

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

AMENDMENTS TO *THE QUEEN'S BENCH RULES*

The Queen's Bench Rules are amended, effective the 1st day of October, 2016, in the manner set forth below:

Part 2 amended

1 Subrule 2-14(1) is amended by repealing clause (b) and substituting the following:

“(b) the minor is represented by a lawyer appointed by The Saskatchewan Legal Aid Commission”.

Part 13 amended

2(1) Part 13 is amended in the manner set forth in this section.

(2) The information note following the Part 13 heading is repealed and the following substituted:

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What this Part is about: This Part contains rules respecting calculating time. It also deals with various administrative matters, including the filing of documents and certification of copies of original documents. The Part also has rules concerning the contents of pleadings, affidavits, exhibits, funds in Court, proceedings by and against persons who have obtained a fee waiver certificate pursuant to *The Fee Waiver Act*, and transfer of proceedings under *The Court Jurisdiction and Proceedings Transfer Act*.

”

(3) Division 5 is repealed and the following substituted:

**“DIVISION 5
Proceedings By and Against Fee Waiver Certificate Holders**

“Interpretation of Division and rules re Fee Waiver Certificate Holders

13-42(1) In this Division:

‘**certificate holder**’ means a person who has obtained a fee waiver certificate that is issued, or deemed to be issued, by the Court for the purposes of proceedings in the Court; (« *détenteur de certificat* »)

'**fee waiver certificate**' means a fee waiver certificate issued pursuant to *The Fee Waiver Act*; (« *certificat de dispense des droits* »)

'**local registrar**' means the local registrar at the judicial centre at which the matter is proceeding or intended to proceed; (« *registraire local* »)

'**material change in circumstances**' means a material change in circumstances as defined in *The Fee Waiver Regulations*. (« *changement important de situation* »)

(2) A certificate holder may take, defend or be a party to any legal proceedings in the Court on the terms and conditions mentioned in this Division.

Information Note

See, in general, *The Fee Waiver Act* and *The Fee Waiver Regulations* respecting the eligibility requirements for a fee waiver certificate, which excuses the certificate holder from paying certain Court fees in light of his or her financial circumstances.

“Application for certificate

13-43 A party seeking to obtain a fee waiver certificate for the purposes of proceedings in the Court shall apply to the local registrar in accordance with *The Fee Waiver Act* and *The Fee Waiver Regulations*.

“Holders of previously-issued certificates

13-44(1) A party seeking to rely on a previously-issued fee waiver certificate for the purposes of proceedings in the Court shall:

(a) apply to the local registrar for a waiver of the requirement to apply for a fee waiver certificate; and

(b) provide evidence, satisfactory to the local registrar, that:

(i) the applicant is the holder of a valid fee waiver certificate that was issued within the previous 12 months by another court or a public body pursuant to *The Fee Waiver Act*; and

(ii) the applicant has not experienced a material change in circumstances since the fee waiver certificate was issued.

(2) If, on an application pursuant to subrule (1), the local registrar waives the requirement for the applicant to apply for a new fee waiver certificate, the previously-issued fee waiver certificate is deemed, in accordance with subsection 3(8) of *The Fee Waiver Act*, to be a fee waiver certificate issued by the Court.

“Material change in circumstances

13-45(1) If a certificate holder’s lawyer learns that the certificate holder has experienced a material change in circumstances, the lawyer must immediately report that fact, in writing, to the local registrar at the judicial centre at which the matter is proceeding or intended to proceed.

(2) Nothing in subrule (1) alters a certificate holder’s obligation pursuant to *The Fee Waiver Regulations* to report a material change in circumstances.

“Security for costs; issuance of certificate after order

13-46(1) If an order for security for costs has been made against a person applying for a fee waiver certificate, the fee waiver certificate must not be granted until after 2 days’ notice to the party who has obtained the order for security for costs or the party’s lawyer.

(2) A party mentioned in subrule (1) or the party’s lawyer has the right to be heard on the application for a fee waiver certificate.

(3) Unless the Court orders otherwise, if a fee waiver certificate is granted:

(a) the filing of the fee waiver certificate supersedes any previous order obtained by any other party for security for costs as against the certificate holder; and

(b) no order for security for costs shall be issued after that date against the certificate holder.

Information Note

Security for costs: See Division 4 of Part 4 regarding obtaining an order for security for costs.

Order for costs: The Court may make an order for costs to or against a certificate holder in accordance with section 7 of *The Fee Waiver Act* and Part 11 of these rules.

“Leave required by certificate holder re involvement in legal proceedings

13-47 No certificate holder may take, defend or be a party to any legal proceedings pursuant to this Division without leave of:

(a) the Court;

(b) the judge before whom the matter is heard; or

(c) the court or judge to whom the appeal is taken.

“Stay of proceedings

13-48 Unless the Court orders otherwise, nothing in this Division operates as a stay of any proceedings.

“Confidentiality

13-49 Unless the Court orders otherwise, any information disclosed on an application for a fee waiver certificate pursuant to this Part shall be kept confidential and not made available to any person other than:

- (a) the applicant;
- (b) the applicant’s lawyer; and
- (c) the Court”.

Part 17 amended

3(1) Part 17 is amended in the manner set out in this section.

(2) Rule 17-1 is amended by repealing the definition of “needy person”.

(3) The Information Note that follows rule 17-4 is amended by deleting the definitions listed under rule 13-42 and substituting the following:

“13-42	“certificate holder” “fee waiver certificate” “local registrar” “material change in circumstances”	”.
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AMENDMENTS TO THE QUEEN'S BENCH RULES

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CERTIFICATE

I, MARTEL D. POPESCU, Chief Justice of Her Majesty's Court of Queen's Bench for Saskatchewan, certify that these amendments to the rules were made by a majority of judges of Her Majesty's Court of Queen's Bench for Saskatchewan pursuant to section 28 of *The Queen's Bench Act, 1998*.

Dated at Regina, Saskatchewan, August 24th, 2016.


Martel D. Popescu, C.J.Q.B.