

The Police Magistrates Act

being

Chapter 63 of *The Revised Statutes of Saskatchewan, 1920*
(assented to November 10, 1920).

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 63

An Act respecting the Appointment of Police Magistrates in Cities and Towns

SHORT TITLE

Short title

1 This Act may be cited as *The Police Magistrates Act*.

R.S.S. 1909, c.61, s.1; R.S.S. 1920, c.63, s.1.

APPOINTMENT AND REMUNERATION

Appointment for cities and towns

2 The Lieutenant Governor in Council may appoint a police magistrate in and for every city and town in the province who shall have jurisdiction as hereinafter set forth.

R.S.S. 1909, c.61, s.2; R.S.S. 1920, c.63, s.2.

Remuneration

3 Such police magistrate shall be paid by the council out of the revenues of the city or town, as the case may be, an annual salary. Such salary shall be, in the case of the city of Regina, not less than \$2,500; in the case of the cities of Saskatoon and Moose Jaw respectively, not less than \$1,500; and in the case of other cities not less than \$750.

1916, c.37, s.14 (redrawn); R.S.S. 1920, c.63, s.3.

Appointment for province

4 The Lieutenant Governor in Council may appoint one or more police magistrates for Saskatchewan who shall have jurisdiction as such throughout the province and who shall be paid such salaries as may be fixed by the Lieutenant Governor in Council.

1918-19, c.30, s.2; R.S.S. 1920, c.63, s.4.

Not to retain fees

5 Every police magistrate appointed under the provisions of this Act shall be entitled to have paid to him all fees authorised to be taken by justices of the peace under any law in force in Saskatchewan and it shall be his duty to collect all such fees and to transmit the same forthwith as provided by law.

R.S.S. 1909, c.61, s.4; R.S.S. 1920, c.63, s.5.

QUALIFICATIONS

Requirements for appointment

6 No person shall be eligible to be appointed a police magistrate unless before the date of his appointment he has been admitted to the bar of one of the provinces of Canada or has served for a period of at least five years either as a commissioned officer of the force within the meaning of *The Royal North-West Mounted Police Act*, chapter 91 of *The Revised Statutes of Canada, 1906*, or as superintendent or an inspector of the Saskatchewan Provincial Police.

1918-19, c.30, s.3; R.S.S. 1920, c.63, s.6.

JURISDICTION

Jurisdiction/ Limitation on jurisdiction

7 Every police magistrate appointed under the provisions of section 2 shall in addition to the powers, jurisdiction and authority which now or hereafter may be conferred on a police magistrate under any special law have and exercise throughout the judicial district in which is situated the city or town for which he has been appointed police magistrate all the powers, jurisdiction and authority now or hereafter vested in or conferred upon two justices of the peace sitting and acting together under any law in force in Saskatchewan and shall have power to perform and shall perform all the duties which *The Criminal Code* and all other Statutes of Canada from time to time in force in Saskatchewan and applicable thereto purport to confer upon or require of a police magistrate or one or more justices of the peace so far as the Legislature of Saskatchewan can confer or require the same; and every such police magistrate shall by virtue of his office be a justice of the peace for Saskatchewan:

Provided, however, that no such police magistrate shall, except as provided in sections 23 and 24, exercise any jurisdiction, power or authority (either as a police magistrate or a justice of the peace) in or in respect of any offence committed within the limits of any city or town other than the city or town for which he is appointed if such city or town has a police magistrate.

R.S.S. 1909, c.61, s.6; 1918-19, c.30, s.4; R.S.S. 1920, c.63, s.7.

Jurisdiction of provincial police magistrates

8(1) Every police magistrate appointed under the provisions of section 4 shall by virtue of his office be a justice of the peace for Saskatchewan.

(2) Every such police magistrate sitting as such, or as, by virtue of his office, a justice of the peace, shall have power to do alone whatever is authorised to be done by two or more justices of the peace.

1918-19, c.30, s.5; R.S.S. 1920, c.63, s.8.

CONDITIONS AND TENURE OF OFFICE

Not to act as agents, etc., in criminal matters

9 Within the judicial district in which is situated the city or town for which he has been appointed police magistrate no police magistrate and no partner or clerk of any police magistrate shall act as agent, solicitor or barrister in any cause, matter, prosecution or proceeding of a criminal nature; nor shall such police magistrate, partner or clerk act as aforesaid in any matter which by law may be investigated or tried before a police magistrate or justice of the peace within the judicial district in which is situated the city or town for which he has been appointed police magistrate.

R.S.S. 1909, c.61, s.7; R.S.S. 1920, c.63, s.9.

Oath of office

10 Every police magistrate before he is gazetted or acts as such shall take and subscribe the following oath before some person authorised to administer oaths in the province, namely:

I, _____ of _____ in the Province of _____ do swear that I will well and truly serve our Sovereign Lord the King in the office of a police magistrate and that I will duly and faithfully and according to the best of my ability and knowledge execute the several duties and powers of a police magistrate.

Sworn at _____ this _____ day of _____ 19____, before me, _____.

R.S.S. 1909, c.61, s.8; R.S.S. 1920, c.63, s.10.

Record of oath

11 Every oath of office taken by a police magistrate shall forthwith after the same is taken be transmitted by such police magistrate to the Attorney General and shall be filed in his office.

R.S.S. 1909, c.61, s.9; R.S.S. 1920, c.63, s.11.

Resignation, mode of

12 Every police magistrate may at any time resign his office by writing signed by him and delivered to the Attorney General.

R.S.S. 1909, c.61, s.10; R.S.S. 1920, c.63, s.12.

PROCEDURE

Parts XV and XXII of *The Criminal Code* to apply to proceedings

13 Except it is otherwise specially provided all the provisions of part XV and part XXII of *The Criminal Code* and the Acts already passed or which may be hereafter passed amending the same shall apply to all proceedings before police magistrates under or by virtue of any law in force in Saskatchewan or under municipal bylaws and to appeals from convictions or orders made thereunder.

R.S.S. 1909, c.61, s.11; R.S.S. 1920, c.63, s.13.

Police office

14(1) In every city and town for which a police magistrate is appointed the council shall establish and keep a police office where all the police magistrate's business for the city or town shall be transacted.

(2) The city or town council may appoint a clerk to perform the duties of clerk to the police magistrate.

R.S.S. 1909, c.61, s.12; R.S.S. 1920, c.63, s.14.

RECORDS AND RETURNS**Police office record book**

15 There shall be kept in the said police office a book to be provided by the council and to be called "The Police Office Record Book" which shall be ruled in the same manner as the form of return of convictions set out in the schedule to this Act; and the said police magistrate shall from time to time enter or cause to be entered in the said book the information required to be given in the form of said return.

R.S.S. 1909, c.61, s.13; R.S.S. 1920, c.63, s.15.

When entries made

16 The required entries shall be made therein forthwith upon the happening of the event in respect of which information is to be entered; and in case the fine or penalty imposed is not collected within three months after the imposition thereof the reason for the same not having been collected shall be written in the column for remarks.

R.S.S. 1909, c.61, s.14; R.S.S. 1920, c.63, s.16.

Open to inspection

17(1) Any person shall be at liberty to inspect the said book at any reasonable time upon the payment of a fee of ten cents to be paid to the clerk or to the magistrate if there is not a clerk; but any person upon whom any fine or penalty has been imposed or any person in his behalf may at any reasonable time inspect without fee or charge the entry in respect of his conviction; and the book kept by or for a police magistrate shall at all reasonable times be open to the inspection without fee or charge to any of the officers of the municipality.

(2) The inspection fee herein provided shall be paid into the revenues of the city or town by the police magistrate or clerk by whom the same is received.

R.S.S. 1909, c.61, s.15; R.S.S. 1920, c.63, s.17.

Penalty

18 In case a police magistrate before whom a conviction takes place or an order is made receives any moneys in respect thereof and neglects to make or cause to be made the proper entry in respect thereto for more than one month after the receipt thereof he shall forfeit and pay the sum of \$100 together with costs of suit to be recovered by the Attorney General on behalf of His Majesty in the Court of King's Bench and the same when recovered shall form part of the general revenue of the province.

R.S.S. 1909, c.61, s.16; R.S.S. 1920, c.63, s.18.

Returns and transmissions

19(1) Every police magistrate who receives the amount of any fine, penalty, fees or other sum of money which is payable to the province shall forthwith after he has received the same transmit the amount to the Attorney General with a statement (form A).

(2) Every police magistrate by or before whom (whether alone or with one or more other justice or justices) any matter of any nature whatsoever is commenced, tried, heard or adjudicated upon shall in the months of January and July in each year and before the fifteenth day thereof make a return in writing signed by him to the Attorney General showing the result and disposition of or action taken upon or in regard to any such matter so dealt with theretofore which has not been included in some previous return made by such magistrate to the Attorney General.

(3) Such return (form B) shall truly set forth the information indicated as required by the headings to the different columns in said form.

(4) In case no proceedings whatever had been had or taken before any police magistrate since the making of his last returns he shall make a return so stating.

R.S.S. 1909, c.61, s.17; R.S.S. 1920, c.63, s.19.

Procedure to enforce returns

20 Any police magistrate whose duty it is to make returns or transmit fines, penalties, fees or other moneys as aforesaid who refuses or neglects to make such returns or transmit such amounts in the manner and at the times above provided may be required by a written notice from the Attorney General (which notice may be forwarded to the usual or last known post office address of the said police magistrate by post prepaid or be delivered to the said police magistrate in person) requiring such police magistrate forthwith to make such returns or transmit such amounts as aforesaid; and after the expiration of thirty days from the posting or delivery of such notice should the said police magistrate still refuse or neglect to make such return or transmit such amounts as aforesaid; then the Attorney General shall report such refusal, neglect or omission to the Provincial Secretary who shall cause the names of the police magistrates so making default to be published in *The Saskatchewan Gazette* during two successive issues thereof with a notice stating that in default of the police magistrate therein named making such returns or transmissions within thirty days from the first publication of such notice the commission of such police magistrate so making default shall be cancelled; and the Provincial Secretary shall on the expiration of thirty days from the date of the first publication in the gazette cancel such commission and upon such cancellation such police magistrate shall be and become deprived of all power, authority and jurisdiction as such and as a justice of the peace and shall not thereafter be eligible for reappointment.

R.S.S. 1909, c.61, s.18; R.S.S. 1920, c.63, s.20.

Penalty for making false returns

21 Any police magistrate before whom any conviction takes place or by whom any order for the payment of money is made who receives any such money and who neglects or refuses to make the return and transmission as herein provided and any such magistrate who wilfully makes a false, partial or incorrect return shall forfeit and pay the sum of \$100 together with costs of suit to be recovered by the Attorney General on behalf of His Majesty before the Court of King's Bench as a debt and the same when recovered shall form part of the consolidated fund of the province.

R.S.S. 1909, c.61, s.19; R.S.S. 1920, c.63, s.21.

Penalties for neglect to make returns

22 The penalties in this Act provided for omission to make entries and returns or transmission of money as herein provided shall be in addition to all other fines, penalties or punishment provided therefor by any other Act or law in force in Saskatchewan and shall not affect any other right or remedy which His Majesty may have by law or in respect thereof.

R.S.S. 1909, c.61, s.20; R.S.S. 1920, c.63, s.22.

GENERAL PROVISIONS**On resignation, etc., disposal of pending business**

23(1) Where any police magistrate through resignation, removal, death or other cause ceases to hold office any business pending before him may on application of the party lawfully moving in the same be taken up and proceeded with by any police magistrate or by any two justices of the peace.

(2) In such case any pending summons, warrant, process, order, conviction or other matter or thing may be taken up, proceeded with and enforced by the police magistrate or two justices applied to notwithstanding the initiatory proceedings were not taken before such police magistrate or such two justices.

(3) This section shall not be construed to prevent one justice of the peace from acting in the place of such police magistrate in any matter in which one justice would have jurisdiction.

R.S.S. 1909, c.61, s.21; R.S.S. 1920, c.63, s.23.

Disposal of business during magistrate's illness

24(1) In case of the absence or illness or at the request of a police magistrate any other police magistrate or any two or more justices of the peace, or at the request in writing of such police magistrate, any barrister may act in his place in any matter within the jurisdiction of such police magistrate; and the police magistrate, justices of the peace or barrister acting in his place shall have and exercise all the powers which the police magistrate first in this section mentioned might or could have exercised.

(2) This section shall also apply to matters in which the initiatory proceedings have been taken before the said first mentioned police magistrate.

(3) This section shall not be construed to prevent one justice of the peace from acting for such police magistrate in any matter in which one justice would have jurisdiction.

R.S.S. 1909, c.61, s.22; 1912-13, c.46, s.17; R.S.S. 1920, c.63, s.24.

Certain matters not to disqualify

25 No police magistrate shall be disqualified from acting in respect of any matter otherwise within his jurisdiction by reason of the fact that the city or town or any officer or servant of the city or town or any member of the city or town council is a party thereto or interested therein or by reason of the fact that such police magistrate is a ratepayer of the city or town and the result of such matter may affect the revenue to be derived by the city or town or by reason that the complainant or informant in any such matter is related to the police magistrate provided that the complainant or informant is acting in a public or official capacity or by reason of the fact that the complainant or informant in any such matter is indemnified by the city or town or by reason of the fact of any resolution or agreement having been passed or made by the city or town council or by any of its committees providing for the indemnification of such complainant or informant.

R.S.S. 1909, c.61, s.23; R.S.S. 1920, c.63, s.25.

SCHEDULE

FORM A

(Section 19)

STATEMENT

.....

.....19

SIR—I enclose herewith the sum of \$_____ being the amount of _____ the penalty collected on the _____ day of _____ 19____, from _____ of _____ (upon the information of _____ of _____), imposed by _____ at _____ on the _____ day of _____ 19____, on conviction for _____ contrary to the provisions of clause _____ subsection _____ section _____ of _____

I also enclose herewith the sum of \$_____ being the amount of my fees collected in respect thereto.

Your obedient servant,

THE ATTORNEY GENERAL,
REGINA, SASK.

.....
Police Magistrate.

Fees \$.....

Fine \$.....

Total \$.....

FORM B

(Section 19)

RETURN BY POLICE MAGISTRATE.

19_____.

I, the undersigned, one of His Majesty's police magistrates, do hereby certify the following to be a true and correct return of all proceedings heretofore had in which I took part as such police magistrate and not included in any previous return made by me to the Attorney General for Saskatchewan:

Name of prosecutor or informant	Name of accused or respondent	Nature of charge or matter	Statute, Act or bylaw proceeded on	Date of hearing	Adjudication: sentence, if any: amount of fine, if any, imposed and date	Amount of costs imposed	Amount of police magistrate's fee collected	Date of payment to magistrate of penalty and costs	To whom penalty paid by magistrate	Date of payment by magistrate	Remarks, giving subsequent action, if any: and, if fine imposed has not been paid, giving reasons for nonpayment

Dated at _____ 19_____.

.....
Police Magistrate.