

The Escheats Act

being

Chapter E-11 of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan, 2004, cL-16.1*; and *2018, c 42*.

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 E-11

An Act respecting Escheats

Short title

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

Interpretation

2 In this Act “**heir**” means a person beneficially entitled in succession to the property of an intestate.

RSS 1978, c E-11, s2.

Recovery of escheated lands, etc.

3(1) If the Crown in right of Saskatchewan is, in the opinion of the Attorney General, entitled to any real or personal property by reason of the person last seized of or entitled to that property having died intestate and without heirs, or by reason of a corporation, association or society having been finally dissolved or wound up or having ceased to exist, the Attorney General may demand payment, delivery or possession of the property in the name of the Crown and, if the demand is not complied with, may cause an action to be brought for the recovery of the property without an inquisition being first made.

(2) The proceedings in the action may be in all respects similar to those in other actions for the recovery of real or personal property.

(3) An acknowledgment by the Attorney General that the demand has been complied with shall be a complete discharge of the person named in the acknowledgment, as against all persons, from all liability in respect of the property therein described.

RSS 1978, c E-11, s3; 2018, c 42, s22.

Grants of land, etc.

4 The Lieutenant Governor in Council may make a grant of any real or personal property that is or becomes the property of the Crown in right of Saskatchewan, or any part of or interest in that property:

(a) to any person who, in the opinion of the Lieutenant Governor in Council, had a legal or moral claim on the previous owner, or a just or natural right or claim to succeed to the previous owner’s property or to any part of that property;

(b) to carry into effect any disposition of that property that the Lieutenant Governor in Council believes the previous owner may have intended;

(c) to reward any person making discovery of the property to the Crown.

2018, c 42, s22.

Recovery of possession by grantee

5 Any such grant may be made without actual entry or taking possession of the property or inquisition being first made, and if possession of the property is withheld the person to whom the grant is made may institute proceedings for the recovery thereof in any court of competent jurisdiction.

RSS 1978, cE-11, s5.

Limitation of actions

6(1) This section applies to actions brought or maintained against the Crown in right of Saskatchewan, the Attorney General for Saskatchewan or a minister or officer of the Crown in right of Saskatchewan by a person claiming to be entitled in that behalf as heir, or by or on behalf of the shareholders or creditors of a corporation, association or society that has been finally dissolved or wound up or that has ceased to exist:

- (a) to recover the whole or any part of any property, real or personal:
 - (i) that, by reason of the person last seized or entitled to the property having died intestate and without heirs, or by reason of a corporation, association or society having been finally dissolved or wound up or having ceased to exist, has been judicially declared vested in the Crown in right of Saskatchewan;
 - (ii) of which the Attorney General for Saskatchewan has caused possession to be taken on behalf of the Crown in right of Saskatchewan; or
 - (iii) that has come into the possession of the Crown in right of Saskatchewan as escheat or *bona vacantia*; or
 - (b) to recover any compensation or damage with respect to any real or personal property described in clause (a) or the taking possession or withholding of any real or personal property described in clause (a).
- (2) For the purpose of applying *The Limitations Act* to an action described in subsection (1):
- (a) the day on which the act or omission on which the claim is based is the date of the death of the person last seized or entitled to the property; or
 - (b) if the person last seized or entitled to the property was a corporation, association or society, the day on which the act or omission on which the claim is based is the date of the final dissolution or winding up or ceasing to exist of the corporation, association or society.

2004, cL-16.1, s48.