

2002

CHAPTER 55

An Act to amend *The Saskatchewan Farm Security Act*

(Assented to July 10, 2002)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Saskatchewan Farm Security Amendment Act, 2002*.

S.S. 1988-89, c.S-17.1 amended

2 *The Saskatchewan Farm Security Act* is amended in the manner set forth in this Act.

Section 2 amended

3 Subsection 2(1) is amended:

- (a) in clause (a) in the portion preceding subclause (i) by adding “, except in Part VI,” after “means”;**
- (b) by repealing clauses (r) and (s); and**
- (c) in clause (x) by adding “, except in Part VI,” after “means”.**

Section 76 amended

4 Section 76 is amended:

(a) by adding the following clauses after clause (a):

“(a.1) ‘**agricultural corporation**’ means, except in section 85.1, a corporation:

- (i) that is primarily engaged in the business of farming; and
- (ii) the majority of issued voting shares of which are legally or beneficially owned by producers who are resident persons within the meaning of this Part;

“(a.2) ‘**Canadian-owned entity**’ means:

- (i) an agricultural corporation; or
- (ii) a corporation, partnership, syndicate, joint venture, co-operative, association, or any other similar entity prescribed in the regulations, in which all the shares or interests are legally and beneficially owned, and all the memberships are held, by resident persons or other Canadian-owned entities;

but does not include an entity that has shares listed on an exchange”;

(b) by repealing clause (b);

(c) in clause (d) by adding “or the Northern Saskatchewan Administration District as defined in *The Northern Municipalities Act*” **after** “resort village”;
and

(d) by adding the following clauses after clause (f):

“(g) ‘**non-Canadian-owned entity**’ means a corporation, partnership, syndicate, joint venture, co-operative, association, or any other similar entity prescribed in the regulations, that is not a Canadian-owned entity;

“(h) ‘**non-resident person**’ means an individual who is not a resident person;

“(i) ‘**person**’ includes a corporation, partnership, syndicate, joint venture, co-operative, association or any other similar entity prescribed in the regulations;

“(j) ‘**resident person**’ means an individual who:

- (i) resides in Canada for at least 183 days in any year; or
- (ii) is a Canadian citizen”.

Section 77 amended

5 Section 77 is amended in the portion preceding clause (a) by striking out “sections 78 to 83” and substituting “sections 78 to 80, 82, 83”.

Section 79 amended

6 Subsection 79(1) is amended in the portion preceding clause (a) by striking out “81.”.

Section 80 amended

7 Subsection 80(1) is amended in the portion preceding clause (a) by striking out “81.”.

Section 81 repealed

8 Section 81 is repealed.

Section 82 amended

9 Section 82 is amended:

(a) in clause (b) by striking out “*The Intestate Succession Act*” and substituting “*The Intestate Succession Act, 1996*”; and

(b) in the portion following clause (b) by striking out “subsection 79(1), 80(1) or 81(1)” wherever it appears and in each case substituting “subsection 79(1) or 80(1)”.

Section 83 amended

10(1) Subsection 83(1) is amended in the portion preceding clause (a) by striking out “section 77, subsections 79(1), 80(1) and 81(1)” and substituting “section 77 and subsections 79(1) and 80(1)”.

(2) Subsection 83(2) is amended by striking out “*The Intestate Succession Act*” and substituting “*The Intestate Succession Act, 1996*”.

(3) Subsection 83(3) is repealed and the following substituted:

“(3) For the purposes of clause 77(b) and subsections 79(1) and 80(1), if a non-resident person acquires a land holding pursuant to this section, the land holding is:

- (a) to be included in the non-resident person’s aggregate land holding; and
- (b) to reduce the land holding that the non-resident person is permitted to acquire pursuant to clause 77(b) or subsection 79(1) or 80(1)”.

New sections 84 to 85.1

11 Sections 84 and 85 are repealed and the following substituted:

“Land holdings by non-Canadian-owned entities restricted

84(1) Subject to sections 85, 85.1 and 88, no non-Canadian-owned entity shall have or acquire an aggregate land holding in excess of 10 acres.

(2) Notwithstanding subsection (1), the board may:

- (a) give written consent to a non-Canadian-owned entity to have or acquire a land holding in excess of that permitted by subsection (1); and
- (b) if the board gives its consent pursuant to clause (a), impose any terms and conditions on that consent that the board considers appropriate.

(3) Notwithstanding subsection (1), a corporation that is a non-Canadian-owned entity that holds a valid licence pursuant to *The Trust and Loan Corporations Act, 1997* and that is acting on behalf of a resident person as trustee or otherwise may have or acquire a land holding in excess of 10 acres.

(4) A non-Canadian-owned entity that has or acquires a land holding in trust pursuant to subsection (3) shall state, in a disclosure statement delivered to the board pursuant to section 90, the names and addresses of all persons on whose behalf the corporation holds the land holding.

“Non-Canadian-owned entities to dispose of excess land holdings

85(1) If a Canadian-owned entity becomes a non-Canadian-owned entity, the entity must reduce its aggregate land holding to an aggregate land holding permitted pursuant to section 84:

- (a) within one year after becoming a non-Canadian-owned entity; or
- (b) within any greater period that the board may allow.

(2) If a non-Canadian-owned entity acquires a land holding by devise that results in the non-Canadian-owned entity having an aggregate land holding in excess of that permitted pursuant to section 84, the entity has five years after the day on which it acquires the land holding to reduce its aggregate land holding to an aggregate land holding that is permitted pursuant to section 84.

“Exception re section 84

85.1(1) In this section:

- (a) **‘agricultural corporation’** means a corporation:
 - (i) that is engaged in the business of farming; and
 - (ii) the majority of issued voting shares of which are legally or beneficially owned by producers who are Saskatchewan residents;
- (b) **‘Saskatchewan resident’** means an individual who resides in Saskatchewan for at least 183 days in any year.

(2) Notwithstanding subsection 84(1), a non-Canadian-owned entity may have or acquire an aggregate land holding of 320 acres if the majority of issued voting shares of the non-Canadian-owned entity are legally or beneficially owned by Saskatchewan residents or agricultural corporations”.

Section 86 amended

12(1) Subsection 86(1) is amended by striking out “non-agricultural corporation” and substituting “non-Canadian-owned entity”.

(2) Subsection 86(2) is amended by striking out “non-agricultural corporation” and substituting “non-Canadian-owned entity”.

Section 87 amended

13(1) Subsection 87(1) is repealed and the following substituted:

“(1) Subsection 86(1) does not apply to a non-resident person who or a non-Canadian-owned entity that held a land holding described in subclause 76(e)(v) as at May 24, 1983”.

(2) Subsections 87(3) and (4) are repealed and the following substituted:

“(3) If a non-Canadian-owned entity has a land holding in contravention of subsection 86(1) that the non-Canadian-owned entity held as a Canadian-owned entity on May 24, 1983, the non-Canadian-owned entity must comply with subsection 86(1):

- (a) within one year after becoming a non-Canadian-owned entity; or
- (b) within any greater period that the board may allow”.

Section 88 amended

14(1) Subsection 88(1) is amended:

(a) in the portion preceding clause (a) by striking out “non-agricultural corporation” and substituting “non-Canadian-owned entity”; and

(b) in the portion following clause (d) by striking out “non-agricultural corporation having a land holding in excess of that permitted pursuant to section 77, subsection 79(1), 80(1) or 81(1)” and substituting “non-Canadian-owned entity having a land holding in excess of that permitted pursuant to section 77, subsection 79(1) or 80(1)”.

(2) Subsection 88(2) is amended by striking out “non-agricultural corporation’s aggregate land holding for the purposes of section 77, subsection 79(1), 80(1) or 81(1)” and substituting “non-Canadian-owned entity’s aggregate land holding for the purposes of section 77, subsection 79(1) or 80(1)”.

Section 89 amended

15 Subsection 89(1) is amended by striking out “non-agricultural corporation” wherever it appears and in each case substituting “non-Canadian-owned entity”.

New section 90

16 Section 90 is repealed and the following substituted:

“Disclosure of land holdings by entities

90(1) For the purpose of ensuring compliance with this Part, the board may direct any person, other than an individual, that has an aggregate land holding in excess of 10 acres to deliver to the board a disclosure statement in the form prescribed in the regulations within 60 days after that request.

(2) A person who fails to deliver to the board a disclosure statement as required by this section is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000”.

Section 91 amended

17 Subsection 91(1) is amended by striking out “non-agricultural corporation” and substituting “non-Canadian-owned entity”.

Section 97 amended

18 Subsection 97(1) is amended in the portion preceding clause (a) by adding “, within 30 days after service of a copy of the board’s order on that person,” after “section 94 may”.

Section 99 amended

19 Section 99 is amended by striking out “or *The Urban Municipality Act, 1984*” and substituting “, *The Urban Municipality Act, 1984, The Cities Act or The Northern Municipalities Act*”.

Section 100 amended

20 Section 100 is amended:

(a) in subclause (d)(ii) by striking out “, 81”; and

(b) by adding the following clause after clause (e):

“(f) prescribing other entities for the purposes of clauses 76(a.2), (g) and (i)”.

New section 100.1

21 The following section is added after section 100:

“Exemptions continued

100.1 Notwithstanding any other provision of this Part, every exemption granted by the board pursuant to this Part continues in force after the coming into force of this section if the exemption:

(a) was in effect on the day before the coming into force of this section; and

(b) permits the person to whom the exemption was granted to have or acquire an aggregate land holding that is greater than the aggregate land holding otherwise permitted pursuant to this Part”.

Coming into force

22 This Act comes into force on proclamation.