

The Operation of Public Registry Statutes Act

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[Chapter O-4.2*](#) of *The Statutes of Saskatchewan, 2013* (effective May 30, 2013; except Division 16 of Part VII, effective June 16, 2013), as amended by the *Statutes of Saskatchewan, 2014*, [c.E-13.1](#); [2021, c.6](#); and [2022, c.26](#).

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

NOTE:

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

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PART VIII
Coming into Force

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CHAPTER O-4.2

An Act respecting the Operation of Public Registry Statutes, establishing the Office of Public Registry Administration and making consequential and related amendments to other Acts

PART I

Preliminary Matters

Short title

1 This Act may be cited as *The Operation of Public Registry Statutes Act*.

Interpretation

2(1) In this Act:

- (a) “**contractor**” means, with respect to a public registry statute, a person with whom the minister has entered into a service agreement;
- (b) “**deputy registry officer**” means a deputy registry officer appointed pursuant to a public registry statute and includes any other prescribed person;
- (c) “**ISC**” means the Information Services Corporation of Saskatchewan incorporated pursuant to *The Crown Corporations Act, 1993* as that corporation existed before the coming into force of *The Information Services Corporation Act*;
- (d) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (e) “**ministry**” means the ministry over which the minister presides;
- (f) “**Office**” means the Office of Public Registry Administration established pursuant to section 7;
- (g) “**prescribed**” means prescribed in the regulations made pursuant to this Act;
- (h) “**public registry statute**” means:
 - (i) an Act designated pursuant to subsection (2) with respect to which a service agreement has been entered into and includes the regulations made pursuant to that Act; or
 - (ii) an Act for which a contractor is authorized to exercise powers or fulfil duties in accordance with subsection 10(1) and includes the regulations made pursuant to that Act;
- (i) “**registry**” means a registry established or continued pursuant to a public registry statute and includes information provided to, and the data created or maintained in the operation of, a public registry statute;

- (j) “**registry officer**” means the following persons who perform duties pursuant to a public registry statute:
- (i) the Registrar of Corporations;
 - (ii) **Repealed.** 2021, c6. s.23-19.
 - (iii) the registrar as defined in *The Co-operatives Act, 1996*;
 - (iv) the Registrar of Titles appointed pursuant to *The Land Titles Act, 2000*;
 - (v) the Controller of Surveys appointed pursuant to *The Land Surveys Act, 2000*;
 - (vi) the Registrar of Personal Property Security appointed pursuant to *The Personal Property Security Act, 1993*;
 - (vii) any other prescribed person;
- (k) “**service agreement**” means an agreement entered into pursuant to section 4.
- (2) Subject to the regulations, for the purposes of clause (1)(h), the following are designated as Acts with respect to which a service agreement may be entered into:
- (a) *The Business Corporations Act*;
 - (a.1) *The Business Corporations Act, 2021*;
 - (b) *The Business Names Registration Act*;
 - (c) *The Business Statutes Administration Transfer Act*;
 - (d) *The Companies Act*;
 - (e) *The Condominium Property Act, 1993*;
 - (f) *The Co-operatives Act, 1996*;
 - (g) *The Enforcement of Money Judgments Act*;
 - (h) *The Land Information Services Facilitation Act*;
 - (i) *The Land Surveys Act, 2000*;
 - (j) *The Land Titles Act, 2000*;
 - (k) *The Libel and Slander Act*;
 - (l) *The Names of Homes Act*;
 - (m) *The New Generation Co-operatives Act*;
 - (n) *The Non-profit Corporations Act, 1995*;
 - (n.1) *The Non-profit Corporations Act, 2022*;
 - (o) *The Partnership Act*;
 - (p) *The Personal Property Security Act, 1993*;
 - (q) any other prescribed Act.

Crown bound

3 The Crown is bound by this Act.

2013, c.O-4.2, s.3.

PART II
Service Agreements

Service agreement

4(1) Notwithstanding any other Act or law but subject to the approval of the Lieutenant Governor in Council and to the other provisions of this Act and the regulations, the minister, on behalf of the Government of Saskatchewan, may enter into a service agreement with a contractor respecting a public registry statute.

(2) Notwithstanding any other Act or law, if a service agreement is entered into respecting a public registry statute, the contractor shall manage and operate the registry established or continued pursuant to the public registry statute, provide the registry services and functions pursuant to the public registry statute and exercise the powers and duties delegated to the contractor, as the case may be, in accordance with:

- (a) this Act;
- (b) the public registry statute; and
- (c) the service agreement.

(3) A service agreement for a public registry statute may include provisions that specify all of the following:

- (a) the expected outcomes to be achieved by the contractor in its management and operation of the public registry statute;
- (b) the performance objectives of the contractor;
- (c) the acceptance by the contractor of its responsibility to exercise the powers and fulfil the duties and functions under the public registry statute and the service agreement;
- (d) the relationship between the contractor and a registry officer under the public registry statute and the service agreement;
- (e) the relationship between the contractor and the Government of Saskatchewan under the public registry statute and the service agreement;
- (f) the relationship between the contractor and the public under the public registry statute and the service agreement;
- (g) the establishment of fees to be charged for services and functions required to be provided pursuant to the public registry statute and the procedures for reviewing those fees;
- (h) the rights of access, use and disclosure of the contractor or the Government of Saskatchewan to information and records that are created by the contractor or the Government of Saskatchewan and that relate to the public registry statute or the service agreement;
- (i) the rights of access by the public to records created by the contractor;

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OPERATION OF PUBLIC REGISTRY STATUTES

- (j) the requirements for records management by the contractor;
 - (k) conflict of interest requirements for any employees of the Government of Saskatchewan or of the contractor acting pursuant to this Act, the public registry statute or the service agreement;
 - (l) the requirement that the contractor report to the Government of Saskatchewan any matters with respect to the exercise by it of the powers and the fulfilment by it of any duties or functions as set out in the service agreement;
 - (m) the requirement that the contractor carry adequate insurance;
 - (n) any indemnification between the contractor and the Government of Saskatchewan;
 - (o) remedies for non-compliance with the terms of the service agreement, including the obligations of the parties and penalties for non-compliance;
 - (p) the obligations of the parties during any suspension of registry services or functions pursuant to section 15;
 - (q) the obligations of the parties during the appointment of any temporary administrator pursuant to section 16;
 - (r) if powers and duties have been delegated to the contractor pursuant to subsection 10(1), the additional powers and things the contractor may exercise or do in relation to those delegated powers and duties;
 - (s) the obligations of the parties if the service agreement is terminated;
 - (t) the period of the service agreement or the procedure for the review of the agreement by the contractor and the Government of Saskatchewan;
 - (u) the settlement of disputes;
 - (v) a specification of the liability of the contractor and of the Government of Saskatchewan arising out of the contractor carrying out the provisions of the service agreement;
 - (w) other matters that the minister and the contractor consider appropriate;
 - (x) any additional prescribed matters.
- (4) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly every service agreement entered into by the minister within 90 days after the agreement is entered into.

2013, c.O-4.2, s.4; 2014, c.E-13.1, s.62.

Matters arising from a service agreement

5 Notwithstanding any other Act or law, if the minister and a contractor enter into a service agreement respecting a public registry statute, all actions taken by the contractor or an employee of the contractor in accordance with the public registry statute, this Act or a service agreement are deemed, for all purposes, to be taken by and on behalf of the Government of Saskatchewan.

2013, c.O-4.2, s.5.

Fees

- 6(1)** Subject to subsections (2) to (5), for the purposes of this Act and the public registry statute for which the contractor is providing services or performing functions, the contractor may, in accordance with the service agreement, establish and charge a fee for any service or function it provides or performs pursuant to the public registry statute or for any other matter governed by the public registry statute.
- (2) The contractor is not required to provide or perform the service or function until:
- (a) the fee mentioned in subsection (1) is paid; or
 - (b) arrangements satisfactory to the contractor have been made to pay the fee mentioned in subsection (1).
- (3) A contractor shall cause the fees it establishes pursuant to a service agreement to be made public:
- (a) in the manner specified by the service agreement pursuant to which it is providing services or performing functions; and
 - (b) in any other manner that the contractor considers appropriate to bring the fees to the attention of the public.
- (4) Notwithstanding any provision in the public registry statute or in any other Act or law:
- (a) the fees established pursuant to the service agreement are the fees that must be paid to the contractor;
 - (b) any fees established pursuant to the public registry statute do not apply; and
 - (c) the fees mentioned in clause (a) are the property of the contractor.
- (5) If the registry officer considers it appropriate or necessary, the registry officer may, with respect to any individual transaction pursuant to the public registry statute:
- (a) waive any fees, in whole or in part; or
 - (b) direct the contractor to refund any fees, in whole or in part.
- (6) Until fees are established pursuant to a service agreement, the fees that the contractor may charge for any service or function it provides or respecting any matter governed by a public registry statute are the fees that were payable respecting that service, function or matter on the day before the day on which this Act comes into force.

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**PART III
Office of Public Registry Administration**

Office of Public Registry Administration established

- 7(1) The Office of Public Registry Administration in the ministry is established.
- (2) The minister may provide any technical, clerical and other assistance that the Office may reasonably require.
- (3) The Office consists of the registry officers and any other employees who are necessary to fulfil the functions of the Office.

2013, c.O-4.2, s.7.

Status of registry officers

8(1) Notwithstanding any other provision of this Act or any other Act or any provision of a service agreement:

- (a) a registry officer is an employee and agent of the Government of Saskatchewan for all purposes related to a public registry statute and registry services; and
- (b) all actions of a registry officer taken pursuant to this Act or a public registry statute are deemed to be taken on behalf of the Government of Saskatchewan.
- (2) Any activity undertaken by or on behalf of a registry officer and not completed before the coming into force of this Act may be continued by the registry officer after the coming into force of this Act as if it had been undertaken by the registry officer after the coming into force of this Act.
- (3) No person shall attempt to direct a registry officer in the performance of any statutory duty imposed on the registry officer by this Act, a public registry statute or any other Act.
- (4) A registry officer shall immediately report to the Minister of Justice and Attorney General any business or practice of a contractor or of any other person that, in the opinion of the registry officer, impairs the registry officer's ability to carry out his or her powers, or to fulfil his or her duties or functions, imposed by this Act or a public registry statute.

2013, c.O-4.2, s.8.

Acts applicable to registry officers

9 The following Acts apply to registry officers:

- (a) *The Public Service Act, 1998*;
- (b) *The Public Service Superannuation Act*;
- (c) *The Public Employees Pension Plan Act*;
- (d) *The Superannuation (Supplementary Provisions) Act*.

2013, c.O-4.2, s.9.

Delegation of powers

10(1) A registry officer may delegate any powers given or any duties imposed on the registry officer by an Act:

- (a) to any employee or agent of the Government of Saskatchewan; or
 - (b) to the contractor or any employee of the contractor who is providing services for the Act.
- (2) The registry officer may impose any terms and conditions on a delegation pursuant to subsection (1) that the registry officer considers appropriate.
- (3) Any decision or action of a delegate taken in relation to the exercise or performance of any power or duty delegated to that delegate pursuant to subsection (1) is deemed to be a decision or action of the registry officer.
- (4) Notwithstanding that a registry officer has delegated a power or a duty pursuant to this section, the registry officer may continue to exercise that power or fulfil that duty.

2013, c.O-4.2, s.10.

PART IV**Matters respecting Information, Immunity and Liability****Ownership of and access to information and records**

11(1) All information and records in the registries are the property of the Government of Saskatchewan.

- (2) Access to, and use and disclosure of, information and records in a registry is to be provided only in accordance with this Act, the relevant public registry statute and the relevant service agreement.

2013, c.O-4.2, s.11.

Immunity

12(1) No action or proceeding lies or shall be commenced against the Government of Saskatchewan, the minister, the minister responsible for the administration of a public registry statute, a contractor, a registry officer, a deputy registry officer, the Office, any officer, employee or agent of the Government of Saskatchewan or the Office or a contractor for anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by a public registry statute, this Act or the regulations or in the carrying out or supposed carrying out of any order or direction made pursuant to a public registry statute, this Act or the regulations or any duty imposed by a public registry statute, this Act or the regulations.

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(2) No action or proceeding lies or shall be commenced against the Government of Saskatchewan, the minister, the minister responsible for the administration of a public registry statute, a contractor, a registry officer, a deputy registry officer, the Office, any officer, employee or agent of the Government of Saskatchewan or the Office or a contractor because of the enactment of this Act.

(3) If an action or proceeding may lie or may be commenced against the Government of Saskatchewan for anything done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by a contractor or any of a contractor's officers, agents or employees on behalf of the Government of Saskatchewan pursuant to a public registry statute, this Act or the regulations or a service agreement, no action or proceeding lies or shall be commenced against the contractor or any of the contractor's officers, agents or employees for the thing done, caused, permitted or authorized to be done, attempted to be done or omitted to be done on behalf of the Government of Saskatchewan.

2013, c.O-4.2, s.12.

Transfer of liability

13(1) No action, appeal, application or other proceeding being carried on or power or remedy being exercised with respect to a public registry statute or a registry is discontinued or abated on account of this Act, but may be continued in the name of the Government of Saskatchewan, and the Government of Saskatchewan has the same rights, is subject to the same liabilities, and shall pay or receive the same costs as if the action, appeal, application or other proceeding had been commenced or defended in the name of the Government of Saskatchewan.

(2) The Government of Saskatchewan is responsible for all liabilities of ISC with respect to the administration of a public registry statute or registry before the coming into force of this section, and nothing in this Act affects the rights of any person having a claim against ISC with respect to those liabilities and all those rights may be asserted against the Government of Saskatchewan.

(3) With respect to the things and matters mentioned in subsections (1) and (2), the Government of Saskatchewan may bring, maintain and exercise in its own name any action, appeal, application or other proceeding, or exercise any power, right or remedy that ISC could have brought, maintained or exercised.

2013, c.O-4.2, s.13.

Indemnification

14 Subject to the provisions of the service agreement that applies to a contractor, the Government of Saskatchewan is entitled to indemnification from the contractor for any liability that is incurred by the Government of Saskatchewan as a result of the actions of the contractor or as a result of the actions of an employee or agent of the contractor if those actions occur on or after the coming into force of this Act.

2013, c.O-4.2, s.14.

PART V
**Matters respecting Operation of Registries
and Temporary Administrator**

Temporary suspension of services

- 15(1)** Notwithstanding any other Act or law, if, in the opinion of a registry officer or the minister, the circumstances are such that it is not practical to provide one or more registry services or functions, a registry officer or the minister may, by order, suspend all or any registry services or functions for the period during which, in the opinion of the registry officer or the minister, those circumstances prevail.
- (2) An order of a registry officer or the minister made pursuant to subsection (1):
- (a) is to identify the registry services or functions that are being suspended and the date and time that the registry services or functions are suspended;
 - (b) is to be published in the Gazette as soon as is reasonably possible after it is made; and
 - (c) notwithstanding any other provision of this Act, any public registry statute or any other Act or law, may suspend registry services or functions as at a date not more than 30 days before the day the order is made.
- (3) A registry officer or the minister may, by order, recommence all or any suspended registry services or functions effective as at any date and time the registry officer or the minister considers appropriate.
- (4) An order of a registry officer or the minister made pursuant to subsection (3):
- (a) is to identify the registry services or functions that are being recommenced and the date and time that the registry services or functions are recommenced; and
 - (b) is to be published in the Gazette as soon as is reasonably possible after it is made.
- (5) Subject to subsection (6), an order made pursuant to this section comes into force on the day it is made.
- (6) In the case of an order that suspends registry services or functions as at a date before the order is made, the order may be made retroactive to a date not more than 30 days before the day the order is made and, in that case, the order is deemed to have been in force on and from that date.
- (7) The registry officer or the minister shall take any steps the registry officer or the minister considers necessary to bring an order of the registry officer or the minister to the attention of the public.
- (8) If there is any conflict between an order made pursuant to this section and a provision of this Act, the regulations, other than regulations made pursuant to clause 17(1)(d), any public registry statute or any other Act, regulations or law, the order prevails.

Appointment of temporary administrator

16(1) The Lieutenant Governor in Council may appoint an administrator for a term specified by the Lieutenant Governor in Council to discharge the powers, duties and functions of the board of directors of a contractor with respect to the management and operation of a registry or the provision of registry services and functions in accordance with this Act, a public registry statute or a service agreement if the minister is of the opinion that there is an immediate and direct threat that could significantly compromise the management and operation of the registry or the provision of the registry services or functions.

(2) On the appointment of an administrator, the members of the board of the contractor cease to hold office unless otherwise ordered by the Lieutenant Governor in Council.

(3) During the term of the administrator, the powers of any members of the board of the contractor who continue to hold office are suspended unless otherwise provided by the Lieutenant Governor in Council.

(4) The Lieutenant Governor in Council may specify one or more of the following:

- (a) the powers, duties and functions of an administrator appointed pursuant to this section;
- (b) the process to be followed to appoint members of the board of the contractor on the termination of the administrator's appointment.

2013, c.O-4.2, s.16.

PART VI
General

Regulations

17(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) for the purposes of subsection 2(2):
 - (i) excluding Acts designated in that subsection from the category of public registry statutes; or
 - (ii) adding Acts to the category of public registry statutes;
- (c) for the purposes of clause 4(3)(x), prescribing additional matters to be included in service agreements;

- (d) respecting the suspension of registry services or functions and the recommencement of registry services or functions, including:
 - (i) prescribing procedures, in addition to those set out in this Act, for suspending registry services or functions and recommencing registry services or functions; and
 - (ii) prescribing any other matter or thing that the Lieutenant Governor in Council considers necessary respecting suspension of registry services or functions or recommencement of registry services or functions;
 - (e) prescribing any other matter or thing required or authorized by this Act to be prescribed in the regulations;
 - (f) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or appropriate to carry out the intent of this Act.
- (2) Notwithstanding any other Act or law, the Lieutenant Governor in Council may make regulations, pursuant to the authority of this section, amending regulations made pursuant to any other Act for the purpose of amending, correcting or repealing provisions in, or adding provisions to, those regulations so that those regulations conform to this Act.
- (3) A regulation made pursuant to this section may be made retroactive to a day not earlier than the day on which section 1 of this Act comes into force.

2013, c.O-4.2, s.17.

Part VII Consequential Amendments

18 to 163 **Dispensed.** These sections make consequential amendments to other Acts. The amendments have been incorporated into the corresponding Acts.

PART VIII Coming into Force

Coming into force

164 This Act comes into force on proclamation.

