c. 42. The *Language Act* is not *ultra vires*. Consequently, we deny the appellant's arguments based on the interpretation of the *North-West Territories Act, 1891*. This ground of appeal is therefore dismissed.

### R. v. Rottiers, 1995 CanLII 6047 (SK QB)

[11] A more specific argument in respect of the matter here in issue arises under s. 4 of *The Language Act* which states: [...]

[12] As the legislature has expressly stated that laws may be enacted in English only, the suggestion that the right to use French in the courts must, by implication, carry the right to require bilingual legislation cannot be sustained.[13] The trial judge held that a failure to enact the French version of the statute gave the Crown an unfair advantage over the respondent, thereby giving rise to a breach of s. 11(d) of the *Charter*.

[...]

[14] Once it is recognized that the *Charter* has application to everyone, not just francophones or anglophones, the danger implicit in the trial judge's finding becomes more clear. If it is a breach of the *Charter* to fail to have a statute translated into French, then it is similar breach of one's *Charter* rights, should he be fluent only in German or Chinese, to have failed to provide those statutes in such languages. This takes us back to the distinction set forth above between language rights, the result of political compromise, and *Charter* rights which are based on the fundamental values of this and other like societies. It is no objection to this line of reasoning that francophones have in Canada a special status. They do. But neither francophones, nor anglophones, nor anyone else has a special status under the *Charter* and, therefore, it should not be used as a basis upon which to expand by implication the rights of any linguistic group over any other.

[15] The final basis upon which the trial judge's decision was founded was that the 1988 Federal-Provincial Agreement referred to above had been broken by virtue of the passage of an unreasonable length of time during which the statutes of Saskatchewan had not been translated. The Agreement was a contract, nothing more, and if it is broken a right arises in either party to pursue such remedies as it may see fit but no third party can claim rights under such a contract, nor can a third party claim rights or damages arising from its breach. While it does appear that the delay in bringing about a translation of the appropriate Saskatchewan statutes has been excessive, there may be good reasons for it and, in any event, such question is not for this Court to decide.

[16] I conclude, therefore, that the trial judge erred in basing, to the extent that he did so, his decision upon the failure of the government to, as yet, comply with its commitment under that Agreement.

[17] For the reasons above stated therefore, it is the view of this Court that the Crown's appeal from the decision of the Provincial Court must be allowed and the stay lifted and that the prosecution under Regina City Bylaw No. 8200 proceed to its proper conclusion.

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## 5. Existing Acts

### 5. The Lieutenant Governor in Council may by regulation:

(a) designate any Act which was enacted, printed and published in English only before the coming into force of this Act as an Act that is to be introduced to the Assembly for enactment, printing and publishing in English and French;

(b) prescribe a date by which any Bill to accomplish the purposes of this section is to be introduced to the Assembly.

1988-89, c.L-6.1, s.5.

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## 6. Future Acts and Bills

### 6. The Lieutenant Governor in Council may by regulation:

(a) designate any Bill which is to be introduced to the Assembly by a member of the Executive Council after the coming into force of this Act as a Bill that is to be introduced to the Assembly for enactment, printing and publishing in English and French;

(b) designate any Act which is enacted, printed and published in English only after the coming into force of this Act as an Act that is to be introduced to the Assembly for enactment, printing and publishing in English and French;

(c) prescribe a date by which any Bill to accomplish the purposes of this section is to be introduced to the Assembly.

1988-89, c.L-6.1, s.6.

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## 7. Validity of Enactment

### 7. Notwithstanding section 12 or any other Act or law, where a Bill is introduced to the Assembly for enactment, printing and publishing in English and French:

(a) all stages of the enactment shall be recorded in English and French in the document of the Assembly entitled "votes and proceedings"; and

**(b) if all stages of the enactment are recorded in the manner described in clause (a), the Bill is conclusively deemed to be validly enacted.**

**1988-89, c.L-6.1, s.7.**

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## **8. Existing regulations**

### **8. The Lieutenant Governor in Council may by regulation:**

**(a) designate regulations which were enacted, printed and published before the coming into force of this Act in English only as regulations that are to be enacted, printed and published in English and French;**

**(b) prescribe a date by which regulations designated pursuant to clause (a) are to be enacted, printed and published in English and French.**

**1988-89, c.L-6.1, s.8.**

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## **9. Future regulations**

### **9. The Lieutenant Governor in Council may by regulation:**

**(a) designate proposed regulations which are to be enacted, printed and published after the coming into force of this Act as regulations that are to be enacted, printed and published in English and French;**

**(b) designate regulations which are enacted, printed and published in English only after the coming into force of this Act as regulations that are to be enacted, printed and published in English and French;**

**(c) prescribe a date by which regulations designated pursuant to this section are to be enacted, printed and published in English and French.**

**1988-89, c.L-6.1, s.9.**

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## **10. Versions to have equal authority**

**10. Where an Act or regulation is enacted, printed and published in English and French, the English version and the French version are equally authoritative.**

**1988-89, c.L-6.1, s.10.**

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## **11. Courts and tribunals**

**11. (1) Any person may use English or French in proceedings before the courts entitled as:**

- (a) the Court of Appeal;
- (b) the Provincial Court of Saskatchewan;
- (c) Her Majesty's Court of Queen's Bench for Saskatchewan;
- (d) Repealed. 2001, c.9, s.12.
- (e) the Traffic Safety Court of Saskatchewan; or
- (f) Repealed. 2001, c.9, s.12.

11. (2) The courts mentioned in subsection (1) may make rules for the purpose of carrying into effect the provisions of this section or for the purpose of providing for any matters not fully or sufficiently provided for in this section or in their rules already in force.

11. (3) Where the courts mentioned in subsection (1) make rules pursuant to subsection (2), those rules shall be printed and published in English and French. (4) The rules of the courts mentioned in subsection (1) and the rules of tribunals are declared valid notwithstanding that they were made, printed and published in English only.

11. (5) The rules of the courts mentioned in subsection (1) shall be printed and published in English and French not later than January 1, 1994.

11. (6) Before the date mentioned in subsection (5), the courts mentioned in subsection (1) may cause to be printed and published their rules, other than rules made pursuant to subsection (2), in English only.

11. (7) Where the rules of a court mentioned in subsection (1) are printed and published in English and French, the English version and the French version are equally authoritative.

1988-89, c.L-6.1, s.11; 2001, c.9, s.12.

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## ANNOTATIONS

[R. v. Desgagné](#), 2003 SKPC 102 (CanLII) [judgment available in French only]

[OUR TRANSLATION]

[9] It is important to compare sections 530 and 530.1 of the *Criminal Code* R.S.C. 1985, c.46, 1985 with section 11 of the *Language Act*, Chapter L-6.1:

[10] SECTION 530.

Language of the accused

530. (1) On application by an accused whose language is one of the official languages of Canada, made no later than

(a) the time of the appearance of the accused at which his trial date is set, if

(i) he is accused of an offence mentioned in section 553 or punishable on summary conviction, or

- (ii) the accused is to be tried on an indictment preferred under section 577,
- (b) the time of the accused's election, if the accused elects under section 536 to be tried by a provincial court judge or under section 536.1 to be tried by a judge without a jury and without having a preliminary inquiry, or
- (c) the time when the accused is ordered to stand trial, if the accused
  - (i) is charged with an offence listed in section 469,
  - (ii) has elected to be tried by a court composed of a judge or a judge and jury, or
  - (iii) is deemed to have elected to be tried by a court composed of a judge and jury,

a justice of the peace, provincial court judge or judge of the Nunavut Court of Justice shall grant an order directing that the accused be tried before a justice of the peace, provincial court judge, judge or judge and jury, as the case may be, who speak the official language of Canada that is the language of the accused or, if the circumstances warrant, who speak both official languages of Canada.

#### Idem

(2) On application by an accused whose language is not one of the official languages of Canada, made not later than whichever of the times referred to in paragraphs (1)(a) to (c) is applicable, a justice of the peace or provincial court judge may grant an order directing that the accused be tried before a justice of the peace, provincial court judge, judge or judge and jury, as the case may be, who speak the official language of Canada in which the accused, in the opinion of the justice or provincial court judge, can best give testimony or, if the circumstances warrant, who speak both official languages of Canada.

#### Accused to be advised of right

(3) The justice of the peace or provincial court judge before whom an accused first appears shall ensure that they are advised of their right to apply for an order under subsection (1) or (2) and of the time before which such an application must be made.

#### Remand

(4) Where an accused fails to apply for an order under subsection (1) or (2) and the justice of the peace, provincial court judge or judge before whom the accused is to be tried, in this Part referred to as "the court", is satisfied that it is in the best interests of justice that the accused be tried before a justice of the peace, provincial court judge, judge or judge and jury who speak the official language of Canada that is the language of the accused or, if the language of the accused is not one of the official languages of Canada, the official language of Canada in which the accused, in the opinion of the court, can best give testimony, the court may, if it does not speak that language, by order remand the accused to be tried by a justice of the peace, provincial court judge, judge or judge and jury, as the case may be, who speak that language or, if the circumstances warrant, who speak both official languages of Canada.

#### Variation of order

(5) An order under this section that an accused be tried before a justice of the peace, provincial court judge, judge or judge and jury who speak the official language of Canada that

is the language of the accused or the official language of Canada in which the accused can best give testimony may, if the circumstances warrant, be varied by the court to require that the accused be tried before a justice of the peace, provincial court judge, judge or judge and jury who speak both official languages of Canada..

[11] SECTION 530.1

Where order granted under section 530

530.1 Where an order is granted under section 530 directing that an accused be tried before a justice of the peace, provincial court judge, judge or judge and jury who speak the official language that is the language of the accused or in which the accused can best give testimony,

- (a) the accused and his counsel have the right to use either official language for all purposes during the preliminary inquiry and trial of the accused;
- (b) the accused and his counsel may use either official language in written pleadings or other documents used in any proceedings relating to the preliminary inquiry or trial of the accused;
- (c) any witness may give evidence in either official language during the preliminary inquiry or trial;
- (d) the accused has a right to have a justice presiding over the preliminary inquiry who speaks the official language that is the language of the accused;
- (e) except where the prosecutor is a private prosecutor, the accused has a right to have a prosecutor who speaks the official language that is the language of the accused;
- (f) the court shall make interpreters available to assist the accused, his counsel or any witness during the preliminary inquiry or trial;
- (g) the record of proceedings during the preliminary inquiry or trial shall include
  - (i) a transcript of everything that was said during those proceedings in the official language in which it was said,
  - (ii) a transcript of any interpretation into the other official language of what was said, and
  - (iii) any documentary evidence that was tendered during those proceedings in the official language in which it was tendered; and
- (h) any trial judgment, including any reasons given therefor, issued in writing in either official language, shall be made available by the court in the official language that is the language of the accused.

[12] L'article 11 de la *Loi linguistique* prévoit que :

Courts and tribunals

11(1) Any person may use English or French in proceedings before the courts entitled as:

- (a) the Court of Appeal;



- (b) the Provincial Court of Saskatchewan;
- (c) Her Majesty's Court of Queen's Bench for Saskatchewan;
- (d) Repealed. 2001, c.9, s.12.
- (e) the Traffic Safety Court of Saskatchewan; or
- (f) Repealed. 2001, c.9, s.12.

(2) The courts mentioned in subsection (1) may make rules for the purpose of carrying into effect the provisions of this section or for the purpose of providing for any matters not fully or sufficiently provided for in this section or in their rules already in force.

(3) Where the courts mentioned in subsection (1) make rules pursuant to subsection (2), those rules shall be printed and published in English and French.

(4) The rules of the courts mentioned in subsection (1) and the rules of tribunals are declared valid notwithstanding that they were made, printed and published in English only.

(5) The rules of the courts mentioned in subsection (1) shall be printed and published in English and French not later than January 1, 1994.

(6) Before the date mentioned in subsection (5), the courts mentioned in subsection (1) may cause to be printed and published their rules, other than rules made pursuant to subsection (2), in English only.

(7) Where the rules of a court mentioned in subsection (1) are printed and published in English and French, the English version and the French version are equally authoritative.

[13] There is a significant difference between the list of language rights that the *Criminal Code* gives to the accused and the limited right to the use of language set out in the *Language Act*. The latter gives “everyone” (and not only the accused) the right to use English or French before the provincial court. The *Beaulac* case does not change the clear or plain meaning of section 11 of the *Language Act*. Contrary to s. 530 of the *Criminal Code*, it does not give the accused the right to choose the language of the trial.

[14] The Crown and the defence argue that section 11 also applies to the speeding ticket, namely, the document which is the basis of the proceedings.

[15] The part of the *Criminal Code* entitled Part XXVIII FORMS provides that:

#### SECTION 849.(formerly section 841)

##### Forms

849. (1) The forms set out in this Part, varied to suit the case, or forms to the like effect are deemed to be good, valid and sufficient in the circumstances for which they are provided.

##### Seal not required

(2) No justice is required to attach or affix a seal to any writing or process that he or she is authorized to issue and in respect of which a form is provided by this Part.

## Official languages

(3) Any pre-printed portions of a form set out in this Part, varied to suit the case, or of a form to the like effect shall be printed in both official languages.

[16] The *Language Act* has no equivalent. To the extent that the *Language Act* could apply to, once again, the choice of language would be up to the person issuing the ticket.

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## 12. Language in Assembly

**12. (1) Every person may use English or French in the debates of the Assembly.**

**12. (2) The rules and procedures of the Assembly and records and journals of the Assembly that were made before the coming into force of this section are declared valid notwithstanding that they were made, printed and published in English only.**

**12. (3) The rules and procedures of the Assembly and records and journals of the Assembly may be made, printed and published in English only.**

**12. (4) Notwithstanding subsection (3), the Assembly may, by resolution, direct that all or part of the rules and procedures of the Assembly or records and journals of the Assembly shall be made, printed and published in English and French.**

**12. (5) Where all or any part of the rules and procedures of the Assembly or the records and journals of the Assembly are made, printed and published in English and French, the English version and the French version are equally authoritative.**

1988-89, c.L-6.1, s.12.

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## 13. Certain provision

**13. Section 110 of *The North-West Territories Act*, being chapter 50 of the Revised Statutes of Canada, 1886, as it existed on September 1, 1905, does not apply to Saskatchewan with respect to matters within the legislative authority of Saskatchewan.**

1988-89, c.L-6.1, s.13.

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## ANNOTATIONS

[R. v. Rottiers](#), 1995 CanLII 4003 (SK CA) [judgment available in French only]

[OUR TRANSLATION]

### Issues in dispute

#### 1. Is the Saskatchewan *Language Act* *ultra vires*?

[6] The appellant claims that section 110 of the *North-West Territories Act, 1891* (R.S.C.) is still in force and that the Saskatchewan *Language Act* is *ultra vires* in this regard. He maintains that the

Supreme Court of Canada erred in *Mercure* because it did not take into consideration the fact that the amendment of section 110 in 1891 is different in English and French. According to the appellant, the French version of the amendment was time-limited, and it had no further force or effect after the Legislature in question was dissolved, with the result that section 110 of the *North-West Territories Act* would have returned to its original wording. Therefore, given the fact that the French version of the amendment has the same official value as the English version, for purposes of interpretation, the Supreme Court erred when it ruled that section 110 was not constitutional and that the Government of Saskatchewan had the authority to repeal it. The Supreme Court ruled that section 110 was in force at the time of the *Mercure* case and that the Saskatchewan legislature had the authority to repeal it. Further to this decision, the Saskatchewan Legislature repealed the legislation by the *Language Act*. We are governed by the Supreme Court decision and rule that the Government of Saskatchewan repealed the legislation under section 16 of the *Saskatchewan Act*, S.C.1905, 1905, c. 42. The *Language Act* is not *ultra vires*. Consequently, we deny the appellant's arguments based on the interpretation of the *North-West Territories Act*, 1891. This ground of appeal is therefore dismissed.

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#### 14. Effect of validation

**14. The declaration of validity of Acts, regulations, Ordinances, rules of court, rules of tribunals and rules and procedures of the Assembly pursuant to this Act does not revive any Act, regulation, Ordinance, rule of court, rule of tribunal or rule and procedure of the Assembly that has been repealed, substituted, superseded or that has otherwise ceased to be in force on or before the day this Act comes into force.**

**1988-89, c.L-6.1, s.14.**

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#### 15. Regulations

**15. (1) The Lieutenant Governor in Council may make regulations prescribing any matter or thing that is authorized or required to be prescribed in the regulations.**

**15. (2) A regulation made pursuant to this Act shall be enacted, printed and published in English and French.**

**1988-89, c.L-6.1, s.15.**

## **Saskatchewan – Other Language Laws**

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### **The Business Corporations Act, R.S.S. 1978, c. B-10**

#### **Part I – Provincial Business Corporations**

##### **Division II – Incorporation**

###### **10. (1) Name of corporation**

**10. (1) The word “Limited”, “Limitée”, “Incorporated”, “Incorporée” or “Corporation” or the abbreviation “Ltd.”, “Ltée”, “Inc.” or “Corp.” shall be part of the name of every corporation but a corporation may use and may be legally designated by either the full or the abbreviated form if the full and the abbreviated forms are in the same language and represent the same word.**

###### **10. (2) Exemption**

**10. (2) The Director may exempt a body corporate continued as a corporation under this Act from the provisions of subsection (1).**

###### **10. (3) Repealed. 1979, c.6, s.6.**

###### **10. (4) Alternative name**

**10. (4) Subject to subsection (1) of section 12, a corporation may set out its name in its articles in an English form, a French form, an English form and a French form or in a combined English and French form and it may use and may be legally designated by any such form.**

###### **10. (5) Name in any language form**

**10. (5) Subject to subsection 12(1), a corporation may set out its name in its articles in any language form and it may use and may be legally designated by any such form outside Canada.**

**1976-77, c.10, s.10; R.S.S. 1978, c.B-10, s.10; 1979, c.6, s.6; 1992, c.44, s.5.**

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#### **Part III – Administration**

##### **Division II – Records**

###### **288. (1) Form of documents filed**

**288. (1) Subject to subsection (3), every notice or other document sent to or filed with the Director is to be in typed or printed form.**

288. (2) – (4) Same

288. (2) Where any document required under this Act is not in the English language, the Director may require a translation thereof which shall be notarially certified.

288. (3) Subject to any regulations made pursuant to this Act, notices and other documents that are sent to or filed with the Director pursuant to this Act or any regulations made pursuant to this Act may be sent or filed by fax or other method of electronic transmission in any manner specified by the Director.

288. (4) For the purposes of this Act, any notice or other document that is sent or filed in accordance with subsection (3) is deemed to be received at the time and day or date set out in the regulations.

1976-77, c.10, s.288; R.S.S. 1978, c.B-10, s.288; 1995, c.4, s.8; 2015, c.21, s.6.

### The Business Corporations Regulations, R.R.S. c. B-10 Reg. 1

#### 8. Corporate names

8. (3) Where a corporation acquires a designated number as its name, that name is to consist of the corporation number assigned to the corporation by the Director, followed by the word “Saskatchewan” and ending with the word “Limited”, “Incorporated” or “Corporation” or the French form of any of those words or its French or English abbreviation, as the case may be.

8. (4) Subject to subsection (3), the Director may refuse incorporation or registration of a corporation whose name contains:

- (a) the word “Canada” or “Saskatchewan” or the name of any province; or
- (b) a word or phrase that is obscene or connotes an undertaking that is scandalous, obscene or immoral.

16 Nov 84 cB-10 Reg 1 s8.

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#### 10.8 Names in English and French form

10.8 (1) Subject to subsection (2), where a name is set out in the articles in both an English and a French form or in a combined English and French form, the French form or the French portion of a combined form must be a direct translation of the English form or the English portion of the name of the corporation.

10.8 (2) Changes may be made in the translation of a name if they are necessary to ensure that the translated name is idiomatically correct.

10.8 (3) A person who submits any of the documents mentioned in section 10.9 must obtain a separate computer-printed search report for the English form and the French form of a name if:

(a) the proposed name is in an English form and a French form or in a combined English and French form; and

(b) the English and French forms of the name are phonetically dissimilar.

20 Nov 92 SR 123/92 s5.

**The Canada-United Kingdom Judgments Enforcement Act, S.S. 1988-89, c. C-0.1**

**Schedule – Convention Between Canada and the United Kingdom of Great Britain and Northern Ireland Providing for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters**

**Part IV – Procedures**

**Article VI**

4. The registering court may require that an application for registration be accompanied by

(a) the judgment of the original court or a certified copy thereof;

(b) a certified translation of the judgment, if given in a language other than the language of the territory of the registering court;

**The Companies Act, R.S.S. 1978, c. C-23**

**Part V – Extraprovincial Companies**

195. Statement upon application for registration

**195. (1) Every extraprovincial company required to be registered under this Act shall file with the registrar a statement (form O) specifying:**

(a) the name of the company;

(b) the province, state or country where the company was incorporated;

(c) the date of incorporation;

(d) full particulars of the charter and rules of the company and all amendments thereto;

(e) the period, if any, fixed by its charter for the duration of the company;

(f) the extent, if any, to which the liability of members of the company is limited under its charter;

- (g) the business that the company will carry on in the province;
- (h) the date on which the company intends to commence business in the province;
- (i) the authorized, subscribed and paid-up capital of the company and the shares that the company is authorized to issue and their nominal or par value, if any;
- (j) the full address of the head office of the company outside the province;
- (k) the full address of the head office of the company within the province;
- (l) the full names, addresses and occupations of the directors of the company.

**195. (2)** The statement shall declare that the company is a valid and subsisting corporation and legally authorized to transact business under its charter and shall be duly executed by the company under its common seal, if any, and two directors or officers of the company shall make a statutory declaration on behalf of the company verifying the particulars set forth in the statement.

**195. (3)** The statement shall be accompanied by a copy of the charter and rules of the company, verified in manner satisfactory to the registrar.

**195. (4)** If the company proposes to sell any of its shares or debentures in the province, the statement shall also be accompanied:

- (a) by a statement in lieu of prospectus (form C) subject only to such changes as the facts may demand; and

- (b) by official copies of any licence or other form of authority that the company is required to obtain under the laws of the province, state or country of its incorporation before it is permitted to offer for subscription or sale any of its shares or debentures and of the material filed on the application for the licence or other form of authority, except insofar as the registrar dispenses with that material;

but this subsection does not apply to a company constituted as a private company under its charter and rules.

**195. (5)** Where a document required to be filed under this section is not in the English language, the registrar may require a translation thereof notarially certified.

R.S.S. 1978, c.C-23, s.195; 1989-90, c.54, s.4; 2015, c.21, s.64.

### [The Co-operatives Act, 1996, S.S. 1996, c. C-37.3](#)

## **Part II – Incorporation**

### **14. Alternate name**

**14. (1)** Subject to section 15, a co-operative may set out its name in:

- (a) an English form;

- (b) a French form;
- (c) a combined English and French form; or
- (d) any language form other than English or French that is approved by the registrar.

14. (2) A co-operative may be legally designated by the language form it has chosen pursuant to subsection (1).

1996, c.C-37.3, s.14.

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## **Part XX – Administration**

### 236. Form of documents filed

236. (1) Every document sent to the registrar must be in typed or printed form.

236. (2) Where any document required pursuant to this Act is not in the English language, the registrar may require a translation of the document that must be notarially certified.

236. (3) Where the registrar considers it appropriate, the registrar may exempt a co-operative from subsection (1).

1996, c.C-37.3, s.236.

## **The Correctional Services Act, 2012, S.S. 2012, c. C-39.2**

## **Part I – Preliminary Matters**

### 3. Principles

3. This Act and the regulations made pursuant to this Act must be interpreted and administered in accordance with the following guiding principles:

[...]

(f) that correctional policies, practices, programs and services be respectful of gender, ethnic, cultural and linguistic differences and be responsive to the particular needs of women, as well as to the needs of other groups of offenders with special requirements;

2012, c.C-39.2, s.3.

## **The Correctional Services Regulations, 2013 – Correctional Services Act, 2012, R.R.S. c. C-39.2 Reg. 1**



## **Part XIII – Inmate Discipline**

62. Interpreter to be provided

62. If an inmate charged with a disciplinary offence cannot understand English or is hearing impaired, the discipline panel shall appoint an interpreter or other person to assist the inmate.

7 June 2013 cC-39.2 Reg 1 s62.

## **[The Credit Union Act, 1998, S.S. 1998, c. C-45.2](#)**

## **Part II – Incorporation and Commencement of Business**

19. Alternate forms of name

19. (1) Subject to section 20, a credit union may set out its name in:

- (a) an English form;
- (b) a French form;
- (c) a combined English and French form; or
- (d) any language form other than English or French that is approved by the registrar.

19. (2) A credit union may be legally designated by the language form it has chosen pursuant to subsection (1).

1998, c.C-45.2, s.19.

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420. Form of documents filed

420. (1) Every document sent to the registrar pursuant to this Act or the regulations is required to be in typed or printed form.

420. (2) Where any document mentioned in subsection (1) is not in the English or French language, the registrar may require that an English translation of its content, notarially certified, accompany the document.

420. (3) Subject to the regulations, notices and documents that are sent to or filed with the registrar pursuant to this Act or the regulations may be sent or filed by fax transmission or other method of electronic transmission in any manner that may be specified by the registrar.

420. (4) Where he or she considers it appropriate, the registrar may exempt a credit union from subsection (1).

**The Education Act, 1995, S.S. 1995, c. E-0.2**

**Part I – Short Title and Interpretation**

**2. Interpretation**

**2. In this Act:**

[...]

**“attendance area” means:**

[...]

**(b) with respect to a francsaskois school, the portion of the francophone education area in which the francsaskois school is located that is designated by the conseil scolaire as the attendance area for that francsaskois school; (« zone de fréquentation »)**

[...]

**“division scolaire francophone” means the geographic area that encompasses all francophone education areas; (« division scolaire francophone »)**

[...]

**“francophone education area” means a geographic area within the division scolaire francophone that is established as a francophone education area pursuant to a minister’s order pursuant to section 47; (« région scolaire francophone »)**

**“francsaskois school” means a school that is in a francophone education area and is under the jurisdiction of the conseil scolaire in which:**

**(a) courses are taught primarily in French;**

**(b) the language of communication with pupils and parents is predominantly French; and**

**(c) the French language is used and developed as a first language in instruction and in school activities; (« école francsaskoise »)**

**“French immersion program” includes any program in a school designated pursuant to subsection 180(3) and a program designated pursuant to subsection 180(3), but does not include any program that is excluded from this definition by regulation; (« programme d’immersion en français »)**

[...]

**“minority language adult” means a Canadian citizen who is 18 years of age and:**

- (a) whose first language learned and still understood is French;
- (b) who has received his or her primary school instruction in Canada in French, other than through a French immersion program; or
- (c) who has a child who has received or is receiving primary or secondary school instruction in Canada in French, other than through a French immersion program; (« *adulte de langue minoritaire* »)

“minority language instruction program” means a program of instruction:

- (a) that is under the jurisdiction of the conseil scolaire; and
- (b) in which the French language is used and developed as a first language in instruction and in school activities; (« *programme d’enseignement en langue minoritaire* »)

[...]

“voter” means a person:

- (a) who is a minority language adult;
- (b) who is a resident of Saskatchewan whose current period of residency in Saskatchewan has been for not less than six consecutive months;
- (c) who is registered in accordance with the regulations; and
- (d) who:
  - (i) has a child who is enrolled in a francophone school in the francophone education area for which a member of the conseil scolaire is to be elected or for which the business or meeting is to be conducted;
  - (ii) has a child who is receiving a home-based education program that is registered with the conseil scolaire; or
  - (iii) is a person who is, or whose child is, receiving a minority language instruction program pursuant to section 181 and who is assigned to a francophone education area for voting purposes. (« *électeur francophone* »).

1995, c.E-0.2, s.2; 1996, c.45, s.3; 1998, c.21, s.3; 2000, c.10, s.4; 2005, c.11, s.3; 2006, c.18, s.3; 2008, c.11, s.3; 2009, c.13, s.3; 2009, c.15, s.3; 2012, c.10, s.3; 2013, c.9, s.3; 2015, c.18, s.2.

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## Part II – Provincial Administration

### Minister

#### 3. (2) Responsibilities

**3. (2) The minister shall:**

- (a) prepare and distribute recommendations and advice on the management of schools, school divisions, school districts and the division scolaire francophone for trustees, principals and teachers;**
- 

**4. (1) Powers of the minister**

**4. (1) In accordance with section 3, the minister is responsible for the elementary and secondary education system and may do any things that the minister considers advisable to carry out that responsibility.**

**[...]**

- (cc) subject to the regulations, make grants for the provision or enhancement of language education programs;**
- 

**5. (1) Inquiry**

**5. (1) The minister may:**

- (a) appoint one or more persons to inquire into and report on:**

**[...]**

- (ii) any matter related to the condition and development of education in:**

**(A) a school division; or**

**(B) a francophone education area;**

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**Part III – Local Government Administration**

**School divisions, conseil scolaire and francophone Education Areas**

**43. Proposal for francophone education area and fransaskois school**

**43. Where two or more minority language adults who are each the parent of one or more children who have not yet attained the age of 22 years propose to establish a francophone education area and a fransaskois school, the minority language adults shall:**

- (a) cause a notice of their intention and, as far as possible, a description of the proposed francophone education area and the location of the fransaskois school to be published in the French or English language in at least one issue of a newspaper that has general circulation:**

- (i) among minority language adults in Saskatchewan; and
  - (ii) in the area proposed to be a new francophone education area; and
- (b) not less than eight days after the notice mentioned in clause (a) is published, submit to the conseil scolaire a proposal to create a francophone education area and establish a fransaskois school.

1998, c.21, s.13.

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#### 43.1 Approval or rejection of proposal by conseil scolaire

**43.1 (1)** On receipt of a proposal pursuant to section 43, the conseil scolaire shall, for the purpose of evaluating the proposal, consult with the minority language adults who submitted the proposal.

**43.1 (2)** After consulting with the minority language adults, the conseil scolaire shall evaluate the proposal, giving consideration to the factors mentioned in subsection (3) and give written notice to the minority language adults that the conseil scolaire:

- (a) approves the proposal as submitted;
- (b) approves the proposal:
  - (i) with changes identified by the conseil scolaire; and
  - (ii) where the conseil scolaire considers it appropriate, on the condition that the approved proposal with the changes identified by the conseil scolaire be published in accordance with the procedure set out in section 43 for the publication of a notice of intention; or

(c) rejects the proposal

**43.1 (3)** When evaluating a proposal pursuant to subsection (2), the conseil scolaire shall consider:

[...]

(c) whether the proposed francophone education area is appropriate;

(d) whether there is a demand for francophone education in the proposed francophone education area;

(e) whether there is an indicated interest among minority language adults who would take advantage of the service;

[...]

(i) whether there is any reason to make provision for the representation that the francophone education area is to have on the conseil scolaire;

(j) whether there is any reason, based on any factor or consideration that the conseil scolaire deems appropriate, not to establish the francophone education area and a fransaskois school.

1998, c.21, s.13.

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#### 44. Changing boundaries of francophone education areas

44. (1) A conseil d'école or one or more minority language adults may, in writing, to the conseil scolaire, propose a change of the boundaries of a francophone education area.

44. (2) On receipt of a proposal from a conseil d'école or one or more minority language adults pursuant to subsection (1), the conseil scolaire shall, in writing, approve or reject the proposal.

44. (3) Every proposal approved by the conseil scolaire pursuant to subsection (2) shall be forwarded by the conseil scolaire to the minister together with the written approval of the conseil scolaire.

1998, c.21, s.14; 2017, c 11, s.66.

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#### 47. Francophone education area established and altered by minister's order

47. On receipt of a proposal and the conseil scolaire's approval of the proposal pursuant to section 43.1 or 44, the minister shall, within 30 days after the receipt of the proposal, by order:

(a) establish the francophone education area in accordance with the proposal; or

(b) alter the boundaries of the francophone education area in accordance with the proposal.

1998, c. 21, s. 16

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#### 48. Contents of minister's order

48. (1) Every minister's order made pursuant to section 47 must:

(a) be published in the Gazette;

(b) state the day on which the francophone education area is established or the boundaries of the francophone education area are altered, as the case may be;

(c) define or alter the boundaries of the francophone education area;

(d) in the case of a new francophone education area and subject to the other provisions of this Act and the regulations, provide for the holding of the first

**election for a member of the conseil scolaire to represent the francophone education area established pursuant to section 47 and for all matters necessary and incidental to the holding of the election, including the designation of the last date for the receipt of nominations.**

**48. (2) The term of office of a member elected in an election held in accordance with procedures provided in a minister's order pursuant to clause (1)(d) expires at the first meeting of the conseil scolaire elected at the next general election held after the day on which the member assumed office.**

**1998, c.21, s.16.**

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#### **60. Disestablishment of school division or francophone education area**

**60. (1) The minister may, by order, declare that a school division is disestablished as of the date specified in the order.**

**60. (2) If the conseil scolaire closes the only remaining fransaskois school in a francophone education area, the conseil scolaire shall notify the minister of the closure and request that the francophone education area be disestablished.**

**60. (3) On receipt of a request from the conseil scolaire pursuant to subsection (2), the minister shall, within 30 days after receipt of the request, by order, declare that the francophone education area is disestablished as of the date specified in the order.**

**60. (4) Every minister's order made pursuant to subsection (1) or (3) must be published in the Gazette.**

**60. (5) If a school division is to be disestablished, the minister shall, by order:**

**(a) make any arrangements that the minister considers necessary or expedient with respect to the transfer of the assets and liabilities of the school division;**

**and**

**(b) make any other adjustments and settlements that may be necessary to wind up the affairs of the school division.**

**2017, c 11, s.14.**

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#### **64. Conseil scolaire**

**64. (2) The voters of each francophone education area shall elect one member to the conseil scolaire.**

**2017, c 11, s.17.**

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## 65. Requirements for candidates for conseil scolaire

**65. (1)** Subject to subsection (2), every person who qualifies as a voter in a francophone education area is eligible to be a candidate for election as the member of the conseil scolaire for that francophone education area.

**65. (2)** Where a person does not qualify as a candidate pursuant to subsection (1), that person may be eligible to be a candidate as the member for the francophone education area if the person is a minority language adult who is resident in the francophone education area in which he or she is seeking election.

**65. (3)** An employee of the conseil scolaire may seek nomination to the conseil scolaire if the person has first obtained a leave of absence in accordance with subsection 80(1) of *The Labour Standards Act*.

**65. (4)** Notwithstanding subsection 80(2) of *The Labour Standards Act*, an employee of the conseil scolaire is deemed to have resigned from his or her position of employment on the day before the day on which that employee is declared elected, unless for any other reason the results of the election are overturned.

1998, c.21, s.22.

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## 86. Duties of conseil scolaire

**86.** With respect to francophone education areas, fransaskois schools and the division scolaire francophone, the conseil scolaire, subject to any directive of the minister, shall:

(a) administer and manage education matters in the division scolaire francophone in accordance with the intent of this Act and the regulations;

(b) exercise general supervision and control over minority language instruction programs and fransaskois schools and make any bylaws that may be considered necessary for effective and efficient operation of fransaskois schools and the delivery of minority language instruction programs;

(c) subject to the other provisions of this Act, approve administrative procedures pertaining to the internal organization, management and supervision of the conseil scolaire and fransaskois schools, but any educational supervision authorized by the conseil scolaire is subject to the approval of the department;

(d) provide and maintain fransaskois school accommodation, equipment and facilities considered necessary and adequate for the educational programs and instructional services approved by the conseil scolaire for each fransaskois school;

(e) appoint and employ under written contract qualified teachers for fransaskois schools, and any principals and other assistants as the conseil scolaire considers necessary;

(f) prescribe, subject to sections 156 to 162, the age and time at which pupils may be admitted to kindergarten and grade 1 in any fransaskois school in a francophone education area;



**(g) determine which francsaskois school is to be attended by any child of a minority language adult who lives in the francophone education area and who chooses to have that child attend a francsaskois school in the francophone education area;**

**(h) determine which classrooms and francsaskois schools are to be maintained in operation in a francophone education area;**

**(i) subject to section 122.1, determine and define the boundaries of attendance areas in a francophone education area and make any changes to the boundaries that may be considered necessary;**

**[...]**

**(aa) subject to clause 88(1)(g), operate using the French language;**

---

## **88. Powers of conseil scolaire**

**88. (1) Subject to section 87, the conseil scolaire may:**

**[...]**

**(b) enter into agreements for any purpose considered necessary and advantageous to the quality and efficiency of educational and related services to the pupils of the division scolaire francophone with:**

**(i) boards of education;**

**(ii) municipalities;**

**(iii) specialized institutions;**

**(iv) universities;**

**(v) departments of the Government of Saskatchewan;**

**(vi) governments of other provinces of Canada or an agency of any of those governments;**

**(vii) the Government of Canada or an agency of that Government;**

**(viii) any Indian Band;**

**[...]**

**(g) where it is required in the circumstances, operate using a language other than the French language;**

**[...]**

**(x) where it is considered advisable and expedient by the conseil scolaire to provide certain instructional services at schools or institutions outside the division scolaire**

francophone, enter into agreements with a board of education or the governing body of any agencies or institutions approved by the department to furnish the desired services;

[...]

(aa) co-operate in, participate in or facilitate the co-ordination, administration or provision of educational programs for children who are not yet eligible to be enrolled in kindergarten in a fransaskois school in the francophone education area pursuant to clause 86(f);

[...]

**88. (3) The conseil scolaire, with respect to a notice mentioned in paragraph (1)(w)(ii)(A), shall:**

**(a) publish the notice:**

**(i) in at least one issue of a newspaper published and circulating in the francophone education area or in any town or village adjacent to the francophone education area in which the fransaskois school that is to be the subject of the meeting is situated; or**

**(ii) where there is no newspaper of the kind mentioned in clause (a), in at least one issue of a newspaper having general circulation in the francophone education area in which the fransaskois school that is to be the subject of the meeting is situated; and**

**(b) post the notice:**

**(i) in at least five widely-separated, conspicuous locations in the francophone education area in which the fransaskois school that is to be the subject of the meeting is situated; and**

**(ii) in the building in which the headquarters of the conseil scolaire are located.**

**1998, c.21, s.38; 2006, c.18, s.13; 2009, c.13, s.13; 2012, c.10, s.11.**

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## **121.1 Map of division scolaire francophone**

**121.1 (1) The conseil scolaire shall prepare a map of the division scolaire francophone showing:**

**(a) the boundaries of each attendance area; and**

**(b) the location of each fransaskois school in operation in each attendance area.**

**121.1 (2) The conseil scolaire shall send a copy of the map mentioned in subsection (1) to the department.**

1998, c.21, s.54; 2017, c 11, s.66.

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## 122. Alteration of boundaries of school district

**122. (1) The boundaries of a school district may be altered at the discretion of the board of education to conform to attendance and organizational and administrative policies of the board of education, but, subject to subsection 120(1), all portions of a school division outside a city must be included in school districts.**

**122. (2) All changes of boundaries made pursuant to subsection (1) are to be reported to the ministry immediately by the board of education and are effective for the purposes of elections and any other official requirements on and from June 30 in the school year in which the changes are approved by the board of education.**

1995, c.E-0.2, s.122; 2017, c 11, s.66.

---

## 122.1 Alteration of attendance area boundaries

**122.1 (1) The boundaries of an attendance area of a francsaskois school may be altered within the limits of the francophone education area at the discretion of the conseil scolaire to conform to attendance and organizational and administrative policies of the conseil scolaire.**

**122.1 (2) All changes of boundaries made pursuant to subsection (1) are to be reported to the ministry immediately by the conseil scolaire and are effective for the purposes of elections and any other official requirements on and from June 30 in the school year in which the changes are approved by the conseil scolaire.**

**122.1 (3) The conseil scolaire:**

**(a) shall not include any land in an attendance area if the land is not part of the francophone education area; and**

**(b) shall include all portions of a francophone education area in an attendance area.**

1998, c.21, s.55; 2017, c 11, s.66.

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## 134.2 Composition, duties and powers of conseil d'école

**134.2 (5) A conseil d'école shall:**

**[...]**

**(e) participate in activities pertaining to future planning and development of educational services in the attendance area or francophone education area;**

**[...]**

(j) operate using the French language, but may, where it is required in the circumstances, operate in another language;

---

## **Part IV – Pupils, Programs and Services**

### **Pupils**

#### **143. Right to attend school at cost of conseil scolaire**

**143. (1) Subject to the other provisions in this Act, every person who has attained the age of six years but has not attained the age of 22 years and whose parent is a minority language adult has the right:**

**(a) to attend a fransaskois school in the francophone education area in which that person's parent who is a minority language adult, or that person's guardian, is resident; and**

**(b) to receive instruction appropriate to that person's age and level of educational achievement in courses of instruction approved by the conseil scolaire:**

**(i) in the fransaskois school in the francophone education area; or**

**(ii) subject to the stated policies, requirements and conditions of the conseil scolaire, in schools or other educational institutions outside the division scolaire francophone with which arrangements have been made by the conseil scolaire to provide certain services to pupils of the francophone education area.**

---

#### **144. Attendance of others at fransaskois school**

**144. A person who has attained the age of six years but has not yet attained the age of 22 years and whose parent is not a minority language adult may attend a fransaskois school in any francophone education area that exists or becomes established if the attendance of that person at a fransaskois school in the francophone education area is agreed to by:**

**(a) the board of education of the school division where the person would otherwise attend school; and**

**(b) the conseil scolaire.**

**1995, c.E-0.2, s.144; 1998, c.21, s.60.**

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### **ANNOTATIONS**

[Lawless v. Conseil scolaire Fransaskois](#), 2014 SKQB 23 (CanLII)

#### **Background**

[9] In carrying out its authority under s. 144 of *The Education Act*, the CÉF [conseil école fransaskois] has established a policy for allowing anglophone parents who choose to forge a genuine link with the fransaskois community to have their children to attend a fransaskois school. The parents must give 10 commitments to the CÉF, all of which are designed to ensure that the children acquire french language skills and become integrated into the francophone culture and community. In return for those commitments, the children may be granted provisional or permanent permission to attend. If granted provisional permission, the commitments given by the non-rights holder parents are evaluated after 12 months. At that point, the CÉF may admit the children on a permanent basis or renew the provisional permission.

#### iv. Analysis

[...]

[65] I accept that s. 144 of *The Education Act* confers a broad discretion on the CÉF to decide whether a child of a non-rights holder will be granted permission to attend school in the Fransaskois school system. I also accept that the CÉF's authority is rooted in s. 23 of the *Charter*. But, I do not accept that the CÉF may exercise its discretion under s. 144 of *The Education Act* in a manner that infringes upon other protected fundamental rights and freedoms.

[...]

[67] Certain provisions of *The Education Act* and the *Code* are rooted in s. 15 of the *Charter*. This includes s. 178 of *The Education Act*, which obligates boards of education and conseils scolaire to provide educational services to pupils consistent with the pupil's intensive needs. It also includes s. 13 of the *Code* (see para. 44 above) which confers a right to an education on any person without discrimination on a prohibited ground other than age. Subsections 2 (m.01), (d.1) and (i.1) of the *Code* collectively make it clear that a "prohibited ground" includes any degree of physical, mental or intellectual disability or impairment.

[68] Having regard to all of these provisions, I reject the argument that the CÉF has an unfettered discretion to deny admission to students under s. 144 of *The Education Act* for whatever reason it chooses if those reasons infringe upon a disabled student's Charter protected rights and the CÉF's own obligations under *The Education Act* and the *Code*. I also reject the argument the CÉF is exempt from judicial and/or SHRC [*Saskatchewan Human Rights Code*] oversight in its obligations to comply with the requirements of the *Charter*, the *Code* and *The Education Act*.

---

## 180. Language of instruction

**180. (1) Subject to subsections (2) to (4), English is to be the language of instruction in schools.**

**180. (2) Subject to the regulations, a language other than English is to be used as a language of instruction in specified schools in its jurisdiction where a board of education passes a resolution to that effect.**

**180. (3) Subject to any conditions that may be prescribed in the regulations, the minister shall designate schools in which French is the principal language of instruction in a designated program.**

**180. (4) French is the language of instruction in francophone schools and in minority language instruction programs.**

**180. (5) Notwithstanding clause 85(1)(g), a pupil is entitled, at the request of the pupil's parent or guardian, to attend a designated school mentioned in subsection (3) and to receive instruction in a designated program appropriate to the pupil's grade.**

**180. (6) Where a language other than English is used as a language of instruction pursuant to subsection (2) or (3), a pupil whose parent or guardian has requested in writing that the pupil not be required to receive instruction in that language is not required to receive that instruction.**

**180. (7) A pupil to whom subsection (6) applies shall be provided with suitable alternative studies appropriate to the instructional program of that pupil's grade.**

**1995, c.E-0.2, s.180; 2017, c 11, s.40.**

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## **181. Minority language instruction program**

**181. (1) Any minority language adult who is not a resident in the division scolaire francophone and who is the parent of a child who has not yet attained the age of 22 years may apply to the conseil scolaire, in the manner required by the conseil scolaire, for the provision of a minority language instruction program for that child.**

**181. (2) Where a request is received pursuant to subsection (1), the conseil scolaire shall consider the following factors in determining whether to offer the minority language instruction program requested:**

- (a) whether the appropriate services, in pedagogical terms, can be offered;**
- (b) whether there is an existing francophone school or schools in close proximity that could meet the needs of the students;**
- (c) whether there is a demand for francophone education in the area where the minority language adult resides;**
- (d) whether there is an indicated interest among other minority language adults, who each have one or more children not yet 22 years of age, in the area who would take advantage of the service;**
- (e) whether the distances over which the students would be required to be transported are reasonable;**
- (f) whether physical facilities may be made available;**
- (g) whether the cost of the requested services is reasonable;**
- (h) whether there is sufficient demand in the area to justify:**
  - (i) the alteration of the attendance area boundaries;**

(ii) the establishment of a francophone education area; or

(iii) the expansion of the division scolaire francophone;

(i) whether there is any reason, based on any factor or consideration that the conseil scolaire deems appropriate, not to provide the minority language instruction program requested.

1998, c.21, s.76.

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## 182. (2) Religious instruction

182. (2) Where the board of education passes a resolution pursuant to subsection 180(2), the religious instruction mentioned in subsection (1) may be given in a language other than English.

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## Part VI – Finance

### 314. Capital grants to the conseil scolaire

314. Subject to the regulations and any directive of the minister, the minister may make capital grants to the conseil scolaire to assist it in:

(a) acquiring sites or buildings, by construction, purchase or lease, for the purposes of the division scolaire francophone;

(b) acquiring furnishings and capital equipment necessary for the operation or renovation of division scolaire francophone facilities;

(c) renovating existing sites or buildings for their continued use as division scolaire francophone facilities; or

(d) if a francophone education area is located in the Northern Saskatchewan Administration District, acquiring:

(i) sites or buildings, by construction, purchase or lease, for use as teachers' residences; or

(ii) furnishings and capital equipment necessary for the operation or renovation of teachers' residences.

2013, c.9, s.28.

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## Part VIII – General

### 370. (1) Regulations

370. (1) The Lieutenant Governor in Council may make regulations:

[...]

(II) respecting the use of languages other than English as languages of instruction;

**The Education Regulations, 2015, R.R.S. c. E-0.2 Reg. 24**

**Part III – Establishment of Francophone Education Area and Fransaskois School**

4. Transfer of property

4. When a francophone education area and a fransaskois school are established, textbooks, library books, reference books, other learning resources, apparatus and equipment, and similar property, that have been acquired for minority language instruction, excluding French immersion programming, by a board of education with funding pursuant to a *Canada-Saskatchewan agreement for minority-language education and second-language instruction* are to be transferred by the board of education to the conseil scolaire, at no cost.

23 Oct 2015 cE-0.2 Reg 24 s4.

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**Part XI – Designated Schools**

40. Interpretation of Part

40. (1) In this Part:

[...]

“designated program” means a Type A French Language Program or a Type B Immersion/Bilingual Program;

[...]

“Type A French Language Program” means a program of instruction:

(a) in which:

(i) French is the language of instruction for all courses except English and, subject to section 46, may be the sole language of instruction from kindergarten to Grade 2; and

(ii) provision is made for activities that emphasize French-Canadian culture; and



(b) provided in the whole or a portion of a facility that assures its self-contained operation and administration;

“Type B Immersion/Bilingual Program” means a program of instruction in which:

(a) French is the language of instruction for at least 50% of the instructional time or, subject to section 46, may be the sole language of instruction for all courses; and

(b) provision may be made for complementary francophone cultural activities.

40. (2) If a Type A French Language Program has been designated, the administration and operation of the program shall be conducted in French but, if requested by parents, guardians, members of the teaching staff or administrative officials, the intent of administrative and operational procedures and directives shall be communicated in English.

40. (3) If a Type B Immersion/Bilingual Program has been designated, the administration and operation of the program may be conducted in French but, if requested by parents, guardians, members of the teaching staff or administrative officials, the intent of administrative and operational procedures and directives shall be communicated in English.

23 Oct 2015 cE-0.2 Reg 24 s40.

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#### 45. Language other than English

45. Notwithstanding sections 42 to 44, a board of education or the governing body of a registered independent school may, by resolution, approve the use of a language other than English as a language of instruction in any specified school in its jurisdiction to a maximum of 100% of the instructional time at the kindergarten level and to a maximum of 50% of the instructional time at other division levels.

23 Oct 2015 cE-0.2 Reg 24 s45.

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#### 46. Provision of English courses

46. If a language other than English has been authorized as a language of instruction pursuant to section 42 or 45, approved English language courses are to be provided at all grade levels beginning not later than Grade 3.

23 Oct 2015 cE-0.2 Reg 24 s46.

**The Conseil scolaire fransaskois Election Regulations – The Education Act,  
1995, R.R.S. c. E-0.2 Reg. 4**

### Part I – Short Title and Interpretation

## 2. Interpretation

### 2. In these regulations:

[...]

“judge” means a judge of the court sitting at the judicial centre nearest to which the francophone education area is situated; (« *juge* »)

“newspaper” means a publication or local periodical that:

(a) contains primarily items of news;

(b) is distributed at least weekly in the francophone education area that is affected by a matter with respect to which a provision of these regulations requires publication in a newspaper; and

(c) publishes in French or English and is widely distributed among voters;

but does not include a publication primarily for advertising or an advertising supplement to or contained in a newspaper; (« *journal* »)

20 Nov 98 cE-0.2 Reg 4 s2; 6 Mar 2015 SR 10/2015 s3.

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## Part II – Proceedings Preliminary to Election

### 8. Polling areas and places

8. (1) Each francophone education area must have at least one polling area located within the francophone education area’s boundaries.

8. (2) Subject to subsection (1), the conseil scolaire shall divide the division scolaire francophone into as many polling areas as it considers necessary for the convenience of voters, and may name the polling place for each polling area established.

8. (3) Polling areas are to be numbered consecutively by the conseil scolaire.

8. (4) Polling areas are to be established, and polling places named, so that:

(a) there is at least one polling place situated within or close to each polling area; and

(b) a polling place is located, where possible, in a location allowing convenient access to disabled persons.

8. (5) One polling place may be used as the polling place for two or more polling areas.

8. (6) A polling place may be established outside the boundaries of a francophone education area for the convenience of voters described in subclause (d)(iii) in the definition of voter in section 2 of the Act.

**8. (7) Where a polling place becomes unavailable for use during the election after it has been named pursuant to this section, the returning officer shall name another place and shall, by notice posted at the first-named polling place, direct the voters to the alternate polling place.**

**20 Nov 98 cE-0.2 Reg 4 s8; 6 Mar 2015 SR 10/2015 s5.**

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#### **9. (1) Alternate polling places**

**9. (1) The conseil scolaire may establish a polling place in a hospital, special-care home or similar institution situated in a francophone education area at which a voter of that francophone education area, who is receiving care in that institution, may vote.**

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#### **10. (1) Procedure for physically incapacitated voters**

**10. (1) The conseil scolaire may provide for the attendance of the returning officer or a deputy returning officer at the residence of a voter during the time when polls are open for voting in order to take the vote within a francophone education area of a voter at an election who, because of physical incapacity, is unable to attend an established polling place to vote.**

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#### **26. Nominations equal to vacancies**

**26. Where only one person remains in nomination for a francophone education area on the close of the period for withdrawal of nominations, the returning officer shall declare the person nominated to be elected, and there shall be no polling with respect to that francophone education area.**

**20 Nov 98 cE-0.2 Reg 4 s26.**

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#### **27. Nominations less than vacancies**

**27. (1) Where no person remains in nomination for a francophone education area on the close of the period for withdrawal of nominations, the returning officer shall promptly give notice in Form G calling for further nominations to be received by the returning officer or nomination officer:**

**(a) between 9:00 a.m. and 4:00 p.m. on the sixth day following the date of the close of the period for withdrawal of nominations; and**

**(b) during normal office hours from the close of the period for the withdrawal of nominations until the close of nominations pursuant to clause (a).**

**27. (2) Where no person remains in nomination for a francophone education area after the second call for nominations, the conseil scolaire shall, at its next meeting, provide for the holding of a by-election in accordance with section 5 to fill the vacancy.**

**20 Nov 98 cE-0.2 Reg 4 s27.**

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## **60. Interpreters**

**60. (1) Where a person who intends to vote does not understand the French language, the deputy returning officer may permit an interpreter, other than a person who is a candidate or agent of a candidate, to translate any declaration and any lawful question necessarily put to the person and the person's corresponding answers.**

**60. (2) Every interpreter shall complete and sign the declaration of interpreter in Form P.**

**60. (3) Where a person votes in accordance with subsection (1), the deputy returning officer shall cause to be entered in the poll book in the proper column that the vote of the person is marked pursuant to this section.**

**20 Nov 98 cE-0.2 Reg 4 s60.**

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## **Part V – Advance Poll**

### **62. Advance polls**

**62. (1) The returning officer shall authorize the establishment of one or more advance polls in each francophone education area for the convenience of persons who would otherwise be unable to cast their votes on the day appointed for the holding of the election and, subject to subsection (2), fix the days and hours during which eligible voters may cast their votes.**

**62. (2) An advance poll is to be held at least three days, but not more than 15 days, before election day.**

**20 Nov 98 cE-0.2 Reg 4 s62; 6 Mar 2015 SR 10/2015 s10.**

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### **79. Declaration of results**

**79. (1) At the time and place appointed for the purpose, the returning officer shall:**

**(a) declare to be elected the person having the highest number of votes for each office to be filled; and**

**(b) post in a conspicuous place at the headquarters of the conseil scolaire and in each francophone education area a declaration of results, in Form T, signed by him or her, showing the number of votes cast for each person whose name appears on the ballot and the names of any persons declared elected pursuant to section 26.**

79. (2) The returning officer shall provide the conseil scolaire with a copy of the declaration of results.

20 Nov 98 cE-0.2 Reg 4 s79.

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## **Part X – Miscellaneous**

123. Forms to be in French

123. The forms are to be in French.

20 Nov 98 cE-0.2 Reg 4 s123.

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## **Part X.1 – Elections – conseils d'écoles**

### **Division 1 – Application and Interpretation**

124.11 Interpretation of Part

124.11 In this Part:

[...]

“community representative” means a person who is a minority language adult who is elected to serve on a conseil d'école pursuant to clause 134.2(1)(b) of the Act as that conseil d'école's community representative; (« *représentant communautaire* »)

## **The Home-based Education Program Regulations, 2015, R.R.S. c. E-0.2 Reg. 23**

## **Part III – Responsibilities of Home-Based Educators**

18. Language of instruction

18. (1) Subject to subsection (2), the language of instruction in a registered home-based education program must be English or French.

18. (2) With the approval of the registering authority, a home-based educator may use a language other than English or French as a language of instruction to a maximum of 50% of the instructional time.

18. (3) If the language of instruction is other than English, the home-based educator shall provide instruction in English language arts, commencing not later than the date on which the home-based learner turns eight years of age.

28 Aug 2015 cE-0.2 Reg 23 s18.

**Independent Schools Regulations – The Education Act, 1995, R.R.S. c. E-0.1 Reg. 11**

**Part IV – Inspection and Administration**

**21. Language of instruction**

**21. (1) Subject to subsection (2), English is the language of instruction in a registered independent school.**

**21. (2) Where:**

**(a) a registered independent school board passes a resolution declaring that a language other than English is to be the principal language of instruction in the registered independent school; and**

**(b) the minister gives written approval to the resolution mentioned in clause (a);**

**the language prescribed in the resolution is to be the principal language of instruction in the registered independent school.**

**15 Mar 91 cE-0.1 Reg 11 s21.**

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**22. Religious instruction**

**22. (1) Where authorized by a registered independent school board, non-credit religious instruction may be given for a period not exceeding two and one-half hours per week within the regular hours of instruction pursuant to clause 17(1)(b).**

**22. (2) When a registered independent school board passes a resolution in accordance with subsection 21(1), the religious instruction mentioned in subsection (1) may be given in a language other than English.**

**22. (3) Notwithstanding any other provision of these regulations, non-credit religious instruction mentioned in subsection (1) may be provided by any person who meets the qualifications prescribed by the registered independent school board.**

**15 Mar 91 cE-0.1 Reg 11 s22.**

**The Election Act, 1996, S.S. 1996, c. E-6.01**

**78. Interpreters**

**78. (1) A deputy returning officer may use an interpreter or sign language interpreter to translate any oath or declaration and to ask any questions that the deputy returning officer is required by this Act to put to the voter and to translate the voter's answers.**

78. (2) Every interpreter and every sign language interpreter mentioned in subsection (1) shall take an oath or make a declaration in the prescribed form.

78. (3) Subject to subsection (4) and at the request of a voter who does not understand English and who is accompanied by a friend, a deputy returning officer may permit the friend to accompany the voter into the voting station and to assist the voter in marking the voter's ballot paper.

78. (4) Before allowing a friend to accompany a voter into the voting station pursuant to subsection (3):

(a) the voter must take an oath or make a declaration in the prescribed form; and

(b) the friend must take an oath or make a declaration in the prescribed form to the effect that the friend will keep secret the name of the candidate being marked by the voter on the ballot paper.

78. (5) An individual may act as the friend of more than one voter for the purpose of this section in any election.

78. (6) If a voter is accompanied by a friend into a voting station pursuant to this section, the poll clerk shall enter in the column for remarks in the poll book opposite the voter's name:

(a) the fact that the voter was accompanied by a friend into a voting station;

(b) if a voter was accompanied by a friend, the name of the friend; and

(c) the word "sworn" after the name of the voter and the friend, if any, to record that the required oaths or declarations were made.

78. (7) If an interpreter is necessary but cannot be found at the polling place, the voter is not entitled to vote and the deputy returning officer shall not give the voter a ballot paper.

1996, c.E-6.01, s.78; 2014, c.10, s.17.

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SEE ALSO:

[The Election Forms \(Chief Electoral Officer\) Regulations – The Elections Act, 1996, R.R.S. c. E-6.01 Reg. 2](#), Form X "Oath or Declaration of Inability to Mark Ballot Paper" and Form Y "Oath or Declaration of Friend of Voter".

[The Enforcement of Foreign Arbitral Awards Act, 1996, S.S. 1996, c. E-9.12](#)

## Schedule

### A. Convention on the Recognition and Enforcement of Foreign Arbitral Awards

#### Article IV

1. To obtain the recognition and enforcement mentioned in Article III, the party applying for recognition and enforcement, at the time of the application, shall supply:

- a) The duly authenticated original award or a duly certified copy of the award;
- b) The original agreement referred to in Article II or a duly certified copy of the agreement.

2. If the said award or agreement is not made in an official language of the country in which the award is relied on, the party applying for recognition and enforcement of the award shall produce a translation of these documents into such language. The translation shall be certified by an official or sworn translator or by a diplomatic or consular agent.

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## Article XVI

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit a certified copy of this Convention to the States contemplated in Article VIII.

### [Enforcement of Foreign Judgments Act, S.S. 2005, c. E-9.121](#)

## Part III – Enforcement Procedures

### 12. (4) Registration

12. (4) A judgment creditor may register a foreign judgment by filing with the enforcing court:

- (a) a copy of the foreign judgment certified as true by a proper officer of the court that made the order;
- (b) a copy of the notice mentioned in subsection (3);
- (c) an application to modify the foreign judgment, if the judgment creditor is of the opinion that the judgment must be amended by the enforcing court to render it enforceable; and
- (d) a certified translation of the foreign judgment into either English or French, if it was not given in one of those languages.

2005, c.E-9.121, s.12.

### [The Enforcement of Maintenance Orders Act, 1997, S.S. 1997, c. E-9.21](#)

## Part III – Enforcement



## **Division 1 – General**

### **21. Seizure from outside Saskatchewan**

**21. (1) The director may serve a notice of seizure, directed to any person alleged to be indebted to the payor, if the following are filed with the director:**

- (a) a maintenance order;**
- (b) a document:**
  - (i) that purports to be issued by the appropriate authority in a reciprocating jurisdiction;**
  - (ii) that is of similar effect to a notice of seizure;**
  - (iii) that states that it is issued with respect to support, alimony or maintenance; and**
  - (iv) that is written in English or French or that is accompanied by a sworn or certified translation in English or French.**

## **The Foreign Worker Recruitment and Immigration Services Act, S.S. 2013,** **c. F-18.1**

## **Part V – Prohibited Practices and Standards of Service**

### **27. Contract requirements**

**27. (1) All contracts for recruitment services or immigration services must:**

- (a) be in writing;**
- (b) be written in clear and unambiguous language;**
- (c) state the services to be provided;**
- (d) state the fees and expenses to be charged to the foreign national or the employer, as the case may be, and a description of the services for each fee and expense charged;**
- (e) contain any terms required by the director; and**
- (f) contain any prescribed terms and conditions.**

**27. (2) Immigration consultants and foreign worker recruiters shall take reasonable measures to ensure that foreign nationals whose first language is not the language of the contract understand the terms and conditions of the contract before they enter into the contract.**

27. (3) If a contract for immigration services or recruitment services is unclear, ambiguous or incomplete with respect to the requirements of subsection (1), the interpretation least favourable to the immigration consultant or foreign worker recruiter prevails.

2013, c.F-18.1, s.27.

### [Inter-jurisdictional Support Orders Act, S.S. 2002, c. I-10.03](#)

## **Part III – Registration and Enforcement of Orders Made Outside Saskatchewan**

### 22. Foreign document not in English or French

22. (1) A foreign order or other document from a reciprocating jurisdiction that is written in a language other than English or French must be accompanied by a translation of the order or document into English or French.

22. (2) A translation required pursuant to subsection (1) must be authenticated as being accurate by a certificate of the translator.

2002, c.I-10.03, s.22.

### [The International Child Abduction Act, 1996, S.S. 1996, c. I-10.11](#)

## **Schedule – Convention on the Civil Aspects of International Child Abduction**

### Chapter V – General Provisions

#### Article 24

Any application, communication or other document sent to the Central Authority of the requested State shall be in the original language, and shall be accompanied by a translation into the official language or one of the official languages of the requested State or, where that is not feasible, a translation into French or English.

However, a Contracting State, by making a reservation in accordance with Article 42, may object to the use of either French or English, but not both, in any application, communication or other document sent to its Central Authority.

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### Chapter VI – Final Clauses

[...]

In witness whereof the undersigned, being duly authorized thereto, have signed this Convention.

Done at The Hague, on the 25<sup>th</sup> day of October 1980 in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the States Members of the Hague Conference on Private International Law at the date of its Fourteenth Session.

## **[The International Commercial Arbitration Act, S.S. 1988-89, c. I-10.2](#)**

### **Schedule – UNCITRAL Model Law on International Commercial Arbitration**

#### **Chapter V – Conduct of Arbitral Proceedings**

##### **Article 22. Language**

(1) The parties are free to agree on the language or languages to be used in the arbitral proceedings. Failing such agreement, the arbitral tribunal shall determine the language or languages to be used in the proceedings. This agreement or determination, unless otherwise specified therein, shall apply to any written statement by a party, any hearing and any award, decision or other communication by the arbitral tribunal.

(2) The arbitral tribunal may order that any documentary evidence shall be accompanied by a translation into the language or languages agreed upon by the parties or determined by the arbitral tribunal.

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#### **Chapter VIII – Recognition and Enforcement of Awards**

##### **Article 35. Recognition and enforcement**

(1) An arbitral award, irrespective of the country in which it was made, shall be recognized as binding and, upon application in writing to the competent court, shall be enforced subject to the provisions of this article and of article 36.

(2) The party relying on an award or applying for its enforcement shall supply the duly authenticated original award or a duly certified copy thereof, and the original arbitration agreement referred to in article 7 or a duly certified copy thereof. If the award or agreement is not made in an official language of this State, the party shall supply a duly certified translation thereof into such language.

## **[The International Interests in Mobile Aircraft Equipment Act, S.S. 2007, c. I-10.201](#)**

### **Schedule**

#### **Part I [Subsection 2(1)]**

#### **Convention on international interests in Mobile Equipment**

[...]

**DONE at Cape Town, this sixteenth day of November, two thousand and one, in a single original in the English, Arabic, Chinese, French, Russian and Spanish languages, all texts being equally authentic, such authenticity to take effect upon verification by the Joint Secretariat of the Conference under the authority of the President of the Conference within ninety days hereof as to the conformity of the texts with one another.**

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## **Part II [Subsection 2(1)]**

### **Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment**

[...]

**DONE at Cape Town, this sixteenth day of November, two thousand and one, in a single original in the English, Arabic, Chinese, French, Russian and Spanish languages, all texts being equally authentic, such authenticity to take effect upon verification by the Joint Secretariat of the Conference under the authority of the President of the Conference within ninety days hereof as to the conformity of the texts with one another.**

#### **[The International Sale of Goods Act, S.S. 1990-91, c. I-10.3](#)**

### **Schedule [Section 2]**

#### **United Nations Convention on Contracts for the International sale of goods**

[...]

**DONE at Vienna, this day of eleventh day of April, one thousand nine hundred and eighty, in a single original, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic.**

**IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized by their respective Governments, have signed this Convention.**

**1990-91, c.I-10.3, Schedule.**

#### **[The Interpretation Act, 1995, S.S. 1995, c. I-11.2](#)**

### **Corporations**

#### **16. (4) Corporate rights and powers**

16. (4) If a corporation has a name consisting of an English form, a French form, an English form and a French form or a combined English and French form, the corporation may use and be designated by that form.

### The Jury Act, 1998, S.S. 1998, c. J-4.2

## **Part II – Selection and Summoning of Jurors**

### **6. Exclusions**

**6. The following persons are excluded from service as jurors:**

[...]

(j) persons who are unable to understand the language in which the trial is to be conducted.

**1998, c.J-4.2, s.6.**

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### **8. Trial not in English**

**8. Notwithstanding section 7, where a trial is to be held in a language other than English, the sheriff may obtain the names and addresses of prospective jurors from any sources that are prescribed in the regulations.**

**1998, c.J-4.2, s.8.**

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## **Part VI – General**

### **38. Regulations**

**38. (1) Subject to subsection (2), the Lieutenant Governor in Council may make regulations:**

[...]

(b) prescribing the sources that the sheriff may use to obtain the names and addresses of prospective jurors where a trial is to be held in a language other than English;

**38. (2) The Lieutenant Governor in Council shall not make regulations pursuant to this section with respect to the obtaining of names and addresses pursuant to subsections 7(2) to (4).**

**1998, c.J-4.2, s.38.**

## The Jury Regulations, 2000, R.R.S. c. J-4.2 Reg. 1

### 2. Prospective jurors – French trials

**2. (1) The Inspector of Legal Offices may compile a list of names and addresses of persons in a particular judicial centre who understand French and may use that list as a source for names and addresses of prospective jurors when a trial is to be held in French.**

**2. (2) In compiling the list, the Inspector of Legal Offices may obtain names and addresses of prospective jurors from any department or agency of the Government of Canada or the Government of Saskatchewan or any person, association, organization or institution that has available to it the names and addresses of persons in Saskatchewan who understand French.**

28 Jan 2000 cJ-4.2 Reg 1 s2.

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### ANNOTATIONS

[R. v. Bonamy](#), 2005 SKQB 208 (CanLII)

#### The Jury Pool

[35] The second factor, and the one which weighed most heavily in my decision to grant a change of venue to Regina, was the matter of the potential jury pool for this bilingual trial.

[36] Apart from certain specified exceptions, s. 7 of *The Jury Act, 1998*, S.S. 1998, c. J-4.2 states that every resident of Saskatchewan who is a Canadian citizen and who has reached the age of 18 years is qualified to serve as a juror. For trials proceeding in English, the sheriff of the judicial centre obtains from the Inspector of Legal Offices a list of names and addresses of potential jurors which are requisitioned from the person in charge of the register maintained for the purposes of subsection 11(1) of *The Saskatchewan Medical Care Insurance Act*, R.S.S. 1978, c. S-29. In the *Munson* decision, *supra*, Scheibel J. accepted that for a trial in Saskatoon, a jury panel could be selected from a population of approximately 250,000.

[37] When trials are to be held in a language other than English, s. 8 of *The Jury Act, 1998* states that the sheriff may obtain the names and addresses of prospective jurors “from any sources that are prescribed in the regulations.” Section 2 of *The Jury Act Regulations, 2000*, R.R.S. c. J-4.2, Reg. 1, provides as follows: [...]

[38] Crown counsel referred to the population figures for Saskatoon and some of the surrounding communities derived from the Statistics Canada 2001 census figures. For the Saskatoon metropolitan area, out of a total population of 222,630, only 4,365 persons have identified themselves as having first learned French or both French and English and still capable of understanding the French Language. The villages of Debden, St. Brieux and St. Louis, all within a reasonable distance of Saskatoon, only add another 450. These, of course, are total population figures, and therefore would include persons under the age of 18.

[39] Further limiting the size of the potential jury pool is the fact that there is no one complete list of potential jurors who understand French. The list provided to the sheriff is composed of membership lists of persons who are members of Francophone associations, organizations or institutions.

[...]

[48] In the case before me, the total population of persons who understand French and could be summoned for jury duty in Saskatoon would probably not exceed five or six thousand, and only those people who are active in a Francophone organization or institution, like a French school, could be potential jurors because there is no method of identifying all people who understand the French language. The pool of potential jurors, therefore, would not likely exceed two or three thousand, of which, in this case, more than 600 are members of La Fédération des francophones de Saskatoon, the alleged victim in Count No. 1.

[...]

## **Conclusion**

[51] The Statistics Canada 2001 census figures indicate that the number of persons in the Regina Qu'Appelle Regional Health Authority and Five Hills (Moose Jaw) Regional Health Authorities who understand French is approximately 5,000. I am reasonably confident that a fair and impartial jury can be constituted for the trial of this matter in Regina.

### **The Marriage Act, 1995, S.S. 1995, c. M-4.1**

## **Prohibitions**

42. Where party does not understand language used

**42. No member of the clergy or marriage commissioner shall perform a marriage ceremony when one or both of the parties speak a different language from that in which the ceremony is to be performed, unless an independent interpreter is present to interpret and convey clearly to the party or parties the meaning of the ceremony.**

**1995, c.M-4.1, s.42.**

### **Métis Act, S.S. 2001, c. M-14.01**

## **Part II – Recognition of Métis Contributions**

### **2. Recognition of Métis contributions**

**2. The purpose of this Part is to recognize the contributions of the Métis people to the development and prosperity of Canada, including:**

- (a) the rich and evolving history of the Métis people;**
- (b) the cultural distinctiveness of the Métis communities and traditional ways of life of the Métis people;**
- (c) the importance of the languages of the Métis people, including the Michif language, to Canada's culture and heritage;**

- (d) the distinctive culture and cultural legacy of the Métis people, as symbolized by the Métis flag, the Métis sash, the Red River cart, the fiddle and the Red River jig;
- (e) the significance of the Métis farms and the Batoche historic site;
- (f) the honourable and invaluable service of the Métis veterans during the two World Wars and the Korean War and in many peace-keeping missions around the world;
- (g) the importance of Métis entrepreneurs to Canada's economy, beginning in the 18<sup>th</sup> Century with the historic involvement of the Métis in the North West fur trade;
- (h) the leadership role of Métis institutions in providing educational, social and health services to Métis people, and the contribution of those institutions to the delivery of those services; and
- (i) the important contribution of the Métis Nation - Saskatchewan in representing the needs and aspirations of the Métis people.

2001, c.M-14.01, s.2.

#### [Multiculturalism Act, S.S. 1997, c. M-23.01](#)

#### 4. Multiculturalism policy

4. It is the policy of the Government of Saskatchewan to:

[...]

- (f) promote the official languages of Canada and recognize the many different languages spoken in Saskatchewan;

1997, c.M-23.01, s.4.

#### [The New Generation Co-operatives Act, S.S. 1999, c. N-4.001](#)

### Part II – Incorporation

#### 13. Alternative name

13. (1) Subject to section 14, a co-operative may set out its name in:

- (a) an English form;
- (b) a French form;
- (c) a combined English and French form; or
- (d) any language form other than English or French that is approved by the registrar.



13. (2) A co-operative may be legally designated by the language form it has chosen pursuant to subsection (1).

1999, c.N-4.001, s.13.

## The Non-profit Corporations Act, 1995, S.S. 1995, c. N-4.2

### **Part II – Provincial Non-profit Corporations**

#### 10. Name of corporation

10. (1) The word “incorporated”, “Incorporée” or “Corporation” or the abbreviation “Inc.” or “Corp.” are to be part of the name of every corporation, but a corporation may use and may be legally designated by either the full or the abbreviated form.

10. (2) The Director may exempt a body corporate continued as a corporation pursuant to this Act from the provisions of subsection (1).

10. (3) Subject to subsection 12(1), a corporation may set out its name in its articles in an English form, a French form, an English form and a French form or in a combined English and French form and it may use and may be legally designated by that form.

10. (4) Subject to subsection 12(1), a corporation may set out its name in its articles in any language form and it may use and be legally designated by that form outside Canada.

10. (5) A corporation shall set out its name in legible characters in all contracts, invoices, negotiable instruments and orders for goods or services issued or made by or on behalf of the corporation.

10. (6) Subject to The Business Names Registration Act and subsections (5) and 12(1) of this Act, a corporation may carry on its activities under or identify itself by a name other than its corporate name.

1995, c.N-4.2, s.10.

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### **Part IV – Administration**

#### 270. Form of documents filed

270. (1) Every document sent to the Director is to be in typed or printed form.

270. (2) Where any document required pursuant to this Act is not in the English language, the Director may require a notarially certified translation.

1995, c.N-4.2, s.270.

## The Provincial Emblems and Honours Act, S.S. 1988-89, c. P-30.2

## **Part II – Provincial Emblems**

### **5.1 Fransaskois flag**

**5.1 (1) The Fransaskois flag is described as follows:**

**A flag in the rectangular shape consisting of a gold background, a green cross, and a red fleur de lys occupying the bottom right corner.**

**5.1 (2) The Fransaskois flag is recognized as the flag of Saskatchewan's Francophone community.**

**2005, c.39, s.3.**

## **[The Saskatchewan Polytechnic Act, S.S. 2014, c. S-32.21](#)**

## **Part II – Polytechnic Continued**

### **4. Mandate**

**4. The polytechnic may provide:**

**[...]**

**(f) student services, career counselling, adult basic education, language training, literacy programming, and newcomer immigration integration services;**

**2014, c.S-32.21, s.4**

## **[The Securities Act, 1988, S.S. 1988-89, c. S-42.2](#)**

## **Part III – Investigations**

### **16.1 Extra-jurisdictional evidence**

**16.1 (1) Where it appears to a judge of the Court of Queen's Bench, on an application made by the Commission, that a person outside Saskatchewan may have evidence that may be relevant to an investigation ordered by the Commission pursuant to section 12 or a hearing required or permitted pursuant to this Act or the regulations, the judge may issue a letter of request directed to the judicial authority of the jurisdiction in which the person to be examined is believed to be located.**

**[...]**

**16.1 (6) The letter of request must have attached to it:**

**(a) any interrogatories to be put to the person to be examined;**

(b) if known, a list of the names, addresses and telephone numbers, both in Saskatchewan and in the other jurisdiction, of:

(i) the solicitors or agents of the Commission;

(ii) the person to be examined; and

(iii) where applicable, the person entitled pursuant to clause (3)(b) to be present or represented by counsel during the examination and to examine the person mentioned in clause (3)(a); and

(c) a translation of the letter of request and any interrogatories into the appropriate official language of the jurisdiction where the examination is to take place, along with a certificate of the translator, bearing the full name and address of the translator, that the translation is a true and complete translation.

1995 c.32 s.11.

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## **Part VIII – Trading in Derivatives**

### **44.1 Unfair practice prohibited**

**44.1 (1) In this section, “unfair practice” includes:**

[...]

**(b) taking advantage of a person’s:**

(i) inability or incapacity to reasonably protect their own interests because of physical or mental infirmity, ignorance, illiteracy or age; or

(ii) inability to understand the character, nature or the language of any matter relating to a decision to purchase, hold or sell a security or trade or hold a derivative; and

(c) imposing terms, conditions, restrictions or limitations with respect to transactions that are harsh or oppressive.

**44.1 (2) No person or company shall engage in an unfair practice with the intention of advising or effecting the purchase or sale of a security or trade of a derivative.**

2004, c.28, s.7; 2013, c.33, s.26.

**[The Securities Commission \(Adoption of National Instruments\)  
Regulations, R.R.S. c. S-42.2 Reg. 3](#)**

## **Appendix**

## 2.7 Language of Documents

(1) A mutual fund must file a simplified prospectus and any other document required to be filed under this Instrument in French or in English.

(2) In Québec, a simplified prospectus and any document required to be incorporated by reference into a simplified prospectus must be in French or in French and English.

(3) Despite subsection (1), if a mutual fund files a document only in French or only in English but delivers to a securityholder or prospective securityholder a version of the document in the other language, the mutual fund must file that other version not later than when it is first delivered to the securityholder or prospective securityholder.

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## National Instrument 55-102

### Form 55-102F1

#### Insider Profile

#### 7. Correspondence in English or French

If the insider is an individual resident in Quebec, the insider may choose to receive any correspondence from the Quebec securities regulatory authority in English. If no choice is made, any correspondence from the Quebec securities regulatory authority shall be in French. If the insider is a person or company other than an individual and is resident in Quebec, any correspondence from the Quebec securities regulatory authority shall be in French.

If the insider is resident in Manitoba or Ontario, the insider may choose to receive any correspondence from the local securities regulatory authority in French. If no choice is made, any correspondence from the local securities regulatory authority shall be in English.

If the insider is resident in New Brunswick, the insider may choose to receive any correspondence from the New Brunswick securities regulatory authority in French or English.

## [The Settlement of International Investment Disputes Act, S.S. 2006, c. S-47.2](#)

### Schedule (Section 1)

#### Convention on the Settlement of Investment Disputes Between States and Nationals of Other States

#### Article 75

[...]

DONE at Washington, in the English, French and Spanish languages, all three texts being equally authentic, in a single copy which shall remain deposited in the archives of the International Bank for Reconstruction and Development, which has indicated by its signature below its agreement to fulfil the functions with which it is charged under this Convention.

#### **The Statutes and Regulations Revision Act, S.S. 2008, c. S-59.01**

##### **5. (1) Revision powers**

**5. (1) In preparing a revision, the revision committee may do all or any of the following:**

**[...]**

**(f) revise and alter language;**

**(i) to give a better expression to the meaning of the law; or**

**(ii) in the case of a public enactment that has been enacted in English and French, to make the form of expression in one of the languages more compatible with the expression in the other language;**

#### **The Trusts Convention Implementation Act, S.S. 1994, c. T-23.1**

##### **Schedule – Convention on the Law Applicable to Trusts and on Their Recognition**

###### **Article 32**

**[...]**

**In witness whereof the undersigned, being duly authorized thereto, have signed this Convention.**

**Done at The Hague, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the States Members of the Hague Conference on Private International Law at the date of its Fifteenth Session.**

#### **The Wills Act, 1996, S.S. 1996, c. W-14.1**

##### **Schedule – Convention Providing a Uniform Law on the Form of an International Will**

###### **Article I**

1. Each Contracting Party undertakes that not later than six months after the date of entry into force of this Convention in respect of that Party it shall introduce into its law the rules regarding an international will set out in the Annex to this Convention.
  2. Each Contracting Party may introduce the provisions of the Annex into its law either by reproducing the actual text, or by translating it into its official language or languages.
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## Article XVI

1. The original of the present Convention, in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited with the Government of the United States of America, which shall transmit certified copies thereof to each of the signatory and acceding States and to the International Institute for the Unification of Private Law.
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## Annex – Uniform Law on the Form of an International Will

### Article 3

1. The will shall be made in writing.
2. It need not be written by the testator himself.
3. It may be written in any language, by hand or by any other means.

## Saskatchewan – Other Regulations

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[The Active Families Benefit Regulations – The Active Families Benefit Act,  
R.R.S. c. A-4.01 Reg. 1](#)

### Part II – Eligible Activities

4. (1) Eligible cultural activities

4. (1) In this section:

[...]

(b) “heritage” means any field of activity associated with recognizing, studying and preserving those tangible and intangible cultural and historic values and objects that people have received from past generations and that shape present identity and guide future activities, including:

- (i) languages;
- (ii) customs;

**The Land Titles Regulations, 2001 – The Land Titles Act, 2000, R.R.S. c. L-5.1 Reg. 1**

**Part II – Registration Procedures**

**Division 2 – Authorizations**

**21.2 Foreign language documents**

**21.2 A document submitted to the Registrar with an application that is in a language other than English or French must be:**

- (a) translated in English by a translator acceptable to the Registrar; and**
- (b) accompanied by an affidavit from the translator stating that the English document is a true translation of the foreign language document.**

**20 Feb 2009 SR 12/2009 s13.**

**The Mines Regulations, 2003 – The Saskatchewan Employment Act, R.R.S. c. O-1.1 Reg. 2**

**Part IV – Supervision of Workers**

**14. (2) Qualifications of direct supervisor**

**14. (2) No employer or contractor shall require or permit a person to act as a direct supervisor, unless:**

**[...]**

- (c) the person has adequate knowledge of the language normally used at the mine;**

**16 May 2003 cO-1.1 Reg 2 s14.**

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**Part X – Hoists and Hoisting**

**179. Qualifications of hoist operator**

**179. No person shall act as a hoist operator, and no employer or contractor shall require or permit a person to act as a hoist operator, unless:**

**[...]**

- (d) the person has adequate knowledge of the language normally used at the mine;**

16 May 2003 cO-1.1 Reg 2 s179.

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244. Qualifications of blaster

244. No person shall conduct a blasting operation, and no employer or contractor shall require or permit a person to conduct a blasting operation, unless:

[...]

(c) the person has adequate knowledge of the language normally used at the mine;

16 May 2003 cO-1.1 Reg 2 s244.

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246. (1) Temporary authorization to blast

246. (1) An employer or contractor:

(a) may issue a written temporary authorization to blast to a worker who, in the opinion of the employer or contractor:

(i) has adequate knowledge of the language normally used at the mine;

16 May 2003 cO-1.1 Reg. 2 s.246

**The Ministry of Advanced Education Regulations – The Executive Government Administration Act, R.R.S. c. G-5.1 Reg. 153**

3. Objects and purpose

3. The objects and purpose of the Ministry of Advanced Education are the following:

[...]

(c) to co-ordinate, develop, implement, promote and enforce policies and programs of the Government of Saskatchewan with respect to post-secondary French language education.

1 Jne 2012 cG-5.1 Reg 153 s3.

**The Municipal Police Recruiting Regulations, 1991 – The Police Act, 1990, R.R.S. c. P-15.01 Reg. 5**

3. (1) Qualifications



3. (1) No person is to be appointed a member of a police service unless he or she:

[...]

(d) has a good command of English, both written and oral;

8 Nov 91 cP-15.01 Reg 5 s3; 12 Jan 96 SR 83/95 s4.

### **The Personal Property Security Regulations – The Personal Property Security Act, 1993, R.R.S. c. P-6.2 Reg. 1**

11. Name re artificial body

11. (1) Where the debtor is an artificial body, in the form of a body corporate, the registered name of the body corporate is to be specified.

11. (2) Notwithstanding subsection (1), the name of a debtor is to be specified as each of the forms of the debtor name used in business transactions in Saskatchewan set out as separate debtor names where:

(a) the debtor is a body corporate and the name of the debtor is in an English form, a French form or a combined English-French form or more than one of these forms; and

(b) the debtor uses more than one form of its name in business transactions in Saskatchewan at the time of registration.

30 Dec 94 cP-6.2 Reg 1 s11; 17 Feb 2006 SR 7/2006 s12.

### **Public Disclosure Regulations – Public Disclosure Act, R.R.S. c. P-36.1 Reg. 1**

10. Representations to the committee

10. (1) A person who receives a notice, or an agent or counsel acting on behalf of that person, may make representations to the committee.

10. (2) The committee may receive a representation from a person mentioned in subsection (1) or from any other person it considers appropriate.

10. (3) For the purposes of this section, a representation is to be in English or French and:

(a) in writing;

(b) on a standard size audio cassette; or

(c) on a VHS videotape.

10. (4) A representation must be received at least three days prior to the date the committee begins consideration of the application.

10. (5) The committee shall keep all representations it receives.

29 Nov 96 cP-36.1 s10.

**The Regulations Act Regulations, 1997 –The Regulations Act, 1995, R.R.S.  
c. R-16.2 Reg. 1**

4. Citing revised regulations

4. (1) A revised regulation that is enacted in English only may be cited:

(a) by using its title, as set out in section 1 of the regulation, in English;

(b) by using the expression *The Revised Regulations of Saskatchewan*, followed by the word chapter, the chapter number of the Act and the number of the regulation as printed in the Gazette; or

(c) by using the abbreviation R.R.S., followed by the abbreviation c., the chapter number of the Act and the number of the regulation, using the abbreviation Reg, as printed in the Gazette.

Examples:

*The Crown Foundations Regulations*

*The Revised Regulations of Saskatchewan*, chapter C-50.12 Reg 1

R.R.S. c.C-50.12 Reg 1

4. (2) A revised regulation that is enacted in both English and French may be cited:

(a) by using its title, as set out in section 1 of the regulation, in English or in French;

(b) in the manner described in clause (1)(b) or (c);

(c) by using the expression *Règlements Révisés de la Saskatchewan*, followed by the word chapitre, the chapter number of the Act and the number of the regulation as printed in the Gazette; or

(d) by using the abbreviation R.R.S., followed by the abbreviation ch., the chapter number of the Act and the number of the regulation, using the abbreviation Règl., as printed in the Gazette.

Examples:

*Règlement de 1988 sur les juges de paix*

*Les Règlement Révisés de la Saskatchewan*, chapitre J-5,1 Règl. 1

## 6. Citing Saskatchewan Regulations

**6. (1) An amending regulation or an unrevised regulation enacted in English only may be cited:**

**(a) by using the expression Saskatchewan Regulations or the abbreviation Sask. Reg., followed by the Saskatchewan Regulations number of the regulation; or**

**Examples:**

**Saskatchewan Regulations 7/95**

**Sask. Reg. 7/95**

**(b) in the case of a regulation enacted after the coming into force of the Act, by using its title, as set out in section 1 of the regulation, in English.**

**6. (2) An amending regulation or an unrevised regulation enacted in English and French may be cited:**

**(a) in the manner described in subsection (1);**

**(b) by using the expression Rèlements de la Saskatchewan or the abbreviation Règl. de la Sask., followed by the Saskatchewan Regulations number of the regulation; or**

**Examples:**

**Rèlements de la Saskatchewan 7/95**

**Règl. de la Sask. 7/95**

**(c) in the case of a regulation enacted after the coming into force of the Act, by using its title, as set out in section 1 of the regulation, in English or in French.**

## Part XI – General

57. Supporting documents to be in English or French

57. For the purposes of sections 14, 15 and 16 of the Act, all documents that are submitted to the registrar in support of an application to register an event or to amend a registration must be provided by the applicant in either English or French.

8 Oct 2010 cV-7.21 Reg 1 s57.

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## 58. Requirements for translated documents

58. If a document includes a translation or is translated on the request of the registrar, the person who has performed the translation must provide written certification to the registrar that:

- (a) he or she is fluent in both the language in which the original document is written and in English or French; and
- (b) the English or French version represents an accurate translation of the original document.

## **Saskatchewan – Rules of Court**

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[The Queen's Bench Rules – from the Publications Saskatchewan - Government of Saskatchewan website](#)

### **Division 2 – Preserving Evidence, Obtaining Evidence, and Obtaining Evidence for Courts and Tribunals Outside Saskatchewan**

#### **Subdivision 1 – Preserving Evidence and Obtaining Evidence**

##### 6-29. Examination of witnesses and persons

6-29. (7) If a witness or person does not understand English or French, the examiner may use an interpreter to ask any questions and to translate any answers.

6-29. (8) For the purposes of subrule (7):

- (a) the interpreter shall:
  - (i) be nominated by the examiner; and
  - (ii) swear or affirm to interpret truly the questions to be put to the witness or person and the witness's or person's answers; and
- (b) the examination must take place in English or French.

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### **Division 5 – Service outside Saskatchewan**

## 12-12. Service pursuant to the Hague Convention

**12-12. (3) If a statement of claim or other document is to be transmitted abroad for service in a contracting state pursuant to clause (2)(a), it must be filed with the forwarding authority and must be accompanied by:**

**[...]**

**(b) a translation of each document in the official language or one of the official languages of the contracting state in which service is to be effected;**

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## **Subdivision 2 – Form and Contents of Affidavits and Exhibits**

### 13-36. Understanding the affidavit

**13-36. (1) If it seems to the person administering the oath or taking the affirmation that the person swearing or affirming an affidavit does not understand the language in which the affidavit is written, then before the affidavit is sworn or affirmed the contents of the affidavit must be translated for the person swearing or affirming the affidavit by a person competent to do so.**

**13-36. (2) Before the affidavit is translated, the translator must swear or affirm to accurately translate the affidavit and the oath or affirmation.**

**13-36. (3) The person administering the oath or taking the affirmation shall certify that the affidavit was translated for the person swearing or affirming the affidavit by the sworn or affirmed translator.**

**13-36. (4) The affidavit must not be used in evidence without the certification mentioned in subrule (3) unless the Court is satisfied that the affidavit was interpreted to, and appeared to be understood by, the person swearing or affirming it.**

**13-36. (5) Unless the Court permits otherwise, a sworn or affirmed affidavit that is not in English or French must:**

**(a) be translated into English or French, according to the language in which the action is being conducted, by a translator competent to do so; and**

**(b) when filed, be accompanied with a certificate of the translator that the translation is accurate and complete.**

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## **Subdivision 3 – Grants of Probate**

### 16-22. Translation of a will

**16-22. (1) If a grant is sought of a will written in a language other than English or French, the following must be filed with the will:**

**(a) an English or French translation of the will; and**

**(b) an affidavit in Form 16-22 verifying the translation.**

**16-22. (2) A copy of the English or French translation together with a copy of the will in its original form must be attached to the grant.**

**8 Oct 2010 cV-7.21 Reg 1 s58.**

