

UNEDITED

The Local Government Board Act

being

Chapter 38 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

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 38

An Act respecting the Local Government Board

Short title

- 1 This Act may be cited as *The Local Government Board Act*.

R.S.S. 1953, c.38, s.1.

Interpretation “local authority”

- 2 In this Act “**local authority**” means the council of a city, town, village or rural municipality, the board of trustees of a school district, the board of a school unit, the board of a union hospital and the directors of a rural telephone company.

R.S.S. 1940, c.32, s.2; 1945, c.14, s.2; R.S.S. 1953, c.38, s.2.

PART I

Organization, Powers and Procedure

ORGANIZATION OF BOARD

Organization

- 3(1) There shall be a board to be styled The Local Government Board, in this Act referred to as the board, to be composed of three members to be appointed by the Lieutenant Governor in Council, one of whom shall be appointed as chairman and shall be entitled to hold the position of chairman as long as he continues a member of the board.

- (2) In case of the absence of any member of the board, or his inability to act, or in case of a vacancy in the office, the two remaining members shall concur in exercising the powers of the board.

- (3) In the absence or disability of the chairman, all orders, rules, regulations and other documents may be signed by any one member, and when so signed shall have the like effect as if signed the chairman. When it appears that a member has acted for and in the place of the chairman, it shall be conclusively presumed that he has so acted in the absence or disability of the chairman.

- (4) Each of the members shall hold office during good behaviour for a period of ten years from the date of appointment or reappointment or for such lesser period as may intervene between the date of his appointment or reappointment and the date of his retirement under the provisions of *The Public Service Superannuation Act*, but shall be removable by the Lieutenant Governor on address of the Legislative Assembly. A member may at any time be suspended by the Lieutenant Governor in Council for cause assigned, and another person appointed to act in his stead until the Legislative Assembly at its next session has considered and taken action in the premises.

- (5) Vacancies caused by death, resignation or otherwise may be filled by the Lieutenant Governor in Council, but a vacancy shall not impair the power of the remaining members to act. In any such case the signature of one member shall be sufficient.

(6) A member on the expiration of his term of office shall be eligible for reappointment.

(7) The members shall receive such remuneration as is approved by the Lieutenant Governor in Council and shall perform such duties, in addition to the duties assigned to them by this Act, as may be prescribed by the Lieutenant Governor in Council.

R.S.S. 1940, c.32, s.3; 1945, c.14, s.3; R.S.S. 1953, c.38, s.3.

Body corporate

4 The board shall be a body corporate with perpetual succession and a common seal of such design as may be prescribed by the Lieutenant Governor in Council, and such seal shall be judicially noticed.

R.S.S. 1940, c.82, s.4; R.S.S. 1953, c.38, s.4.

Where member interested, etc.

5 When a member is interested in a matter before the board, the Lieutenant Governor in Council may, upon the application of such member or otherwise, appoint some disinterested person to act as a member *pro hac vice*, and the Lieutenant Governor in Council may also appoint a person to act during the sickness, absence or disability of a member.

R.S.S. 1940, c.32, s.5; R.S.S. 1953, c.38, s.5.

Advisory committee

6(1) There shall be associated with the board for advisory purposes a committee consisting of two members to be appointed annually, one by the executive of the provincial organization representing rural municipalities and the other by the executive of the provincial organization representing urban municipalities.

(2) The duties of the committee shall be to confer with the board from time to time concerning matters of general interest in relation to the carrying out of this Act.

(3) The members of the committee shall receive, for attendance at meetings at which they are requested to be present, such *per diem* allowance and travelling expenses as may be determined by the Lieutenant Governor in Council.

R.S.S. 1940, c.32, s.6; R.S.S. 1953, c.38, s.6.

Staff

7 The staff of the board shall consist of a secretary and such other as are deemed necessary for the proper conduct of the business of the board. The Lieutenant Governor in Council may designate a member of the board to be secretary.

R.S.S. 1940, c.32, s.7; 1945, c.14, s.4; R.S.S. 1953, c.38, s.7.

Duties of secretary

8 The secretary shall:

- (a) keep a record of all proceedings conducted before the board or any member thereof;
- (b) have the custody and care of all records and documents belonging to or pertaining to the board, or filed in his office;

(c) obey all rules and directions made or given by the board touching his duties or his office;

(d) see that every regulation and order made by the board is drawn pursuant to the direction of the board, properly authenticated and filed in his office.

R.S.S. 1940, c.32, s.8; R.S.S. 1953, c.38, s.8.

Certified copies of regulations

9 Upon application of any person, and on payment of such fees as the board may prescribe, the secretary shall deliver to such person a certified copy of any such regulation or order.

R.S.S. 1940, c.32, s.9; R.S.S. 1953, c.38, s.9.

Secretary *pro tem*.

10 In the absence of the secretary, a member of the board may act as secretary failing the appointment of a secretary *pro tempore*.

R.S.S. 1940, c.32, s.10; R.S.S. 1953, c.38, s.10.

Authority of one member to act and report

11 The board or the chairman may authorize any one of the members to report to the board upon any question or matter arising in connection with the business of the board, and such member shall, when so authorized, have all the powers of the board for the purpose of taking evidence or acquiring the necessary information for the purpose of such report, and, upon such report being made to the board, it may be adopted as the order of the board, or otherwise dealt with as to the board seems proper.

R.S.S. 1940, c.32, s.11; R.S.S. 1953, c.38, s.11.

Services of departmental officers or employees

12 For the purpose of any inquiry or examination conducted by it or in the performance of any of the other duties assigned to it by this Act or by order in council, the board may, with the consent of the minister in charge of any department of Government, avail itself of the services of any officer or other employee of such department, and it may, with the approval and under the authority of the Lieutenant Governor in Council, avail itself of the services of any member, officer or employee of any board or commission established by Act of Saskatchewan.

R.S.S. 1940, c.32, s.12; R.S.S. 1953, c.38, s.12.

Sittings

13 The board shall sit at such times and places and conduct its proceedings in such manner as may seem to it most convenient for the speedy dispatch of business.

R.S.S. 1940, c.32, s.13; R.S.S. 1953, c.38, s.13.

Use of court house

14(1) Where sittings of the board, or of any member thereof, are appointed to be held in any city, town or place in which a court house is situated, the member presiding at any such sittings shall have, in all respects, the same authority as a judge of the Court of Queen's Bench with regard to the use of the court house and other buildings or apartments set apart in the judicial district for the administration of justice, but subject to the prior right of the court and of judicial and administrative officers to use such buildings and apartments for the purposes of the administration of justice.

(2) Where sittings are appointed to be held in any municipality where there is a hall belonging to the corporation, the corporation shall, upon request, allow such sittings to be held in such hall.

R.S.S. 1940, c.32, s.14; R.S.S. 1953, c.38, s.14.

Whole time required

15 The members of the board shall devote their whole time to the performance of their duties under this Act, and shall not accept any office or employment inconsistent with this section.

R.S.S. 1940, c.32, s.15; R.S.S. 1953, c.38, s.15.

DISQUALIFICATION OF MEMBERS

Disqualifications

16 The members shall, during their term of office, be subject to the following disqualifications:

Not to deal in certain securities

1 No member shall, directly or indirectly, hold, purchase or become interested in any stock, debenture or other security issued by a local authority in Saskatchewan, or become concerned or interested in a bargain or contract for the construction of any work made with or on behalf of any such local authority, or become or remain a member of any company which deals in the securities of local authorities or is concerned or interested in any such bargain or contract;

Disfranchisement

2 No member shall be entitled to be registered as a voter or to vote at a municipal election or at an election for the Legislative Assembly of Saskatchewan.

R.S.S. 1940, c.32, s.16; R.S.S. 1953, c.38, s.16.

JURISDICTION AND POWERS

Powers

17(1) The board shall have power:

Not to deal in certain securities

1 to inquire into the merits of any application of a local authority for permission to raise money by way of debenture or upon the security of stock, and to grant or refuse such permission;

Management of sinking funds

2 to manage, notwithstanding anything contained in *The City Act* or *The Town Act*, the sinking fund of any local authority which desires to intrust the same to the board for management;

Supervision of expenditure

3 to supervise the expenditure of moneys borrowed by a local authority under this Act;

Obtaining statements

4 to obtain from any local authority at any time a statement in detail of its assets and liabilities and of its revenue and expenditures for any definite period, or any other statement of its affairs which may be deemed expedient;

Extending debentures

5 to grant permission for extension of the time for repaying indebtedness incurred by municipalities for the cost of municipal public works, as provided by *The Municipal Debentures Repayment Act*;

Duties assigned

6 to perform such other duties as are now or shall be hereafter from time to time assigned to the board by statute or under statutory authority.

(2) Where pursuant to statutory authority the board has heretofore published or hereafter publishes in *The Saskatchewan Gazette* a notice of its intention to hold an inquiry with respect to a local authority, the board may nevertheless, if it deems fit in any particular case, grant permission to any person to commence or continue any specified action or proceeding, or to make a levy under any specified writ of execution, against the local authority, and upon such permission being granted the statutory restrictions affecting actions and other proceedings and levies under writs of execution against the local authority, resulting from or imposed in consequence of publication of the notice, shall cease to apply with respect to the permitted action, proceeding or levy, notwithstanding anything contained in any Act.

R.S.S. 1940, c.32, s.17; 1948, c.12, s.2; R.S.S. 1953, c.38, s.17.

Incidental powers

18(1) In matters within its jurisdiction the board may order and require any person or local authority to do forthwith or within or at any specified time and in any manner prescribed by the board, so far as it is not inconsistent with this Act or any other Act conferring jurisdiction, any act, matter or thing which such person or local authority is or may be required to do under this Act or under any other general or special Act, and may forbid the doing or continuing of any Act, matter or thing which is in contravention of any such Act or of any regulation, order or direction of the board.

(2) The board shall, as to matters within its jurisdiction, have authority to hear and determine all questions of law or of fact.

(3) The board shall, except as herein otherwise provided, as respects the amendment of proceedings, the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its order and other matters necessary or proper for the due exercise of its jurisdiction or otherwise for carrying this Act into effect, have all such powers, rights and privileges as are vested in the Court of Queen's Bench.

(4) In hearings and investigations before it, the board shall not be bound by the technical rules of legal evidence.

(5) The board may in its discretion accept and act upon evidence by affidavit or written affirmation or by the report of a member of the board or of any officer or technical adviser appointed by it or obtained in any other manner.

R.S.S. 1940, c.32, s.18; R.S.S. 1953, c.38, s.18.

Protection of witnesses

19(1) No person shall be excused from testifying or from producing any book, record, document or paper in any investigation or inquiry by or upon a hearing before the board when ordered to do so by the board, upon the ground that the testimony or evidence, book, record, document or paper required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence; provided that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

(2) Nothing in this section shall be construed as in any manner giving to any corporation immunity of any kind.

(3) No member or employee of the board shall be required to give testimony in any civil suit to which the board is not a party, with regard to information obtained by him in the discharge of his official duty.

R.S.S. 1940, c.32, s.19; R.S.S. 1953, c.38, s.19.

Receivers etc., subject to board

20 The fact that a receiver, manager or other official has been appointed by a court in the province in connection with the business or property of any person or company, or is managing or operating such business or property under the authority of a court, shall not prevent the exercise by the board of any jurisdiction conferred by this Act; but every such receiver, manager or official shall be bound by the regulations and orders of the board whether general or referring particularly to him; and every such receiver, manager or official, and every person acting under him, shall obey all regulations and orders of the board within its jurisdiction affecting him and be subject to have them enforced against him by the board, notwithstanding that such receiver, manager or official is appointed by or acts under the authority of the court.

R.S.S. 1940, c.32, s.20; R.S.S. 1953, c.38, s.20.

When board may act

21(1) The board may, of its own motion, and shall, upon request of the Lieutenant Governor in Council, inquire into, hear and determine any matter or thing within its jurisdiction.

(2) Any power or authority vested in the board under this Act or any other Act may, though not so expressed, be exercised from time to time, or at any time, as the occasion requires.

R.S.S. 1940, c.32, s.21; R.S.S. 1953, c.38, s.21.

Default in obeying order

22 If default is made by any person or local authority in the doing of any act, matter or thing, which the board has authority, under this or any other Act, general or special, to direct and has directed to be done, the board may authorize such person as it sees fit to do the act, matter or thing, and in such case the person so authorized may do such act, matter or thing, and the expense incurred in the doing of the same may be recovered from the person or local authority in default as money paid for and at the request of such person or local authority, and the certificate of the board of the amount so expended shall be conclusive evidence thereof.

R.S.S. 1940, c.32, s.22; R.S.S. 1953, c.38, s.22.

APPLICATIONS WITH REGARD TO LOANS

Application to raise loan

23 When a local authority desires to provide for raising a loan by way of debenture or other security for the purpose of any work or undertaking, the acquisition of property or any other object within its jurisdiction, application shall be made to the board for permission to do so.

R.S.S. 1940, c.32, s.23; R.S.S. 1953, c.38, s.23.

When made

24(1) In the case of a municipality, such application shall be made prior to or forthwith after the first reading of a bylaw providing for the loan and before such bylaw is submitted to a vote of the burgesses; and no further action shall be taken by the council upon the bylaw until the authorization of the board has been obtained as hereinafter provided.

(2) In the case of school districts, school units, union hospitals and rural telephone companies, the board of trustees, the board or the directors shall continue to follow the procedure prescribed by *The School Act*, *The Larger School Units Act*, *The Union Hospital Act* and *The Rural Telephone Act* respectively, for obtaining permission to borrow money.

R.S.S. 1940, c.32, s.24; R.S.S. 1953, c.38, s.24.

Documents accompanying application

25 Every application shall be addressed to the secretary of the board, and shall be accompanied, in the case of applications by the councils of cities and towns, by a copy of the bylaw dealing with the proposed loan, and in other cases, by the documents prescribed by the various statutes governing the application, and such other information as the board may require.

R.S.S. 1940, c.32, s.25; R.S.S. 1953, c.38, s.25.

DEALING WITH LOAN APPLICATIONS

Inquiry

26 The board in conducting its inquiry and in arriving at its decision shall consider the nature of the work, undertaking or other object of the proposed loan, the necessity for or expediency of the same, the financial position of the local authority and such other matters as in the opinion of the board may call for consideration.

R.S.S. 1940, c.32, s.26; R.S.S. 1953, c.38, s.26.

Evidence

27 The board in the course of an inquiry may summon and examine on oath any person whose evidence it desires to obtain, and may fix a date for the hearing of all parties interested in the granting or refusing of an application, in which case it may order that proper public notice be given of the hearing.

R.S.S. 1940, c.32, s.27; R.S.S. 1953, c.38, s.27.

Certificate of Minister of Public Health

28 When a local authority proposes to borrow money by way of debenture or other security, for the purpose of establishing or extending a system of waterworks or of constructing, altering or extending a common sewer or system of sewerage, the board shall not grant the permission applied for until the certificate of the Minister of Public Health approving the proposed undertaking has first been obtained under the provisions of *The Public Health Act*.

R.S.S. 1940, c.32, s.28; R.S.S. 1953, c.38, s.28.

Certificate of authorization

29(1) All debentures issued by local authorities shall contain, in addition to the other particulars required by law, a note or memorandum under the seal of the board, signed by the chairman or in his absence by one of the other members of the board, authorizing the issue.

(2) Nothing in this Act affects any of the provisions concerning the countersigning of debentures by a minister or deputy ministry contained in any other Act.

R.S.S. 1940, c.82, s.29; R.S.S. 1953, c.38, s.29.

Powers in management of sinking fund

30 When the board undertakes the management of the sinking funds of a local authority, it may for such purpose:

- (a) exercise all the powers and authorities conferred upon sinking fund trustees by *The City Act*;
- (b) invest the funds in any of the securities in which trustees having trust money in their hands are authorized to invest under the provisions of *The Trustee Act*;
- (c) borrow, without the consent of the local authority, from any person for the purpose of making investments, redeeming debentures due or about to come due, or to meet any payment of a sinking fund, and give a promissory note and pledge or hypothecate any stock, debentures or securities held by it, as security for such loan;
- (d) control and requisition the treasurer of the local authority and require him to deposit the sinking funds as required by *The City Act*.

R.S.S. 1940, c.32, s.30; R.S.S. 1953, c.38, s.30.

Supervision of application of moneys borrowed

31 Where the board undertakes to supervise the application of any moneys borrowed by a local authority under this Act, the board, one of its members, its auditor, engineer, inspector or other person appointed to make an inquiry or report, may:

- (a) enter upon and inspect any place, building or works, the property or under the control of the local authority, the entry or inspection of which appears to it requisite;
- (b) require the attendance of such persons as it or he thinks fit to summon and examine, and require answers or returns to such inquiries as it or he things fit to make;
- (c) require the production of all material, books, papers, plans, specifications, drawings and documents;
- (d) administer oaths, affirmations or declarations;

and shall have the like power of enforcing the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders, and other matters necessary or proper for the due exercise of its jurisdiction as is vested in the Court of Queen's Bench in respect of any cause or matter properly before it.

R.S.S. 1940, c.32, s.31; R.S.S. 1953, c.38, s.31.

PRACTICE AND PROCEDURE

Notices: requisites of

32 Any notice required or authorized to be given in writing:

- (a) by the board, may be signed by the chairman, any other member of the board, or the secretary;
- (b) by an inspecting engineer, or other officer or person appointed by the board, may be signed by such inspecting engineer, officer or other person, as the case may be;
- (c) by any other person, may be signed by such person or his duly authorized agent or solicitor.

R.S.S. 1940, c.32, s.32; R.S.S. 1953, c.38, s.32.

Notices: how served

33 Any notice required to be given to a company, a municipal or other corporation, copartnership, firm or individual, shall be deemed to be sufficiently given by delivering the same, or a copy thereof, within the time, if any, limited therefor:

- (a) in the case of a municipal corporation, to the head of the municipality or to the clerk;
- (b) in the case of any other company or corporation, to the president, vice president, manager or secretary, or to some adult person in its employ at its head office;
- (c) in the case of a firm or copartnership, to any member thereof, or, at the last known place of abode of any such member, to any adult member of his household, or at the office or place of business of the firm to a clerk employed therein; and

(d) in the case of an individual, to him or, at his last known place of abode, to any adult member of his household or, at his office or place of business, to a clerk in his employ.

R.S.S. 1940, c.32, s.33; R.S.S. 1953, c.38, s.33.

Service by publication

34(1) If, in any case within the jurisdiction of the board, it is made to appear, to the satisfaction of the board, that service of any such notice cannot conveniently be made in the manner provided in section 33, the board may order and allow service to be made by publication in the *Gazette*, and also, if thought desirable, in a newspaper; and such publication shall be deemed to be equivalent to service in the manner provided in the said section.

(2) Any regulation, order, direction, decision, report or other document may, unless in any case otherwise provided, be served in like manner as notice may be given under this section or section 33.

R.S.S. 1940, c.32, s.34; R.S.S. 1953, c.38, s.34.

Enforcement of orders

35(1) The observance of the orders of the board may be enforced by a written direction to the sheriff of any judicial district endorsed upon or annexed to a certified copy of any such order and signed by the chairman of the board, and, in the case of an order for payment of any money, costs, expenses or penalty, the sheriff receiving such direction shall levy the amount with his costs and expenses in like manner and with the same powers as if the order were a writ of execution against the goods of the party required by the order to make payment issued out of the Court of Queen's Bench.

(2) In the case of an order of the board for payment of any money, costs, expenses or penalty, a certificate of the order, signed by the secretary, may be registered in the land titles office of any land registration district in the province, and when so registered shall constitute a lien and charge upon any lands or interest therein of the party or person or company ordered to pay the money in the land registration district in which such office is situated, to the same extent and in the same manner as such lands would be bound by the registration of a writ of execution issued out of the Court of Queen's Bench. The amount ordered to be paid by such order so registered may be realized in the same manner and by similar proceedings as the amount of a writ of execution issued out of the Court of Queen's Bench may be realized.

(3) Sheriffs, deputy sheriffs, bailiffs, constables and other peace officers, when required to do so, shall aid, assist and obey the board in the exercise of the jurisdiction conferred by this Act.

R.S.S. 1940, c.32, s.35; R.S.S. 1953, c.38, s.35.

Local authority furnishes statements free

36(1) The officials of any local authority, to whom the board makes application for statements, reports, copies of documents or information of any kind, shall furnish the required statements, reports, copies or information to the board free of cost.

Registrars of land titles furnish certificates, etc., without charge

(2) Registrars of land titles shall furnish the board with such certificates and certified copies of documents as the board may in writing require, without charge, and the board and any member or official of the board thereunto authorized may at any time search in the public records of the land titles offices without charge.

R.S.S. 1940, c.32, s.36; R.S.S. 1953, c.38, s.36.

Effect of documents issued by company

37 Every written or printed document purporting to have been issued or authorized by a company or any officer, agent or employee of a company, or any other person or company for or on its behalf, shall, as against the company, be received as *prima facie* evidence of the issue of such document by the company, and of the contents thereof, without any further proof than the mere production of such document.

R.S.S. 1940, c.32, s.37; R.S.S. 1953, c.38, s.37.

Evidence of documents

38(1) Every document purporting to be signed by the chairman and secretary of the board or by either of them, by a single member of the board, or by an inspecting engineer, shall, without proof of the signature, be *prima facie* evidence that such document was duly signed, and shall be sufficient notice to a company and all parties interested, if served in the manner provided by section 34 for service of notice, that such document was duly signed and issued by the board or inspecting engineer, as the case may be.

(2) If such document purports to be a copy of any regulation, order, direction, decision or report, made or given by the board, or inspecting engineer, it shall be *prima facie* evidence of such regulation, order, direction, decision or report, and, when served in the manner provided by section 34, shall be sufficient notice of such regulation, order, direction, decision or report from the time of such service.

R.S.S. 1940, c.32, s.38; R.S.S. 1953, c.38, s.38.

Certified plan, etc., *prima facie* evidence

39(1) Any document purporting to be certified by the *prima facie* secretary as being a copy of any plan, profile, book of reference or other document deposited with the board, or of any portion thereof, shall, without proof of signature of the secretary, be *prima facie* evidence of such original document, and that the same is so deposited, and is signed, certified, attested or executed by the persons by whom and in the manner in which the same purports to be signed, certified, attested or executed, as shown or appearing from such certified copy, and also, if such certificate states the time when such original was so deposited, that the same was deposited at the time so stated.

Certified copies of documents of board

(2) A copy of any regulation, order or other document in the custody of the secretary, or of record with the board, purporting to be certified by the secretary to be a true copy, and purporting to be sealed with the seal of the board, shall be *prima facie* evidence of such regulation, order or document, without proof of the signature of the secretary.

R.S.S. 1940, c.82, s.39; R.S.S. 1953, c.38, s.39.

Publication of regulations and orders, judicial notice

40 Any rule, regulation, order or decision of the board, shall, when published by the board, or by leave of the board, in two successive issues of the *Gazette*, and while the same remains in force, have the like effect as if enacted in this Act, and all courts shall take judicial notice thereof.

R.S.S. 1940, c.32, s.40; R.S.S. 1953, c.38, s.40.

Notice of application in contentious matters

41 In contentious matters, the board may require such notice of an application to or hearing by the board to be given, as may be deemed requisite.

R.S.S. 1940, c.32, s.40; R.S.S. 1953, c.38, s.41.

Procedure in urgent cases when no notice given

42(1) When the board is authorized to hear an application, complaint or dispute, or make an order upon notice to the parties interested, it may, upon the ground of urgency or for other reason appearing to the board to be sufficient, notwithstanding any want of or insufficiency in such notice, make the like order or decision in the matter as if due notice has been given to all parties; and such order or decision shall be as valid and take effect in all respects as if made on due notice.

(2) A person entitled to notice and not sufficiently notified may, at any time within ten days after becoming aware of such order or decision, or within such further time as the board may allow, apply to the board to vary, amend or rescind such order or decision, and the board shall thereupon, on such notice to other parties interested as it may in its discretion think desirable, hear such application, and either amend, alter or rescind such order or decision, or dismiss the application, as may seem to it just.

R.S.S. 1940, c.32, s.42; R.S.S. 1953, c.38, s.42.

General rules

43 The board may make general rules regulating practice and procedure.

R.S.S. 1940, c.32, s.43; R.S.S. 1953, c.38, s.43.

ORDERS OF THE BOARD**Orders may be conditional**

44(1) The board may direct in any order that the same, or any portion or provision thereof, shall come into force at a future fixed time, or upon the happening of any contingency, event or condition in such order specified, or upon the performance, to the satisfaction of the board or person named by it for the purpose, of any terms which the board may impose upon any party interested, and the board may direct that the whole or any portion of such order shall have force for a limited time or until the happening of any specified event.

(2) The board may, instead of making an order final in the first instance, make an interim order and reserve further direction, either for an adjourned hearing of the matter or for further application.

R.S.S. 1940, c.32, s.44; R.S.S. 1953, c.38, s.44.

Extent of relief

45 Upon any application to the board, the board may make an order granting the whole or part only of such application or may grant such further or other relief in addition to, or in substitution for, that applied for as to the board seems just and proper, as fully and in all respects as if such application had been had been for such partial, further or other relief.

R.S.S. 1940, c.32, s.45; R.S.S. 1953, c.38, s.45.

Interim *ex parte* order

46 The board may, if the special circumstances of any case, in its opinion, so require, make an interim *ex parte* order authorizing, requiring or forbidding anything to be done which the board would be empowered on application, petition, notice and hearing to authorize, require or forbid, but no such order shall be made for any longer time than the board deems necessary to enable the matter to be heard and determined.

R.S.S. 1940, c.32, s.46; R.S.S. 1953, c.38, s.46.

Extension of time

47 When any work, act, matter or thing is, by any regulation, order or decision of the board, required to be done, performed or completed within a specified time, the board may, if the circumstances of the case in its opinion so require, upon giving such notice as it deems reasonable, or in its discretion without notice, extend the time so specified.

R.S.S. 1940, c.32, s.47; R.S.S. 1953, c.38, s.47.

Power of board to appoint person to inquire and report

48(1) The board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute before the board, or upon any matter or thing over which the board has jurisdiction.

(2) The board may order by whom and in what proportion the costs and expenses incurred in making such inquiry and report shall be paid, and may fix the amount of such costs and expenses.

R.S.S. 1940 c.32, s.48; R.S.S. 1953, c.38, s.48.

Hearings by single member

49(1) Any application, petition, matter or complaint over which the board has jurisdiction under this or any other Act may be heard by a single member of the board who, after such hearing, shall report thereon fully to the board, and the board may thereupon deal with the application, petition, matter or complaint as if such hearing had been before the full board.

(2) If such single member is the chairman of the board and the application, petition, matter or complaint is one respecting which notice is not required to be given, or being required has been duly given and the application, petition, matter or complaint is unopposed, he shall have and may exercise any of the powers of the board relating thereto, or he may hear the same and report thereon to the board, which shall deal with the report as if the hearing had been before the full board.

(3) The board shall not be limited to the contents of any such report, but may required and hear further evidence.

R.S.S. 1940, c.32, s.49; R.S.S. 1953, c.38, s.49.

Rehearing

50 The board may rehear an application before deciding it, or may review, rescind, change, alter or vary any decision or order made by it.

R.S.S. 1940, c.32, s.50; R.S.S. 1953, c.38, s.50.

Jurisdiction need not be shown

51 An order of the board need not show upon its face that any proceeding or notice was had or taken, or that any circumstance existed, necessary to give it jurisdiction to make such order.

R.S.S. 1940, c.32, s.51; R.S.S. 1953, c.38, s.51.

Limitation respecting certain orders

52 Every order of the board authorizing an act to be done by a local authority shall if such act is not done become null and void at the expiration of one year from its date, unless further extended by the board.

R.S.S. 1940, c.32, s.52; R.S.S. 1953, c.38, s.52.

Appeal to Court of Appeal

53(1) An appeal lies from the board to the Court of Appeal upon a question of jurisdiction, if leave to appeal is obtained from a judge of the Court of Queen's Bench sitting in chambers within one month after the making of the order or decision sought to be appealed from or within such further time as the judge, under the special circumstances of the case, allows after notice to the opposite party stating the grounds of appeal.

(2) Upon such leave being obtained, the registrar shall set the appeal down for hearing at the next sittings; and the party appealing shall, within ten days, give to the parties affected by the appeal, or the solicitors, if any, by whom such parties were represented before the board and to the secretary, notice in writing that the case has been so set down and the appeal shall be heard by the court as speedily as practicable.

(3) On the hearing of the appeal the court may draw all such inferences as are not inconsistent with the facts expressively found by the board and are necessary for determining the question of jurisdiction, and shall certify its opinion to the board and the board shall make an order in accordance with such opinion.

(4) The board shall be entitled to be heard by counsel or otherwise, upon the argument of any such appeal.

(5) The Court of Appeal may fix the costs and fees to be taxed, allowed and paid upon such appeal and make rules of practice respecting appeals under this section, and until such rules are made the rules and practice applicable to appeals from a judge of the Court of Queen's Bench to the Court of Appeal are applicable to appeals under this Act.

(6) Neither the board nor any member of the board shall in any case be liable to costs by reason or in respect of an appeal or application.

(7) Save as otherwise specially provided:

(a) every decision or order of the board shall be final; and

(b) no order, decision or proceeding of the board shall be questioned or reviewed, restrained or removed by prohibition, injunction, certiorari or any other process or proceeding in any court.

R.S.S. 1940, c.32, s.53; R.S.S. 1953, c.38, s.53.

Reference by Lieutenant Governor in Council for report

54 The Lieutenant Governor in Council may refer to the board, for a report or other action, any question, matter or thing arising, or required to be done in respect of any matter subject to the jurisdiction of the board, under any general or special Act, and the board shall without unnecessary delay comply with the order in council.

R.S.S. 1940, c.32, s.54; R.S.S. 1953, c.38, s.54.

PART II

Miscellaneous Provisions

COSTS AND FEES

Costs and taxation

55(1) The costs of and incidental to any proceeding before the board, except as herein otherwise provided, shall be in the discretion of the board, and may be fixed in any case at a sum certain or may be taxed.

(2) The board may order by whom and to whom any costs are to be paid, and by whom the same are to be taxed and allowed.

(3) The board may prescribe a scale under which such costs shall be taxed.

R.S.S. 1940, c.32, s.55; R.S.S. 1953, c.38, s.55.

Fees on application for municipal loans

56 With every application for permission to raise money by way of debentures or other security there shall be paid in the case of cities a fee of \$5, and in the case of towns \$3, and in all other cases a fee of \$1, and such fee shall accompany the application.

R.S.S. 1940, c.32, s.56; R.S.S. 1953, c.38, s.56.

Fees, how regulated

57(1) The board may, with the approval of the Lieutenant Governor in Council, prescribe the fees to be paid by local authorities or persons interested in the matters which come before it.

(2) Such fees may be either in addition to or in substitution for fees prescribed by any other Act.

R.S.S. 1940, c.32, s.57; R.S.S. 1953, c.38, s.57.

Annual report to Legislature

58(1) The board shall, in the month of January in each year, transmit to the president of the Executive Council for the year ending on the thirty-first day of December previous, a report showing briefly:

- (a) applications to the board and summaries of the findings made thereon;
 - (b) the number and the nature of the inquiries which it has held of its own motion;
 - (c) such matters as the Lieutenant Governor in Council directs.
- (2) The report shall be laid before the Legislative Assembly during the first fifteen days of the then next ensuing session, or within fifteen days after its receipt if the Legislature is then sitting.

R.S.S. 1940, c.32, s.58; R.S.S. 1953, c.38, s.58.

GENERAL

Receipts and expenditures

- 59**(1) All moneys received by the board from any source whatever, other than trust funds, shall form part of the consolidated fund.
- (2) All such moneys received and all moneys expended by the board shall be accounted for in accordance with regulations of the treasury board.
- (3) All incurred the board in the administration of its functions shall be chargeable to and payable out of any moneys from time to time appropriated for the purpose by the Legislature.

R.S.S. 1940, c.32, s.59; R.S.S. 1953, c.38, s.59.

Audit

- 60** The Provincial Auditor shall audit the accounts of the board.

R.S.S. 1940, c.32, s.60; R.S.S. 1953, c.38, s.60.