

The Income Tax Act

being

Chapter I-2 of *The Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979).

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.

DEDUCTIONS AT SOURCE

- 56 Restriction on action for recovery of certain moneys deducted
- 57 Discharge of resident to extent of amount deducted in another province

NON-AGREEING PROVINCES

- 58 Interpretation

RECIPROCAL ENFORCEMENT OF JUDGMENTS

- 59 Enforcement of certain judgments in other provinces

PART IV

Interpretation

- 60 Interpretation

PART V

MISCELLANEOUS

- 61 Suspension of certain taxing enactments
- 62 Suspension of Succession Duty enactments
- 63 Revocation of suspension

CHAPTER I-2

An Act respecting Income Tax

SHORT TITLE

Short title

1 This Act may be cited as *The Income Tax Act*.

PART I

Income Tax

DIVISION A—LIABILITY FOR TAX

Individuals

2(1) An income tax shall be paid as hereinafter required for each taxation year by every individual:

- (a) who was resident in Saskatchewan on the last day of the taxation year; or
- (b) who, not being resident in Saskatchewan on the last day of the taxation year, had income earned in the taxation year in Saskatchewan as defined in clause (b) of subsection (6) of section 3.

Corporations

(2) An income tax shall be paid as hereinafter required for each taxation year by every corporation that maintained a permanent establishment in Saskatchewan at any time in the year.

1966 (2nd Session), c.3, s.2; 1972, c.55, s.2;
R.S.S. 1978, c.I-2, s.2.

DIVISION B—COMPUTATION OF TAX

INDIVIDUAL INCOME TAX

Rate

3(1) Subject to sections 4 and 5, the tax payable under this Act for a taxation year by an individual who resided in Saskatchewan on the last day of the taxation year and had no income earned in the taxation year outside Saskatchewan is the percentage of the tax payable under the Federal Act for that year specified in subsection (3).

(2) Subject to sections 4 and 5, the tax payable under this Act for a taxation year by an individual:

- (a) who resided in Saskatchewan on the last day of the taxation year but had income earned in the taxation year outside Saskatchewan; or
- (b) who did not reside in Saskatchewan on the last day of the taxation year but had income earned in the taxation year in Saskatchewan;

is the amount that bears the same relation to the percentage of the tax payable under the Federal Act for that year specified in subsection (3) that his income earned in the taxation year in Saskatchewan bears to his income for the year.

Same

(3) For the purposes of this section the percentage of the tax payable under the Federal Act to be used for computing the tax payable under this section is as follows:

- (a) twenty-two per cent in respect of the 1962 taxation year;
- (b) twenty-three per cent in respect of the 1963 taxation year;
- (c) twenty-four per cent in respect of the 1964 taxation year;
- (d) twenty-seven per cent in respect of the 1965 taxation year;
- (e) twenty-nine per cent in respect of the 1966 taxation year;
- (f) thirty-three per cent in respect of the 1967, 1968, and 1969 taxation years;
- (g) thirty-four per cent in respect of the 1970 and the 1971 taxation years;
- (h) thirty-seven per cent in respect of the 1972 taxation year;
- (i) forty per cent in respect of the 1973, 1974, 1975 and 1976 taxation years;
- (j) fifty-eight and one-half per cent in respect of the 1977 and subsequent taxation years.

Special table

(4) An individual who, under the Federal Act pays tax computed in accordance with subsection (6) of section 117 thereof, may, in lieu of the tax under subsection (1) of this section, pay a tax computed in accordance with a prescribed table, which shall be prepared in accordance with the following rules:

- (a) the table shall be divided into ranges of amounts not exceeding \$10 each and specify the tax payable on every amount taxable within each range; and
- (b) the tax payable on amounts taxable within one of the ranges referred to in clause (a) shall be the amount in dollars and even tenth parts thereof that is nearest the aggregate of the taxes otherwise payable under subsection (1) of this section on the average of the highest and lowest amounts in the range.

Foreign tax deduction

(5) Where an individual resided in Saskatchewan on the last day of a taxation year and had income for the year that included income earned in a country other than Canada in respect of which non-business-income tax was paid by him to the government of a country other than Canada, he may deduct from the tax payable by him under this Act for that taxation year an amount equal to the lesser of:

- (a) the amount, if any, by which any non-business-income tax paid by him for the year to the government of such other country exceeds the amount claimed under the Federal Act as a deduction for that taxation year under subsection (1) of section 126 of that Act; and

(b) that proportion of the tax otherwise payable under this Act for that taxation year that:

(i) the aggregate of the taxpayer's incomes from sources in that country:

(A) for that year, if section 114 of the Federal Act is not applicable; or

(B) if section 114 of the Federal Act is applicable, for the period or periods in the year referred to in paragraph (a) thereof;

on the assumption that no businesses were carried on by him in that country and no amount was deducted under subsection (5) of section 91 of the Federal Act in computing his income for the year;

is of:

(ii) the taxpayer's income earned in Saskatchewan:

(A) in the year, if section 114 of the Federal Act is not applicable; or

(B) if section 114 of the Federal Act is applicable, in the period or periods of the year referred to in paragraph (a) thereof;

minus any amounts deductible under section 110.1, paragraph (b) of subsection (1) of section 111 or section 112 of the Federal Act for the year or such period or periods, as the case may be.

Interpretation

(6) In this section:

“tax payable under the Federal Act”

(a) “**tax payable under the Federal Act**” means the amount that, but for section 120 of the Federal Act, would be the tax payable by a taxpayer under Part I of that Act for the taxation year in respect of which the expression is being applied computed as if the taxpayer were not entitled to any deduction under section 126 or 127 of that Act;

“income earned in the taxation year in Saskatchewan”

(b) “**income earned in the taxation year in Saskatchewan**” means the income earned in the taxation year in Saskatchewan as determined in accordance with regulations made under paragraph (a) of subsection (4) of section 120 of the Federal Act;

“income earned in the taxation year outside Saskatchewan”

(c) “**income earned in the taxation year outside Saskatchewan**” means income for the year minus income earned in the taxation year in Saskatchewan;

“income for the year”

(d) **“income for the year”** means:

(i) in the case of an individual resident in Canada during part only of the taxation year in respect of whom section 114 of the Federal Act applies, the aggregate of:

(A) his income for the period or periods in the year referred to in paragraph (a) of section 114 of the Federal Act as determined in accordance with and for the purposes of the Federal Act; and

(B) his income for the portion of that year that is not included in the period or periods referred to in paragraph (a) of section 114 of the Federal Act computed under paragraphs (a), (b) and (c) of subsection (1) of section 115 of the Federal Act as though such portion of the year were the whole taxation year;

(ii) in the case of an individual not resident in Canada at any time in the taxation year, his income for the year as computed under paragraphs (a), (b) and (c) of subsection (1) of section 115 of the Federal Act;

(iii) in the case of any other individual, his income for the year as determined in accordance with and for the purposes of the Federal Act.

(7) For the purposes of subsection (5), the non-business-income tax paid by an individual to the government of a country other than Canada in respect of his income for a year is the non-business-income tax paid by him to the government of that country in respect of that year as computed under paragraph (c) of subsection (7) of section 126 of the Federal Act for the purposes of that Act.

(8) Where an amount is to be refunded to a trust in respect of a taxation year pursuant to section 132 of the Federal Act, the minister shall, subject to subsection (9), at such time and in such manner as is provided in that section, refund to the trust an amount, in this section referred to as its “capital gains refund” for the year, equal to that proportion of the amount of the refund for the year calculated under subsection (1) of section 132 of the Federal Act that:

(a) the percentage obtained by multiplying the percentage referred to in subsection (3) for the year times the percentage referred to in paragraph (a) of subsection (3) of section 122 of the Federal Act for the year;

is of:

(b) the percentage referred to in subparagraph (i) of paragraph (b) of subsection (4) of section 132 of the Federal Act for the year.

(9) For the purpose of computing the capital gains refund under subsection (8) for a trust in respect of a taxation year, where the trust had income earned in the taxation year outside Saskatchewan, the refund shall be that proportion of the capital gains refund for the year, otherwise determined under subsection (8), that the trust’s income earned in the taxation year in Saskatchewan is of its income for the year.

(10) Instead of making a refund that might otherwise be made under subsection (8), the minister may, where the trust is liable or about to become liable to make any payment under this Act, apply the amount that would otherwise be refunded to that other liability and notify the trust of that action.

R.S.S. 1965, c.62, s.3; 1966, c.64, s.1; 1966 (2nd Session) c.3, s.3; 1972, c.55, s.3; 1973, c.48, s.2; 1974-75, c.21, s.2; 1976, c.23, s.2; 1976-77, c.33, s.2; R.S.S. 1978, c.I-2, s.3.

Reduction in taxes

4 The tax otherwise payable under this Act pursuant to sections 3 and 5 for a taxation year by an individual residing in Saskatchewan on the last day of the taxation year shall be reduced:

- (a) for the 1975 and 1976 taxation years, by an amount equal to the lesser of:
 - (i) the tax computed under section 3 and section 5 for the taxation years; and
 - (ii) \$100; and
- (b) for the 1977 and subsequent taxation years, by an amount equal to the lesser of:
 - (i) the tax computed under section 3 and section 5 for the taxation year; and
 - (ii) \$120.

1976-77, c.33, s.3; R.S.S. 1978, c.I-2, s.4.

Increase in taxes

5 The tax otherwise payable under this Act pursuant to section 3 for a taxation year by an individual residing in Saskatchewan on the last day of the taxation year shall be increased:

- (a) for the 1976 taxation year, by an amount equal to ten per cent of the amount that the tax computed under section 3 for the taxation year exceeds \$1,500; and
- (b) for the 1977 taxation year, by an amount equal to ten per cent of the amount that the tax computed under section 3 for the taxation year exceeds \$2,000.

1976-77, c.33, s.4; R.S.S. 1978, c.I-2, s.5.

Rate

6(1) The tax payable by a corporation under this Act for a taxation year is fourteen per cent of the corporation's taxable income earned in the year in Saskatchewan less the royalty tax rebate, if any, to which a corporation is entitled in the year pursuant to section 8.

Same

(2) Where a corporation has a taxation year part of which is before and part of which is after the commencement of 1962, the tax payable by the corporation for that taxation year is that proportion of the tax computed under subsection (1) that the number of days in that portion of the taxation year that is in 1962 is of the number of days in the whole taxation year.

“Taxation income earned in the year in Saskatchewan” defined

(3) For the purposes of this section “taxable income earned in the year in Saskatchewan” means the taxable income earned in the year in Saskatchewan by a corporation as determined in accordance with regulations made under paragraph (a) of subsection (4) of section 124 of the Federal Act.

(4) Notwithstanding subsection (1), the tax payable by a corporation under this Act, for a taxation year when the corporation is eligible for a deduction under section 125 of the Federal Act, is equal to the aggregate of:

(a) twelve per cent of an amount calculated by allocating to Saskatchewan, on the same basis as set out in the regulations made under paragraph (a) of subsection (4) of section 124 of the Federal Act, the least of the amounts calculated under paragraphs (a), (b), (c) and (d) of subsection (1) of section 125 of the Federal Act and allowed for the purposes of subsection (1) of section 125 of the Federal Act; and

(b) fourteen per cent of an amount calculated by deducting from the corporation’s total taxable income earned in Saskatchewan during the taxation year the amount on which the twelve per cent rate is applied in clause (a) of this subsection.

1966 (2nd Session), c.3, s.4; 1972, c.55, s.4; 1973, c.48, s.3; 1974-75, c.21., s.4; 1976-77, c. 32, s.2; 1976-77, c.33, s.5; R.S.S. 1978, c.I-2, s.6.

Deductions

7(1) Where the income for a taxation year of a corporation that maintained a permanent establishment in Saskatchewan at any time in the taxation year includes income described in subparagraph (i) of paragraph (b) of subsection (1) of section 126 of the Federal Act from sources in a country other than Canada (in this section referred to as “foreign investment income”) and where the corporation has claimed a deduction under subsection (1) of section 126 of the Federal Act in respect of the foreign investment income, the corporation may deduct from the tax for the year otherwise payable under this Act an amount equal to the lesser of:

(a) fourteen per cent of the product of:

(i) the foreign investment income of the corporation for the year from sources in the country; and

(ii) that proportion of the taxable income earned in the year by the corporation that is determined to have been earned in the year in Saskatchewan in accordance with regulations made under paragraph (a) of subsection (4) of section 124 of the Federal Act; or

(b) that proportion of the amount by which such part of any non-business-income tax paid by the corporation for the year to the government of a country other than Canada, except any such tax or parts thereof that may reasonably be regarded as having been paid in respect of income from a share of the capital stock of a foreign affiliate of the corporation, exceeds the amount of the deduction claimed by the corporation under subsection (1) of section 126 of the Federal Act that:

(i) the taxable income earned in the year in Saskatchewan by the corporation is determined in accordance with regulations made under paragraph (a) of subsection (4) of section 124 of the Federal Act;

is of:

(ii) the aggregate of the taxable income earned in the year in each province by the corporation as determined in accordance with regulations made under paragraph (a) of subsection (4) of section 124 of the Federal Act.

Separate deductions in certain cases

(2) Where the income of a corporation for a taxation year includes income from sources in more than one country other than Canada, subsection (1) shall be read as providing for separate deductions in respect of each of the countries other than Canada.

(3) Where an amount is to be refunded to a corporation in respect of a taxation year, pursuant to section 131 of the Federal Act, the minister shall, subject to subsection (4), at such time and in such manner as is provided in that section, refund to the corporation an amount, in this section referred to as its “capital gains refund” for the year, equal to that proportion of the amount of the refund for the year calculated under subsection (2) of section 131 of the Federal Act that:

(a) the percentage referred to in subsection (1) of section 6 for the year;

is of:

(b) the percentage referred to in subparagraph (i) of paragraph (d) of subsection (6) of section 131 of the Federal Act for the year.

(4) For the purpose of computing the capital gains refund under subsection (3) for a corporation in respect of a taxation year, where:

(a) the corporation’s taxable income earned in the year in Saskatchewan;

is less than:

(b) the corporation’s taxable income for the year;

the refund shall be that proportion of the capital gains refund for the year, otherwise determined under subsection (3) that the amount determined under clause (a) is of the amount determined under clause (b).

(5) Instead of making a refund that might otherwise be made under subsection (3), the minister may, where the corporation is liable or about to become liable to make any payment under this Act, apply the amount that would otherwise be refunded to that other liability and notify the corporation of that action.

SASKATCHEWAN ROYALTY TAX REBATE

Royalty tax rebate

8(1) For the purpose of giving the effect of allowing the deduction, as an expense, of royalties and like payments paid to the Crown, there may be deducted from the tax payable under this Act for a taxation year such royalty tax rebate in respect of oil or gas wells in Canada or mineral resources in Canada as may be allowed to the taxpayer by regulation.

(2) For the purpose of carrying out the provisions of subsection (1) according to their intent, the Lieutenant Governor in Council may make regulations not inconsistent with the provisions and intent of this section that shall have the same force and effect as if enacted in this Act and, without restricting the generality of the foregoing, the Lieutenant Governor in Council may make regulations:

(a) prescribing anything that by this section is to be prescribed or is to be determined or regulated by regulation; and

(b) defining, for the purpose of this section and the regulations, any word or expression not defined in this Act.

(3) Any regulations made under this section may be expressed to have a retroactive operation and thereupon shall have such operation but no regulation made under this section shall come into force on or before the sixth day of May, 1974.

1976-77, c.32, s.4; R.S.S. 1978, c.I-2, s.8.

EXEMPTIONS

Exemption of certain individuals and corporations

9 No tax is payable under this Act by any person for a period when that person:

(a) was exempt from tax by virtue of subsection (1) of section 149 of the Federal Act; or

(b) was a non-resident-owned investment corporation;

and any definitions or descriptions in the Federal Act applying to any such person shall apply *mutatis mutandis* for the purposes of this Act unless otherwise provided.

R.S.S. 1965, c.62, s.7; 1972, c.55, s.7; R.S.S. 1978, c.I-2, s.9.

Farmers' averaging

10(1) Where an individual whose chief source of income has been farming or fishing during a taxation year (in this section referred to as the "year of averaging") has filed an election in accordance with subsection (1) of section 119 of the Federal Act for the year of averaging, the tax payable under this Part for the year of averaging is an amount determined by the following rules:

(a) determine the amount (in this section referred to as the "average tax") for each year in the averaging period (which, in this section, has the meaning given to that expression under section 119 of the Federal Act) equal to the tax that would be payable under the Federal Act, within the meaning of section 3 of this Act, if the taxable income for the year were the average net income for the year within the meaning of paragraph (c) of subsection (1) of section 119 of the Federal Act;

(b) determine the amount (in this section referred to as the “provincial tax”) for each year in the averaging period equal to the tax that would be payable under this Part for the year if the tax that would be payable under the Federal Act for the year, within the meaning of section 3 of this Act, were the average tax for the year;

(c) deduct from the aggregate of the provincial taxes as determined under clause (b) for the years in the averaging period the aggregate of the taxes payable under this Part for the preceding years (which, in this section, has the meaning given to that expression under section 119 of the Federal Act);

and the remainder obtained under clause (c) is the tax payable under this Part for the year of averaging.

(2) Subsection (1) applies only in the case of an individual whose chief source of income throughout the averaging period is from farming or fishing.

(3) For the purposes of this Act, where the tax payable by an individual under this Part for the year of averaging would, but for subsection (2), be an amount determined under subsection (1), the tax that would have been payable by the individual under the Federal Act for the year of averaging, within the meaning of section 3 of this Act, had no election been made by him under section 119 of the Federal Act for that year, shall be deemed to be the tax payable under the Federal Act by the individual for the year of averaging.

(4) Where this section, except subsection (3) thereof, is applicable to the computation of a taxpayer’s tax for a taxation year and the aggregate of the taxes payable under this Part for the preceding years exceeds the aggregate of the provincial taxes as determined under clause (b) of subsection (1) for the years in the averaging period, the excess shall be deemed to be an overpayment made when the notice of assessment for the year of averaging was mailed.

(5) The provisions of this Part relating to the assessment of tax, interest and penalties apply *mutatis mutandis* to an assessment whereby, for the purposes of this section, it is determined by the Minister of Finance that no tax is payable under this Part for the year of averaging or that an overpayment has been made as described in subsection (4)

(6) Where an election for a year of averaging filed under subsection (1) of section 119 of the Federal Act has been revoked by the taxpayer in accordance with subsection (5) of section 119 of the Federal Act, subsection (1) of this section is not applicable in determining the tax payable under this Part for the year of averaging.

R.S.S. 1965, c.62, s.8; 1972, c.55, s.8; 1976-77,
c.33, s.7; R.S.S. 1978, c.I-2, s.10.

DIVISION D—RETURNS, ASSESSMENTS, PAYMENT AND OBJECTIONS TO
ASSESSMENTS

RETURNS

Duty to file

11(1) A return for each taxation year in the case of a corporation and for each taxation year for which a tax is payable in the case of an individual shall, without notice or demand therefor, be filed with the Minister of Finance in prescribed form and containing prescribed information:

- (a) in the case of a corporation, by or on behalf of the corporation within six months from the end of the year;
- (b) in the case of a person who has died without making the return, by his legal representatives, within six months from the day of death;
- (c) in the case of an estate or trust, within ninety days from the end of the year;
- (d) in the case of any other person, on or before the thirtieth day of April in the next year, by that person or, if he is unable for any reason to file the return, by his guardian, curator, tutor, committee or other legal representative; or
- (e) in a case where no person described by clause (a), (b) or (d) has filed the return, by such person as is required by notice in writing from the Minister of Finance to file the return, within such reasonable time as the notice specifies.

Demands for returns

(2) Whether or not he is liable to pay tax under this Act for a taxation year and whether or not a return has been filed under subsection (1) or (3), every person shall, on demand by registered letter from the Minister of Finance, file, within such reasonable time as may be stipulated in the registered letter, with the Minister of Finance in prescribed form and containing prescribed information a return for the taxation year designated in the letter.

Trustees, etc.

(3) Every trustee in bankruptcy, assignee, liquidator, curator, receiver, trustee or committee and every agent or other person administering, managing, winding up, controlling or otherwise dealing with the property, business, estate or income of a person who has not filed a return for a taxation year as required by this section shall file a return in prescribed form for that year in respect of that person.

(4) Where a partner or an individual who is a proprietor of a business died after the close of a fiscal period but before the end of the calendar year in which the fiscal period closed, a separate return of the taxpayer's income as a member of the partnership or as a proprietor of the business, after the close of the fiscal period to the time of death may be filed and, if such a separate return is filed, the tax under this Part shall be paid on the taxpayer's income as such member or proprietor after the close of the fiscal period to the time of death as if that income were the income of another person.

ESTIMATE OF TAX

Estimates

12 Every person required by section 11 to file a return shall in the return estimate the amount of tax payable.

R.S.S. 1965, c.62, s.10; R.S.S. 1978, c.I-2, s.12.

ASSESSMENT

Rules respecting assessments

13(1) The Minister of Finance shall, with all due dispatch, examine each return required to be filed under this Act and assess the tax for the taxation year and the interest and penalties, if any, payable.

(2) After examination of a return, the Minister of Finance shall send a notice of assessment to the person by whom the return was filed.

(3) Liability for tax under this Act is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.

(4) The Minister of Finance may at any time assess tax, interest or penalties under this Act or notify in writing any person by whom a return for a taxation year has been filed that no tax is payable for a taxation year, and may:

- (a) at any time, if the taxpayer or some person filing the return:
 - (i) has made any misrepresentation that is attributable to neglect, carelessness or wilful default or has committed any fraud in filing the return or in supplying any information under this Act; or
 - (ii) has filed with the Minister of Finance a waiver in the prescribed form within four years from the day of mailing of a notice of an original assessment or of a notification that no tax is payable for a taxation year; and
- (b) within four years from the day referred to in subclause (ii) of clause (a) in any other case;

re-assess or make additional assessments, or assess tax, interest or penalties, as the circumstances require.

(5) Notwithstanding subsection (4), there shall not be included in computing the income of a taxpayer, for the purposes of any reassessment, additional assessment or assessment of tax, interest or penalties that is made after the expiration of four years from the day referred to in subclause (ii) of clause (a) of subsection (4), any amount that was not included in computing his income for the purposes of an assessment of tax made before the expiration of four years from that day and:

- (a) in respect of which the taxpayer establishes that the failure so to include it did not result from any misrepresentation that is attributable to neglect, carelessness or wilful default or from any fraud in filing a return of his income or in supplying any information under this Act; or
- (b) that the taxpayer establishes cannot reasonably be regarded as relating to a matter specified in a waiver filed by the taxpayer with the Minister of Finance in the form and within the time referred to in subsection (4), with respect to a taxation year to which the re-assessment, additional assessment or assessment of tax, interest or penalties, as the case may be, relates.

- (6) Where a collection agreement is entered into, notwithstanding that more than four years have elapsed since the day referred to in subclause (ii) of clause (a) of subsection (4), the minister shall re-assess or make additional assessments, or assess tax, interest or penalties, as the circumstances require, where the tax payable under Part I of the Federal Act is re-assessed.
- (7) Where a taxpayer has filed the return required by section 11 for a taxation year and, within one year from the day on or before which he was required by section 11 to file the return for that year, has filed an amended return for the year claiming a deduction from income under section 111 of the Federal Act in respect of non-capital losses, net capital losses or restricted farm losses sustained in the taxation year immediately following that year, the Minister of Finance shall reassess the taxpayer's tax for the year.
- (8) The Minister of Finance is not bound by a return or information supplied by or on behalf of a taxpayer and, in making an assessment, may, notwithstanding a return or information so supplied or if no return has been filed, assess the tax payable under this Act.
- (9) An assessment shall, subject to being varied or vacated on an objection or appeal under this Act and subject to a re-assessment, be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto.

R.S.S. 1965, c 62, s.11; 1972, c.55, s.10; R.S.S.
1978, c.1-2, s.13.

PAYMENT OF TAX

Withholding

14(1) Every person:

- (a) paying salary or wages or other remuneration to an officer or employee;
- (b) paying a superannuation or pension benefit;
- (c) paying a retiring allowance;
- (d) paying an amount upon or after the death of an officer or employee, in recognition of his service, to his legal representative or widow or to any other person whatsoever;
- (e) paying an amount as a benefit under the *Unemployment Insurance Act, 1971*, chapter 48 of the *Statutes of Canada, 1970-71-72*, as amended from time to time;
- (f) paying an amount as a benefit under a supplementary unemployment benefit plan;
- (g) making an annuity payment;
- (h) paying fees, commissions or other amounts for services;
- (i) making a payment under a deferred profit sharing plan or a plan referred to in section 147 of the Federal Act as a revoked plan;
- (j) paying an adult training allowance under the *Adult Occupational Training Act*, chapter A-2 of *The Revised Statutes of Canada, 1970*, as amended from time to time;

(k) making a payment out of or under a registered retirement savings plan, as referred to in section 146 of the Federal Act, or a plan referred to in subsection (12) of section 146 of the Federal Act as an “amended plan”; or

(l) paying an amount as, on account of or in lieu of payment of, or in satisfaction of, proceeds of the surrender, cancellation or redemption of an income-averaging annuity contract, as referred to in section 61 of the Federal Act;

at any time in a taxation year shall deduct or withhold therefrom such amount as may be prescribed and shall, at such time as may be prescribed, remit that amount to the Minister of Finance on account of the payee’s tax for the year under this Act.

Payment of remainder

(2) Where amounts have been deducted or withheld under this section from the remuneration received by an individual in a taxation year, if the total of such amounts is equal to or greater than three-quarters of the tax payable for the year, he shall, on or before the thirtieth day of April in the next year, pay to the Minister of Finance the remainder of his tax for the year as estimated under section 12.

Effect of deduction

(3) When an amount has been deducted or withheld under subsection (1), it shall, for all the purposes of this Act, be deemed to have been received at that time by the person to whom the remuneration, benefit, payment, fees, commissions or other amounts were paid.

R.S.S. 1965, c.62, s.12; 1972, c.55, s.11; 1976-77, c.33, s.8; R.S.S. 1978, c.I-2, s.14.

Farmers and fishermen

15(1) Every individual whose chief source of income is farming or fishing shall pay to the Minister of Finance:

(a) on or before the thirty-first day of December in each taxation year, two-thirds of:

(i) the amount estimated by him pursuant to section 12 to be his tax payable under this Act for the year; or

(ii) his tax payable under this Act for the immediately preceding year; and

(b) on or before the thirtieth day of April in the next year, the remainder of the tax as estimated under section 12.

Same

(2) Where a collection agreement is entered into, an individual to whom subsection (1) applies shall pay an amount under clause (a) thereof computed in respect of the same year as the amount is computed that he is liable to pay under paragraph (a) of section 155 of the Federal Act.

R.S.S. 1965, c.62, s.13; 1972, c.55, s.12; 1974-75, c.21, s.7; R.S.S. 1978, c.I-2, s.15.

Other individuals

16(1) Every individual other than one to whom subsection (2) of section 14 or section 15 applies, shall pay to the Minister of Finance:

(a) on or before the thirty-first day of March, the thirtieth day of June, the thirtieth day of September and thirty-first day of December respectively, in each taxation year, an amount equal to one-quarter of:

(i) the amount estimated by him pursuant to section 12 to be his tax payable under this Act for the year; or

(ii) his tax payable under this Act for the immediately preceding year; and

(b) on or before the thirtieth day of April in the next year, the remainder of the tax as estimated under section 12.

Same

(2) Where a collection agreement is entered into, an individual to whom subsection (1) applies shall pay an amount under clause (a) thereof computed in respect of the same year as the amount is computed that he is liable to pay under paragraph (a) of section 156 of the Federal Act.

Meaning of "tax payable under the Federal Act" in sections 13 and 14

(3) For the purposes of section 15 and this section, "tax payable under the Federal Act" for a taxation year has the meaning given that expression in clause (a) of subsection (6) of section 3, whether such taxation year is before or after the coming into force of this Act.

(4) Where no federal instalments are required pursuant to section 156.1 of the Federal Act, the requirement for payment by instalments under sections 15 and 16 of this Act is not applicable and the individual shall pay to the Minister of Finance his estimated tax payable on or before the thirtieth day of April of the following year.

R.S.S. 1965, c.62, s.14; 1972, c.55, s.13; 1974-75, c.21, s.8; R.S.S. 1978, c.I-2, s.16.

Corporations

17(1) Every corporation shall, during the fifteen-month period ending three months after the close of each taxation year:

(a) pay to the Minister of Finance:

(i) on or before the last day of each of the first twelve months in that period, an amount equal to one-twelfth of its tax payable for the year as estimated by it under section 12; or

(ii) on or before the last day of each of the first two months in that period, an amount equal to one-twelfth of its tax payable under this Act for the second taxation year preceding the year, and on or before the last day of each of the next following ten months in that period, an amount equal to one-tenth of the amount remaining after deducting the amount computed pursuant to this subclause in respect of the first two months in the period from its tax payable under this Act for the immediately preceding year; or

(iii) on or before the last day of each of the first twelve months in that period, an amount equal to one-twelfth of its tax payable under this Act for the immediately preceding year; and

(b) pay to the Minister of Finance the remainder of the tax as estimated by it under section 12:

(i) on or before the last day of the period, where an amount was deducted by virtue of section 125 of the Federal Act in computing the tax payable under Part I of that Act by the corporation for the year or for its immediately preceding taxation year; or

(ii) on or before the last day of the fourteenth month of the period, in any other case.

Same

(2) Where a collection agreement is entered into, a corporation shall pay an amount computed with reference to:

(a) subclause (i) of clause (a) of subsection (1), if the corporation pays an amount computed under subparagraph (i) of paragraph (a) of subsection (1) of section 157 of the Federal Act; and

(b) subclause (ii) of clause (a) of subsection (1), if the corporation pays an amount computed under subparagraph (ii) of paragraph (a) of subsection (1) of section 157 of the Federal Act.

(3) Where subsection (2) of section 157 of the Federal Act is applicable to a corporation and it makes a payment pursuant thereto, the corporation shall, instead of paying the instalments required by subsection (1), pay to the Minister of Finance, at the end of the period referred to in subsection (1), the whole of the tax as estimated under section 12.

Meaning of “taxable income earned in the year in Saskatchewan”

(4) For the purposes of this section, “taxable income earned in the year in Saskatchewan” for a taxation year has the meaning given that expression in subsection (3) of section 6, whether such taxation year is before or after the coming into force of this Act.

R.S.S. 1965, c.62, s.15; 1968, c.33, ss.2, 3; 1970, c.31, s.4; 1972, c.55, s.14; 1974-75, c.21, s.9; 1976-77, c.33, s.9; R.S.S. 1978, c.I-2, s.17.

Payment of remainder after notice of assessment

18(1) The taxpayer shall, within thirty days from the day of mailing of the notice of assessment, pay to the Minister of Finance any part of the assessed tax, interest and penalties then remaining unpaid, whether or not an objection to or appeal from the assessment is outstanding.

Payment where taxpayer attempting evasion

(2) Where, in the opinion of the Minister of Finance a taxpayer is attempting to avoid payment of taxes, the Minister of Finance may direct that all taxes, penalties and interest be paid forthwith upon assessment.

R.S.S. 1965, c.62, s.16; R.S.S. 1978, c.I-2, s.18.

Application of certain provisions of Federal Act

19 The provisions of subsection (2) of section 70, subsection (2) of section 104, paragraph (e) of subsection (23) of section 104 and sections 159 and 160 of the Federal Act apply, *mutatis mutandis*, in respect of the payment of tax under this Act for a taxation year by a taxpayer subject to tax under this Act to whom those provisions apply in respect of tax payable under the Federal Act for the same taxation year.

1972, c.55, s.15; R.S.S. 1978, c.I-2, s.19.

General

20(1) Where the amount paid on account of tax payable by a taxpayer under this Act for a taxation year before the expiration of the time allowed for filing the return for that year is less than the amount of tax payable for the year under this Act, the person liable to pay the tax shall pay interest at the rate per annum prescribed for the purposes of subsection (1) of section 161 of the Federal Act on the difference between those two amounts from the expiration of the time for filing the return to the day of payment.

(2) In addition to the interest payable under subsection (1), where a taxpayer, being required by this Act to pay a part or instalment of tax, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed to pay, pay interest at the rate per annum prescribed for the purposes of subsection (1) of section 161 of the Federal Act from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he is liable to pay interest thereon under subsection (1), whichever is earlier.

Special case

(3) In addition to the interest payable under subsection (1), where a corporation that paid tax under subsection (3) of section 17 had a taxable income for the taxation year of more than \$10,000, it shall, forthwith after assessment, pay an amount equal to three per cent of the tax payable under this Act for the taxation year.

Limitation

(4) For the purposes of subsection (2), where a taxpayer is required to pay a part or instalment of tax for a taxation year as estimated by him with reference to a preceding year or with reference to the taxation year, he shall be deemed to have been liable to pay a part or instalment computed by reference to his tax for:

- (a) the preceding year; or
- (b) the taxation year;

whichever is the lesser.

Restriction on limitation

(5) Notwithstanding subsection (4), where a collection agreement is entered into, for the purposes of subsection (2) the taxpayer shall be deemed to have been liable to pay a part or instalment computed by reference to his tax for the same year as the year by reference to which the part or instalment that he is deemed by subsection (4) of section 161 of the Federal Act to be liable to pay was computed.

Participation certificate

(6) Notwithstanding any other provision in this section, no interest is payable in respect of the amount by which the tax payable by a person is increased by a payment made by the Canadian Wheat Board on a participation certificate previously issued to him until thirty days after the payment is made.

Income of resident from a foreign country in blocked currency

(7) Where the income of a taxpayer for a taxation year, or part thereof, is from sources in another country and the taxpayer by reason of monetary or exchange restrictions imposed by the law of that country is unable to transfer it to Canada, the Minister of Finance may, if he is satisfied that payment as required by this Act of the whole of the additional tax under this Act for the year reasonably attributable to income from sources in that country would impose extreme hardship on the taxpayer, postpone the time for payment of the whole or a part of that additional tax for a period to be determined by the Minister of Finance but no such postponement may be granted if any of the income for the year from sources in that country has been:

- (a) transferred to Canada;
- (b) used by the taxpayer for any purpose whatsoever, other than payment of income tax to the government of that other country on income from sources therein; or
- (c) disposed of by him;

and no interest is payable under this section in respect of that additional tax, or part thereof, during the period of postponement.

Effect of carry back of loss

(8) where a taxpayer is entitled to deduct under section 111 of the Federal Act in computing his taxable income for a taxation year an amount in respect of a loss sustained in the taxation year immediately following the taxation year (hereinafter in this subsection referred to as "the loss year"), for the purpose of computing interest under subsection (1) or (2) on tax or a part or instalment of tax for the taxation year for any portion of the period in respect of which the interest is payable on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been if the taxpayer were not entitled to deduct any amount under section 111 of the Federal Act in respect of that loss.

R.S.S. 1965, c.62, s.18; 1972, c.55, s.16; R.S.S.
1978, c.I-2, s.20.

PENALTIES**Delay in making return**

21(1) Every person who has failed to make a return as and when required by subsection (1) of section 11 is liable to a penalty of:

- (a) an amount equal to five per cent of the tax that was unpaid when the return was required to be filed, if the tax payable under this Act that was unpaid at that time was less than \$2,000; and
- (b) \$100, if at the time the return was required to be filed tax payable under this Act equal to \$2,000 or more was unpaid.

Same

(2) Every person who has failed to file a return as required by subsection (3) of section 11 is liable to a penalty of \$10 for each day of default but not exceeding \$50.

Failure to complete information

(3) Every person who has failed to complete the information on a prescribed form as required by or pursuant to section 11 is, unless in the case of an individual the Minister of Finance has waived it, liable to a penalty:

- (a) of one per cent of the tax payable under this Act but, whether he is taxable or not, not less than \$25 or more than \$100; or
- (b) in the case of an individual, of such lesser amount as the Minister of Finance may have fixed in respect of the specific failure.

Limitation on penalty in certain cases

(4) Where a collection agreement is entered into, the minister may refrain from levying or may reduce a penalty provided in this section, if the person who is liable to such penalty is required to pay a penalty under section 162 of the Federal Act.

R.S.S. 1965, c.62, s.19; 1972, c.55, s.17; R.S.S. 1978, c.I-2, s.21.

Statements or omissions in returns

22(1) Every person who, knowingly, or under circumstances amounting to gross negligence in the carrying out of any duty or obligation imposed by or under this Act, has made, or has participated in, assented to or acquiesced in the making of, a statement or omission in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation, as a result of which the tax that would have been payable by him for a taxation year if the tax had been assessed on the basis of the information provided in the return, certificate, statement or answer is less than the tax payable by him for the year, is liable to a penalty of twenty-five per cent of the amount by which the tax that would so have been payable is less than the tax payable by him for the year.

(2) Every person who wilfully attempts to evade payment of the tax payable by him by failing to file a return of income as and when required by subsection (1) of section 11 is liable to a penalty of fifty per cent of the amount of tax sought to be evaded.

(3) Where, in any appeal under this Act, a penalty assessed by the Minister of Finance under this section is in issue, the onus of establishing the facts justifying the assessment of the penalty is on the Minister of Finance.

R.S.S. 1965, c.62, s.20; 1972, c.58, s.20; R.S.S. 1978, c.I-2, s.22.

REFUND OF OVERPAYMENT**Refunds**

23(1) If the return required to be filed by a taxpayer for a taxation year has been made within four years from the end of the year, the Minister of Finance:

- (a) may, upon mailing the notice of assessment for the year, refund, without application therefor, any overpayment made on account of the tax; and
- (b) shall make such a refund after mailing the notice of assessment if application therefor has been made in writing by the taxpayer within four years from the end of the year.

Application to other taxes

(2) Instead of making a refund that might otherwise be made under this section, the Minister of Finance may, where the taxpayer is liable or about to become liable to make another payment under this Act, apply the amount of the overpayment to that other liability and notify the taxpayer of that action.

(3) Where an amount in respect of an overpayment is refunded, or applied under this section on other liability, interest at the rate per annum prescribed for the purposes of subsection (3) of section 164 of the Federal Act shall be paid or applied thereon for the period commencing with the latest of:

- (a) the day when the overpayment arose;
- (b) the day on or before which the return in respect of which the tax was paid was required to be filed; or
- (c) the day when the return was actually filed;

and ending with the day of refunding or application aforesaid, unless the amount of the interest so calculated is less than \$1, in which event no interest shall be paid or applied under this subsection.

(4) Where, by a decision of the Minister of Finance under section 25 or by a decision of the Court of Queen's Bench or the Supreme Court of Canada, it is finally determined that the tax payable by a taxpayer for a taxation year under this Act is less than the amount assessed by the assessment under section 13 to which the object was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment for the taxation year, the interest payable under subsection (3) on that overpayment shall be computed at the rate per annum prescribed for the purposes of subsection (1) of section 161 of the Federal Act instead of that prescribed for the purposes of subsection (3) of section 164 of the Federal Act.

Same

(5) Where a collection agreement is entered into and, by virtue of a decision referred to in subsection (4) of section 164 of the Federal Act, that subsection applies to any overpayment made under that Act in respect of tax payable by a taxpayer for a taxation year, subsection (4) of this section applies to any overpayment made under this Act in respect of the same year that arose by virtue of the same decision.

“Overpayment” defined

(6) For the purpose of this section “overpayment” means the aggregate of all amounts paid on account of tax minus all amounts payable under this Act or an amount so paid where no amount is so payable.

Effect of carry back of loss

(7) Where a taxpayer is entitled to deduct under section 111 of the Federal Act in computing his taxable income for a taxation year an amount in respect of a loss sustained in the taxation year immediately following the taxation year (hereinafter in this subsection referred to as “the loss year”), and the amount of the tax payable for the taxation year is relevant in determining an overpayment for the purpose of computing interest under subsection (3) for any portion of a period ending on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been if the taxpayer were not entitled to deduct any amount under section 111 of the Federal Act in respect of that loss.

(8) Where in the course of administering the estate of a deceased taxpayer, the taxpayer's legal representative has, within the twelve month period immediately following the death of the taxpayer, disposed of certain property of the estate described in paragraph (a) or (b) of subsection (6) of section 164 of the Federal Act, subsection (6) of section 164 of the Federal Act applies, *mutatis mutandis*.

R.S.S. 1965, c.62, s.21; 1972, c.55, s.19; R.S.S.
1978, c.I-2, s.23.

Assignment of income tax refund; offences and penalties

24(1) In this section:

“assignee”

(a) **“assignee”** means a person to whom an assignor assigns his entitlement to receive a refund of income tax and includes a person acting for or on behalf of an assignee;

“assignor”

(b) **“assignor”** means a person who is entitled to receive a refund of income tax and who makes an assignment of such entitlement.

(2) No assignment by an assignor of his entitlement to receive a refund of income tax shall be valid if the actual consideration given for the assignment by the assignee to the assignor is less than ninety-five per cent of the amount of the refund payable to the assignor.

(3) No assignee shall make an unreasonable charge for the service of completing the income tax return of an assignor and, in determining whether a charge is unreasonable, consideration shall be given to the time spent completing the return and the complexity of the return.

(4) Where:

(a) an assignee gives or offers to give an assignor a consideration for the assignment that is less than ninety-five per cent of the amount of the refund payable to the assignor; or

(b) the assignee makes an unreasonable charge in contravention of subsection (3);

the assignee is guilty of an offence and is liable on summary conviction to a fine of not more than \$5,000 or to imprisonment for six months, or to both such fine and imprisonment.

(5) Every assignee who takes assignments in the course of his business shall keep posted in a prominent location on his business premises a notice informing the assignor of the provisions of this section, and the form and wording of the notice may be prescribed by the Minister of Finance.

(6) Every person contravening subsection (5) is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000.

1976-77, c.32, s.5; R.S.S. 1978, c.I-2, s.24.

OBJECTIONS TO ASSESSMENTS

Notice

25(1) A taxpayer who objects to an assessment under this Act may, within ninety days from the day of mailing of the notice of assessment, serve on the Minister of Finance a notice of objection in duplicate in prescribed form setting out the reasons for the objection and all relevant facts.

Service

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the deputy head.

(3) Upon receipt of a notice of objection, the Minister of Finance shall:

(a) where the taxpayer indicates in the notice of objection that he wishes to appeal immediately to the court and that he waives reconsideration of the assessment and the Minister of Finance consents, file a copy of the notice of objection with any local registrar of the court; or

(b) with all due dispatch, reconsider the assessment and vacate, confirm or vary the assessment or re-assess;

and he shall thereupon notify the taxpayer of his action by registered mail.

(4) Where the Minister of Finance files a copy of notice of objection pursuant to clause (a) of subsection (3), the Minister of Finance shall be deemed, for the purpose of section 26, to have confirmed the assessment to which the notice relates and the taxpayer who served the notice shall be deemed to have thereupon instituted an appeal in accordance with that section.

Same

(5) A re-assessment made by the Minister of Finance pursuant to subsection (3) is not invalid by reason only of not having been made within four years from the day of mailing of a notice of an original assessment or of a notification described in subsection (4) of section 13.

(6) Where a taxpayer has served a notice of objection to an assessment in accordance with this section and thereafter the Minister of Finance re-assesses the taxpayer's tax for the taxation year in respect of which the notice of objection was served or issues an additional assessment in respect thereof and notifies the taxpayer of his action by registered mail, the taxpayer may, without serving a notice of objection to the re-assessment or the additional assessment:

(a) appeal therefrom to the court in accordance with section 26; or

(b) if an appeal to the court has been instituted with respect to the assessment, amend such appeal by joining thereto an appeal in respect of the re-assessment or additional assessment in such manner and on such terms, if any, as the court directs.

DIVISION E—APPEALS TO THE COURT OF QUEEN'S BENCH

Right of appeal

26(1) A taxpayer who has served a notice of objection to an assessment under subsection (1) of section 25 may appeal to the Court of Queen's Bench to have the assessment vacated or varied after either:

- (a) the Minister of Finance has confirmed the assessment or re-assessed; or
- (b) one hundred and eighty days have elapsed after service of the notice of objection and the Minister of Finance has not notified the taxpayer that he has vacated or confirmed the assessment or re-assessed;

but no appeal under this section may be instituted after the expiration of ninety days from the day notice has been mailed to the taxpayer in accordance with subsection (3) of section 25 that the Minister of Finance has confirmed the assessment or re-assessed.

Questions respecting which appeals may be taken

(2) An appeal from an assessment under this Act may be taken in respect of any question relating:

- (a) in the case of an individual, to the determination of:
 - (i) his residence for the purposes of this Act; or
 - (ii) his income earned in the taxation year in Saskatchewan as defined in clause (b) of subsection (6) of section 3; or
 - (iii) the amount of tax payable for a taxation year based on the tax payable under the Federal Act for that year as defined in clause (a) of subsection (6) of section 3; and
- (b) in the case of a corporation, to the determination of:
 - (i) its taxable income earned in the year in Saskatchewan as defined in subsection (3) of section 6; or
 - (ii) the amount of tax payable for a taxation year based on the taxable income of the corporation for that year;

but no appeal from an assessment lies in respect of the computation of the tax payable under the Federal Act as defined in clause (a) of subsection (6) of section 3 or of the taxable income of a corporation.

How appeal instituted

(3) An appeal to the court shall be instituted by serving upon the Minister of Finance a notice of appeal in duplicate in prescribed form and by filing a copy thereof with any local registrar of the court.

Service of notice

(4) A notice of appeal shall be served upon the Minister of Finance by being sent by registered mail addressed to the deputy head.

Statement of allegations

(5) The taxpayer appealing shall set out in the notice of appeal a statement of the allegations of fact, the statutory provisions and the reasons that he intends to submit in support of his appeal.

Fee upon filing notice

(6) The taxpayer appealing shall pay to the local registrar a fee of \$15 upon the filing of the copy of the notice of appeal with him.

R.S.S. 1965, c.62, s.23; R.S.S. 1978, c.I-2, s.26.

Reply to appeal

27(1) The Minister of Finance shall, within sixty days from the day the notice of appeal is received, or within such further time as the court or a judge thereof may either before or after the expiration of that time allow, serve on the appellant and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on.

Amendment of notice of appeal

(2) The court or a judge may, in its or his discretion, strike out a notice of appeal or any part thereof for failure to comply with subsection (5) of section 26 and may permit an amendment to be made to a notice of appeal or a new notice of appeal to be substituted for the one struck out.

Amendment of reply

(3) The court or a judge may, in its or his discretion:

- (a) strike out any part of a reply for failure to comply with this section or permit the amendment of a reply; and
- (b) strike out a reply for failure to comply with this section and order a new reply to be filed within a time to be fixed by the order.

Disposal of appeal in certain circumstances

(4) Where a notice of appeal is struck out for failure to comply with subsection (5) of section 26 and a new notice of appeal is not filed as and when permitted by the court or a judge, the court or a judge thereof may, in its or his discretion, dispose of the appeal by dismissing it.

Same

(5) Where a reply is not filed as required by this section or is struck out under this section and a new reply is not filed as ordered by the court or a judge within the time ordered, the court may dispose of the appeal *ex parte* or after a hearing on the basis that the allegations of fact contained in the notice of appeal are true.

R.S.S. 1965, c.62, s.24; R.S.S. 1978, c.I-2, s.27.

Appeal deemed matter in court

28(1) Upon the filing of the material referred to in sections 26 and 27, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing.

Facts not set out may be pleaded

(2) Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in such manner and upon such terms as the court may direct.

Disposal of appeal

- (3) The court may dispose of the appeal by:
- (a) dismissing it;
 - (b) allowing it; or
 - (c) allowing it and:
 - (i) vacating the assessment;
 - (ii) varying the assessment;
 - (iii) restoring the assessment; or
 - (iv) referring the assessment back to the Minister of Finance for reconsideration and re-assessment.

Court may order payment of tax, etc.

- (4) The court may, in delivering judgment disposing of an appeal, order payment or repayment of tax, interest and penalties or costs by the taxpayer or the Minister of Finance.

R.S.S. 1965, c.62, s.25; R.S.S. 1978, c.I-2, s.28.

Proceedings *in camera* on request of taxpayer

- 29** Proceedings under this Division shall be held *in camera* upon request made to the court by the taxpayer.

R.S.S. 1965, c.62, s.26; R.S.S. 1978, c.I-2, s.29.

Practice and procedure of court applicable to appeal

- 30** Except as provided in regulations prescribed by the Lieutenant Governor in Council, the practice and procedure of the court apply to every matter deemed under section 28 to be an action, and every judgment or order given or made in any such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court.

R.S.S. 1965, c.62, s.27; R.S.S. 1978, c.I-2, s.30.

Assessment not to be vacated for irregularity, etc.

- 31** An assessment shall not be vacated or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act or of the Federal Act where such provision in that Act applies in respect of any action under this Act.

R.S.S. 1965, c.62, s.28; R.S.S. 1978, c.I-2, s.31.

PART II

Administration and Enforcement

ADMINISTRATION

Duties of Minister of Finance

32(1) The Minister of Finance shall administer and enforce this Act and control and supervise all persons employed to carry out or enforce this Act and the deputy head may exercise all the powers and perform the duties of the Minister of Finance under this Act.

Extension of time for making return

(2) The Minister of Finance may at any time extend the time for making a return under this Act.

Security for payment of taxes

(3) The Minister of Finance may, if he considers it advisable in a particular case, accept security for payment of taxes by way of mortgage or other charge of any kind whatsoever on property of the taxpayer or any other person or by way of guarantee from other persons.

Administration of oaths, etc.

(4) Any person employed in connection with the administration or enforcement of this Act may, in the course of his employment:

- (a) if he is designated by the Minister of Finance for the purpose; or
- (b) where a collection agreement is entered into, if he is a person designated by the minister under the Federal Act for the purposes of subsection (5) of section 220 of that Act;

administer oaths and take and receive affidavits, declarations and affirmations for the purposes of or incidental to the administration or enforcement of this Act or regulations made thereunder, and every person so designated has for such purposes all the powers of a commissioner for administering oaths or taking affidavits.

R.S.S. 1965, c.62, s.29; 1972, c.55, s.21; R.S.S.
1978, c.I-2, s.32.

Regulations

33(1) The Lieutenant Governor in Council may make regulations:

- (a) prescribing anything that, by this Act, is to be prescribed or is to be determined or regulated by regulation;
- (b) providing in any case of doubt the circumstances in which, and extent to which, the Federal Regulations apply; and
- (c) generally to carry out the purposes and the provisions of this Act.

Application of Federal Regulations

(2) Except to the extent that they are inconsistent with any regulations made under subsection (1) or are expressed by any regulations made under subsection (1) to be inapplicable, the Federal Regulations made under section 221 of the Federal Act apply *mutatis mutandis* for the purposes of this Act with respect to all matters enumerated in that section.

Publication

(3) No regulation made under this Act or under the Federal Act where it is applicable *mutatis mutandis* has effect for the purposes of this Act until it has been published in *The Saskatchewan Gazette* or the *Canada Gazette*, as the case may require, but, when so published, a regulation shall, if it so provides, be effective with reference to a period before it was published.

R.S.S. 1965, c.62, s.30; 1972, c.55, s.22; R.S.S. 1978, c.I-2, s.33.

ENFORCEMENT**Taxes are debts due to Her Majesty**

34 All taxes, interest, penalties, costs and other amounts payable under this Act are debts due to Her Majesty in right of Saskatchewan and recoverable as such in any court of competent jurisdiction or in any other manner provided by this Act.

R.S.S. 1965, c.62, s.31; R.S.S. 1978, c.I-2, s.34.

Certificate of amount payable

35(1) An amount payable under this Act that has not been paid or such part of an amount payable under this Act as has not been paid may be certified by the Minister of Finance:

- (a) where there has been a direction by the Minister of Finance under subsection (2) of section 18, forthwith after such direction; and
- (b) otherwise, upon the expiration of thirty days after the default.

Registration of certificate

(2) On production to the Court of Queen's Bench, a certificate made under this section shall be registered in the court and, when registered, has the same force and effect and all proceedings may be taken thereon as if the certificate were a judgment obtained in the said court for a debt of the amount specified in the certificate plus interest to the day of payment as provided for in this Act.

Costs

(3) All reasonable costs and charges attendant upon the registration of the certificate are recoverable in like manner as if they had been certified and the certificate had been registered under this section.

R.S.S. 1965, c.62, s.32; R.S.S. 1978, c.I-2, s.35.

Warrant to sheriff for amount payable

36 The Minister of Finance may issue a warrant directed to any sheriff for the amount of the tax, interest and penalty, or any of them, owing by a taxpayer, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such a warrant shall have the same force and effect as a writ of execution issued out of the court.

R.S.S. 1965, c.62, s.33; R.S.S. 1978, c.I-2, s.36.

Garnishment

37(1) When the Minister of Finance has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment under this Act, he may, by registered letter or by a letter served personally, require him to pay the moneys otherwise payable to that person in whole or in part to the Minister of Finance on account of the liability under this Act.

Garnishee discharged to extent of payment

(2) The receipt of the Minister of Finance for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Continuing effect of garnishment in certain cases

(3) Where the Minister of Finance has, under this section, required an employer to pay to the Minister of Finance on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Minister of Finance out of each payment of remuneration of such amount as may be stipulated by the Minister of Finance in the registered letter.

Penalty for default of garnishee

(4) Every person who has discharged any liability to a person liable to make a payment under this Act without complying with a requirement under this section is liable to pay to Her Majesty in right of Saskatchewan an amount equal to the liability discharged or the amount that he was required under this section to pay to the Minister of Finance, whichever is the lesser.

Service on garnishee

(5) Where the person who is or is about to become indebted or liable carries on business under a name or style other than his own name, the registered or other letter under subsection (1) may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

Same

(6) Where the persons who are or are about to become indebted or liable carry on business in partnership, the registered or other letter under subsection (1) may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

R.S.S. 1965, c.62, s.34; R.S.S. 1978, c.I-2, s.37.

Seizure of chattels

38(1) Where a person has failed to make a payment as required by this Act, the Minister of Finance, on giving ten days' notice by registered mail addressed to his last known place of residence, may, whether or not there is an objection to or appeal in respect of the assessment not disposed of, issue a certificate of the failure and direct that the goods and chattels of the person in default that are located in Saskatchewan be seized.

Sale of chattels

(2) Property seized under this section shall be kept for ten days at the cost and charges of the owner and, if he does not pay the amount due together with the costs and charges within the ten days, the property seized shall be sold by public auction.

Notice of sale

(3) Except in the case of perishable goods, notice of the sale setting forth the time and place thereof, together with a general description of the property to be sold shall, a reasonable time before the goods are sold, be published at least once in one or more newspapers of general local circulation.

Disposal of surplus proceeds

(4) Any surplus resulting from the sale after deduction of the amount owing and all costs and charges shall be paid or returned to the owner of the property seized.

Exemptions

(5) Such goods and chattels of any person in default as would be exempt from seizure under a writ of execution issued out of the Court of Queen's Bench are exempt from seizure under this section.

R.S.S. 1965, c.62, s.35; R.S.S. 1978, c.I-2, s.38.

Taxpayer leaving Saskatchewan or Canada

39(1) Where the Minister of Finance suspects that a taxpayer is about to leave Saskatchewan or Canada, he may before the day otherwise fixed for payment, by notice served personally or by registered letter addressed to the taxpayer, demand payment of all taxes, interest and penalties for which the taxpayer is liable or would be liable if the time for payment had arrived, and such taxes, interest and penalties shall be paid forthwith notwithstanding any other provision of this Act.

Seizure of chattels

(2) Where a person has failed to pay tax, interest or penalties demanded under this section as required, the Minister of Finance may direct that the goods and chattels of the taxpayer that are located in Saskatchewan be seized and subsections (2) to (5) of section 38 are, thereupon, applicable *mutatis mutandis*.

R.S.S. 1965, c 62, s.36; R.S.S. 1978, c.I-2, s.39.

Person withholding taxes not liable to action

40(1) No action lies against any person for withholding or deducting any sum of money in compliance or intended compliance with this Act.

Employees to file returns

(2) Every person whose employer is required to deduct or withhold any amount from his remuneration under section 14 shall, from time to time as prescribed, file a return with his employer in prescribed form.

Penalty for failure to file

(3) Every person failing to file a form as required by subsection (2) is liable to have the deduction or withholding from his salary or wages under section 14 made as though he were an unmarried person without dependants.

Moneys withheld are held for Her Majesty

(4) Every person who deducts or withholds any amount under this Act shall be deemed to hold the amount so deducted or withheld in trust for Her Majesty in right of Saskatchewan.

Moneys withheld to be kept separate

(5) All amounts deducted or withheld by a person under this Act shall be kept separate and apart from his own moneys and, where a collection agreement is entered into, the said amounts shall be kept with amounts deducted or withheld by that person under the Federal Act.

Penalty for failure to withhold

(6) A person who has failed to deduct or withhold any amount as required by this Act or a regulation is liable to pay to Her Majesty in right of Saskatchewan:

- (a) if the amount should have been deducted or withheld under section 14 from an amount that has been paid to a person resident in Saskatchewan, ten per cent of the amount that should have been deducted or withheld; and
- (b) in any other case, the whole amount that should have been deducted or withheld;

together with interest thereon at the rate per annum prescribed for the purposes of subsection (8) of section 227 of the Federal Act.

(7) Every person who has failed to remit or pay an amount deducted or withheld as required by this Act or a regulation is liable to a penalty of ten per cent of that amount or \$10 whichever is the greater, in addition to the amount itself, together with interest on the amount at the rate per annum prescribed for the purposes of subsection (8) of section 227 of the Federal Act, but where a collection agreement is entered into the minister may refrain from levying or reduce the penalty if the person who is liable therefor is liable to pay a penalty under subsection (9) of section 227 of the Federal Act by reason of the failure to pay an amount described in paragraph (a) of that subsection.

Assessment for amount withheld

(8) The Minister of Finance may assess any person for any amount that has been deducted or withheld by that person under this Act or a regulation or that is payable by that person under this section and, upon his sending a notice of assessment to that person, Divisions I and J of the Federal Act are applicable *mutatis mutandis*.

Provisions requiring withholding applicable to her Majesty

(9) Provisions of this Act requiring a person to deduct or withhold an amount in respect of taxes from amounts payable to a taxpayer are applicable to Her Majesty in right of Saskatchewan.

Agreements not to withhold void

(10) Where this Act requires an amount to be deducted or withheld, an agreement by the person on whom that obligation is imposed not to deduct or withhold is void.

Receipt of Minister of Finance for withheld moneys sufficient discharge

(11) The receipt of the Minister of Finance for an amount withheld or deducted by any person as required by or under this Act is a good and sufficient discharge of the liability of any debtor to his creditor with respect thereto to the extent of the amount referred to in the receipt.

GENERAL

Records and books to be kept

41(1) Every person carrying on business in Saskatchewan and every person who is required, by or pursuant to this Act, to pay or collect taxes or other amounts shall keep records and books of account (including an annual inventory kept in prescribed manner) at his place of business or residence in Canada or at such other place as may be designated by the Minister of Finance, in such form and containing such information as will enable the taxes payable under this Act or the taxes or other amounts that should have been deducted, withheld or collected to be determined.

Power of Minister of Finance to require keeping of records and books

(2) Where a person has failed to keep adequate records and books of account for the purposes of this Act, the Minister of Finance may require him to keep such records and books of account as he may specify and that person shall thereafter keep records and books of account as so required.

Retention of records and books

(3) Every person required by this section to keep records and books of account shall, until written permission for their disposal is obtained from the Minister of Finance, retain every such record or book of account and every account or voucher necessary to verify the information in any such record or books of account.

R.S.S. 1965, c.62, s.38; R.S.S. 1978, c.I-2, s.41.

Investigations

42(1) Any person thereunto authorized by the Minister of Finance for any purpose related to the administration or enforcement of this Act may, at all reasonable times, enter into any premises or place where any business is carried on in Saskatchewan or any property is kept or anything is done in connection with any business or any books or records are, or should be, kept pursuant to this Act and:

- (a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates or may relate to the information that is or should be in the books or records or the amount of tax payable under this Act;
- (b) examine property described by an inventory or any property, process or matter an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act;
- (c) require the owner or manager of the property or business and any other person on the premises or place to give him all reasonable assistance with his audit or examination and answer all proper questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration and, for that purpose, require the owner or manager to attend at the premises or place with him; and
- (d) if, during the course of an audit or examination, it appears to him that there has been a violation of this Act or the regulations, seize and take away any of the documents, books, records, papers or things that may be required as evidence as to the violation of any provision of this Act or a regulation.

- (2) The Minister of Finance shall:
- (a) within one hundred and twenty days from the date of the seizure of documents, books, records, papers or things under clause (d) of subsection (1); or
 - (b) if within that time an application is made under this subsection that is, after the expiry of that time, rejected, then forthwith upon the disposition of the application;

return the documents, books, records, papers or things to the person from whom they were seized unless a judge of the court or of the district court, on application made by or on behalf of the Minister of Finance supported by evidence on oath establishing that the Minister of Finance has reasonable and probable grounds to believe that there has been a violation of this Act or a regulation and that the seized documents, books, records, papers or things are or may be required as evidence in relation thereto, orders that they be retained by the Minister of Finance until they are produced in any court proceedings which order the judge is hereby empowered to give on *ex parte* application.

Power of Minister of Finance to require information and production of books, etc.

- (3) The Minister of Finance may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person:
- (a) any information or additional information, including a return of income or a supplementary return; or
 - (b) production, or production on oath, of any books, letters, accounts, invoices, financial or other statements, or other documents;

within such reasonable time as may be stipulated therein.

Searches and seizures

(4) Where the Minister of Finance has reasonable and probable grounds to believe that a violation of this Act or a regulation has been committed or is likely to be committed, he may, with the approval of a judge of the court or of the district court, which approval the judge is hereby empowered to give on *ex parte* application, authorize in writing any officer of the Department of Finance, together with such members of the Royal Canadian Mounted Police or other peace officers as he calls on to assist him and such other persons as may be named therein, to enter and search, if necessary by force, any building, receptacle or place in Saskatchewan for documents, books, records, papers or things that may afford evidence as to the violation of any provision of this Act or a regulation and to seize and take away such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

(5) An application to a judge under subsection (4) shall be supported by evidence on oath establishing the facts upon which the application is based.

(6) The person from whom any documents, books, records, papers or things seized under clause (d) of subsection (1) or under subsection (4) is, at all reasonable times and subject to such reasonable conditions as may be determined by the Minister of Finance, entitled to inspect the seized documents, books, records, papers or things and to obtain copies thereof at his own expense.

Inquiries

(7) The Minister of Finance may, for any purpose related to the administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Department of Finance, to make such inquiry as he may deem necessary with reference to anything related to the administration or enforcement of this Act.

(8) Where the Minister of Finance, under subsection (7), authorizes a person to make an inquiry, the minister shall forthwith apply to the court for an order appointing a hearing officer before whom the inquiry will be held.

Certified copies of seized books, etc. admissible in evidence

(9) Where any book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced or any officer of the Department of Finance may make, or cause to be made, one or more copies thereof and a document purporting to be certified by the Minister of Finance or a person thereunto authorized by the Minister of Finance to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

Hindering person in exercise of authority prohibited

(10) No person shall hinder or molest or interfere with any person doing anything that he is authorized by or pursuant to this section to do or prevent or attempt to prevent any person doing any such thing and, notwithstanding any other law to the contrary, every person shall unless he is unable to do so, do everything he is required by or pursuant to this section to do.

Administration of oaths, etc.

(11) Every person thereunto authorized by the Minister of Finance may administer or receive an oath, affirmation or statutory declaration required to be given by or pursuant to this section.

(12) For the purposes of an inquiry authorized under subsection (7), a hearing officer appointed under subsection (8) in relation thereto has all the powers and authorities conferred on a commissioner by sections 4 and 5 of the *The Inquiries Act* (Canada) or that may be conferred on a commissioner under section 11 of that Act.

(13) A hearing officer appointed under subsection (8) in relation to an inquiry shall exercise the powers conferred on a commissioner by section 4 of the *Inquiries Act* (Canada) in relation to such persons as the person authorized to make the inquiry considers appropriate for the conduct thereof; but the hearing officer shall not exercise the powers to punish any person unless, on application by the hearing officer, a judge of the court or of the district court certifies that such power may be exercised in the matter disclosed in the application and the applicant has given to the person in respect of whom he proposes to exercise such power twenty-four hours notice of the hearing of the application or such shorter notice as the judge deems reasonable.

(14) Any person who gives evidence in an inquiry authorized under subsection (7) is entitled to be represented by counsel and, upon request made by him to the Minister of Finance, to receive a transcript of the evidence given by him.

(15) Any person whose affairs are investigated in the course of an inquiry authorized under subsection (7) is entitled to be present and to be represented by counsel throughout the inquiry unless the hearing officer appointed under subsection (8) in relation to the inquiry, on application by the Minister of Finance or a person giving evidence, orders otherwise in relation to the whole or any part of the inquiry on the ground that the presence of the person and his counsel, or either of them, would be prejudicial to the effective conduct of the inquiry.

R.S.S. 1965, c.62, s.39; 1972, c.55, s.24; R.S.S.
1978, c.I-2, s.42.

Seizure and disposal of certain documents where privilege claimed

43(1) Section 232 of the Federal Act applies *mutatis mutandis* for the purposes of this Act where, in the same or similar circumstances, that section is or would be applicable for the purposes of the Federal Act.

(2) For the purposes of this section, a reference to the Deputy Attorney General of Saskatchewan shall be substituted for any reference to the Deputy Attorney General of Canada in section 232 of the Federal Act, but where a collection agreement is entered into the said section 232 of the Federal Act shall be read without such reference being substituted.

R.S.S. 1965, c.62, s.40; 1972, c.55, s.25; R.S.S.
1978, c.I-2, s.43.

Information returns

44 Whether or not he has filed an information return as required by a regulation made under paragraph (d) of subsection (1) of section 226 of the Federal Act as it applies by virtue of subsection (2) of section 33 of this Act, every person shall, on demand by registered letter from the Minister of Finance, file, within such reasonable time as may be stipulated in the registered letter, with the Minister of Finance such prescribed information return as is designated in the letter.

R.S.S. 1965, c.62, s.41, 1972, c.55, s.26; R.S.S.
1978, c.I-2, s.44.

Penalty for default with respect to information returns

45(1) Every person who fails to comply with a regulation made under paragraph (d) or (e) of subsection (1) of section 221 of the Federal Act as it applies by virtue of subsection (2) of section 33 of this Act, is liable in respect of each failure to so comply to a penalty of \$10 a day for each day of default but not exceeding in all \$2,500.

Penalty for failure to comply with certain regulations

(2) Every person who fails to comply with a regulation made under section 33 or incorporated by reference by virtue of subsection (2) thereof is liable to a penalty of \$10 a day for each day of default but not exceeding in all \$2,500.

R.S.S. 1965, c.62, s.42; 1972, c.55, s.27; R.S.S.
1978, c.I-2, s.45.

Execution of documents by corporations

46 A return, certificate or other document made by a corporation pursuant to this Act or a regulation shall be signed on its behalf by the president, secretary or treasurer of the corporation or by any other officer or person thereunto duly authorized by the board of directors or other governing body of the corporation.

R.S.S. 1965, c.62, s.43; R.S.S. 1978, c. I-2, s.46.

OFFENCES

Failure to file return

47(1) Every person who has failed to file a return as and when required by or under this Act or a regulation is guilty of an offence and, in addition to any penalty otherwise provided, liable on summary conviction to a fine of not less than \$25 for each day of default.

Failure to comply with sections 12(1), 37(5), 38 or 39

(2) Every person who has failed to comply with or contravened subsection (1) of section 14, subsection (5) of section 40, section 41 or section 42 is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to:

- (a) a fine of not less than \$200 and not exceeding \$10,000; or
- (b) both the fine described in clause (a) and imprisonment for a term not exceeding six months.

Limitation respecting certain penalties

(3) Where a person has been convicted under this section of failing to comply with a provision of this Act or a regulation, he is not liable to pay a penalty imposed under section 21, 40 or 45 for the same failure unless he was assessed for that penalty or that penalty was demanded from him before the information or complaint giving rise to the conviction was laid or made.

R.S.S. 1965, c.62, s.44; R.S.S. 1978, c.I-2, s.47.

False statements, destruction, alteration, etc., of records, false entries in or omissions from records, evasions of compliance with Act and conspiracies to commit certain offences

48 Every person who has:

- (a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation;
- (b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a taxpayer;
- (c) made, or assented to or acquiesced in the making of, false or deceptive entries, or omitted, or assented to or acquiesced in the omission, to enter a material particular, in records or books of account of a taxpayer;
- (d) wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or
- (e) conspired with any person to commit an offence described by clauses (a) to (d);

is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to:

- (f) a fine of not less than twenty-five per cent and not more than double the amount of the tax that was sought to be evaded;
- (g) both the fine described in clause (f) and imprisonment for a term not exceeding two years.

R.S.S. 1965, c.62, s.45; 1972, c.55, s.28; R.S.S. 1978, c.I-2, s.48.

Power of minister with respect to certain offences

49 Where a collection agreement is entered into and proceedings under section 238 or 239 of the Federal Act are taken against any person, the minister may take or refrain from any action against that person contemplated by section 47 or 48 of this Act, as the case may be.

R.S.S. 1965, c.62, s.46; 1972, c.55, s.29; R.S.S. 1978, c.I-2, s.49.

Communication of information

50(1) Every person who, while employed in the administration of this Act, has communicated or allowed to be communicated to a person not legally entitled thereto any information obtained under this Act or has allowed any such person to inspect or have access to any written statement furnished under this Act is guilty of an offence and liable on summary conviction to a fine not exceeding \$200.

Exception

(2) Subsection (1) does not apply with respect to the communication of information between:

- (a) the minister and the Minister of Finance; or
- (b) the minister, acting on behalf of Saskatchewan, and the Provincial Treasurer, the Provincial Secretary-Treasurer or the Minister of Finance of the government of:
 - (i) an agreeing province; or
 - (ii) a non-agreeing province to which an adjusting payment may be made under subsection (2) of section 58.

R.S.S. 1965, c.62, s.47; R.S.S. 1978, c.I-2, s.50.

Liability of officers, etc., for offences by corporations

51 Where a corporation is guilty of an offence under this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

R.S.S. 1965, c.62, s.48; R.S.S. 1978, c.I-2, s.51.

Restriction on court respecting minimum penalties and suspension of sentence

52 Notwithstanding any other statute or law in force at the commencement of this Act, a court has, in any prosecution or proceeding under this Act, no power to impose less than the minimum fine or imprisonment fixed by this Act and a court has no power to suspend sentence.

R.S.S. 1965, c.62, s.49; R.S.S. 1978, c.I-2, s.52.

PROCEDURE AND EVIDENCE

Information or complaint

53(1) An information or complaint under this Act may be laid or made by any officer of the Department of Finance, by a member of the Royal Canadian Mounted Police or by any person thereunto authorized by the Minister of Finance and, where an information or complaint purports to have been laid or made under this Act, it shall be deemed to have been laid or made by a person thereunto authorized by the Minister of Finance and shall not be called in question for lack of authority of the informant or complainant except by the Minister of Finance or by some person acting for him or Her Majesty.

Two or more offences

(2) An information or complaint in respect of an offence under this Act may be for one or more offences and no information, complaint, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Limitation of prosecutions

(3) An information or complaint under the provisions of the *Criminal Code* relating to summary convictions, in respect of an offence under this Act, may be laid or made on or before a day five years from the time when the matter of the information or complaint arose or within one year from the day on which evidence, sufficient in the opinion of the Minister of Finance to justify a prosecution for the offence, came to his knowledge, and the Minister of Finance's certificate as to the day on which such evidence came to his knowledge is conclusive evidence thereof.

Proof by affidavit of service by mail

(4) Where, by this Act or a regulation, provision is made for sending by mail a request for information, notice or demand, an affidavit of an officer of the Department of Finance sworn before a commissioner or other person authorized to take affidavits setting out that he has charge of the appropriate records, that he has knowledge of the facts in the particular case, that such a request, notice or demand was sent by registered letter on a named day to the person to whom it was addressed (indicating such address) and that he identifies as exhibits attached to the affidavit the post office certificate of registration of the letter or a true copy of the relevant portion thereof and a true copy of the request, notice or demand, shall be received as *prima facie* evidence of the sending and of the request, notice or demand.

Proof by affidavit of failure to make return, etc.

(5) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Department of Finance, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after a careful examination and search of the records he has been unable to find in a given case that the return, statement, answer or certificate, as the case may be, has been made by that person, shall be received as *prima facie* evidence that in such case that person did not make the return, statement, answer or certificate, as the case may be.

Proof by affidavit of day on which return, etc., filed

(6) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Department of Finance, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after careful examination of those records he has found that the return, statement, answer or certificate was filed or made on a particular day, shall be received as *prima facie* evidence that it was filed or made on that day and not prior thereto.

Proof by affidavit of documents

(7) An affidavit of an officer of the Department of Finance, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that a document annexed thereto is a document or true copy of a document made by or on behalf of the Minister of Finance or some person exercising the powers of the Minister of Finance or by or on behalf of a taxpayer, shall be received as *prima facie* evidence of the nature and contents of the document and shall be admissible in evidence and have the same probative force as the original document would have if it had been proven in the ordinary way.

Proof by affidavit that no notice of objection to assessment or notice of appeal from assessment given

(8) An affidavit of an officer of the Department of Finance, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and has knowledge of the practice of the department and that an examination of the records shows that a notice of assessment for a particular taxation year was mailed or otherwise communicated to a taxpayer on a particular day pursuant to this Act and that, after careful examination and search of the records, he has been unable to find that a notice of objection to the assessment or a notice of appeal from the assessment was received within the time allowed therefor, shall be received as *prima facie* evidence of the statements contained therein.

Proof of signatures on affidavit or status of deponent not required

(9) Where evidence is offered under this section by an affidavit from which it appears that the person making the affidavit is an officer of the Department of Finance, it is not necessary to prove his signature or that he is such an officer nor is it necessary to prove the signature or official character of the person before whom the affidavit was sworn.

Judicial notice of orders, regulations and agreements

(10) Judicial notice shall be taken of:

- (a) all orders or regulations made under this Act; and
- (b) any collection agreement entered into under this Act or any agreement for the collection by the Government of Canada of the tax imposed under the income tax statute of an agreeing province;

without the orders, regulations or agreement being specially pleaded or proven.

Certain documents deemed authentic

(11) Every document purporting to be an order, direction, demand, notice, certificate, requirement, decision, assessment, discharge of mortgage or other document purporting to have been executed under, or in the course of the administration or enforcement of, this Act over the name in writing of the Minister of Finance, his deputy or an officer authorized by regulation to exercise powers or perform duties of the Minister of Finance under this Act, shall be deemed to be a document signed, made and issued by the Minister of Finance, his deputy or the officer unless it has been called in question by the Minister of Finance or by some person acting for him or Her Majesty.

Presumption respecting mailing date of certain notices

(12) For the purposes of this Act, the day of mailing of any notice of assessment or notification described in subsection (4) of section 13 shall, in the absence of any evidence to the contrary, be deemed to be the day appearing from the notice or notification to be the date thereof unless called in question by the Minister of Finance or by some person acting for him or Her Majesty.

Presumption respecting the date of assessment

(13) Where a notice of an assessment has been sent by the Minister of Finance as required by this Act, the assessment shall be deemed to have been made on the day of mailing of the notice of the assessment.

Certain forms deemed to be prescribed by Minister of Finance

(14) Every form purporting to be a form prescribed or authorized by the Minister of Finance shall be deemed to be a form prescribed by order of the Minister of Finance under this Act unless called in question by the Minister of Finance or some person acting for him or Her Majesty.

Proof of contents of collection agreements

(15) A document purporting to be a collection agreement entered into under this Act or an agreement with the Government of Canada for the collection of tax imposed under the income tax statute of an agreeing province that is:

- (a) published in the *Canada Gazette*; or
- (b) certified as such by or on behalf of:
 - (i) the Minister of Finance; or
 - (ii) the Provincial Treasurer, the Provincial Secretary-Treasurer or the Minister of Finance of the appropriate agreeing province;

shall be received as *prima facie* evidence of the contents thereof.

Proof of return, etc.

(16) In a prosecution for an offence under this Act, the production of a return, certificate, statement or answer required by or under this Act or a regulation, purporting to have been filed or delivered by or on behalf of the person charged with the offence or to have been made or signed by him or on his behalf, shall be received as *prima facie* evidence that the return, certificate, statement or answer was filed or delivered by or on behalf of that person or was made or signed by him or on his behalf.

Proof of tax payable, taxpayer's income or taxable income

(17) Every certificate by the Minister of Finance as to:

- (a) a taxpayer's tax payable under the Federal Act as defined in clause (a) of subsection (6) of section 3; or
- (b) a taxpayer's income for the year as defined in clause (d) of subsection (6) of section 3; or
- (c) the taxable income of a corporation;

is *prima facie* evidence that the taxpayer's tax payable under the Federal Act, his income for the year or the taxable income of the corporation, as the case may be, is in the amount set out therein.

Presumption respecting execution of documents where collection agreement entered into

(18) Where a collection agreement is entered into, any document or certificate that is executed or issued by the minister, the Deputy Minister of National Revenue for Taxation or an official of the Department of National Revenue on behalf of or in place of the Minister of Finance, his deputy or an officer of his department, shall be deemed, for all purposes of this Act, to be executed or issued by the Minister of Finance, his deputy or an officer of his department, as the case may be.

PART III
Collection of Tax

COLLECTION AGREEMENT

Power to enter into agreement

54(1) The Minister of Finance, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Saskatchewan, enter into a collection agreement with the Government of Canada pursuant to which the Government of Canada will collect taxes payable under this Act on behalf of Saskatchewan and will make payments to Saskatchewan in respect of the taxes so collected, in accordance with such terms and conditions as the collection agreement prescribes.

Power to amend agreement

(2) The Minister of Finance, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Saskatchewan, enter into an agreement amending the terms and conditions of a collection agreement entered into pursuant to subsection (1).

Powers of Minister of National Revenue where agreement entered into

(3) Where a collection agreement is entered into, the minister, on behalf of, or as agent for, the Minister of Finance, is hereby authorized to employ all the powers, to perform all the duties, and to exercise any discretion that the Minister of Finance or the deputy head has under this Act including the discretion to refuse to permit the production in judicial or other proceedings in Saskatchewan of any document that it is not, in the opinion of the minister, in the interests of public policy to produce.

Powers of Deputy Minister of National Revenue where agreement entered into

(4) Where a collection agreement is entered into, the Deputy Minister of National Revenue for Taxation of Canada may:

- (a) employ all the powers, perform the duties and exercise any discretion that the minister has under subsection (3) or otherwise under this Act;
- (b) designate officers of his department to carry out such functions, duties and powers as are similar to those that are exercised by them on his behalf under the Federal Act.

R.S.S. 1965, c.62, s.51; R.S.S. 1978, c.I-2, s.54.

PAYMENTS ON ACCOUNT

Power of minister respecting application of payment on taxes

55(1) A collection agreement may provide that where a payment is received by the minister on account of tax payable by a taxpayer for a taxation year under this Act, the Federal Act or an income tax statute of another agreeing province, or under any two or more such Acts or statutes, the payment so received may be applied by the minister towards the tax payable by the taxpayer under any such Act or statute in such manner as may be specified in the agreement, notwithstanding that the taxpayer directed that the payment be applied in any other manner or made no direction as to its application.

Taxpayer discharged where payment applied by minister

(2) Any payment or part thereof applied by the minister in accordance with a collection agreement towards the tax payable by a taxpayer for a taxation year under this Act:

- (a) relieves the taxpayer of liability to pay such tax to the extent of the payment or part thereof so applied; and
- (b) shall be deemed to have been applied in accordance with a direction made by the taxpayer.

R.S.S. 1965, c.62, s.52; R.S.S. 1978, c.I-2, s.55.

DEDUCTIONS AT SOURCE

Restriction on action for recovery of certain moneys deducted

56 Where a collection agreement is entered into and an amount is remitted to the minister under section 14 on account of the tax of an individual who is resident on the last day of the taxation year in another agreeing province:

- (a) no action lies for recovery of such amount by that individual; and
- (b) the amount may not be applied in discharge of any liability of that individual under this Act.

R.S.S. 1965, c.62, s.53; R.S.S. 1978, c.I-2, s.56.

Discharge of resident to extent of amount deducted in another province

57(1) Where a collection agreement is entered into, an individual resident in Saskatchewan on the last day of the taxation year is not required to remit any amount on account of tax payable by him under this Act for the taxation year to the extent of the amount deducted or withheld on account of his tax for that year under the income tax statute of another agreeing province.

Refund where deductions exceed tax

(2) Where the total amount deducted or withheld on account of tax payable under this Act and under the income tax statute of another agreeing province by an individual resident in Saskatchewan on the last day of the taxation year to whom subsection (1) applies exceeds the tax payable by him under this Act for that year, section 23 of this Act applies in respect of that individual as though the excess were an overpayment under this Act.

R.S.S. 1965, c.62, s.54; R.S.S. 1978, c.I-2, s.57.

NON-AGREEING PROVINCES

Interpretation

58(1) In this section:

“adjusting payment”

- (a) **“adjusting payment”** means a payment, calculated in accordance with this section, made by or on the direction of Saskatchewan to a non-agreeing province;

“amount deducted or withheld”

(b) **“amount deducted or withheld”** does not include any refund made in respect of that amount; and

“non-agreeing province”

(c) **“non-agreeing province”** means a province that is not an agreeing province.

Power of Saskatchewan to make adjusting payment

(2) Where, in respect of a taxation year, a non-agreeing province is authorized to make a payment to Saskatchewan that, in the opinion of the Minister of Finance, corresponds to an adjusting payment, the Lieutenant Governor in Council may authorize the Minister of Finance to make an adjusting payment to that non-agreeing province and enter into any agreement that may be necessary to carry out the purposes of this section.

Power of Canada to make adjusting payment

(3) Where a collection agreement is entered into the adjusting payment that may be made under subsection (2) may be made by the Government of Canada where it has agreed to act on the direction of Saskatchewan as communicated by the Minister of Finance to the minister.

Amount of adjusting payment

(4) The adjusting payment to be made under this section shall be in an amount that is equal to the aggregate of the amounts deducted or withheld under section 14 in respect of the tax payable for a taxation year by individuals who:

- (a) file returns under the Federal Act;
- (b) are taxable thereunder in respect of that year; and
- (c) are resident on the last day of that year in the non-agreeing province to which the adjusting payment is to be made.

Effect of deductions or withholdings where adjusting payment to be made

(5) Where an adjusting payment is to be made and there has been an amount deducted or withheld under section 14 on account of the tax for a taxation year of an individual who is taxable under the Federal Act in respect of that year and who is resident on the last day of that taxation year in the non-agreeing province:

- (a) no action lies for the recovery of that amount by that individual; and
- (b) the amount may not be applied in discharge of any liability of that individual under this Act.

Same

(6) Where an adjusting payment to a non-agreeing province is to be made under this section for a taxation year, an individual resident in Saskatchewan on the last day of the taxation year is not required to remit any amount on account of tax payable by him under this Act for the taxation year to the extent of the amount deducted or withheld on account of his income tax for that year under the law of that non-agreeing province.

Same

(7) Where an adjusting payment to a non-agreeing province is to be made under this section for a taxation year and the total amount deducted or withheld on account of tax payable under this Act and on account of the income tax payable under the law of the non-agreeing province by an individual resident in Saskatchewan on the last day of the taxation year to whom subsection (6) applies exceeds the tax payable by him under this Act for that year, section 23 of this Act applies in respect of that individual as though the excess were an overpayment under this Act.

Payment by Canada in certain cases and effect thereof

(8) Where a collection agreement is entered into and the Government of Canada has agreed in respect of a taxation year to carry out the direction of Saskatchewan and to make an adjusting payment on behalf of Saskatchewan, the adjusting payment:

- (a) shall be made out of any moneys that have been collected on account of tax under this Act for any taxation year; and
- (b) shall be the amount calculated by the minister to be the amount required to be paid under subsection (4);

and the payment thereof discharges any obligation the Government of Canada may have with respect to the payment to Saskatchewan of any amount deducted or withheld under section 14 to which subsection (5) applies.

R.S.S. 1965, c.62, s.55; R.S.S. 1978, c.I-2, s.58.

RECIPROCAL ENFORCEMENT OF JUDGMENTS

Enforcement of certain judgments in other provinces

59(1) A judgment of a superior court of an agreeing province under that province's income tax statute, including any certificate registered in such superior court in a manner similar to that provided in subsection (2) of section 35, may be enforced in the manner provided in *The Reciprocal Enforcement of Judgments Act*.

Registration of judgments notwithstanding certain restrictions

(2) For the purposes of subsection (1), where a judgment of a superior court of an agreeing province is sought to be registered under *The Reciprocal Enforcement of Judgments Act*, the judgment shall be registered notwithstanding that it is established that one or more of the provisions of section 4 of that Act apply.

Power to make regulations

(3) For the purposes of subsection (1), the Lieutenant Governor in Council may make regulations to enable the enforcement of judgments in respect of taxes in agreeing provinces to be enforced in Saskatchewan.

R.S.S. 1965, c.62, s.56; R.S.S. 1978, c.I-2, s.59.

PART IV

Interpretation

Interpretation

60(1) In this Act:

“agreeing province”

(a) **“agreeing province”** means a province that has entered into an agreement with the Government of Canada under which the Government of Canada will collect taxes payable under that province's income tax statute and will make payments to that province in respect of the taxes so collected;

“amount”

(b) **“amount”** means money, rights or things expressed in terms of the amount of money or the value in terms of money of the right or thing;

“assessment”

(c) **“assessment”** includes a re-assessment;

“business”

(d) **“business”** includes a profession, calling, trade, manufacture or undertaking of any kind whatsoever and includes an adventure or concern in the nature of trade but does not include an office or employment;

“collection agreement”

(e) **“collection agreement”** means an agreement entered into pursuant to subsection (1) of section 54;

“corporation”

(j) **“corporation”** includes an incorporated company and **“corporation incorporated in Canada”** includes a corporation incorporated in any part of Canada before or after it became part of Canada;

“court”

(g) **“court”** means the Court of Queen’s Bench;

“deputy head”

(h) **“deputy head”** means:

(i) the Deputy Minister of Finance; or

(ii) where a collection agreement is entered into, the Deputy Minister of National Revenue for Taxation;

“employed”

(i) **“employed”** means performing the duties of an office or employment;

“employee”

(j) **“employee”** includes officer;

“employer”

(k) **“employer”**, in relation to an officer, means the person from whom the officer receives his remuneration;

“Federal Act”

(l) **“Federal Act”** means the *Income Tax Act*, chapter 148 of *The Revised Statutes of Canada, 1952*, as amended from time to time;

“Federal Regulations”

(m) **“Federal Regulations”** means the regulations made pursuant to the Federal Act, as amended from time to time;

“fiscal period”

(n) **“fiscal period”** means a fiscal period determined in accordance with and for the purposes of the Federal Act;

“income tax statute”

(o) **“income tax statute”** means, with reference to an agreeing province, the law of that province that imposes a tax similar to the tax imposed under this Act;

“individual”

(p) **“individual”** means a person other than a corporation and includes a trust or estate as defined in subsection (1) of section 104 of the Federal Act;

“loss”

(q) **“loss”** means a loss as determined in accordance with and for the purposes of the Federal Act;

“minister”

(r) **“minister”** means the Minister of National Revenue for Canada, but in any provision of the Federal Act that is incorporated by reference in this Act, unless a collection agreement has been entered into, a reference to the minister shall be read and construed for the purposes of this Act as a reference to the Minister of Finance;

“Minister of Finance”

(s) **“Minister of Finance”** means the Minister of Finance of Saskatchewan or, where a collection agreement is entered into, means:

- (i) in relation to the remittance of any amount as or on account of tax payable under this Act, the Receiver General of Canada; and
- (ii) in relation to any other matter, the minister;

“permanent establishment”

(t) **“permanent establishment”** means permanent establishment as defined in the Federal Regulations;

“person”

(u) **“person”** or any word or expression descriptive of a person, includes any body corporate and politic, and the heirs, executors, administrators or other legal representatives of such person, according to the law of that part of Canada to which the context extends;

“prescribed”

(v) **“prescribed”**, in the case of a form or the information to be given on a form, means prescribed by order of the Minister of Finance, and, in any other case, means prescribed by regulation;

“province”

(w) **“province”** does not include the Northwest Territories or the Yukon Territory;

“Receiver General of Canada”

(x) **“Receiver General of Canada”** means the Receiver General of Canada, but in any provision of the Federal Act that is incorporated by reference in this Act, unless a collection agreement is entered into, a reference to the Receiver General of Canada, shall be read and construed for the purposes of this Act as a reference to the Minister of Finance;

“regulation”

(y) **“regulation”** means a regulation made by the Lieutenant Governor in Council under this Act;

“taxable income”

(z) **“taxable income”** means taxable income as determined in accordance with and for the purposes of the Federal Act subject to variation on objection or on appeal, if any, in accordance with the Federal Act;

“taxpayer”

(aa) **“taxpayer”** includes any person whether or not liable to pay tax;

“taxation year”

(bb) **“taxation year”** means:

- (i) in the case of a corporation, a fiscal period;
- (ii) in the case of an individual, a calendar year; and
- (iii) in the case of an estate or trust arising on death, notwithstanding subclause (ii), a taxation year as defined in paragraph (a) of subsection (23) of section 104 of the Federal Act;

and when a taxation year is referred to by reference to a calendar year, the reference is to the taxation year or years coinciding with, or ending in, that year.

Meaning of “last day of the taxation year”

(2) The expression “**last day of the taxation year**” shall, in the case of an individual who resided in Canada at any time in the taxation year but ceased to reside in Canada before the last day thereof, be deemed to be a reference to the last day in the taxation year on which he resided in Canada.

Meaning of “tax payable”

(3) The tax payable by a taxpayer under this Act or under Part I of the Federal Act means the tax payable by him as fixed by assessment or re-assessment subject to variation on objection or on appeal, of any, in accordance with this Act, or Part I of the Federal Act, as the case may be.

Application of definitions in Federal Act or regulations thereunder

(4) For the purposes of this Act, except where they are at variance with the definitions contained in this section, the definitions and interpretations contained in or made by regulation under the Federal Act, as amended from time to time, apply.

Application and interpretation of Act in case of doubt

(5) In any case of doubt, the provisions of this Act shall be applied and interpreted in a manner consistent with similar provisions of the Federal Act.

R.S.S. 1965, c.62, s.57; 1972, c.55, s.30; R.S.S. 1978, c.I-2, s.60.

PART V

Miscellaneous**Suspension of certain taxing enactments**

61 The following enactments, namely:

The Railway Taxation Act, chapter 52 of *The Revised Statutes of Saskatchewan, 1940*, as amended by chapter 23 of the statutes of 1944 (Second Session);

Sections 34 to 40 of *The Fuel Petroleum Products Act*;

The Travelling Shows Act, 1942, chapter 10 of the statutes of 1942, as amended by chapter 28 of the statutes of 1944 (Second Session);

are hereby suspended in operation, save that the said enactments shall continue to apply to taxes payable thereunder in the year 1941 or any previous year and remaining unpaid and to persons, partnerships and corporations liable for those taxes.

R.S.S. 1965, c.62, s.58; R.S.S. 1978, c.I-2, s.61.

Suspension of Succession Duty enactments

62 *The Succession Duty Act*, chapter 50 of *The Revised Statutes of Saskatchewan, 1940*, as amended by chapter 9 of the statutes of 1942, chapter 21 of the statutes of 1944 (Second Session) and chapter 20 of the statutes of 1945, is hereby suspended in operation save that the said Act as so amended shall continue to apply to duties payable thereunder consequent upon, or on property passing upon, or deemed to be passing upon the death of any person prior to the first day of April, 1947, and to duties payable thereunder with respect to an interest in expectancy as defined in the said Act created by a person dying prior to the said date, and to duties payable upon dispositions of property made by a person dying prior to the said date, and to duties payable thereunder with respect to the succession to any property by reason of the property having passed on the death of any person prior to the said date.

R.S.S. 1965, c.62, s.59; R.S.S. 1978, c.I-2, s.62.

Revocation of suspension

63 The Lieutenant Governor may by a proclamation issued either before or after the termination of an agreement entered into under this Act declare that the suspension of the operation of an enactment provided for by this Act shall cease to have effect on a date to be named in the proclamation, and on, from and after the date so named the enactment affected shall have full force and effect.

R.S.S. 1965, c.62, s.60; R.S.S. 1978, c.I-2, s.63.