

The Legislative Assembly Act

being

Chapter L-11 of *The Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER L-11

An Act respecting the Legislative Assembly

SHORT TITLE

Short title

1 This Act may be cited as *The Legislative Assembly Act*.

R.S.S. 1978, c.L-11, s.1.

COMPOSITION AND DURATION OF ASSEMBLY

Duration

2 Every Legislative Assembly shall continue for five years from the date of the return of the writs for the election and no longer, but the Lieutenant Governor may at any time dissolve the Assembly and cause a new one to be chosen.

R.S.S. 1965, c.3, s.3; R.S.S. 1978, c.L-11, s.2.

Session once a year

3 There shall be a session of the Legislature at least once in every year, so that twelve months shall not intervene between the last sitting of the Assembly in one session and its first sitting in the next.

R.S.S. 1965, c.3, s.4; R.S.S. 1978, c.L-11, s.3.

Not determined or dissolved by demise of the Crown

4 No Legislative Assembly in and for the Province of Saskatchewan shall determine or be dissolved by the demise of the Crown, but the same shall continue and may meet, convene, sit, proceed and act notwithstanding such demise of the Crown in the same manner as if such demise had not happened.

R.S.S. 1965, c.3, s.5; R.S.S. 1978, c.L-11, s.4.

Power of Crown to prorogue or dissolve not affected

5 Nothing in section 4 alters or abridges the power of the Crown to prorogue or dissolve the Legislative Assembly.

R.S.S. 1965, c.3, s.6; R.S.S. 1978, c.L-11, s.5.

Quorum in Assembly

6 The quorum required for the transaction of business in the Legislative Assembly is fifteen, of whom the Speaker may be one.

1973, c.56, s.2; R.S.S. 1978, c.L-11, s.6.

QUALIFICATIONS OF MEMBERS

Who eligible for Assembly

7 Any British subject, whether male or female, of the full age of eighteen years, resident in Saskatchewan, shall be eligible for nomination and election as a member of the Assembly unless disqualified under this or any other Act.

R.S.S. 1965, c.3, s.8; R.S.S. 1978, c.L-11, s.7.

Oath of members

8 Every member of the Assembly, before taking his seat therein, shall take and subscribe before the Lieutenant Governor or before such person as is designated by him the following oath:

“I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty, her heirs and successors”.

R.S.S. 1965, c.3, s.9; R.S.S. 1978, c.L-11, s.8.

Senators and members of Parliament ineligible

9 No senator or member of the House of Commons of Canada shall be eligible for election as a member of the Assembly.

R.S.S. 1965, c.3, s.10; R.S.S. 1978, c.L-11, s.9.

Holders of certain offices disqualified

10 No person except the members of the Executive Council for the Province of Saskatchewan and except coroners, justices of the peace, notaries public, official auditors, official trustees, registrars of vital statistics and commissioners for oaths, who shall hold any office or place of profit under the Government or who shall be in any manner employed in the public service of the province for salary, wages, fees or emolument, shall sit or vote in the Assembly, and the election of any such person to be a member of the Assembly shall be null and void, but nothing in this section shall be construed to apply to the Speaker or Deputy Speaker of the Assembly, or the leaders of oppositions.

R.S.S. 1965, c.3, s.11; R.S.S. 1978, c.L-11, s.10.

Re-election unnecessary on appointment to Executive Council

11 Notwithstanding anything in any Act, where a member of the Assembly is appointed a member of the Executive Council he shall not, by reason only of the acceptance of such appointment, vacate his seat or be disqualified from sitting or voting in the Assembly.

R.S.S. 1965, c.3, s.12; R.S.S. 1978, c.L-11, s.11.

Persons interested in contract with government or in profits thereof ineligible

12(1) No person who is either directly or indirectly concerned or interested in any bargain or contract entered into by or on behalf of the Government, or who participates or claims to be entitled to participate either directly or indirectly in the profit thereof or in any benefit or emolument arising therefrom, shall sit or vote in the Assembly, and the election of such person to be a member of the Assembly shall be absolutely null and void.

Loans under *Farm Loans Act* prohibited

(2) No member of the Assembly shall obtain a loan under *The Farm Loans Act*.

Exception

(3) If any person obtained a loan from the Saskatchewan Farm Loans Board or under *The Farm Loans Act*, when not a member of the Assembly, such loan shall not disqualify him from being subsequently elected as a member thereof or from sitting and voting therein.

R.S.S. 1965, c.3, s.13; R.S.S. 1978, c.L-11, s.12.

Other acts vacating seat of member

13 If a member of the Assembly either directly or indirectly becomes concerned or interested in any bargain or contract entered into by or on behalf of the Government, or participates or claims to be entitled to participate, whether directly or indirectly, in the profit thereof or in any benefit or emolument arising therefrom, or accepts any office or place of emolument under the Government, or in any character or capacity for or in expectation of any fee, gain or reward performs any duty, transacts any business or does anything whatever for or on behalf of the Government, his seat shall thereupon be vacant.

R.S.S. 1965, c.3, s.14; R.S.S. 1978, c.L-11, s.13.

Exceptions to disqualifications

14 Nothing in this Act shall extend to or disqualify any person as a member of the Assembly:

- (a) by reason of his being a shareholder or director of an incorporated company having a contract or agreement with the Government of Saskatchewan except a company that undertakes a contract for the building or any public work;
- (b) by reason of his becoming a party either as principal or surety to a bond given to Her Majesty under *The Succession Duty Act*, chapter 50 of *The Revised Statutes of Saskatchewan, 1940*;
- (c) by reason of his purchasing or becoming the holder of the stock, bonds or government securities of Saskatchewan on terms common to all persons;
- (d) by reason of his entering into a contract with the Government of Saskatchewan or a department thereof for the supply or sale to him of any utility or article of merchandise administered or sold by such Government or department;
- (e) who, being a member of The Law Society of Saskatchewan, performs services and receives fees therefor under an arrangement respecting the provision of legal services to persons unable to pay for legal services from their own resources;
- (f) who, being a regularly qualified member of the medical profession, performs services and receives fees therefor under *The Mental Health Act*, or the regulations made under *The Public Health Act* respecting relief to be given to expectant mothers, or under an arrangement respecting the provision of medical services to persons unable to pay for medical services from their own resources, or receives fees as an expert witness for the Crown in any proceeding or for performing a post-mortem examination at the request of a coroner or any other person made under statutory authority;
- (g) who, being a regularly qualified member of the dental profession, performs services and receives fees therefor under an arrangement respecting the provision of dental services to persons unable to pay for dental services from their own resources;
- (h) who, being lawfully entitled to practise veterinary medicine, makes inspections of animals in stockyards on behalf of the Minister of Agriculture or pursuant to *The Diseases of Animals Act* and receives fees therefor;
- (i) who, being a municipal official, performs services and receives payment therefor under an arrangement relating to the adjustment of the assets or liabilities of municipalities or the distribution of relief;

- (j) who, being a person required by or pursuant to an Act to collect the tax imposed thereby, receives remuneration for such service in the same way as all other persons required to collect the tax;
- (k) by reason of his entering into a bargain or contract with a corporation created under *The Crown Corporations Act* or any former *Crown Corporations Act*, for the supply or sale to him of any real or personal property sold by the corporation or for the supply or sale by him to the corporation of any real or personal property;
- (l) by reason of his having been either directly or indirectly concerned or interested or having participated in any benefit or emolument arising from a bargain or contract entered into by or on behalf of the Government of Saskatchewan with respect to advances of fodder or seed grain or supplies or the cancellation of any indebtedness therefor;
- (m) by reason of his holding a licence, permit or permission to cut hay, or a grazing lease, or a cultivation lease, or being interested in any such licence, permit, permission or lease, directly or indirectly, alone or with another, by himself or by the interposition of a trustee or third person, or by reason of there being money due or payable to Her Majesty or any corporation created under *The Crown Corporations Act* or any former *Crown Corporations Act*, in respect of hay cut; but no such person shall vote on any question affecting such licence, permit, permission or lease, or in which he is interested by reason thereof;
- (n) by reason of his being the holder of a fishery licence, or having a contract or agreement with Her Majesty or with a public officer or department of the Government with respect to the same or to fisheries or fishing rights; but no such person shall vote on any question affecting such licence, contract or agreement, or in which he is interested by reason thereof;
- (o) by reason of his entering into a contract of or agreement for insurance with, or receiving payment of a claim from, The Saskatchewan Government Insurance Office;
- (p) by reason of his entering into a contract of or agreement for insurance with, or receiving payment of a claim from, the Saskatchewan Crop Insurance Board established under *The Saskatchewan Crop Insurance Act*;
- (q) by reason of his having entered into a contract of service as a teacher with the Northern Education Committee appointed by the Minister of Education or the Lieutenant Governor in Council;
- (r) by reason of his having entered into a contract with the Minister of Agriculture under *The Family Farm Improvement Act*, or the regulations thereunder, for the supply of materials or the construction or installation of water or sewage works upon a farm-stead as defined in the said Act or in a building to which section 7 of the said Act applies, or by reason of his having received financial assistance under the said Act in respect of any such materials or works;
- (s) by reason of his having claimed or received compensation under section 61 of *The Game Act* for loss sustained by him in respect of live stock killed by a person hunting game or destroyed by reason of a wound inflicted on it by a person hunting game;

(t) by reason of his holding a lease or permit under which he has the right to use and occupy, for private purposes only, a lot or other area to which *The Provincial Parks, Protected Areas, Recreation Sites and Antiquities Act*, and the regulations thereunder apply; but no such person shall vote on any question affecting the lease or permit, or in which he is interested by reason thereof;

(u) by reason of his having obtained a permit or a timber sale, or having been granted permission, under *The Forest Act* or any former *Forest Act*, or the regulations thereunder, for any of the purposes mentioned in section 7 of the said Act, if it is intended that, in the case of a timber permit or timber sale, any Crown timber to be cut and removed under the permit or timber sale will be cut for his own use and not for sale; but no such person shall vote on any question affecting the permit, timber sale or permission, or in which he is interested by reason thereof;

(v) by reason of his having made or hereafter making contributions or payments under *The Teachers' Superannuation Act* or by reason of his having received or hereafter receiving an allowance, refund or other benefit under any such Act;

(w) by reason of his being entitled to receive, on terms common to all persons similarly entitled, or of his having received, receiving or agreeing to receive, in accordance with such entitlement, any service or commodity, or any fee, refund, rebate, subsidy, loan or other benefit or payment, that is authorized by or under any Act, whether or not the service, commodity, fee, refund, rebate, subsidy, loan, benefit or payment has been or is received, or is to be received, directly or indirectly through payment from public moneys; provided that no special benefit or preference not available to other members of the public or to the class of the public to whom the Act applies is thereby obtained by him;

(x) by reason of his receiving or having received or agreed to receive compensation or damages in respect of any land or interest therein taken, purchased or damaged by:

(i) Her Majesty in right of Saskatchewan or by any minister, department, commission, board or public officer of the Government of Saskatchewan under the provisions of any Act; or

(ii) a Crown corporation established by or under any Act;

where a judge of the court having jurisdiction in expropriation proceedings taken, or that would have jurisdiction if expropriation proceedings were taken with respect to that land or interest, has certified in writing that the amount of compensation or damages is fair and reasonable; but no such person shall vote on any question specifically relating to such compensation or damages.

R.S.S. 1965, c.3, s.15; 1968, c.72, s.3; 1970, c.36, s.3; 1972, c.62, s.2; R.S.S. 1978, c.L-11, s.14.

Ineligible person not to sit or vote

15(1) No person declared by this Act or by any other law ineligible as a member of the Assembly shall sit or vote therein while under such disability.

(2) If any such person sits or votes in the Assembly he shall be liable to a penalty of \$100 per day for every day he so sits or votes, and such sum may be recovered from him by any person who shall sue for it in any court of competent jurisdiction in Saskatchewan, and one-half of the sum shall belong to the person so suing and the other half shall belong to the province and be paid over to the Minister of Finance.

R.S.S. 1965, c.3, s.16; R.S.S. 1978, c.L-11, s.15.

SPEAKER AND DEPUTY SPEAKER

Speaker

16(1) The Assembly, on its first assembling after a general election, shall proceed with all practicable speed to elect one of its members to be Speaker.

(2) In case of a vacancy happening in the office of Speaker by death, resignation or otherwise, the Assembly shall proceed with all practicable speed to elect another of its members to be Speaker.

(3) The Speaker shall preside at all meetings of the Assembly.

R.S.S. 1965, c.3, s.17; R.S.S. 1978, c.L-11, s.16.

Deputy Speaker

17 The Assembly may elect a Deputy Speaker, and whenever the Speaker from illness or other cause finds it necessary to leave the chair during any part of the sittings of the House in any day he may call upon the Deputy Speaker, or in his absence upon any member of the House, to take the chair and act as Speaker during the remainder of that day, unless the Speaker himself resumes the chair during that day; and the Deputy Speaker or the member so called upon shall take the chair and act as Speaker accordingly, and every Act passed and every order made and thing done by the Assembly while the Deputy Speaker or member is so acting as Speaker shall be as valid and effectual as if the Speaker himself were presiding in the chair.

R.S.S. 1965, c.3, s.18; R.S.S. 1978, c.L-11, s.17.

When Speaker absent Deputy Speaker to perform duties

18 When the House is informed by the Clerk at the table of the unavoidable absence of the Speaker, the Deputy Speaker, if present, shall take the chair and shall perform the duties and exercise the authority of the Speaker in relation to all proceedings of the House until the meeting of the House on the next sitting day, and so on from day to day on the like information being given to the Assembly until the Assembly otherwise orders.

R.S.S. 1965, c.3, s.19; R.S.S. 1978, c.L-11, s.18.

When both absent Assembly to elect acting Speaker

19 When the House is informed by the Clerk at the table of the unavoidable absence of both the Speaker and the Deputy Speaker, it shall be lawful for the Assembly to elect a member to take the chair and act as Speaker for that day.

R.S.S. 1965, c.3, s.20; R.S.S. 1978, c.L-11, s.19.

Validity of proceedings

20 Every Act passed and every order made and thing done by the Assembly while such member is so acting or presiding as Speaker shall be as valid and effectual as if the Speaker himself were presiding in the chair.

R.S.S. 1965, c.3, s.21; R.S.S. 1978, c.L-11, s.20.

Decision of questions

21 Questions arising in the Assembly shall be decided by a majority of votes other than those of the Speaker or acting Speaker; and when the votes are equal, but not otherwise, the Speaker or acting Speaker shall have a vote.

R.S.S. 1965, c.3, s.22; R.S.S. 1978, c.L-11, s.21.

Allowances to Speaker and Deputy Speaker

22(1) In addition to amounts payable to him as a member, there shall be paid:

(a) to the Speaker an allowance at the rate of \$5,600 per annum and the rate shall be increased to \$6,050 per annum on the first day of July, 1976, to \$6,535 per annum on the first day of July, 1977 and to \$7,060 per annum on the first day of July, 1978.

(b) to the Deputy Speaker an allowance at the rate of \$3,360 per annum and the rate shall be increased to \$3,630 per annum on the first day of July, 1976, to \$3,925 per annum on the first day of July, 1977 and to \$4,240 per annum on the first day of July, 1978.

(2) For the purpose only of computing the amount of any allowance payable under subsection (1), the Speaker and the Deputy Speaker respectively shall be considered to have occupied the position from the polling day on which he was elected a member of the Assembly and, when the Legislature in which he occupied the position was dissolved, he shall be considered to have occupied the position until the day preceding the polling day that followed the dissolution, or until his death, whichever first occurs but when the occupant of the position changes, the member succeeding to the position shall be considered to have occupied the position from the day following that on which his predecessor ceased to occupy the position.

(3) Nothing in subsection (2) authorizes the payment of allowances under subsection (1) to the Speaker and Deputy Speaker in respect of services provided by them as Speaker and Deputy Speaker respectively prior to the first day of July, 1972.

1972, c.62, s.3; 1973, c.56, s.3; 1976, c.28, s.2;
R.S.S. 1978, c.L-11, s.22.

LEADER OF THE OPPOSITION**Allowance and grant to Leader of the Opposition**

23(1) In this section "Leader of the Opposition" means the member of the Assembly who is the recognized leader of two or more members constituting the largest group sitting in the Assembly in opposition to the Government, and in case of equality of membership of two or more such groups the allowance and the grant provided for by this section and the allowance and grant provided for by section 24 shall be added together and the total shall be divided equally between the respective leaders of those groups having the largest and equal membership.

(2) In addition to his sessional allowance and his allowance for expenses as a member there shall be paid to the Leader of the Opposition:

- (a) a further allowance at such rate per annum as may be voted by the Assembly; and
- (b) a grant at such rate per annum as may be voted by the Assembly to cover the cost of such staff, supplies, stationery and services as the Leader of the Opposition considers necessary.

(3) For the purpose of computing the amount of an allowance under clause (a) of subsection (2) the Leader of the Opposition shall be deemed to have occupied the position from the polling day on which he was elected a member of the Assembly, and when the Assembly in which he occupied the position is dissolved he shall be deemed to continue to occupy the position until the day next preceding the polling day at the next general election or until his death, whichever occurs first; provided that when the occupant of the position changes, the member succeeding to the position shall be deemed to have occupied it from the day next following that on which his predecessor ceased to occupy it.

(4) Subsection (3) applies *mutatis mutandis* with respect to a grant payable under clause (b) of subsection (2) except that it does not apply in respect of the period prior to the first day of September, 1960.

(5) The allowance and the grant payable under this section shall be divided into twelve equal monthly instalments and each instalment shall be paid on the last day of the month to which it applies, but there shall from time to time be deducted from the grant any sums paid by the Clerk of the Assembly for stenographic services, telephone rental and long distance telephone charges in respect of the office of the Leader of the Opposition.

R.S.S. 1965, c.3, s.24; 1976, c.28, s.3; R.S.S.
1978, c.L-11, s.23.

LEADER OF THE THIRD PARTY

Grant to Leader of Third Party

24(1) In this section “Leader of the Third Party” means the member of the Assembly who is the recognized leader of five or more members constituting the second largest group sitting in the Assembly in opposition to the Government.

(2) In addition to the sessional allowance of the Leader of the Third Party and his allowance for expenses as a member there shall be paid to the Leader of the Third Party:

- (a) a further allowance at such rate per annum as may be voted by the Assembly; and
- (b) a grant at such rate per annum as may be voted by the Assembly to cover the cost of such staff, supplies, stationery and services as the Leader of the Third Party considers necessary.

(3) For the purpose of computing the amount payable under subsection (2), The Leader of the Third Party shall be deemed to have occupied the position from the polling day on which he was elected a member of the Assembly, and when the Assembly in which he occupied the position is dissolved he shall be deemed to continue to occupy the position until the day next preceding the polling day at the next general election or until his death, whichever occurs first, but when the occupant of the position changes, the member succeeding to the position shall be deemed to have occupied it from the day next following that on which his predecessor ceased to occupy it.

(4) The allowance and grant payable under this section shall be divided into twelve equal monthly instalments and each instalment shall be paid on the last day of the month to which it applies, but there shall from time to time be deducted from the grant any sums paid by the Clerk of the Assembly for stenographic services, telephone rental and long distance telephone charges in respect of the office of the Leader of the Third Party.

1976, c.28, s.4; R.S.S. 1978, c.L-11, s.24.

Powers and Privileges of Assembly

WITNESSES AND EVIDENCE

May compel attendance and productions

25 The Assembly may at all times command and compel the attendance before the Assembly, or before any committee thereof, of such persons and the production of such papers and things as the Assembly or committee may deem necessary in any of its proceedings or deliberations.

R.S.S. 1965, c.3, s.25; R.S.S. 1978, c.L-11, s.25.

Warrant for attendance

26(1) When the Assembly requires the attendance of any person before the Assembly or a committee thereof, the Speaker may issue a warrant or subpoena directed to the person named in the order of the Assembly requiring his attendance and the production of such papers and things as may be ordered.

(2) Every warrant may command the aid and assistance of all sheriffs, constables and others, and every refusal or failure to give such aid or assistance when required shall be a contravention of this Act.

R.S.S. 1965, c.3, s.26; R.S.S. 1978, c.L-11, s.26.

Extra-mural examination

27 When the evidence of a person is required in connection with a matter that is the subject of inquiry by the Assembly or a committee thereof, and it is necessary to take such evidence outside the Assembly or committee, the Speaker, when thereunto authorized by a resolution of the Assembly, may make an order for the examination upon oath before any person, and at any place, of such person.

R.S.S. 1965, c.3, s.27; R.S.S. 1978, c.L-11, s.27.

Assembly a court of record

28 For the purposes of sections 25, 26 and 27, the Assembly shall be a court and shall possess all the rights, powers and privileges of a court of record.

R.S.S. 1965, c.3, s.28; R.S.S. 1978, c.L-11, s.28.

Examination by committee

29(1) Any standing or special committee of the Assembly may require the facts, matters and things relating to the subject of any inquiry to be verified or otherwise ascertained by the oral examination of witnesses or otherwise and may examine such witnesses upon oath.

(2) The chairman or any other member of such committee may administer to any witness an oath or affirmation in form A or form B.

R.S.S. 1965, c.3, s.29; R.S.S. 1978, c.L-11, s.29.

JURISDICTION OF ASSEMBLY**Judicial powers of Assembly**

30(1) The Assembly shall be a court and shall have all the rights, powers and privileges of a court for the purpose of summarily inquiring into and punishing the acts, matters and things following:

- (a) assaults, insults and libels upon or to member of the Assembly while in session;
- (b) obstructing, threatening or attempting to force or intimidate members of the Assembly;
- (c) the offer to or acceptance by a member of the Assembly of a bribe to influence him in his proceedings as such, or the offer to or acceptance of any fee, compensation or reward by a member for or in respect of the promotion of a bill, resolution, matter or thing submitted to or intended to be submitted to the Assembly or a committee thereof;
- (d) assaults upon or interference with officers of the Assembly while in the execution of their duties;
- (e) tampering with a witness in regard to evidence to be given by him before the Assembly or a committee thereof;
- (f) presenting to the Assembly or a committee thereof any forged or falsified document with intent to deceive the Assembly or committee;
- (g) forging, falsifying or wrongfully altering any record of the assembly or of a committee thereof or any document or petition presented or filed or intended to be presented or filed before the Assembly or committee or subscribing the name of another to any such document or petition with intent to deceive;
- (h) giving false evidence or prevaricating or otherwise misbehaving in giving or refusing to give evidence or to produce papers before the Assembly or any committee thereof;
- (i) disobedience to subpoenas or warrants issued under the authority of this Act;

(j) bringing a civil action or prosecution against or causing or effecting the arrest or imprisonment of a member of the Assembly for or by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise or said by him before the Assembly;

(k) causing or effecting the arrest, detention or molestation of a member of the Assembly, during a session of the Legislature, for any debt or cause whatever of a civil nature.

(2) For the purposes of this Act the Assembly shall possess all such powers and jurisdiction as may be necessary or expedient for inquiring into, judging and pronouncing upon the commission or doing of any such acts, matters or things and awarding and carrying into execution the punishment thereof as provided for by this Act.

R.S.S. 1965, c.3, s.30; R.S.S. 1978, c.L-11, s.30.

Assembly may award imprisonment

31 Every person who, upon such inquiry, appears to have committed done any of the acts, matters or things mentioned in section 30 shall, in addition to any other penalty to which he may by law be subject, be liable to imprisonment for such time as may be determined by the Assembly.

R.S.S. 1965, c.3, s.31; R.S.S. 1978, c.L-11, s.31.

Assembly's decision final

32 The determination of the Assembly upon any proceedings under this Act shall be final and conclusive.

R.S.S. 1965, c.3, s.32; R.S.S. 1978, c.L-11, s.32.

IMMUNITIES AND PRIVILEGES

No liability for act done under authority of Assembly

33 No person shall be liable in damages or otherwise for any act done under the authority of the Assembly and within its legal power or under or by virtue of a warrant or subpoena issued under that authority.

R.S.S. 1965, c.3, s.33; R.S.S. 1978, c.L-11, s.33.

Member not liable to civil action or prosecution

34(1) No member of the Assembly shall be liable to any civil action or prosecution, arrest, imprisonment or damages by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise or by reason of anything said by him before the Assembly.

(2) The immunity provided by subsection (1) applies notwithstanding that words spoken by a member before the Assembly are broadcast, provided that the broadcasting takes place while the words are being so spoken.

R.S.S. 1965, c.3, s.34; R.S.S. 1978, c.L-11, s.34.

Except for breach of this Act member not liable to arrest in civil action during session

35 Except for a breach of this Act no member of the Assembly shall, during a session of the Legislature, be liable to arrest, detention or molestation for any debt or cause whatever of a civil nature.

R.S.S. 1965, c.3, s.35; R.S.S. 1978, c.L-11, s.35.

Exemption from service or attendance as jurors, of members, etc.

36 During the time the Legislature is in session, all members, officers and employees of the Assembly, and all witnesses summoned to attend before it or any of its committees, shall be exempt from serving or attending as jurors before any court in the province.

R.S.S. 1965, c.3, s.36; R.S.S. 1978, c.L-11, s.36.

No member deprived of rights or privileges

37 Except insofar as is provided in this Act, nothing herein contained shall be construed to deprive the Assembly or a committee or member thereof of any rights, immunities, privileges or powers that the Assembly, committee or member might, but for this Act, have been entitled to exercise or enjoy.

R.S.S. 1965, c.3, s.37; R.S.S. 1978, c.L-11, s.37.

PROHIBITIONS

No member to accept compensation for services in proceedings before Assembly

38 No member of the Assembly shall receive or agree to receive any fee, compensation or reward, directly or indirectly, for services rendered or to be rendered to any person, either by himself or another, in relation to any bill, resolution, proceeding, contract, claim, controversy, charge, accusation, arrest or other matter before the Assembly or a committee thereof, or in order to influence or to attempt to influence any member of the Assembly.

R.S.S. 1965, c.3, s.38; R.S.S. 1978, c.L-11, s.38.

Penalty

39 A person violating section 38 is subject to a penalty of \$500 over and above the amount or value of the fee, compensation or reward received or agreed to be received by him, to be paid with full costs of suit to anyone who shall sue therefor; and one-half thereof shall belong to the person so suing and the other half shall belong to the province and be paid over to the Minister of Finance.

R.S.S. 1965, c.3, s.39; R.S.S. 1978, c.L-11, s.39.

Further penalty

40(1) If judgement is recorded against a member under section 39, or if by resolution of the Assembly it is declared that a member has been guilty of a violation of section 38, the seat of the member shall thereupon become vacant and the election of the member shall thereupon be null and void.

(2) Such member shall be ineligible to be nominated for election to and incapable of being elected to or of sitting and voting in the Assembly during the then current term of the Legislature.

R.S.S. 1965, c.3, s.40; R.S.S. 1978, c.L-11, s.40.

Appropriations from public revenue

41 The Assembly shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose that has not been recommended to the Assembly by message of the Lieutenant Governor during the session in which such vote, resolution, address or bill is proposed.

R.S.S. 1965, c.3, s.41; R.S.S. 1978, c.L-11, s.41.

VACATING OF SEATS**A member may vacate seat**

42 Any member of the Assembly may vacate his seat therein in the manner herein provided:

By declaration from Assembly seat

1. He may openly in his place in the Assembly declare his wish to vacate his seat as a member, and in such case the Clerk of the Assembly shall record the same in the journals and the seat of such member shall be forthwith vacated; or

By written resignation to Speaker

2. He may address and cause to be delivered to the Speaker a statement in writing under his hand attested by two witnesses declaring his resignation of such seat; and upon the receipt thereof by the Speaker, whether during a session of the Assembly or not, the seat of such member shall become vacant.

R.S.S. 1965, c.3, s.42; R.S.S. 1978, c.L-11, s.42.

By written resignation to two members

43 If any member of the Assembly wishes to resign his seat, whether during a session or in the interval between two sessions of the Assembly, and there is then no Speaker or the Speaker is absent from the province, or such member is the Speaker, he may address and cause to be delivered to any two members of the Assembly a statement in writing under his hand attested by two witnesses declaring his resignation of such seat (form C), and upon the receipt thereof by such two members the seat shall become vacant.

R.S.S. 1965, c.3, s.43; R.S.S. 1978, c.L-11, s.43.

Duty of Speaker or two members on receiving resignation

44 The Speaker or such two members, as the case may be, upon receiving such declaration or resignation, shall forthwith address his or their warrant under his or their hand and seal or hands and seals (form D) to the Chief Electoral Officer for the issue of a new writ for the election of a member in the place of the member who has resigned, and such writ shall issue accordingly.

R.S.S. 1965, c.3, s.44; R.S.S. 1978, c.L-11, s.44.

Vacancy by death. etc.

45 Upon a vacancy in the representation of a constituency created by death or in any way other than by resignation, any two members of the Assembly may give notice of the vacancy to the Chief Electoral Officer and require the issue of a writ to fill the vacancy:

Provided that if the vacancy occurs subsequently to a general election and before the first meeting of the Assembly thereafter, such notice and requisition may be given by two members elect of the Assembly of whose election the Chief Electoral Officer has had due notice; and such notice, and every such notice and requisition given under this section, shall be submitted forthwith after its receipt by the Chief Electoral Officer to the Lieutenant Governor; and, upon its return by him to the Chief Electoral Officer endorsed as approved, the necessary proceedings shall be taken in pursuance thereof as in the case of a warrant under section 44.

R.S.S. 1965, c.3, s.45; R.S.S. 1978, c.L-11, s.45.

Member not to resign until declared elected

46 No member elect of the Assembly shall be permitted to resign under this Act until he has been finally declared elected.

R.S.S. 1965, c.3, s.46; R.S.S. 1978, c.L-11, s.46.

Resignation not to affect proceedings in controverted elections

47 The resignation of a member shall in no way affect the conduct or result of any proceedings pending or that may thereafter be taken under any law in force in the province respecting controverted elections.

R.S.S. 1965, c.3, s.47; R.S.S. 1978, c.L-11, s.47.

INDEMNITY TO MEMBERS

Indemnity and allowances

48(1) An indemnity at the rate of \$6,720 per annum that shall be increased to \$7,260 per annum on the first day of July, 1976, to \$7,840 per annum on the first day of July, 1977 and to \$8,470 per annum on the first day of July, 1978 shall be paid to every member of the Assembly and an additional amount at the rate of \$1,000 per annum shall be paid to each of the members representing the constituencies of Athabasca and Cumberland.

(2) Subject to subsections (4) and (5), a sessional allowance of \$2,800 shall be paid to every member attending a session of the Assembly and the allowance shall be increased to \$3,025 on the first day of July, 1976, to \$3,270 on the first day of July, 1977 and to \$3,530 on the first day of July, 1978.

(3) An allowance for expenses at the rate of \$6,000 per annum that shall be increased to \$6,480 per annum on the first day of July, 1976, to \$7,000 per annum on the first day of July, 1977 and to \$7,560 per annum on the first day of July, 1978 shall be paid to every member of the Assembly and an additional amount at the rate of \$250 per annum shall be paid to each of the members representing the constituencies of Athabasca and Cumberland.

(4) Subject to this Act, a deduction at the rate of \$50 per day shall be made from the sessional allowance of a member for every day over and above five days on which a sitting of the Assembly is held and on which the member does not attend the sitting or a meeting of a committee of the Assembly held during the session.

(5) Subject to this Act, the sessional allowance of a member who does not attend sittings of the Assembly, or meetings of a committee thereof held during the session, on at least one-half of the total number of sitting days in any session, shall be \$75 for each day of attendance.

1972, c.62, s.5; 1974-75, c.24, s.1, 1976, c.28, s.5;
R.S.S. 1978, c.L-11, s.48.

Computation of amounts

49(1) For the purpose of computing the amount of salary or allowance payable under section 48, a member shall be considered to have been a member of the Assembly from the polling day on which he was elected a member of the Assembly and when the Legislature of which he was a member was dissolved, he shall be considered to have been a member until the day next preceding the polling day that followed the dissolution, or until his death, whichever first occurs.

(2) Nothing in subsection (1) authorizes the payment of salary or allowances under section 48 to members of the Assembly in respect of services provided by them as members prior to the first day of July, 1972.

1972, c.62, s.5; 1973, c.56, s.4; R.S.S. 1978, c.L-11, s.49.

Person becoming or ceasing to be a member during session

50 If any member be elected and take his seat in the Assembly after the commencement of the session, or if during the session any member cease to be a member, he shall be entitled to the regular sessional allowance subject to a deduction of \$50 per day for each day of the session before he takes his seat or after he ceases to be a member or both, as the case may be, and, except in the cases provided for in the following sections, subject to a further deduction of \$50 per day for every day over and above five days on which a sitting of the Assembly is held while he is a member and on which he does not attend such sitting or a meeting of some committee of the Assembly:

Provided that, except in the cases provided for in the following sections, when the member does not attend sittings of the Assembly, or meetings of some committee thereof, on at least one-half of the total number of sitting days while he is a member, the sessional allowance shall be \$75 for each day of attendance and no more.

R.S.S. 1965, c.3, s.49; 1972, c.62, s.6; R.S.S.
1978, c.L-11, s.50.

Absence on business of the Government or military duty

51(1) In calculation of a deduction from a member's sessional allowance on account of absence, days spent by a member of the Executive Council upon business of the Government outside of the Assembly and days spent by a member of the Assembly on duty with his corps in a regularly organized militia camp, or in the naval, military or air forces of Canada, or in any other of the naval, military or air forces of the Crown while such forces are on active service in consequence of war, shall not be computed.

(2) In the calculation of a deduction from a member's sessional allowance on account of absence, days spent by a member in the service of the Government of Canada or Saskatchewan shall not be computed.

R.S.S. 1965, c.3, s.50; R.S.S. 1978, c.L-11, s.51.

Absence on account of illness

52 Notwithstanding anything in this Act, no deduction shall be made from the sessional allowance of any member for non-attendance caused by illness, if the illness is certified to by a qualified medical practitioner.

R.S.S. 1965, c.3, s.51; R.S.S. 1978, c.L-11, s.52.

Absence due to uncontrollable circumstances other than illness

53(1) Notwithstanding anything in this Act, where it appears that the absence of a member was caused by circumstances, other than illness, over which he had no control, the Lieutenant Governor in Council may direct that no deduction shall be made from the member's sessional allowance on account of the absence.

(2) Where an order in council is passed under subsection (1) a reference to the order shall be included in the declaration made by the member under section 60.

R.S.S. 1965, c.3, s.52; R.S.S. 1978, c.L-11, s.53.

Death of member during session

54 If a member dies during a session of the Assembly such sum not exceeding the regular sessional allowance as the Lieutenant Governor in Council may determine shall be paid to his widow or such other person as may be designated by the Lieutenant Governor in Council.

R.S.S. 1965, c.3, s.53; R.S.S. 1978, c.L-11, s.54.

Death of a member between sessions

55 If a member dies while the Assembly is not in session, and an election to fill the vacancy is not held before the following session, such sum not exceeding the regular sessional allowance as the Lieutenant Governor in Council may determine shall be paid to his widow or such other person as may be designated by the Lieutenant Governor in Council.

R.S.S. 1965, c.3, s.54; R.S.S. 1978, c.L-11, s.55.

Allowances for Whips

56 In Addition to amounts payable to him as a member there shall be paid:

- (a) to the member recognized as holding the position of Government Whip, an allowance at the rate of \$1,120 per session that shall be increased to \$1,210 on the first day of July, 1976, to \$1,310 on the first day of July, 1977 and to \$1,415 on the first day of July, 1978 for each session during which he holds the position;
- (b) to the member recognized as holding the position of Opposition Whip, an allowance at the rate of \$1,120 per session that shall be increased to \$1,210 on the first day of July, 1976, to \$1,310 on the first day of July, 1977 and to \$1,415 on the first day of July, 1978 for each session during which he holds the position;

(c) to the member recognized as holding the position of Whip of the Third Party, an allowance at the rate of \$560 per session that shall be increased to \$605 on the first day of July, 1976, to \$655 on the first day of July, 1977 and to \$708 on the first day of July, 1978.

1976, c.28, s.6; R.S.S. 1978, c.L-11, s.56.

When allowance payable

57 The sessional allowance may be paid from time to time as the member becomes entitled to it to the extent of \$50 for each day's attendance as aforesaid, but the remainder shall be retained by the Minister of Finance until the close of the session when the final payment shall be made.

R.S.S. 1965, c.3, s.55; 1972, c.62, s.8; R.S.S.
1978, c.L-11, s.57.

Sessional expenses

58(1) There shall be paid to each member of the Assembly other than one who is a member of the Executive Council, or who is the Leader of the Opposition, as defined by section 23, or who is the Leader of the Third Party, as defined by section 24, the sum of \$35 per day as an allowance for expenses incidental to the discharge of his duties as a member, for each day on which he attends a sitting of the Assembly or a meeting of some committee thereof held during the session.

(2) Subject to subsections (3) and (4), there shall be paid to each member of the Assembly, other than the speaker or one who is a member of the Executive Council, for each mile travelled by him from his place of permanent residence in the constituency that he represents, or from such other place in the constituency designated by the Speaker at the request of the member to the Legislative and Executive Building in Regina or to such other places in Regina at which the member is required to attend to discharge his duties as a member of the Assembly, such amount as is provided in regulations under *The Public Service Act* to be paid to employees of the public service for first miles travelled by them by private automobile.

(3) A member residing at Buffalo Narrows, La Ronge, Prince Albert or Saskatoon, or passing through one of those places to reach Regina, may travel on a scheduled airline flight from one of those places to Regina or from Regina to one of those places in the execution of his duties as a member, and the member is entitled to receive the amount that would have been payable under subsection (2) if he had travelled by automobile.

(4) A member shall not be paid amounts under subsections (2) and (3) for more than twenty-five trips made by him.

(5) Each member of the Assembly shall be entitled to receive reimbursement for telephone tolls incurred by him, not to exceed \$800 per annum for telephone calls made in connection with his duties as a member or shall be issued a telephone credit card for such use, charges from the use thereof payable by the Government of Saskatchewan and not to exceed \$800 per annum.

(6) Each member of the Assembly shall be entitled to receive reimbursement for actual travel and other expenses incurred by him in respect of travel outside the province to discharge his duties as a member of the Assembly.

(7) A member who represents the constituency of Athabasca or Cumberland shall be entitled to receive per annum reimbursement for the cost of two trips by air from his place of permanent residence in his constituency, or from any other place in the constituency designated by the Speaker at the request of the member, to the communities in his constituency that can be reached only by air.

(8) Each member shall be entitled to receive reimbursement for office expenses and secretarial expenses, or both, incurred by him in respect of his duties as a member in his constituency up to but not exceeding a total of \$200 per month, where he produces a signed receipt for each such expense identifying it as having been made in respect of such duties.

(9) Subject to subsection (10), each member of the Assembly shall be entitled to receive per annum an amount not exceeding the sum obtained when twenty-two cents is multiplied by the number of names of voters on the voters' list of the constituency he represents as reimbursement for postage, advertising and other communication expenses incurred by him in connection with his duties as a member.

(10) For the purposes of computing any amount to be paid under subsection (9) to a member of the Assembly, the number of names of voters on the voters' list shall be the number of names of voters on the voters' list, as defined by The Election Act of the constituency he represents on the polling day on which he was last elected a member of the Assembly.

1972, c.62, s.10; 1973, c.56, s.5; 1976, c.28, s.7;
1976-77, c.39, s.1; R.S.S. 1978, c.L-11, s.58.

Reimbursement for expenses of members acting for government

59(1) Each member of the Assembly other than one who is a member of the Executive Council or who is a Legislative Secretary shall be entitled to receive reimbursement for actual travel and other expenses incurred by him in respect of duties carried out by him outside the province while acting as an official representative of the Government of Saskatchewan at the request and under the direction of a member of the Executive Council.

(2) The receipt by a member of any money for expenses pursuant to subsection (1) does not disqualify him as a member of the Assembly or from sitting and voting in the Assembly.

1973, c.56, s.6; R.S.S. 1978, c.L-11, s.59.

Payment of members by Ministers of Finance

60(1) Subject to subsection (2), the sum due to a member at the close of the session shall be calculated and paid to him by the Minister of Finance on the receipt by the said minister of a solemn declaration made by the member, which declaration shall show:

- (a) the number of days on which he has attended the session;
- (b) the number of days, if any, for which a deduction from the amount of his sessional allowance has to be made under any preceding section of this Act; and
- (c) the amount of his expenses as determined and certified by the Speaker.

(2) A certificate purporting to be signed by the Clerk of the Legislative Assembly and stating that, to the best of his knowledge and belief:

- (a) a named member of the Assembly has been on active service, in consequence of war, during the whole session or a specified portion thereof;
- (b) such member is on duty outside Canada;
- (c) a specified sum is payable in respect of any indemnity, allowance and expenses, or any one or more of the, of such member;

shall be sufficient authority to the Minister of Finance to pay the sum so specified, either to such member or to his duly authorized attorney.

R.S.S. 1965, c.3, s.57; 1972, c.62, s.11; R.S.S. 1978, c.L-11, s.60.

Time of payment of certain amounts

61 Amounts payable under this Act as annual indemnities, allowances or expenses shall be payable monthly on the first day of the month or at such other times as the members entitled thereto may by notice in writing to the Minister of Finance specify.

1972, c.62, s.12; R.S.S. 1978, c.L-11, s.61.

Allowances to and expenses of members of committees

62(1) Notwithstanding any other provision of this Act, a member of the Assembly who, during an interval between sessions of the Assembly, or where the Assembly adjourns for a period of thirty or more continuous days during the period of the adjournment, serves on a committee appointed by resolution of the Assembly or by the Lieutenant Governor in Council pursuant to a resolution of the Assembly shall be paid:

- (a) an allowance of \$35 in respect of each day during such interval or period upon which he:
 - (i) attends a meeting of the committee;
 - (ii) is engaged in the work or business of the committee; or
 - (iii) is absent from his place of residence and is travelling to and from meetings of the committee or on the business of the committee; and
- (b) in respect of expenses incurred while absent from his place of residence during such interval or period for the purpose of attending meetings of the committee or engaging in the work or business of the committee, the following:
 - (i) reasonable disbursements for travel other than by private automobile;
 - (ii) for each mile travelled by him by private automobile such amount as is provided in regulations under *The Public Service Act* to be paid to employees in the public service for each mile travelled by them by private automobile;
 - (iii) reasonable disbursements for sustenance and hotel accommodation.

(2) The receipt by a member of any money in payment of any allowance or disbursement pursuant to subsection (1) does not disqualify him as a member of the Assembly or from sitting and voting in the Assembly.

(3) The allowances and disbursements mentioned in subsection (1) shall, out of moneys appropriated by the Legislature for the purpose, be paid by the Clerk of the Legislative Assembly unless the Lieutenant Governor in Council designates a department, board or agency to make the payment.

R.S.S. 1965, c.3, s.58; 1968, c.40, s.4; 1973, c.56, s.7; R.S.S. 1978, c.L-11, s.62.

Allowance to caucus

63 For the purposes of this section:

“caucus”

(a) **“caucus”** means a group of five or more members who are elected to the Assembly and who belong to the same political party; and

“independent member”

(b) **“independent member”** means a member who does not belong to a caucus.

(2) there shall be paid per annum to each of the Government Caucus, the Opposition Caucus and the caucus of any other political party a sum to be voted by the Assembly for each member in the respective caucuses as an allowance for sessional research and general expenses, but the members of the Executive Council, the Leader of the Opposition, the Leader of the Third Party and the Speaker shall not be considered to be members of the respective caucuses for the purpose of this subsection.

(3) There shall be paid per annum as an allowance for secretarial services to each of the Government Caucus, the Opposition Caucus and the caucus of any other political party a sum to be voted by the Assembly.

(4) There shall be paid per annum to each independent member:

(a) for secretarial services a sum to be voted by the Assembly, which sum is obtained when an amount determined by the Assembly is multiplied by one-fifteenth; and

(b) a sum to be voted by the Assembly for sessional research, general expenses and general research.

1976, c.28, s.8; R.S.S. 1978, c.L-11, s.63.

PUBLICATION OF REPORTS, ETC.

In action for publication of copy of report of Assembly defendant protected

64 In case of civil proceedings or a prosecution against a person for or on account of or in respect of the publication of a copy of any report, papers, votes or proceedings of the Assembly, the defendant may at any stage of the proceedings lay before the court or judge such report, papers, votes or proceedings and such copy, with an affidavit verifying the report, papers, votes or proceedings and the correctness of the copy; and the court or judge shall immediately stay such civil proceedings, and the same and every writ or process issued thereon shall be finally put an end to, determined and superseded by virtue of this Act.

R.S.S. 1965, c.3, s.59; R.S.S. 1978, c.L-11, s.64.

Evidence in such action

65 It shall be lawful, in civil proceedings against any person for printing an extract from or abstract of any such report, papers, votes or proceedings, to give in evidence under the general issue or denial such report, papers, votes or proceedings, and to show that the extract or abstract was published bona fide and without malice, and if such shall be the opinion of the court or sitting jury judgment shall be rendered or a verdict shall be entered for the defendant.

R.S.S. 1965, c.3, s.60; R.S.S. 1978, c.L-11, s.65.

Copies of Debates, etc., from Clerk

66(1) A person desiring to secure a copy of any Debates and Proceedings or Votes and Proceedings of the Assembly or of any Bill that has been introduced in the Assembly and that is not available to the public from the Queen's Printer may, upon payment to the Minister of Finance of such fee therefore as may be prescribed by the Speaker, secure a copy thereof from the Clerk of the Legislative Assembly.

(2) Amounts paid under subsection (1) shall be used by the Minister of Finance in defraying the cost of making the copies of the material mentioned in subsection (1) available to the public and any surplus forms part of the consolidated fund.

1973, c.56, s.8; R.S.S. 1978, c.L-11, s.66.

Legislative librarian

67 Notwithstanding anything in any Act, the Lieutenant Governor in Council may appoint a legislative librarian, who shall be responsible for the care and custody of the legislative library and shall, under the direction of the President of the Council and subject to the standing orders of the Legislative Assembly relating to the library, perform such other duties as may be from time to time assigned to him by the Lieutenant Governor in Council.

R.S.S. 1965, c.3, s.61; R.S.S. 1978, c.L-11, s.67.

SCHEDULE**FORM A**

(Section 29)

OATH OF WITNESS

The evidence you shall give on this examination shall be the truth, the whole truth and nothing but the truth. So held you God.

FORM B

(Section 29)

AFFIRMATION OF WITNESS

You do solemnly, sincerely and truly affirm and declare that the evidence you shall give on this examination shall be the truth, the whole truth and nothing but the truth.

FORM C

(Section 43)

DECLARATION OF RESIGNATION

Province of Saskatchewan,	}	Legislative Assembly of Saskatchewan.
To wit:		

To _____

I, _____ member of the Legislative Assembly of Saskatchewan for the constituency of _____ do hereby resign my seat in the said Legislative Assembly of Saskatchewan for the constituency aforesaid.

Given under my hand and seal at _____ this _____ day
of _____, 19____.

Witnesses

.....	}	
.....		

FORM D
(Section 44)

WARRANT FOR ISSUE OF NEW WRIT OF ELECTION

Province of Saskatchewan,
To wit:

Legislative Assembly
of Saskatchewan.

To the Chief Electoral Officer of Saskatchewan:

These are to require you to make out a new writ for the election of a member to serve this present Legislative Assembly of Saskatchewan for the constituency of _____ in the room of _____ who since the election for the said constituency hath resigned as member for the said constituency.

Given under _____ hand and seal _____ at _____ this _____ day of _____ in the year of our Lord one thousand nine hundred and _____.

.....
.....

