PART II

REVISED REGULATIONS OF SASKATCHEWAN

CHAPTER C-50.2 REG 9

The Crown Minerals Act

Section 22

Order in Council 782/94, dated November 23, 1994

(Filed November 24, 1994)

PART I

Short Title, Interpretation and Remittance

Title

1 These regulations may be cited as *The Crown Oil and Gas Royalty Regulations.*

Interpretation

2 In these regulations:

(a) **"approved waterflood project"** means a new waterflood project, or an expansion of an existing waterflood project, that has been approved pursuant to *The Oil and Gas Conservation Act* and the regulations made pursuant to that Act;

(b) **"Crown lands"** means Crown minerals and Crown mineral lands that consist of oil or gas;

(c) **"drainage unit"** means the area established for a drainage unit pursuant to Part III of *The Oil and Gas Conservation Act* respecting the zone of an oil well or gas well;

(d) **"EOR factor"** means the factor respecting an EOR project, expressed as a percentage, determined in accordance with the following formula:

where: $$\text{EOR factor} = \frac{AR}{TR} \times 100$$

AR is the additional recoverable reserves of oil, as determined by the minister from time to time, that are attributable to the project during any period or periods that the minister may specify; and

TR is the total remaining recoverable reserves of oil that is determined by the minister from time to time for a portion of the pool containing the EOR project and that is determined for any period or periods that the minister may specify;

(e) **"EOR oil"** means:

(i) the quantity of non-heavy oil determined by multiplying the total amount of non-heavy oil produced from or allocated to the Crown lands within an EOR project on or after January 1, 1994 by the EOR factor applicable to that project;

(ii) all heavy oil produced from or allocated to the Crown lands within an EOR project on or after January 1, 1994; or

(iii) any oil that is approved by the minister from time to time as EOR oil for the purposes of these regulations;

(f) **"EOR project"** means:

(i) any project that is designed to enhance the total recovery of oil through the use of thermal or other techniques and that:

(A) has been approved pursuant to *The Oil and Gas Conservation Act*;

(B) commenced operation on or after January 1, 1981;

(C) is not a waterflood project; and

(D) is approved by the minister as an EOR project for the purposes of these regulations; or

(ii) any other project or group of projects that may be approved by the minister from time to time as an EOR project for the purposes of these regulations, for any period or periods specified by the minister;

(g) **"gas"** means natural gas, including casing-head gas and all hydrocarbons not defined as oil;

(h) **"gas well"** means:

(i) a wellbore:

(A) that has gas indicated as the well objective on the well licence, that has been cased and that has not been completed or abandoned, and includes all reserves in the expected producing zone or formation, noted on the well licence, within the boundaries of the drainage unit for that zone and all rights and interests in those reserves; or

(B) that is completed in a zone for the purpose of producing gas, and is capable of producing gas from that zone either alone or in association with no more than one cubic metre of oil for every 3 500 cubic metres of gas, and includes all reserves in that zone within the boundaries of the drainage unit for that zone and all rights and interests in those reserves; or

(ii) any other wellbore or group of wellbores, in conjunction with any reserves, that may be approved by the minister from time to time as a gas well;

(i) **"geological system"** means the strata, as determined from time to time by the Saskatchewan Geological Survey, deposited during a particular geological period, including the geological periods known as the Cretaceous, Jurassic, Triassic, Mississippian, Devonian, Silurian, Ordovician, Cambrian and Precambrian;

(j) **"heavy oil"** means all oil that is produced within Townships 22 through 37 and Ranges 5 through 29, West of the Third Meridian and all townships north of Township 37, except oil produced from the Viking zone or from any other zone deposited more recently than the Viking zone;

(k) **"horizontal oil well"** means:

(i) an oil well with a horizontal section, including any subsequent horizontal sections drilled in the same zone, that is approved as a horizontal well by an order of the minister pursuant to section 17.1 of *The Oil and Gas Conservation Act*; or

(ii) any other oil well approved by the minister as a horizontal oil well;

(l) **"horizontal section"** means the portion of a wellbore:

(i) with an angle of at least 80°, measured between the line connecting the initial point of penetration into the productive zone and the end point of the wellbore in the productive zone and the line extending vertically downward from the initial point of penetration into the productive zone; and

(ii) with a minimum length of 100 metres, measured from the initial point of penetration into the productive zone to the end point of the wellbore in the productive zone;

(m) **"incremental oil factor"** means the factor respecting an approved waterflood project, expressed as a percentage, determined in accordance with the following formula:

where: $$\text{incremental oil factor} = \frac{AR}{TR} \times 100$$

AR is the additional recoverable reserves of oil, as determined by the minister from time to time, that are attributable to the approved waterflood project during any period or periods that the minister may specify;

TR is the total remaining recoverable reserves of oil that is determined by the minister from time to time for a portion of the pool containing the EOR project and that is determined for any period or periods that the minister may specify;

(n) **"incremental waterflood oil"** means the quantity of oil determined by multiplying the total amount of oil produced from or allocated to Crown lands within an approved waterflood project on or after January 1, 1994, by the incremental oil factor applicable to that project;

(o) **"licence"** means a licence to drill an oil well or gas well where the licence is issued pursuant to Part II of *The Oil and Gas Conservation Act*;

(p) **"new oil"** means all oil produced on or after January 1, 1994:

(i) that is not EOR oil or third tier oil and that is:

(A) produced through a wellbore of an oil well or gas well completed on or after January 1, 1974, with a finished drilling date on or before December 31, 1986, where the wellbore is located:

(I) outside all oil pool boundaries established as of December 31, 1973;

(II) within an oil pool boundary established as of December 31, 1973, where the well is producing oil from a zone deeper than that otherwise established for the pool; or

(III) within an oil pool boundary on an undrilled drainage unit, where the oil pool boundary and the drainage unit were both established as of December 31, 1973;

(B) produced from a vertical oil well or gas well with a finished drilling date on or after January 1, 1987 and on or before December 31, 1993;

(C) produced from a horizontal oil well with a finished drilling date on or after April 1, 1991;

(D) incremental waterflood oil respecting an approved waterflood project that commenced operation on or after January 1, 1974 and on or before December 31, 1993;

(E) produced from a reactivated oil well;

(F) produced in the Swift Current area; or

(G) heavy oil; or

(ii) that is approved by the minister from time to time as new oil for the purposes of these regulations;

(q) **"non-heavy oil"** means all oil produced in Saskatchewan that is not heavy oil;

(r) **"oil"** means crude petroleum oil and any other hydrocarbon, regardless of gravity, that is produced through a wellbore and that is in liquid form when measured or estimated for the purposes of section 99 of *The Oil and Gas Conservation Regulations, 1985*;

(s) **"oil well"** means:

(i) a wellbore:

(A) that has oil indicated as the well objective on the well licence, that has been cased and that has not been completed or abandoned, and includes all reserves in the expected producing zone or formation, noted on the well licence, within the boundaries of the drainage unit for that zone and all rights and interests in those reserves; or

(B) that is completed in a zone for the purposes of producing oil, and includes all reserves in that zone within the boundaries of the drainage unit for that zone and all rights and interests in those reserves and is not part of a gas well in that zone; or

(ii) any other wellbore or group of wellbores in conjunction with any reserves that may be approved by the minister from time to time as an oil well;

(t) **"old oil"** means all oil that is not new oil, third tier oil or EOR oil;

(u) **"operator"** means:

(i) the person who has the right to operate an oil well or gas well; or

(ii) the person designated by the minister as operator of the oil well or gas well for the purposes of these regulations;

(v) **"pool"** means pool as defined in *The Oil and Gas Conservation Act* or any other pool approved by the minister;

(w) **"pool boundary"** means the boundary of a pool established pursuant to *The Oil and Gas Conservation Act* and the regulations made pursuant to that Act;

(x) **"reactivated oil well"** means an oil well that:

(i) was a shut-in or suspended oil well during the entire 1993 calendar year and is reactivated on or after January 1, 1994;

(ii) produces oil on or after January 1, 1994 through the wellbore of an oil well that was a shut-in or suspended oil well during the entire 1993 calendar year if no other oil well produced oil through the same wellbore during that year; or

(iii) is approved by the minister as a reactivated oil well;

(y) **"royalty payer"** means a person who owns a working interest;

(z) **"shut-in or suspended oil well"** means an oil well that is not producing oil, gas or any other substance;

(aa) **"SRC"** means the Saskatchewan Resource Credit, which equals one percentage point;

(bb) **"Swift Current area"** means an area within Townships 1 through 21 and Ranges 1 through 30, West of the Third Meridian;

(cc) **"third tier oil"** means all oil produced on or after January 1, 1994:

(i) that is not EOR oil and:

(A) that is produced from a vertical oil well or a gas well with a finished drilling date on or after January 1, 1994;

(B) that is incremental waterflood oil respecting an approved waterflood project that commenced operation on or after January 1, 1994; or

(ii) that is approved by the minister from time to time as third tier oil for the purposes of these regulations;

(dd) **"unit"** means a unit area with respect to which there is in effect either an agreement for unit operation or a unit operation order made pursuant to *The Oil and Gas Conservation Act* and the regulations made pursuant to that Act;

(ee) **"vertical oil well"** means an oil well that is not a horizontal oil well;

(ff) **"waterflood project"** means:

(i) a project that is designed to enhance the total recovery of oil through the use of water injection for purposes of repressuring, cycling or pressure maintenance and that has been:

(A) approved pursuant to *The Oil and Gas Conservation Act*; and

(B) approved by the minister as a waterflood project for the purposes of these regulations; or

(ii) any other project or group of projects that is otherwise approved by the minister from time to time as a waterflood project for the purposes of these regulations.

(gg) **"wellbore"** means an artificial opening in the ground other than a seismic shot hole or structure test hole;

(hh) **"working interest"** means an interest acquired pursuant to a Crown lease, including an interest acquired from the person who is the holder of the Crown lease, where the interest:

(i) entitles a person to share in the oil or gas produced from or allocated to the Crown lands that are the subject of the lease or in the proceeds from the disposition of the oil or gas; and

(ii) requires a person to bear or contribute to the costs associated with producing oil or gas from or allocated to the Crown lands that are the subject of the lease;

(ii) **"zone"** means any interval approved by the minister that is definable respecting a geological formation or geological unit.

Production from more than one zone

3(1) Where oil is capable of being produced through a wellbore from more than one zone, a wellbore that exists for the purposes of producing oil in combination with the reserves in each zone will be considered a separate oil well unless the minister determines from time to time that the wellbore in combination with all the zones or any combination of the zones is to be treated as one oil well.

(2) Where gas is capable of being produced through a wellbore from more than one zone, a wellbore that exists for the purposes of producing gas in combination with the reserves in each zone will be considered a separate gas well unless the minister determines from time to time that the wellbore in combination with all the zones or any combination of the zones is to be treated as one gas well.

Allocation and measurement of production

4 For the purposes of these regulations:

(a) where a reference is made in these regulations to allocating oil or gas to Crown lands, that allocation is an allocation pursuant to an agreement for unit operation or a unit operation order made pursuant to *The Oil and Gas Conservation Act*;

(b) where an allocation is made pursuant to an agreement for unit operation or a unit operation order made pursuant to *The Oil and Gas Conservation Act* to an oil well or gas well situated on Crown lands, that allocation is deemed to be produced on those Crown lands; and

(c) where the production of oil or gas from a well is estimated pursuant to section 99 of *The Oil and Gas Conservation Regulations, 1985*, that estimate is deemed to be the actual amount produced.

Arm's-length transactions

5 For the purposes of these regulations, persons do not deal at arm's length with each other if they would not be considered as dealing at arm's length pursuant to the *Income Tax Act* (Canada).

Royalties not remitted until received

6 Royalties that are required to be remitted to the minister are not considered to be remitted until they are received by the minister at the offices of the department at Regina.

Operator to remit royalties

7(1) Every operator is an agent of the Crown for the purposes of:

(a) collecting, from each royalty payer having a working interest in Crown lands from which is produced or to which is allocated oil or gas produced from that well, all royalties that each royalty payer is required to pay to the Crown in relation to that oil or gas; and

(b) remitting those royalties to the minister in the manner and at the time or times required by these regulations.

(2) Every operator who collects royalties in accordance with this section shall remit those royalties to the minister on or before the last day of the month following the end of the month for which those royalties are calculated.

(3) Every remittance made by an operator pursuant to subsection (2) is to be:

(a) accompanied by a return in a form acceptable to the minister; and

(b) directed to the minister at the offices of the department at Regina.

(4) An operator may deduct from any amount payable by the operator to a royalty payer an amount equal to all amounts that the operator has remitted or is or will be required to remit pursuant to subsection (2) on behalf of the royalty payer to the extent that those amounts have not previously been deducted.

(5) All amounts deducted by an operator pursuant to subsection (4) are deemed to have been received by the royalty payer at the time they are deducted by the operator.

(6) Subject to section 9, every royalty payer who receives or is entitled to receive any of the oil or gas produced from or allocated to Crown lands, or any proceeds of disposition of or on account of that oil or gas, with respect to which the full amount mentioned in subsection (4) has not been deducted by the operator, shall promptly remit to the operator an amount equal to the amount that has not been deducted by the operator.

(7) All amounts deducted by an operator pursuant to subsection (4) and all amounts remitted to an operator pursuant to subsection (6) shall be deemed to be held in trust by the operator for the Crown until those amounts are remitted pursuant to subsection (2), and any amount so held in trust by an operator shall not form part of the operator's estate or property for any purpose but is and remains the property of the Crown, whether or not that amount is kept separate by the operator from the operator's own estate or property.

(8) Without limiting the liability of any royalty payer for any royalties payable to the Crown, and in addition to any other liability or penalty to which the royalty payer may be subject, any operator who fails to remit any amount as required by this section is personally liable for and shall pay to the minister an amount equal to the aggregate of all amounts that the operator failed to remit, and for the additional charge on those amounts provided in "The Delayed Payment Charge Regulations, 1970", being Saskatchewan Regulations 263/70, and that amount with the additional charge is a debt due to the Crown and may be recovered, in addition to any other manner in which a debt may be recovered, in any manner provided in these regulations or in *The Crown Minerals Act* for the recovery or collection of royalties payable to the Crown.

(9) Where any amount respecting the royalties payable by a royalty payer is not remitted by the royalty payer to an operator as required by subsection (6), the charge provided in "The Delayed Payment Charge Regulations, 1970", being Saskatchewan Regulations 263/70, shall be paid by the royalty payer and the royalty payer shall remit that charge to the operator in the manner required by subsection (6).

(10) Where any charge has been remitted to an operator pursuant to subsection (9), the operator shall remit that charge to the minister on or before the last day of the month in which that charge is so remitted to the operator, and the provisions of this section apply, with any necessary modification, to that charge and to the remittance of that charge.

(11) Where, pursuant to these regulations, no royalty is to be calculated or paid for any month respecting any oil or gas produced from or allocated to Crown lands for that month, a return in the form approved for the purposes of subsection (3) must be delivered to the department by the operator within one month after the end of the month in which that oil or gas was produced from or allocated to the Crown lands.

Royalty a debt due

8(1) A royalty payer who is required to pay a royalty pursuant to these regulations remains liable to the Crown for the amount of the royalty, and the royalty is a debt due to the Crown, until the royalty payer has paid it to the operator to whom the royalty is to be remitted pursuant to subsection 7(6) or to the minister or until the operator has deducted from an amount payable to a royalty payer an amount equal to, and attributed that amount to, the royalty pursuant to subsection 7(4).

(2) This section applies, with any necessary modification, to an amount that a royalty payer is required to pay pursuant to subsection 7(9).

Special operator

9(1) Where a royalty payer's share of oil or gas produced from or allocated to Crown lands is disposed of separately from the operator or other royalty payers, the operator shall advise the minister in a form acceptable to the minister, and the minister may designate the royalty payer as a special operator respecting that well.

(2) The royalties payable by a special operator shall be remitted to the minister in the manner and at the time or times provided in subsection 7(2) instead of remitting an amount equal to those royalties to the operator as required by subsection 7(6).

(3) Where a royalty payer is designated as a special operator respecting an oil well or gas well pursuant to subsection (1), the operator of that well shall:

(a) determine the special operator's share of the Crown royalty pursuant to clause 15(c), 28(c), or 45(c) or any combination of those clauses that the case may require, and provide that information to the special operator; and

(b) provide the special operator with all other information necessary to enable the special operator to comply with subsection (2).

(4) The operator shall provide the information mentioned in subsection (3) in sufficient time to enable the special operator to comply with subsection (2).

(5) Notwithstanding subsection 7(2), where a royalty payer is designated as a special operator respecting an oil well or gas well pursuant to subsection (1), the operator of that well is relieved from any obligation to remit to the Crown all amounts that the royalty payer is liable to pay the Crown respecting that well on account of a royalty calculated pursuant to these regulations.

Minister's option for royalty in kind

10(1) The minister, on behalf of the Crown, may elect to receive in kind all or any portion of the Crown royalty share of oil or gas instead of the payment calculated pursuant to these regulations.

(2) Where the minister has elected to receive the Crown royalty share in kind, the royalty payer shall deliver the Crown royalty share, or cause the Crown royalty share to be delivered, at the time or times, to the place or places, and in the manner that the minister may specify from time to time.

(3) Where a Crown royalty share is to be delivered to a place or places other than the place of production, the minister may allow a deduction from the quantity to be delivered to compensate for the expenses of delivery.

Liability of royalty payer

11 A royalty payer is liable to pay the royalty excepted and reserved pursuant to a Crown lease respecting all oil and gas produced from or allocated to any Crown lands on or after January 1, 1994 in accordance with:

(a) the royalty payer's proportionate share of production as determined by the royalty payer's working interest; and

(b) where there is an agreement for unit operation or a unit operation order made pursuant to *The Oil and Gas Conservation Act*, the royalty payer's proportionate share of production as allocated in the agreement or order.

PART II
Conventional Oil Royalty

Interpretation

12 In this Part:

(a) **"HOP"** means the average heavy oil well-head price, expressed in dollars per cubic metre rounded to the nearest dollar, as estimated and set by the minister for a month in accordance with section 13;

(b) **"K"** means a factor determined in accordance with the following formulas and rounded to the nearest hundredth:

(i) for heavy oil that is also new oil:

$$K = 13.0 + (19.5 \times \frac{(HOP - 50)}{HOP});$$

(ii) for heavy oil that is also third tier oil:

$$K = 13.0 + (19.5 \times \frac{(HOP - 100)}{HOP});$$

(iii) for non-heavy oil that is also new oil:

$$K = 19.5 + (26.0 \times \frac{(NOP - 50)}{NOP});$$

(iv) for non-heavy oil that is also third tier oil:

$$K = 19.5 + (26.0 \times \frac{(NOP - 100)}{NOP});$$

(v) for old oil:

$$K = 26.0 + (32.5 \times \frac{(NOP - 50)}{NOP});$$

(c) **"MOP"** means the monthly oil production, expressed in cubic metres rounded to the nearest tenth, that is produced from an oil well or gas well for the month;

(d) **"NOP"** means the average non-heavy oil well-head price, expressed in dollars per cubic metre rounded to the nearest dollar, as estimated and set by the minister for a month in accordance with section 13;

(e) **"X"** means a factor determined in accordance with the following formula and rounded to the nearest whole number:

$$X = K \times 23.08$$

Minister to set HOP and NOP

13(1) No earlier than the 15th day in a month, the minister shall estimate and set the HOP and NOP for that month after consideration of the following:

(a) heavy oil and non-heavy oil prices posted, published or otherwise provided to the department by purchasers of Saskatchewan oil, and the relationship of those prices to Saskatchewan heavy oil and non-heavy oil well-head prices;

(b) oil transportation charges;

(c) oil quality differentials;

(d) competition adjustments being made between Saskatchewan oil and other oil competing for the same market;

(e) Canadian and American marker oil prices such as Edmonton Par postings and West Texas Intermediate futures prices;

(f) any event or other information that, in the opinion of the minister, may affect the level of Saskatchewan oil prices.

(2) The HOP and NOP estimated and set by the minister shall not be less than:

(a) $50 per cubic metre for new oil and old oil; and

(b) $100 per cubic metre for third tier oil.

Notice of HOP and NOP

14 The department shall make the HOP and NOP for the month available to each operator and special operator.

Calculation of conventional oil royalties

15 The royalty excepted and reserved and the payments to be made respecting old oil, third tier oil or new oil that is produced from or allocated to any Crown lands on or after January 1, 1994 is to be determined for each oil well or gas well, for each month, by:

(a) calculating the appropriate Crown royalty rate, expressed as a percentage, respecting each category of oil produced from the well for the month, which, subject to Part III, is to be the greater of nil or the rate determined in accordance with the following formula:

$$\text{Crown Royalty Rate} = K - \frac{X}{MOP} - SRC$$

where the amount equal to $K - \frac{X}{MOP}$ cannot be less than one;

(b) determining the Crown royalty share of each category of oil produced from the well for the month by applying the appropriate Crown royalty rate for the well for the month respecting each category, as calculated pursuant to clause (a), to the total monthly production of each category produced from the well for the month;

(c) determining each royalty payer's share of the Crown royalty share, as determined pursuant to clause (b), of each category of oil produced from the well for the month by applying the royalty payer's proportionate share of each category to the Crown royalty share of each category; and

(d) calculating the payment required to be made by each royalty payer for the month respecting each category of oil produced from the well for the month by applying the royalty payer's well-head value as determined pursuant to section 16 to the royalty payer's share of the Crown royalty share as determined pursuant to clause (c).

Well-head value for oil

16(1) In this section, **"allowable transportation expenses"** means:

(a) trucking expenses actually incurred by the royalty payer in transporting oil to the delivery point specified in an arm's-length agreement for the sale of the oil; and

(b) any other reasonable transportation expenses that are approved by the minister as allowable transportation expenses.

(2) Subject to subsections (3) and (4), the well-head value of oil is the amount by which the price of that oil, expressed in dollars per cubic metre, received by a royalty payer pursuant to the first arm's-length agreement for the sale of the oil exceeds allowable transportation expenses, expressed in dollars per cubic metre, respecting that oil.

(3) Where, in the opinion of the minister, the first arm's-length agreement mentioned in subsection (2) is entered into for the purpose of transporting the oil, the well-head value of oil is the amount by which the price of that oil, expressed in dollars per cubic metre, received pursuant to the first arm's-length agreement, other than an agreement entered into for the purpose of transporting the oil, exceeds allowable transportation expenses, expressed in dollars per cubic metre, respecting that oil.

(4) The well-head value of oil is the fair value determined by the minister in circumstances where:

(a) the minister is satisfied that there is no agreement for the sale of the oil or that no arm's-length transaction has occurred;

(b) there is a consideration for the sale of the oil in addition to or instead of the price specified in an arm's-length agreement; or

(c) the minister believes that one of the purposes of a transaction evidenced by an agreement for the sale of the oil is to reduce, unduly or artificially, the liability of a royalty payer to pay royalty on the production of oil.

Oil from gas wells

17(1) Notwithstanding the provisions of any Crown lease or any other provision of these regulations, no royalty is to be calculated or paid pursuant to these regulations respecting any oil, other than EOR oil, produced from a gas well in any month unless the minister has sent to the operator of that gas well a written notice requiring the operator to collect and remit royalties, in accordance with these regulations, respecting the oil produced from that gas well.

(2) A written notice sent to an operator pursuant to subsection (1):

(a) takes effect on the date specified in the notice; and

(b) remains in effect until revoked by the minister in writing.

PART III
Conventional Oil Royalty Incentive

Interpretation

18 In this part:

(a) **"deep oil well"** means an oil well that is producing oil:

(i) from a zone the upper limit of which, measured from the Kelly Bushing, is more than 1 700 metres in depth as determined in accordance with the records of the department, or any lesser depth the minister may approve; and

(ii) that is:

(A) from a zone within a geological system older than that deposited during the Mississippian Period; or

(B) from the Bakken zone;

(b) **"infill vertical oil well"** means a vertical oil well that, at the time the well is licensed, is located in an original drainage unit:

(i) that contained another oil well that was cased through or into the same zone or open-hole-completed into the same zone and:

(A) that produced oil after December 31, 1983; or

(B) that never produced oil after December 31, 1983 and was never abandoned; or

(ii) that contains an oil well location licensed to be drilled through or to the same zone;

(c) **"Kindersley area"** means Townships 22 through 37 in Ranges 5 through 29, West of the Third Meridian;

(d) **"non-deep oil well"** means an oil well that is not a deep oil well;

(e) **"oil well location"** means a location for which a well licence application:

(i) has been approved by the minister and has not subsequently been cancelled;

(ii) indicates oil as the well objective; and

(iii) has not yet resulted in a wellbore being cased for the purposes of production or abandoned;

(f) **"original drainage unit"** means a drainage unit:

(i) that is situated inside an oil pool boundary established as of December 31, 1983 and is the size that existed on December 31, 1983;

(ii) that is situated inside an oil pool boundary established on or after January 1, 1984 and is the size that was initially established for a drainage unit within the oil pool boundary; or

(iii) that is situated outside an oil pool boundary and is the size that is designated by *The Oil and Gas Conservation Act* and the regulations made pursuant to that Act;

(g) **"qualifying development oil well"** means a vertical oil well with a finished drilling date on or after January 1, 1994:

(i) that has oil indicated as the well objective on the well licence;

(ii) that is not an infill vertical oil well or a qualifying exploratory oil well;

(iii) that first produces oil from the zone noted as the expected zone or formation on the well licence; and

(iv) whose wellbore has never been utilized for any purpose since December 31, 1983;

or a vertical oil well with a finished drilling date on or after January 1, 1994 that is approved by the minister as a qualifying development oil well;

(h) **"qualifying exploratory oil well"** means a vertical oil well with a finished drilling date on or after January 1, 1994:

(i) that has oil listed as the well objective on the well licence;

(ii) whose wellbore has never been utilized for any purpose since December 31, 1983;

(iii) that, at the time the well is licensed, is located in a drainage unit that has not contained an oil well that produced oil from the same zone; and

(iv) that first produces oil from the zone noted as the expected producing zone or formation on the well licence and:

(A) at the time the well is licensed, is located more than three kilometres, measured from centre of drainage unit to centre of drainage unit, from the nearest oil well or oil well location; or

(B) produces oil from a zone within an older geological system than the oldest geological system in which:

(I) any other oil well that is located three kilometres or less, measured from centre of drainage unit to centre of drainage unit, from the oil well at the time the well is licensed, is cased through or into;

(II) any other oil well that is located three kilometres or less, measured from centre of drainage unit to centre of drainage unit, from the oil well at the time the well is licensed, is open-hole-completed into; or

(III) any other oil well location that is located three kilometres or less, measured from centre of drainage unit to centre of drainage unit, from the oil well at the time the well is licensed, is licensed through or to;

or a vertical oil well with a finished drilling date on or after January 1, 1994 that is approved by the minister as a qualifying exploratory oil well;

(i) **"qualifying horizontal oil well"** means a horizontal oil well with a finished drilling date on or after January 1, 1994:

(i) that is not a short section horizontal oil well;

(ii) that is not a re-entry horizontal oil well except in the case where the horizontal oil well includes a wellbore:

(A) that was drilled on or after January 1, 1994;

(B) that was never abandoned; and

(C) that was never utilized for any purpose; or

(iii) that is approved by the minister as a qualifying horizontal oil well;

(j) **"qualifying infill oil well"** means a vertical oil well with a finished drilling date on or after January 1, 1994:

(i) that has oil indicated as the well objective on the well licence application;

(ii) that first produces oil from the zone noted as the expected producing zone or formation on the well licence;

(iii) whose wellbore has never been utilized for any purpose since December 31, 1983; and

(iv) that is an infill vertical oil well that is:

(A) a deep oil well or an oil well producing oil from the Viking zone in the Kindersley area, and, at the time the well is licensed, is located in a drainage unit that does not contain:

(I) another oil well that is cased through or into the same zone;

(II) another oil well that is open-hole-completed into the same zone;

(III) another oil well that produced oil from the same zone; or

(IV) an oil well location licensed through or to the same zone; or

(B) drilled on reduced spacing under the authority of a Minister's Order pursuant to *The Oil and Gas Conservation Act* and that is producing oil from the Viking zone in the Kindersley area;

or a vertical oil well with a finished drilling date on or after January 1, 1994 that is approved by the minister as a qualifying infill oil well;

(k) **"re-entry horizontal oil well"** means a horizontal oil well with a finished drilling date on or after January 1, 1994 that has the initial horizontal section drilled from an existing or abandoned wellbore not classified as a stratigraphic test hole;

(l) **"short section horizontal oil well"** means a horizontal oil well with a finished drilling date on or after January 1, 1994 in which, at the time the well commences production or a later date set by the minister, the total length of all the horizontal sections associated with the well is less than 300 metres.

Maximum 5% new oil incentive

19 For the purposes of determining the appropriate Crown royalty share pursuant to clause 15(b), the appropriate Crown royalty rate is the lesser of the new oil Crown royalty rate calculated pursuant to clause 15(a) and a rate equal to 5% minus the SRC for:

(a) the first 12 000 cubic metres of new oil that is not incremental waterflood oil and that is produced from a non-deep oil well that is a qualifying horizontal oil well;

(b) the first 25 000 cubic metres of new oil that is not incremental waterflood oil and that is produced from a deep oil well that is a qualifying horizontal oil well; or

(c) new oil to which no other section of this Part applies and that is produced from a reactivated oil well during a five-year period ending on the last day of the 60th consecutive month from the first month in which oil is produced from the wellbore on or after January 1, 1994.

Maximum 10% new oil incentive

20 For the purposes of determining the appropriate Crown royalty share pursuant to clause 15(b), the appropriate Crown royalty rate is the lesser of the new oil Crown royalty rate calculated pursuant to clause 15(a) and a rate equal to 10% minus the SRC for:

(a) the first 12 000 cubic metres of new oil that is not incremental waterflood oil and that is produced from a non-deep oil well that is either a short section horizontal oil well or a re-entry horizontal oil well; or

(b) the first 25 000 cubic metres of new oil that is not incremental waterflood oil and that is produced from a deep oil well that is either a short section horizontal oil well or a re-entry horizontal oil well.

Maximum 5% third tier oil incentive

21 For the purposes of determining the appropriate Crown royalty share pursuant to clause 15(b), the appropriate Crown royalty rate is the lesser of the third tier oil Crown royalty rate calculated pursuant to clause 15(a) and a rate equal to 5% minus the SRC for:

(a) the first 1 000 cubic metres of third tier oil that is not incremental waterflood oil and that is produced from a non-deep oil well that is also a qualifying infill oil well;

(b) the first 2 000 cubic metres of third tier oil that is not incremental waterflood oil and that is produced from a non-deep oil well that is also a qualifying development oil well;

(c) the first 8 000 cubic metres of third tier oil that is not incremental waterflood oil and that is produced from a non-deep oil well that is also a qualifying exploratory oil well;

(d) the first 12 000 cubic metres of third tier oil that is not incremental waterflood oil and that is produced from a deep oil well that is also a qualifying infill oil well;

(e) the first 12 000 cubic metres of third tier oil that is not incremental waterflood oil and that is produced from a deep oil well that is also a qualifying development oil well; or

(f) the first 25 000 cubic metres of third tier oil that is not incremental waterflood oil and that is produced from a deep oil well that is also a qualifying exploratory oil well.

Reduction of volume incentive amounts

22(1) Where an oil well is drilled on or after January 1, 1994 and is part of or becomes part of an EOR project, the volume of oil that is applicable to the oil well for the purposes of section 19, 20 or 21 will be reduced by the minister in the same proportion that the total investment within the meaning of clause 26(s) related to the drilling of the oil well is included in calculating the royalty rate pursuant to subclause 28(a)(ii).

(2) The minister may reduce the volume of oil for the purposes of section 19 or 21 for an oil well where:

(a) the royalty payer has requested that the minister approve the oil well as a qualifying development oil, qualifying exploratory oil well, qualifying horizontal oil well, or qualifying infill oil well, pursuant to clause 18(g), (h), (i) or (j); or

(b) oil has been produced from more than one zone through the same wellbore.

Evaluation of oil well after licensing

23 Where the department has received the new well report form or where the office of the department responsible for administering this section has received a letter from a royalty payer, in either case indicating that oil:

(a) has first been produced or is expected to be first produced through a wellbore that was licensed with oil as the well objective and was never utilized for any other purpose, and has been or is expected to be first produced from a zone other than that noted as the expected producing zone or formation on the well licence application, the resulting oil well must be evaluated to determine if it qualifies as a qualifying infill oil well, a qualifying development oil well or a qualifying exploratory oil well as if the zone from which the well is producing or is expected to produce had been noted on the well licence application as the expected producing zone; or

(b) has first been produced or is expected to be first produced through a wellbore that was licensed with a well objective other than oil and was never utilized for any other purpose, the resulting oil well must be evaluated to determine if it qualifies as a qualifying infill oil well, a qualifying development oil well or a qualifying exploratory oil well as if the well had been licensed at the time the department received the new well report form or letter, and the evaluation must be based on the revised information respecting both the expected producing zone and the well objective.

Re-evaluation of oil well location

24 An oil well must be re-evaluated to determine if it qualifies as a qualifying development oil well, a qualifying exploratory oil well or a qualifying infill oil well as if the oil well locations that affected its qualification had not existed at the time the particular well was licensed where, before the oil well is spudded, the minister is notified by a royalty payer that each oil well location that affected that oil well's qualification pursuant to clause 18(g), (h), or (j) has either:

(a) had its licence cancelled;

(b) been drilled and subsequently abandoned;

(c) been drilled and completed as something other than an oil well; or

(d) been drilled and not cased into the geological system in which the expected producing zone or formation is situated.

Continuation of certain former provisions

25(1) Any oil will continue to be subject to section 58C, subsection 63A(3) and any other provision of "The Petroleum and Natural Gas Regulations, 1969", being Saskatchewan Regulations 8/69, that pertains to "horizontal incentive oil" or "qualified oil", as those provisions existed on December 31, 1993, until the time that the oil is no longer classified as "horizontal incentive oil" or "qualified oil" if:

(a) that oil is:

(i) produced from an oil well or gas well with a finished drilling date that is on or before December 31, 1993, or another date approved by the minister that is no later than January 15, 1994; or

(ii) produced as a result of a waterflood project that commenced operation on or before December 31, 1993 or another date approved by the minister that is no later than December 31, 1994; and

(b) that oil would have been "horizontal incentive oil" or "qualified oil" if sections 57 through 67 of "The Petroleum and Natural Gas Regulations, 1969", had remained in force after 1993.

(2) Where the minister has approved another date pursuant to clause (1)(a), the oil will be classified as new oil as defined in subclause 2(p)(ii) and not third tier oil as defined in clause 2(cc).

PART IV
Enhanced Oil Recovery (EOR) Royalty

Interpretation

26 In this Part:

(a) **"administrative cost allowance"** of an EOR project for any royalty year means:

(i) an amount equal to 10% of the direct EOR operating costs of the project for the year; or

(ii) any other amount that may be established from time to time by order of the minister as the administrative cost allowance for EOR projects for the year;

(b) **"closing investment balance"** of an EOR project for any royalty year means the amount, if any, by which the total investment balance exceeds the investment allowance of the project for the year;

(c) **"closing operating loss balance"** of an EOR project for any royalty year means the amount, if any, by which the total operating loss balance exceeds the operating loss allowance of the project for the year;

(d) **"Crown-acquired lands"** means Crown-acquired lands within the meaning of *The Freehold Oil and Gas Production Tax Act*;

(e) **"Crown EOR income subject to royalty"** of an EOR project for any royalty year means the amount, if any, by which that portion of the EOR operating income of the project for the year that is allocated to the Crown lands within the project pursuant to section 27 exceeds that portion of the net royalty payments of the project for the year that is allocated to the Crown lands within the project pursuant to section 27;

(f) **"current EOR operating losses"** of an EOR project for any royalty year means the amount, if any, by which the sum of the total EOR operating costs and the royalty deduction exceeds the sum of the gross EOR revenues and recovered investment respecting the project for the year;

(g) **"current EOR operating profits"** of an EOR project for any royalty year means the amount, if any, by which the sum of the gross EOR revenues and recovered investment exceeds the sum of the total EOR operating costs and the royalty deduction respecting the project for the year;

(h) **"current investment"** in an EOR project for any royalty year means:

(i) for the royalty year in which the project commences operation, the amount of investment in the project that is made or incurred during that royalty year or any prior royalty year; and

(ii) for any subsequent royalty year, the amount of any investment in the project that is made or incurred during that royalty year;

(i) **"direct EOR operating costs"** of an EOR project for any royalty year means the amount by which the total direct operating costs of the project for the year exceed the direct non-EOR operating costs of the project for the year;

(j) **"direct non-EOR operating costs"** of an EOR project for any royalty year means the value obtained when the production of oil that is not EOR oil, measured in cubic metres, produced from or allocated to the project during the year is multiplied by the direct non-EOR operating costs factor of EOR projects for the year;

(k) **"direct non-EOR operating costs factor"** of an EOR project for any royalty year means $22 per cubic metre or any other amount that may be established from time to time by order of the minister;

(l) **"disposition"** of a project asset means the sale or other disposition of the project asset, or any other transaction or event as a result of which the project asset ceases to be used for or in connection with the EOR project with respect to which it is a project asset, and includes any cessation of use of the project asset for or in connection with that project on or as a result of the cessation of operation of the project, but does not include any temporary cessation of use for the purpose only of performing required repairs or maintenance;

(m) **"EOR operating income"** of an EOR project for any royalty year means the amount, if any, by which the sum of the gross EOR revenues and the recovered investment exceeds the total EOR operating costs for the year;

(n) **"escalated investment balance"** of an EOR project for any royalty year means the amount determined by increasing the opening investment balance by the escalation factor;

(o) **"escalated operating loss balance"** of an EOR project for any royalty year means the amount determined by increasing the opening operating loss balance by the escalation factor;

(p) **"escalation factor"** of an EOR project for any royalty year means:

(i) 10% or any other percentage that may be established from time to time by order of the minister as the escalation factor of EOR projects for the year; or

(ii) where the royalty year is less than 12 months in duration, or where an EOR project ceases to operate for a portion of the royalty year, excluding any temporary cessation of operation for the purpose of performing repairs or maintenance, that proportion of the escalation factor otherwise in effect for the year that the number of days in the royalty year bears to 365;

(q) **"gross EOR Crown revenues"** of an EOR project for any month or royalty year means that proportion of the gross EOR revenues of the project for the month or year, as the case may be, that is allocated to the Crown lands within the project pursuant to section 27;

(r) **"gross EOR revenues"** of an EOR project for any month or royalty year means an amount equal to the value obtained when the production of EOR oil, measured in cubic metres, produced from or allocated to the project during the month or year, as the case may be, is multiplied by the well-head value, determined in accordance with section 16, of that EOR oil for the month in which it was produced;

(s) **"investment"** in an EOR project means that portion of the costs and expenditures of a capital or developmental nature that is approved by the minister and are made or incurred from time to time respecting the project and required for the purpose of producing EOR oil from the project, and the cost of any substances, other than water, that are injected into the reservoir for the purposes of enhancing the recovery of oil, in each case without deducting any amount credited, granted or paid to any person pursuant to any oil incentive program maintained or administered from time to time by the Government of Canada or the Government of Saskatchewan;

(t) **"investment allowance"** of an EOR project for any royalty year means an amount equal to the lesser of the total investment balance and the net EOR operating profits respecting the year;

(u) **"net EOR operating profits"** of an EOR project for any royalty year means the amount, if any, by which the current EOR operating profits exceed the operating loss allowance respecting the year;

(v) **"net royalty lease"** means a lease mentioned in section 39 of "The Petroleum and Natural Gas Regulations, 1969", being Saskatchewan Regulations 8/69, and includes any other arrangement pursuant to which any person is required to pay to the Crown respecting oil that is produced from or allocated to Crown lands or Crown-acquired lands, an amount greater than the amount that would have been payable had the oil been produced under a lease granted pursuant to Part V of "The Petroleum and Natural Gas Regulations, 1969".

(w) **"net royalty payment"** means the amount by which the payments required to be made to the Crown under a net royalty lease respecting oil produced from or allocated to Crown lands or Crown-acquired lands exceeds the amount that would have been payable had the oil been produced under a lease granted pursuant to Part V of "The Petroleum and Natural Gas Regulations, 1969", being Saskatchewan Regulations 8/69;

(x) **"opening investment balance"** of an EOR project for any royalty year means:

(i) for the royalty year in which the project commences operation, nil; and

(ii) for any subsequent royalty year, an amount equal to the closing investment balance of the project for the preceding royalty year;

(y) **"opening operating loss balance"** of an EOR project for any royalty year means:

(i) for the royalty year in which the project commences operation, nil; and

(ii) for any subsequent royalty year, an amount equal to the closing operating loss balance of the project for the preceding royalty year;

(z) **"operating loss allowance"** of an EOR project for any royalty year means an amount equal to the lesser of the total operating loss balance and the current EOR operating profits for the year;

(aa) **"post-payout ratio"** of an EOR project for any royalty year means the amount by which 1.0 exceeds the pre-payout ratio for the year;

(bb) **"pre-payout ratio"** of an EOR project for any royalty year means:

(i) respecting any royalty year for which the net EOR operating profits are greater than nil, the quotient obtained when the investment allowance is divided by the net EOR operating profits respecting the year; and

(ii) respecting any royalty year for which the net EOR operating profits are nil, 1.0;

(cc) **"proceeds of disposition"** arising on a disposition of a project asset respecting an EOR project means an amount equal to the greater of:

(i) the aggregate of all amounts received or to become receivable as or on account of the disposition of the project asset, whether as or on account of its sale price or otherwise; and

(ii) the fair market value of the project asset at the time of disposition;

(dd) **"project asset"** means any asset with respect to which an amount has been included as an investment in an EOR project;

(ee) **"recovered investment"**, respecting an EOR project for any royalty year, means an amount equal to the lesser of:

(i) the amount by which the aggregate of the proceeds of disposition arising on all dispositions during that royalty year of project assets respecting the project exceeds the sum of the escalated investment balance and the current investment for the year; and

(ii) the amount by which the aggregate of all investment allowances respecting the project for all years ending after 1981 and before the particular year exceeds the aggregate of all recovered investments respecting the project for all years ending after 1981 and before the particular year;

(ff) **"royalty deduction"** of an EOR project for any royalty year means an amount equal to the aggregate of:

(i) the amount, if any, by which the intermediate amount of the following amounts exceeds the amount equal to the product of the SRC and the gross EOR Crown revenues for the project for the year:

(A) 1% of the gross EOR Crown revenues of the project for the year;

(B) 5% of the gross EOR Crown revenues of the project for the year;

(C) 10% the Crown EOR income subject to royalty;

(ii) any net royalty payments made to the Crown for the year respecting any EOR oil produced from or allocated to lands within the project that are subject to a net royalty lease;

(iii) any royalties paid to the Crown for the year respecting any EOR oil produced from or allocated to lands within the project that are Crown-acquired lands;

(iv) the amount, if any, by which the intermediate amount of the amounts set out in paragraphs (A), (B) and (C) exceeds the total of the amounts set out in paragraphs (D) and (E), where the terms **"gross EOR Crown-acquired revenues"** and **"Crown-acquired EOR income subject to tax"** have the meanings provided in Part IV of *The Freehold Oil and Gas Production Tax Regulations, 1994*:

(A) 1% of the gross EOR Crown-acquired revenues of the project for the year;

(B) 5% of the gross EOR Crown-acquired revenues of the project for the year;

(C) 10% of the Crown-acquired EOR income subject to tax of the project for the year;

(D) the amount equal to the product of the SRC and the gross EOR Crown-acquired revenues for the project for the year;

(E) the aggregate amount of the royalty that is payable for the year pursuant to the lease to which the Crown-acquired lands are subject; and

(v) any royalties paid for the year to a person, other than the Crown, who is a beneficial owner of oil and gas rights within the meaning of section 28 of *The Freehold Oil and Gas Production Tax Act* respecting any EOR oil produced from or allocated to those oil and gas rights if, in the case of royalties that are paid pursuant to an agreement or arrangement that is made before 1986, that agreement or arrangement has not been amended to increase the royalties since December 31, 1985 without the approval of the minister;

(gg) **"royalty year"**, respecting an EOR project, means the calendar year or any other annual period not exceeding 53 weeks that is approved by the minister;

(hh) **"total direct operating costs"** of an EOR project for any royalty year means the costs and expenses of an operating nature that are made or incurred respecting the project during the year and that are directly related or attributable to the project or to the production of oil from the project, including the costs and expenses made or incurred respecting lifting and treating the oil produced from or allocated to the project and injecting any substance into a wellbore for the purpose of assisting in the production of oil from the project, but does not include any cost or expenditure that may be categorized as either an investment or an operating cost, or that is incurred respecting:

(i) an investment in the project;

(ii) any income taxes, profit taxes or other similar taxes;

(iii) any royalty or any other payment that is paid to any person respecting any interest held by or on behalf of that person in the lands within the project or the production of oil from the project or any revenue derived from the production of the oil;

(iv) any overhead or administrative expense, or any amount paid or payable as, on account of or instead of payment of, or in satisfaction of, interest; or

(v) any transportation expenses that may be deducted in calculating the well-head value for the purposes of determining the gross EOR revenues of an EOR project;

(ii) **"total EOR operating costs"** of an EOR project for any royalty year means the sum of the direct EOR operating costs and the administrative cost allowance of the project for the year;

(jj) **"total investment balance"** of an EOR project for any royalty year means the amount, if any, by which the sum of the escalated investment balance and the current investment exceeds the aggregate of the proceeds of disposition arising on all dispositions during that royalty year of project assets respecting the project;

(kk) **"total operating loss balance"** of an EOR project for any royalty year means the sum of the escalated operating loss balance and the current EOR operating losses respecting the year.

Allocation to Crown and non-Crown lands

27 For the purposes of calculating royalties pursuant to this Part, the following must each be allocated between the Crown lands within the project and the lands within the project that are not Crown lands in the proportions approved by the minister from time to time for the purposes of the allocation:

(a) the gross EOR revenues of an EOR project for each month or royalty year, as the case may be;

(b) the EOR operating income of an EOR project for each royalty year;

(c) net royalty payments of an EOR project for each royalty year.

Calculation of EOR royalties

28 The royalty excepted and reserved and the payments to be made respecting EOR oil produced from or allocated to all Crown lands within an EOR project on or after January 1, 1994 is to be determined by:

(a) calculating the appropriate Crown royalty rate expressed as a percentage of the EOR oil produced from or allocated to the Crown lands in any year in accordance with the following:

(i) the Crown royalty rate for EOR projects to which section 34 applies is equal to the amount by which 5% exceeds the SRC;

(ii) the Crown royalty rate for EOR projects other than those to which section 34 applies, is equal to the amount by which the fraction, expressed as a percentage, the numerator of which is the aggregate of paragraphs (A) and (B), and the denominator of which is the gross EOR Crown revenues of the project for the year, exceeds the SRC:

(A) the product obtained when the pre-payout ratio of the project for the year is multiplied by the intermediate amount of the following amounts:

(I) 1% of the gross EOR Crown revenues of the project for the year;

(II) 5% of the gross EOR Crown revenues of the project for the year;

(III) 10% of the Crown EOR income subject to royalty of the project for the year; and

(B) the product obtained when the post-payout ratio of the project for the year is multiplied by an amount equal to the greater of:

(I) 5% of the gross EOR Crown revenues of the project for the year; and

(II) 30% of the Crown EOR income subject to royalty of the project for the year;

(b) determining the Crown royalty share of EOR oil produced from or allocated to an EOR project for a royalty year by applying the appropriate Crown royalty rate for the EOR project for the royalty year, as calculated pursuant to clause (a), to the total amount of EOR oil produced from or allocated to the Crown lands within the EOR project for the royalty year;

(c) determining each royalty payer's share of the Crown royalty share, as determined pursuant to clause (b), of EOR oil produced from or allocated to the EOR project for the royalty year by applying the royalty payer's proportionate share of EOR oil to the Crown royalty share of EOR oil; and

(d) calculate the payment required to be made by each royalty payer for the royalty year respecting the EOR oil produced from or allocated to the EOR project for the royalty year by applying the royalty payer's well-head value determined in accordance with section 16.

Collection of royalties for EOR oil

29 The royalties to be calculated from time to time pursuant to this Part are to be paid, collected and remitted as otherwise provided in these regulations and, in particular, the royalties shall be collected and remitted by the operator of the EOR project to which they relate in the manner and at the time or times required by section 7, except that any amounts payable pursuant to section 37 are payable within 30 days of the date of the invoice.

Estimate to be filed

30 Every operator of an EOR project shall file with the department, not later than one month prior to the beginning of each royalty year, a statement in a form approved by the minister setting out, respecting the project for the year, an estimate of the following items, together with an allocation in accordance with section 27 of the estimated amounts mentioned in clauses (b) and (h):

(a) the monthly production of EOR oil to be produced from or allocated to the project;

(b) the gross EOR revenues of the project;

(c) the direct EOR operating costs of the project;

(d) the current investment in the project;

(e) the royalty deduction of the project;

(f) the recovered investment of the project;

(g) the gross EOR Crown revenues of the project;

(h) the EOR operating income of the project;

(i) the Crown EOR income subject to royalty of the project;

(j) the royalties calculated pursuant to section 28 respecting the EOR oil to be produced from or allocated to the Crown lands within the project.

Estimate to be reviewed

31 Within 30 days after it is filed, the minister shall review any estimate set out in a statement filed pursuant to section 30 respecting an EOR project for any royalty year, and after that review the minister shall promptly send to the operator of the project written notice:

(a) stating that the estimate has been approved by the minister without revision; or

(b) where the minister considers it necessary to revise the estimate, stating that the estimate has been approved by the minister with revisions and setting out the revisions and the reasons for those revisions.

Revision of estimate

32 Notwithstanding the approval of an estimate pursuant to section 31, if at any time during a royalty year the minister is satisfied that changing events justify a revision of the estimate, the minister shall send to the operator of the EOR project a written notice:

(a) stating that the minister considers it necessary to revise the previously approved estimate;

(b) setting out the revision to the estimate and the reasons for the revision; and

(c) specifying the effective date of the revision as it affects the instalment amount to be calculated pursuant to section 33.

Remittance of instalment amount

33(1) On or before the last day of the month following the end of a month during which EOR oil was produced from or allocated to the Crown lands within an EOR project, other than a project to which section 34 applies, the operator of that EOR project shall remit a royalty instalment, as determined in accordance with subsection (2) respecting that EOR oil, on account of the royalties to be calculated for the royalty year pursuant to section 28.

(2) The royalty instalment amount is to be calculated in accordance with the following formula:

where:

$$\text{Royalty Instalment} = M \times \frac{R}{Y}$$

M means the amount of the gross EOR Crown revenues associated with the EOR oil that was produced from or allocated to the Crown lands within an EOR project during a month;

R means the amount of royalties estimated pursuant to clause 30(j) in the statement filed for the year as the estimate has been approved by the minister pursuant to section 31 or 32; and

Y means the amount of the gross EOR Crown revenues estimated pursuant to clause 30(g) in the statement filed for the year as the estimate has been approved by the minister pursuant to section 31 or 32.

Exemption

34 The minister may exempt an EOR project from the requirements of sections 30 to 33 during any period or periods that the minister may specify.

Return to be filed

35 Every operator of an EOR project other than a project to which section 34 applies, shall file with the department, no later than three months following the end of each royalty year, a return in a form approved by the department containing a calculation of the royalty pursuant to section 28 respecting the project for the year.

Interest

36(1) Every operator of an EOR project who fails to file a return within the time required pursuant to section 35 shall pay interest to the Crown on any amount invoiced pursuant to clause 37(a) from the last day on which the return was required to be filed pursuant to section 35 to the day the department receives the return.

(2) The interest is to be calculated using an annual rate equal to 1.2 times the rate of interest published in the Bank of Canada Review as the "Bank Rate" for the day preceding the day on which the return was required to be filed.

Where minister's calculation differs

37 If, after examination of the return filed with the department pursuant to section 35 or any audit subsequent to the initial examination of the information contained in the return, the minister's calculation of the amount of royalty owing pursuant to section 28 is other than the total amount of royalty paid for the year pursuant to section 33 or an amount previously calculated pursuant to this section, the department shall:

(a) invoice the operator for the amount of the minister's calculation that is greater than:

(i) the total amount paid pursuant to section 33; or

(ii) an amount previously calculated pursuant to this section; or

(b) credit the operator for the amount that the minister's calculation is less than:

(i) the total amount paid pursuant to section 33; or

(ii) an amount previously calculated pursuant to this section.

Royalty payer to pay interest

38(1) Every royalty payer shall pay interest to the Crown on any amount invoiced to the operator pursuant to clause 37(a) as a result of any subsequent audit.

(2) The interest is to be calculated from the last day on which the return was required to be filed pursuant to section 35 to the day the department issues an invoice pursuant to clause 37(a) as a result of any subsequent audit.

(3) The interest is to be calculated using an annual rate equal to 1.2 times the rate of interest published in the Bank of Canada Review as the "Bank Rate" for the day preceding the day on which the return was required to be filed.

Minister to pay interest

39(1) The minister shall pay interest to a royalty payer on any amount credited to the operator pursuant to clause 37(b) as a result of any subsequent audit.

(2) The interest is to be calculated from the later of the day on which the return was required to be filed pursuant to section 35 and the day on which the return was received by the department to the day the department has issued a credit pursuant to clause 37(b) as a result of any subsequent audit.

(3) The interest is to be calculated using an annual rate equal to the rate of interest published in the Bank of Canada Review as the "Bank Rate" for the day preceding the day on which the interest commences to accrue.

Revised royalty year

40 With the consent of the minister, the operator of an EOR project, after the time at which the first statement respecting the project is filed pursuant to section 30, may designate in writing a revised period not exceeding 53 weeks to be the royalty year for the project, and from and after the effective date of the change, royalty year means the revised period so designated.

Special operator to provide information

41 A royalty payer who is designated as a special operator respecting an oil well or gas well pursuant to section 9 shall provide to the operator of the well all information necessary to enable the operator to calculate the royalties pursuant to section 28 and to submit the statement pursuant to section 30.

PART V
Gas Royalty

Interpretation

42 In this Part:

(a) **"Cg"** means a factor determined in accordance with the following formula and rounded to the nearest ten-thousandth:

$$Cg = \frac{Kg}{230.76};$$

(b) **"cost of service factor"** means, for any month for which the point of sale of gas is downstream of the fieldgate, the amount determined as follows:

(i) where the seller of the gas deals at arm's length with the carrier or carriers of the gas between the fieldgate and the point of sale, the cost of service factor is equal to the transmission charges payable to the carrier or carriers for transmitting the gas during that month between the fieldgate and the point of sale divided by the volume of gas, expressed in thousands of cubic metres, delivered by the carrier or carriers at the point of sale; and

(ii) where the seller of the gas does not deal at arm's length with a carrier or carriers of the gas between the fieldgate and the point of sale or where, in the opinion of the minister, the transmission charges payable to a carrier or carriers for transmitting the gas during that month between the fieldgate and the point of sale are not reasonable charges for the transmission of that gas, the cost of service factor is an amount established from time to time by order of the minister as the cost of service factor for that month respecting the costs of transmission of that gas;

(c) **"cubic metre"** of gas means the volume of gas contained in one cubic metre of space at a standard pressure of 101.325 kilopascals absolute and at a standard temperature of 15° Celsius;

(d) **"fieldgate"** means:

(i) the point at which gas first enters a gas transmission pipeline that, in the opinion of the minister, is a high pressure gas transmission pipeline; or

(ii) any other point that may be approved by the minister from time to time;

(e) **"gas cost allowance"** means for any month an amount, expressed in dollars per thousand cubic metres, established from time to time by order of the minister as the gas cost allowance for that month respecting the costs of transmission of the gas from the well-head to the fieldgate;

(f) **"GP"** means the average gas price at the fieldgate, expressed in dollars per thousand cubic metres rounded to the nearest dollar, as estimated and set by the minister for a month in accordance with section 43;

(g) **"Kg"** means a factor determined in accordance with the following formulas and rounded to the nearest hundredth:

(i) for new gas:

$$Kg = 19.5 + (26 \times \frac{(GP - 35)}{GP});$$

(ii) for old gas:

$$Kg = 26 + (32.5 \times \frac{(GP - 35)}{GP});$$

(h) **"MGP"** means the monthly gas production, expressed in thousands of cubic metres rounded to the nearest tenth, that is produced from an oil well or gas well for the month;

(i) **"new gas"** means all gas produced on or after January 1, 1994:

(i) that is produced from a gas well:

(A) that first commenced production of gas on or after October 1, 1976;

(B) that was never part of a unit that existed as of September 30, 1976; and

(C) whose wellbore was never part of another gas well that first commenced production of gas on or before September 30, 1976;

(ii) that is produced from a gas well whose wellbore was part of another gas well that first commenced production of gas on or before September 30, 1976, and whose wellbore was:

(A) abandoned in accordance with the provisions of *The Oil and Gas Conservation Act* and the regulations made pursuant to that Act, and re-entered on or after October 1, 1976; or

(B) deepened on or after October 1, 1976 to include the zone from which the gas well is producing; or

(iii) that is otherwise approved by the minister from time to time as new gas for the purposes of these regulations;

(j) **"old gas"** means all gas that is produced from a gas well and that is not new gas;

(k) **"Xg"** means a factor determined in accordance with the following formula and rounded to the nearest whole number:

$$Xg = Kg \times 57.69.$$

Minister to set GP

43(1) No earlier than the 15th day in a month, the minister shall estimate and set the GP for that month after consideration of the following:

(a) prices specified in gas sales contracts applicable to Saskatchewan gas delivered to purchasers during the month;

(b) gas transportation charges;

(c) the historical trend of the percentage of Saskatchewan gas volumes contracted for sale during a month that is actually delivered for sale during the month;

(d) any event or other information that, in the opinion of the minister, may affect the level of Saskatchewan gas prices.

(2) The GP estimated and set by the minister shall not be less than $35 per thousand cubic metres.

Notice of GP

44 The department shall make the GP for the month available to each operator and special operator.

Calculation of gas royalties

45 The royalty excepted and reserved and the payments to be made respecting old gas or new gas that is produced from or allocated to any Crown lands on or after January 1, 1994 is to be determined for each oil well, subject to subsection 47(2), or gas well, for each month, by:

(a) calculating the appropriate Crown royalty rate, expressed as a percentage, respecting each category of gas produced from the well for the month, which, subject to Part VI, is to be the greater of nil or the rate determined in accordance with the following table:

Monthly Gas Production in Thousands of Cubic Metres	Crown Royalty Rate expressed as a percentage of Total Monthly Production
0 - 115.4	(MGP x Cg) - SRC
Over 115.4	$(Kg - \frac{Xg}{MGP}) - SRC$;

(b) determining the Crown royalty share of each category of gas produced from the well for the month by applying the appropriate Crown royalty rate for the well for the month respecting each category, as calculated pursuant to clause (a), to the total monthly production of each category produced from the well for the month;

(c) determining each royalty payer's share of the Crown royalty share, as determined pursuant to clause (b), of each category of gas produced from the well for the month by applying the royalty payer's proportionate share of each category to the Crown royalty share of each category; and

(d) calculating the payment required to be made by each royalty payer for the month respecting each category of gas produced from the well for the month by applying the royalty payer's well-head value as determined pursuant to section 46 to the royalty payer's share of the Crown royalty share as determined pursuant to clause (c).

Well-head value of gas

46(1) For the purposes of these regulations, the well-head value of gas means an amount equal to:

(a) the price received by a royalty payer pursuant to an arm's-length agreement for the sale of the gas, expressed in dollars per thousand cubic metres, at the point of sale, in circumstances where the point of sale is upstream of the fieldgate, less any portion of the gas cost allowance that may be allowed by the minister;

(b) the price received by a royalty payer pursuant to an arm's-length agreement for the sale of the gas, expressed in dollars per thousand cubic metres, at the point of sale, less the applicable gas cost allowance, in circumstances where the point of sale is at the fieldgate;

(c) the price received by a royalty payer pursuant to an arm's-length agreement for the sale of the gas, expressed in dollars per thousand cubic metres, at the point of sale, less the sum of the applicable cost of service factor and the applicable gas cost allowance, in circumstances where the point of sale is downstream of the fieldgate; or

(d) a value that is approved by the minister in circumstances where there is no agreement for the sale of the gas or where the minister is satisfied that no arm's-length agreement has occurred.

(2) Where the minister is satisfied that the amount determined pursuant to subsection (1) respecting any gas does not fairly reflect the value of the gas at the well-head, the minister may, from time to time, suspend the operation of subsection (1) respecting that gas and make a determination of the fair value of the gas that, in the minister's opinion, more accurately reflects the value of the gas at the well-head, and the fair value so determined will be the well-head value of the gas for the purposes of clause 45(d).

Gas not subject to royalties

47(1) Subject to subsection (2), no royalties shall be calculated or paid respecting any gas unless the gas is produced from a gas well.

(2) All gas produced from an oil well is to be classified as new gas for the purposes of calculating and paying royalties pursuant to this Part where the minister has:

(a) issued an order pursuant to section 17 of *The Oil and Gas Conservation Act* for oil and gas to be produced concurrently from the oil well; or

(b) approved the gas produced from the oil well as new gas pursuant to subclause 42(i)(iii) under any other special circumstances.

PART VI
Gas Royalty Incentive

Interpretation

48 In this Part:

(a) **"gas well location"** means a location for which a well licence application:

(i) has been approved by the minister and has not subsequently been cancelled;

(ii) indicates gas as the well objective; and

(iii) has not yet resulted in a wellbore being cased for the purposes of production or abandoned;

(b) **"qualifying exploratory gas well"** means a gas well with a finished drilling date on or after January 1, 1994:

(i) that has gas listed as the well objective on the well licence;

(ii) whose wellbore has never been utilized for any purpose since December 31, 1983;

(iii) that, at the time the well is licensed, is located in a drainage unit that has not contained a gas well that produced gas from the same zone; and

(iv) that first produces gas from the zone noted as the expected producing zone or formation on the well licence and:

(A) at the time the well is licensed, is located more than 4.8 kilometres, measured from centre of drainage unit to centre of drainage unit, from the nearest gas well or gas well location; or

(B) produces gas from a zone within an older geological system than the oldest geological system in which:

(I) any other gas well that is located 4.8 kilometres or less, measured from centre of drainage unit to centre of drainage unit, from the gas well at the time the well is licensed, is cased through or into;

(II) any other gas well that is located 4.8 kilometres or less, measured from centre of drainage unit to centre of drainage unit, from the gas well at the time the well is licensed, is open-hole-completed into; or

(III) any other gas well location that is located 4.8 kilometres or less, measured from centre of drainage unit to centre of drainage unit, from the gas well at the time the well is licensed, is licensed through or to;

or a gas well with a finished drilling date on or after January 1, 1994 that is approved by the minister as a qualifying exploratory gas well.

Exploratory gas royalty incentives

49 For the purposes of determining the appropriate Crown royalty share pursuant to clause 45(b), the appropriate Crown royalty rate is the lesser of the new gas Crown royalty rate calculated pursuant to clause 45(a) and a rate equal to 5% minus the SRC for the first 25 million cubic metres of new gas produced from a qualifying exploratory gas well.

Reduction of volume incentive amounts

50 The minister may reduce the volume of gas for the purposes of section 49 for a gas well where:

(a) the royalty payer has requested that the minister approve the gas well as a qualifying exploratory gas well, pursuant to clause 48(b); or

(b) gas has been produced from more than one zone through the same wellbore.

Evaluation of gas well after licensing

51 Where the department has received the new well report form or where the office of the department responsible for administering this section has received a letter from a royalty payer, in either case indicating that gas:

(a) has first been produced or is expected to be first produced through a wellbore that was licensed with gas as the well objective and was never utilized for any other purpose, and has been or is expected to be first produced from a zone other than that noted as the expected producing zone or formation on the well licence application, the resulting gas well must be evaluated to determine if it qualifies as a qualifying exploratory gas well as if the zone from which the well is producing or is expected to produce had been noted on the well licence application as the expected producing zone; or

(b) has first been produced or is expected to be first produced through a wellbore that was licensed with a well objective other than gas and was never utilized for any other purpose, the resulting gas well must be evaluated to determine if it qualifies as a qualifying exploratory gas well as if the well had been licensed at the time the department received the new well report form or letter, and the evaluation must be based on the revised information respecting both the expected producing zone and the well objective.

Re-evaluation of gas well location

52 A gas well must be re-evaluated to determine if it qualifies as a qualifying exploratory gas well as if the gas well locations that affected its qualification had not existed at the time the particular well was licensed where, before the gas well is spudded, the minister is notified by a royalty payer that each gas well location that affected that gas well's qualification pursuant to clause 48(b) has either:

(a) had its licence cancelled;

(b) been drilled and subsequently abandoned;

(c) been drilled and completed as something other than a gas well; or

(d) been drilled and not cased into the geological system in which the expected producing zone or formation is situated.

PART VII
General

Previously estimated and set HOP and NOP

53 Pursuant to section 13, for each month from January, 1994 to the month these regulations come into force inclusive, the HOP and NOP amounts set by the minister pursuant to "The Petroleum and Natural Gas Regulations, 1969", being Saskatchewan Regulations 8/69 are the HOP and NOP amounts set by the minister pursuant to these regulations except that in the case when the HOP or NOP is less than $100 per cubic metre, the HOP or NOP for third tier oil is $100 per cubic metre.

Previously estimated and set GP

54 Pursuant to section 43, for each month from January, 1994 to the month these regulations are put in force inclusive, the GP amount set by the minister pursuant to "The Petroleum and Natural Gas Regulations, 1969", being Saskatchewan Regulations 8/69 is the GP amount set by the minister pursuant to these regulations.

PART VIII
Coming into Force

Coming into force

55 These regulations come into force on the day on which they are filed with the Registrar of Regulations, but are retroactive and are deemed to have been in force on and from January 1, 1994.

CHAPTER Q-1 REG 6

The Queen's Bench Act

Section 54.5

Order in Council 779/94, dated November 23, 1994

(Filed November 24, 1994)

Title

1 These regulations may be cited as *The Queen's Bench (Civil Mediation) Regulations*.

Interpretation

2 For the purposes of section 54.2 of *The Queen's Bench Act*, **"close of pleadings"** means:

(a) for a cause or matter commenced by statement of claim, when a statement of defence is filed or, where a counterclaim, cross-claim or third party claim is filed, when a defence to counterclaim, defence to cross-claim or third party defence is filed;

(b) for a cause or matter commenced by petition, when that document is filed; and

(c) for a cause or matter commenced by notice of motion or originating notice, the return date of the notice if a final order is not granted on that return date;

but does not mean that a party to the cause or matter is precluded from filing a notice requesting that the action be transferred to another judicial centre pursuant to subsection 53(2) of *The Queen's Bench Act*.

Judicial centres

3 Section 54.2 of *The Queen's Bench Act* applies at the following judicial centres:

(a) Regina;

(b) Swift Current.

Exemptions

4 The following categories of causes and matters are exempt from the application of section 54.2 of *The Queen's Bench Act*:

(a) an action pursuant to Part II of *The Saskatchewan Farm Security Act*;

(b) an appeal to the court from a decision or order of The Traffic Safety Court of Saskatchewan, the Provincial Court of Saskatchewan, or any board, commission, tribunal or other body or person authorized by statute or regulation to make a decision or order;

(c) an application for judicial review of a decision or order made by a court, board, commission, tribunal or other body or person, whether made pursuant to Part 52 of the Rules of Court or otherwise;

(d) a cause or matter commenced by a document other than a statement of claim, notice of motion, originating motion or petition;

(e) an action pursuant to *The Land Contracts (Actions) Act*;

(f) an application for interlocutory relief;

(g) a cause or matter pursuant to the *Bankruptcy and Insolvency Act* (Canada);

(h) an action or application to enforce an order or judgment of the court or an order or judgment filed in the court for enforcement.

Court-ordered waiver or postponement

5(1) On application by any party to a cause or matter, the court may:

(a) exempt the parties to that cause or matter from the requirement to attend a mediation session; or

(b) postpone the requirement until a later step in the cause or matter on any terms that the court considers appropriate.

(2) The application must be accompanied by an acknowledgement in Form C of the Appendix signed by the party requesting the exemption or postponement.

Forms

6(1) Form A of the Appendix is prescribed as the form for the certificate of non-attendance.

(2) Form B of the Appendix is prescribed as the form for the certificate of completion.

(3) Form C of the Appendix is prescribed as the form for the acknowledgement.

Coming into force

7(1) Subject to subsection (2) these regulations come into force on the day that section 54.2 of *The Queen's Bench Act*, as being enacted by section 2 of *The Queen's Bench (Mediation) Amendment Act, 1994*, comes into force.

(2) If section 54.2 of *The Queen's Bench Act*, as being enacted by section 2 of *The Queen's Bench (Mediation) Amendment Act, 1994*, comes into force before these regulations are filed with the Registrar of Regulations, these regulations come into force on the day they are filed with the Registrar of Regulations.

Appendix

FORM A
[*Subsection 7(1)*]

Certificate of Non-attendance

_____ , a party to this action:

☐ has attended the mediation session in compliance with section 54.2 of *The Queen's Bench Act*.

☐ has been exempted from the requirement to attend the mediation session in compliance with section 54.2 of *The Queen's Bench Act*.

_____ , a party to this action has not attended or been exempted from the requirement to attend the mediation session in compliance with section 54.2 of *The Queen's Bench Act*.

The following attempts were made to provide an opportunity for that party to attend the mediation session:

_____

_____

_____

_____

_____
Mediation Services

FORM B
[*Subsection 7(2)*]

Certificate of Completion

_____ , a party to this action:

☐ has attended the mediation session in compliance with section 54.2 of *The Queen's Bench Act*.

☐ has been exempted from the requirement to attend the mediation session in compliance with section 54.2 of *The Queen's Bench Act*.

_____ , a party to this action:

☐ has attended the mediation session in compliance with section 54.2 of *The Queen's Bench Act*.

☐ has been exempted from the requirement to attend the mediation session in compliance with section 54.2 of *The Queen's Bench Act*.

_____
Mediation Services

FORM C
[*Subsection 7(3)*]

Acknowledgement

I, _____ , a party to this action, request that an order be made:

☐ exempting me from the requirement that I attend the mediation session in compliance with section 54.2 of *The Queen's Bench Act*.

☐ postponing the requirement that I attend the mediation session in compliance with section 54.2 of *The Queen's Bench Act*.

I understand that the mediation session is available to me free of charge.

I am of the opinion that:

☐ I should be exempted from the requirement to attend.

☐ I should not be required to attend until a later date.

_____
Signature of Party

CHAPTER V-6.02 REG 1

The Victims of Domestic Violence Act

Section 16

Order in Council 778/94, dated November 23, 1994

(Filed November 24, 1994)

Title

1 These regulations may be cited as *The Victims of Domestic Violence Regulations*.

Interpretation

2 In these regulations:

(a) **"Act"** means *The Victims of Domestic Violence Act*;

(b) **"designated person"** means a member of a category of persons designated in section 3;

(c) **"justice"** means a designated justice of the peace;

(d) **"peace officer"** means:

(i) a member of the Royal Canadian Mounted Police;

(ii) a member of a police service, as defined in *The Police Act, 1990*;

(iii) an employee of the Royal Canadian Mounted Police or a police service, as defined in *The Police Act, 1990*, who is employed in the area of telecommunications;

(e) **"telecommunication"** means any transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any nature by a wire, radio, visual or electromagnetic system and includes communication by telephone.

Designated persons

3 The following categories of persons are designated for the purposes of clause 8(1)(b) of the Act:

(a) program co-ordinators of victims assistance programs that receive funding from the victims' fund established pursuant to *The Victims of Crime Act*;

(b) community case workers funded under tripartite aboriginal policing agreements;

(c) employees of the following who are officers pursuant to section 57 of *The Child and Family Services Act*:

(i) The Prince Albert Mobile Crisis Unit Co-operative Ltd.;

(ii) Saskatoon Crisis Intervention Service, Inc.;

(iii) Mobile Crisis Services, Inc.;

(d) peace officers.

Application for an emergency intervention order

4(1) An application for an emergency intervention order must be made in person by:

(a) a victim; or

(b) a person on behalf of the victim with leave of the justice.

(2) An application for an emergency intervention order by a designated person may be made in person or by telecommunication.

(3) An order based on a telecommunication application has the same effect as an order based on an application made in person.

Hearing of the application

5(1) Where the justice is satisfied that the person making the application for an emergency intervention order is permitted to make the application pursuant to subsection 8(1) of the Act, the justice shall hear and consider:

(a) the allegation of the applicant; and

(b) the evidence of witnesses.

(2) Where the justice determines that an emergency intervention order should be made, the justice shall make that order in accordance with these regulations and section 3 of the Act.

Conduct of the hearing of an application

6 At the hearing of an application for an emergency intervention order, a justice may do any of the following as long as the hearing is concluded within 24 hours of the application being made:

(a) adjourn the hearing from time to time;

(b) where the taking of evidence by telecommunication becomes unsatisfactory, adjourn the hearing to a time and place where the justice can hear the evidence in person;

(c) change the place of the hearing to accommodate any person giving evidence;

(d) conduct the hearing in any manner that the justice considers appropriate and that is not inconsistent with the Act or these regulations.

Record to be made of evidence

7(1) At the hearing of an application for an emergency intervention order, a justice shall:

(a) take the evidence under oath or pursuant to a promise to tell the truth in accordance with section 42 of *The Saskatchewan Evidence Act*; and

(b) ensure that a record of the evidence of each person is made:

(i) in legible writing in the form of notes of the justice; or

(ii) in legible writing in the form of a statement of the person giving the evidence.

(2) For the purposes of subsection (1):

(a) an oath may be administered by telecommunication; and

(b) an inquiry pursuant to section 42 of *The Saskatchewan Evidence Act* and a promise to tell the truth pursuant to that section may be made by telecommunication.

Evidence to be taken in writing

8(1) Where a person gives evidence at a hearing for an emergency intervention order, the justice shall:

(a) have that person read the record containing that person's evidence or have the evidence read back to the person who gave it; and

(b) sign and date the record containing that person's evidence.

(2) Where the evidence of more than one person is taken in writing, the justice may sign at the end of each person's evidence or at the end of all of the evidence.

Inability of the justice to continue

9 Where a justice begins to hear an application for an emergency intervention order and is unable to continue the hearing for any reason, another justice may:

(a) continue hearing the application where the evidence recorded by the previous justice pursuant to section 7 is available for review by the justice; or

(b) begin hearing the application as if no evidence had been taken where the evidence recorded pursuant to section 7 is not available for review by the justice.

Form of the order

10(1) Form A of the Appendix is prescribed as the form of the emergency intervention order.

(2) The order consists of four parts:

(a) Part 1 is the original completed by a justice;

(b) Part 2 is the copy to be served on the respondent;

(c) Part 3 is the copy to be provided to the victim; and

(d) Part 4 is the copy to be used by a peace officer for proof of service after Part 2 of the order has been served on the respondent.

Completion of the order

11 Where a justice decides that an emergency intervention order should be made, the justice shall:

(a) complete Part 1 of the order; and

(b) either:

(i) complete Parts 2 to 4 of the order; or

(ii) direct a peace officer to complete Parts 2 to 4 of the order with the same information and provisions that are contained in Part 1 of the order completed by the justice.

Service of the order

12(1) The justice shall direct a peace officer to personally serve Part 2 of the emergency intervention order on the respondent as soon as is reasonably possible.

(2) The justice shall arrange for Part 3 of the order to be provided to the victim.

(3) Except where a peace officer completes Parts 2 to 4 of the order pursuant to subclause 11(b)(ii), a justice shall provide a peace officer with Parts 2 and 4, and Part 3 if necessary, by:

(a) forwarding those Parts to a peace officer personally, by courier delivery or by ordinary mail;

(b) transmitting those Parts to a peace officer by telecommunication that produces a written record; or

(c) directing a peace officer to complete those Parts with the same information and provisions that are contained in Part 1 of the order completed by the justice.

(4) An order completed by a peace officer pursuant to this section or section 11 has the same effect as the order completed by the justice.

Substitutional service of an order

13(1) Where it is impractical for any reason for a peace officer to personally serve a respondent with an emergency intervention order, a peace officer may apply to a justice, in person or by telecommunication, for an order that authorizes substitutional service of the emergency intervention order.

(2) An application for substitutional service is to be supported by evidence setting out why personal service is impractical and proposing a method of service that is likely to bring notice of the order to the respondent.

(3) In making an order that authorizes substitutional service of an emergency intervention order, the justice shall direct, on any terms that the justice considers appropriate, any of the following methods of substitutional service that the justice is satisfied is likely to bring notice of the order to the respondent:

(a) serving a member of the respondent's family or another person who is able to bring the order to the respondent's attention;

(b) serving a person with whom the respondent is residing or leaving the order at the place where the respondent is residing;

(c) posting the order in a public place;

(d) publishing the order in a newspaper;

(e) any other method the justice considers appropriate.

(4) The justice shall forward the order for substitutional service and his or her notes of the evidence supporting the order to the court at the judicial centre mentioned in section 16.

(5) Service of an emergency intervention order in accordance with the terms of the order for substitutional service is deemed to be personal service on the respondent.

Service of an order that has been varied

14 Where an emergency intervention order is varied or terminated pursuant to subsection 5(9) of the Act, unless the victim or respondent is present in court, the order is to be served:

(a) on the victim personally and on the respondent personally by a peace officer; or

(b) if it is impractical for any reason to serve either or both of the parties personally, in any other manner ordered by the court.

Copy of order sufficient notice

15 A respondent is bound by the provisions in an emergency intervention order as soon as he or she receives a copy of the order, whether or not it was personally served by a peace officer.

Where material to be forwarded

16 Where a justice makes an emergency intervention order, the material mentioned in subsection 5(1) of the Act is to be forwarded by the justice to the local registrar of the court at the judicial centre nearest to where the victim resides:

(a) by personal delivery;

(b) by ordinary mail;

(c) by courier delivery; or

(d) by telecommunication that produces a written record.

Service of victim's assistance order

17 For the purposes of section 4 of the Act, notice of a victim's assistance order or an order made pursuant to subsection 6(1) of the Act may be given to the respondent:

(a) in any manner permitted by the Queen's Bench Rules of Court; or

(b) by oral notice by the judge if the respondent is present in the court.

Proof of service

18(1) Service of a document may be proved:

(a) by the oral testimony or affidavit of the person who served it; or

(b) in the case of the service of an emergency intervention order, by filing a copy of Part 4 of the order with the certificate of service completed by the peace officer serving the order.

(2) A peace officer who serves an emergency intervention order on a respondent shall:

(a) retain Part 4 of the order with the completed certificate of service; and

(b) forward a copy of Part 4 of the order with the completed certificate of service to the court at the judicial centre designated by the justice as soon as is practicable after service:

(i) by personal delivery;

(ii) by ordinary mail;

(iii) by courier delivery; or

(iv) by telecommunication that produces a written record.

Summons

19(1) A summons issued pursuant to subsection 5(5) of the Act for a rehearing is to be in Form B of the Appendix and is to:

(a) be directed to the respondent;

(b) require the respondent to attend court at a time and place stated in the summons; and

(c) be served on the respondent personally by a peace officer.

(2) Where the original order that the rehearing is based on was served pursuant to an order for substitutional service made pursuant to section 13, the summons may be served pursuant to that same order for substitutional service, unless the judge who directs the rehearing orders otherwise.

(3) Where the original order that the rehearing is based on was not served pursuant to an order for substitutional service and a peace officer is unable to personally serve the respondent before the return date of the summons, the judge may make any order regarding service that the judge considers appropriate.

(4) Service of a summons in accordance with the terms of an order mentioned in subsection (2) or pursuant to any directions given by a judge pursuant to subsection (3) is deemed to be personal service on the respondent.

Application for warrant permitting entry

20(1) For the purposes of section 11 of the Act, peace officers are designated as a category of persons who may apply for a warrant.

(2) The person applying for a warrant shall indicate in the application:

(a) the number of times in the previous six months that an application has been made for a warrant regarding that cohabitant at those premises; and

(b) if the application was withdrawn or if no warrant was granted, the date that each application was made and the justice to whom each application was made.

Coming into force

21 These regulations come into force on the day on which *The Victims of Domestic Violence Act* comes into force.

Appendix

FORM A

[*Section 3 of The Victims of Domestic Violence Act*]

Emergency Intervention Order

RE: _____
(*Name of Victim*)

AND

_____
(*Name of Respondent*)

_____
(*Address*)

TO THE RESPONDENT:
You are subject to this EMERGENCY INTERVENTION ORDER. This ORDER was made by a designated justice of the peace pursuant to *The Victims of Domestic Violence Act*.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this order is an offence under the *Criminal Code* with punishment, on conviction, of up to two years imprisonment.

You have the right to apply to the Court of Queen's Bench at _____ to either set aside or change this ORDER.

YOU SHOULD IMMEDIATELY CONTACT A LAWYER for advice as to what your rights are and as to what you are required to do respecting the attached ORDER.

PROVISIONS:
Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 3 of *The Victims of Domestic Violence Act*.

I order that:

☐ 1. The victim is granted exclusive occupation of the following residence: _____
_____

☐ 2. A peace officer remove the respondent from the following residence: _____
_____

☐ 3. The respondent may not communicate with or contact the victim and/or any of the following persons: _____
_____

☐ 4. The respondent may communicate with and/or contact the victim or any of the following persons, but only on the following terms: _____
_____

☐ 5. A peace officer accompany the person designated below to the residence within the time designated below to supervise the removal of personal belongings: _____
_____

☐ 6. _____
_____
_____
_____
_____

This ORDER remains in force until: _____
(*month*) (*day*) (*year*)

Dated at _____, Saskatchewan on _____ _____, 19 _____, _____ *a.m.* *p.m.*
(*month*) (*day*) (*time*)

_____ _____
(*Signature of Justice of the Peace*) (*Justice of the Peace Number*)

Confirmed by The Honourable M _____ Justice _____

_____ _____
(*date*) *Local Registrar*
Court of Queen's Bench, Family Law Division

PART 1 – Original (Court Copy)

FORM A

[*Section 3 of The Victims of Domestic Violence Act*]

Emergency Intervention Order

RE: _____

(*Name of Victim*)

AND

_____

(*Name of Respondent*)

_____

(*Address*)

TO THE RESPONDENT:

You are subject to this EMERGENCY INTERVENTION ORDER. This ORDER was made by a designated justice of the peace pursuant to *The Victims of Domestic Violence Act*.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this order is an offence under the *Criminal Code* with punishment, on conviction, of up to two years imprisonment.

You have the right to apply to the Court of Queen's Bench at _____ to either set aside or change this ORDER.

YOU SHOULD IMMEDIATELY CONTACT A LAWYER for advice as to what your rights are and as to what you are required to do respecting the attached ORDER.

PROVISIONS:

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 3 of *The Victims of Domestic Violence Act*.

I order that:

☐ 1. The victim is granted exclusive occupation of the following residence: _____

_____

☐ 2. A peace officer remove the respondent from the following residence: _____

_____

☐ 3. The respondent may not communicate with or contact the victim and/or any of the following persons: _____

_____

☐ 4. The respondent may communicate with and/or contact the victim or any of the following persons, but only on the following terms: _____

_____

☐ 5. A peace officer accompany the person designated below to the residence within the time designated below to supervise the removal of personal belongings: _____

_____

☐ 6. _____

_____

_____

_____

_____

This ORDER remains in force until: _____

(*month*) (*day*) (*year*)

Dated at _____, Saskatchewan on _____ _____, 19 _____, _____ *a.m.* *p.m.*

(*month*) (*day*) (*time*)

_____ _____

(*Signature of Justice of the Peace or Peace Officer*) (*Justice of the Peace Number*)

PART 2 – Respondent's Copy

FORM A

[*Section 3 of The Victims of Domestic Violence Act*]

Emergency Intervention Order

RE: _____

(*Name of Victim*)

AND

_____

(*Name of Respondent*)

_____

(*Address*)

TO THE RESPONDENT:

You are subject to this EMERGENCY INTERVENTION ORDER. This ORDER was made by a designated justice of the peace pursuant to *The Victims of Domestic Violence Act*.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this order is an offence under the *Criminal Code* with punishment, on conviction, of up to two years imprisonment.

You have the right to apply to the Court of Queen's Bench at _____ to either set aside or change this ORDER.

YOU SHOULD IMMEDIATELY CONTACT A LAWYER for advice as to what your rights are and as to what you are required to do respecting the attached ORDER.

PROVISIONS:

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 3 of *The Victims of Domestic Violence Act*.

I order that:

☐ 1. The victim is granted exclusive occupation of the following residence: _____

_____

☐ 2. A peace officer remove the respondent from the following residence: _____

_____

☐ 3. The respondent may not communicate with or contact the victim and/or any of the following persons: _____

_____

☐ 4. The respondent may communicate with and/or contact the victim or any of the following persons, but only on the following terms: _____

_____

☐ 5. A peace officer accompany the person designated below to the residence within the time designated below to supervise the removal of personal belongings: _____

_____

☐ 6. _____

_____

_____

_____

_____

This ORDER remains in force until: _____

(*month*) (*day*) (*year*)

Dated at _____, Saskatchewan on _____ _____, 19 _____, _____ *a.m.* / *p.m.*

(*month*) (*day*) (*time*)

_____ _____

(*Signature of Justice of the Peace or Peace Officer*) (*Justice of the Peace Number*)

PART 3 – Victim's Copy

FORM A

[*Section 3 of The Victims of Domestic Violence Act*]

Emergency Intervention Order

RE: _____

(*Name of Victim*)

AND

_____

(*Name of Respondent*)

_____

(*Address*)

TO THE RESPONDENT:

You are subject to this EMERGENCY INTERVENTION ORDER. This ORDER was made by a designated justice of the peace pursuant to *The Victims of Domestic Violence Act*.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this order is an offence under the *Criminal Code* with punishment, on conviction, of up to two years imprisonment.

You have the right to apply to the Court of Queen's Bench at _____ to either set aside or change this ORDER.

YOU SHOULD IMMEDIATELY CONTACT A LAWYER for advice as to what your rights are and as to what you are required to do respecting the attached ORDER.

PROVISIONS:

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 3 of *The Victims of Domestic Violence Act*.

I order that:

☐ 1. The victim is granted exclusive occupation of the following residence: _____

_____

☐ 2. A peace officer remove the respondent from the following residence: _____

_____

☐ 3. The respondent may not communicate with or contact the victim and/or any of the following persons: _____

_____

☐ 4. The respondent may communicate with and/or contact the victim or any of the following persons, but only on the following terms: _____

_____

☐ 5. A peace officer accompany the person designated below to the residence within the time designated below to supervise the removal of personal belongings: _____

_____

☐ 6. _____

_____

_____

_____

_____

This ORDER remains in force until: _____

(*month*) (*day*) (*year*)

Dated at _____, Saskatchewan on _____ _____, 19 _____, _____ *a.m.* / *p.m.*

(*month*) (*day*) (*time*)

_____ _____

(*Signature of Justice of the Peace or Peace Officer*) (*Justice of the Peace Number*)

PART 4 – Peace Officer's Copy (Certificate of Service on reverse)

CERTIFICATE OF SERVICE

I,_____ ,certify that o n the _____ day of _____ 19 _____ , I served the respondent, _____ at _____ with a copy of the emergency intervention order (reverse side).

OR

I served the emergency intervention order (reverse side) in accordance with the order for substitutional service as follows:

_____

_____

_____

_____

_____

_____

_____

_____

Dated at _____ , Saskatchewan on_____ _____ , 19 _____.
(*month*) (*day*)

_____
(*Peace Officer*)

FORM B

[*Section 16 of The Victims of Domestic Violence Act*]

Summons

You are subject to the attached EMERGENCY INTERVENTION ORDER. The ORDER was made by a designated justice of the peace on _____ _____ , 19 _____ .
(*month*) (*day*)

The Court of Queen's Bench has ordered a rehearing to determine whether or not the ORDER should be confirmed.

You must appear before a judge of the Court of Queen's Bench at: _____

_____
(*State judicial centre and address*)

Your court appearance is scheduled for _____ at _____
(*date*) (*time*)

This court appearance will give you the opportunity to explain why you think that the attached ORDER should not be confirmed.

Dated at _____, Saskatchewan on _____ _____, 19 _____.
(*month*) (*day*)

_____
(*Local Registrar*)

The court may confirm the EMERGENCY INTERVENTION ORDER if you do not attend this rehearing.

The EMERGENCY INTERVENTION ORDER continues in force unless the court changes it at the rehearing.

IT IS AN OFFENCE UNDER THE *CRIMINAL CODE* TO DISOBEY THIS ORDER.

REGINA, SASKATCHEWAN
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1994