

PART II

REVISED REGULATIONS OF SASKATCHEWAN

CHAPTER A-18.01 REG 3

The Alcohol and Gaming Regulation Act

Sections 54.1 and 179

Order in Council 41/95, dated January 18, 1995

(Filed January 18, 1995)

PRELIMINARY

Title

1 These regulations may be cited as *The Alcohol Control Regulations, 1994*.

Interpretation

2 In these regulations:

- (a) “**Act**” means *The Alcohol and Gaming Regulation Act*;
- (b) “**capacity**” means the maximum number of persons who are permitted to be present at any one time in a particular premises or area;
- (c) “**cooler**” means a beverage prepared by a manufacturer, sold in closed containers and having not more than 7% alcohol by volume, consisting of:
 - (i) a combination of fruit juices, flavouring preparations, sweetening agents or other food additives; and
 - (ii) beer, wine or spirits;
- (d) “**spirits**” means a beverage manufactured by a process of distillation and having more than 10% alcohol by volume.

Permits

3 The following classes of permits are established:

- (a) restaurant permits;
- (b) tavern permits;
- (c) special use permits;
- (d) manufacturer permits;
- (e) special occasion permits.

Sale of beverage alcohol

4(1) The holder of a permit may sell beverage alcohol in the premises or area with respect to which the permit was issued subject to the Act, these regulations and any terms and conditions imposed on the permittee by the authority.

(2) The holder of a permit that has been endorsed by the authority may sell beverage alcohol in accordance with the endorsement subject to the Act, these regulations and any terms and conditions imposed on the permittee by the authority respecting the sale of beverage alcohol pursuant to the endorsement.

(3) Subject to the Act, these regulations and any terms and conditions imposed on the permittee by the authority, the holder of a special occasion permit, where authorized by the permit, may serve beverage alcohol without charge at the special occasion.

RESTAURANT PERMITS

Restaurant permits

5 The authority may issue a restaurant permit respecting any premises where the primary source of business and of revenue is the provision of food.

Restaurant permit endorsement

6 The authority may endorse a restaurant permit of a permittee to authorize the permittee to deliver beverage alcohol to guests in the guest rooms of a hotel or motel:

- (a) where the permittee provides food service to the guest rooms during the hours beverage alcohol is served in the restaurant of the permittee;
- (b) where the permitted premises are located in or adjacent to the hotel or motel;
- (c) where the permittee sells and delivers to guests in the hotel or motel only those types of beverage alcohol that the permittee is authorized to sell in the permitted premises; and
- (d) where the operator of the hotel or motel is a person other than the permittee and has consented in writing to the sale and delivery of beverage alcohol in the hotel or motel.

Endorsement permitting sale from locked compartments

7(1) The authority may endorse a restaurant permit of a permittee who operates a restaurant that is located in or adjacent to a hotel or motel to authorize the permittee to sell beverage alcohol from locked compartments in guest rooms of the hotel or motel.

(2) A permittee whose permit has been endorsed to authorize the sale of beverage alcohol from locked compartments shall ensure that:

- (a) the beverage alcohol is stored in the locked compartments;
- (b) the keys that open the compartments are provided only to registered guests of the hotel or motel who are not minors; and
- (c) non-alcoholic beverages and foodstuffs are stored with the beverage alcohol in the locked compartments.

(3) The permittee shall sell from the locked compartments only those types of beverage alcohol that the permittee is authorized to sell in the permitted premises.

Endorsement permitting sale from lounge, etc.

8(1) Subject to subsection (2), the authority may endorse a restaurant permit of a permittee to authorize the permittee to sell beverage alcohol for consumption by persons in a lounge or banquet room adjacent and suitably connected to the permitted premises.

(2) The authority shall not endorse a permit pursuant to subsection (1) respecting a lounge unless:

(a) the lounge is suitable for the purpose and its floor area does not exceed 50% of the floor area of the permitted premises; and

(b) the capacity of the lounge does not exceed 50% of the capacity of the permitted premises or 100 persons, whichever is less.

(3) For the purposes of subsection (1), guest rooms in a hotel or motel to which beverage alcohol may be delivered for sale and consumption pursuant to an endorsement mentioned in section 6 are not to be considered part of any lounge.

(4) A permittee whose permit is endorsed pursuant to subsection (1) shall ensure that:

(a) food service is available in the lounge or banquet room; and

(b) only those types of beverage alcohol that the permittee is authorized to sell in the permitted premises are sold in the adjoining lounge or banquet room.

Endorsement permitting sale at other locations

9(1) The authority may endorse a restaurant permit of a permittee to authorize the permittee to deliver and sell beverage alcohol for consumption at locations for which a special occasion permit has been issued.

(2) The holder of a permit that has been endorsed pursuant to subsection (1) may only deliver and sell beverage alcohol at those locations where the authority has approved the agreement to deliver and sell beverage alcohol.

Restaurant permit requirements

10(1) The holder of a restaurant permit shall serve beverage alcohol to a customer only in the permittee's permitted premises as part of a meal served to the customer at a table in the permitted premises.

(2) The holder of a restaurant permit shall ensure that the food to beverage alcohol sales value ratio in the premises with respect to which the permit was issued is at least one dollar of food sales for each dollar of beverage alcohol sales.

(3) Subsection (2) does not apply to any lounge or banquet room with respect to which the permit is endorsed pursuant to section 8 or any patio area with respect to which the permit is endorsed pursuant to section 28.

Nightclub endorsement

11(1) Subject to the approval by resolution of the council of a municipality where the restaurant is situated, the authority may endorse a restaurant permit of a permittee with a nightclub endorsement to authorize the permittee to operate the permitted premises as a nightclub.

(2) A permittee who, prior to the coming into force of these regulations, held a valid Class "A" licence with an entertainment endorsement does not require municipal approval for a nightclub endorsement on a restaurant permit issued after the coming into force of these regulations.

(3) When the authority endorses a permit pursuant to subsection (1), the authority shall prescribe the days and times that the permitted premises may be operated as a nightclub.

(4) During the days and times that an endorsement pursuant to subsection (1) authorizes the permittee to operate the permitted premises as a nightclub:

- (a) the permittee shall operate the premises as a nightclub subject to the Act, these regulations and the terms and conditions established by the authority;
- (b) the provisions of the Act and these regulations that affect or apply to permittees operating nightclubs apply to the permittee and the permitted premises during the times the permittee is operating the permitted premises as a nightclub;
- (c) subsection 10(2) does not apply to the permittee; and
- (d) the permittee shall ensure that:
 - (i) entertainment is offered in the premises; and
 - (ii) no more than the lesser of the capacity or 500 persons are permitted to be present at any one time.

TAVERN PERMITS

Tavern permits

12 The authority may issue a tavern permit respecting any premises where the primary business is the sale of beverage alcohol for consumption on the premises, and the premises:

- (a) are situated in a hotel or motel;
- (b) consist of a brew pub where the applicant for the permit is a manufacturer who holds a manufacturer permit and whose beverage alcohol products are sold only by the manufacturer;
- (c) consist of a nightclub where:
 - (i) entertainment is offered in the premises;
 - (ii) the capacity of the premises does not exceed 500 persons; and
 - (iii) the operations of the nightclub have been approved by a resolution of the council of the municipality where the nightclub is situated;
- (d) are:
 - (i) situated in an urban municipality, within the meaning of *The Urban Municipality Act, 1984*, that has a population of less than 5,000 and in which there are no other premises with respect to which a tavern permit is held; and
 - (ii) constructed or reconstructed on or near the site of a hotel or motel that was destroyed or damaged from any cause and with respect to which a permit or liquor licence had been issued; or
- (e) are premises with respect to which a valid beverage room licence issued pursuant to *The Liquor Licensing Act* existed on January 1, 1989.

Endorsement permitting sale from locked compartments

13(1) The authority may endorse a tavern permit of a permittee who operates a tavern that is located in or adjacent to a hotel or motel to authorize the permittee to sell beverage alcohol from locked compartments in guest rooms of the hotel or motel.

(2) A permittee whose permit has been endorsed to authorize the sale of beverage alcohol from locked compartments shall ensure that:

- (a) the beverage alcohol is stored in the locked compartments;
- (b) the keys that open the compartments are provided only to registered guests of the hotel or motel who are not minors; and
- (c) non-alcoholic beverages and foodstuffs are stored with the beverage alcohol in the locked compartments.

(3) The permittee shall sell from the locked compartments only those types of beverage alcohol that the permittee is authorized to sell in the permitted premises.

Endorsement permitting sale at other locations

14 The authority may endorse a tavern permit of a permittee to authorize the permittee to deliver and sell beverage alcohol for consumption at locations other than the permitted premises of the permittee:

- (a) pursuant to an agreement, approved by the authority, with the holder of a special occasion permit; and
- (b) in the premises or area with respect to which the special occasion permit was issued.

SPECIAL USE PERMITS

Special use permits

15 The authority may issue a special use permit respecting:

- (a) any club premises where:
 - (i) the club is a non-profit corporation or a service club;
 - (ii) the club premises are owned or leased by the club;
 - (iii) the club operates the premises; and
 - (iv) the club limits admission to the premises to its members and guests of its members;
- (b) any premises in a facility where the primary purpose of the premises is to provide sport activities and where the owner or operator of the facility limits admission to persons:
 - (i) who have paid a membership fee or service charge for the privilege of engaging in a sport; or
 - (ii) who are spectators of a sport;
- (c) any railway car, limousine, airplane, bus or vessel that is used in the business of providing public transportation;

- (d) any theatre or concert premises;
- (e) any premises in an airport;
- (f) any premises in a university or post-secondary educational institution;
- (g) any military mess;
- (h) a sports stadium where the council of the municipality in which the stadium is situated authorizes the sale of beverage alcohol in the stadium;
- (i) any camp in the Northern Saskatchewan Administration District in which dining and lodging is provided;
- (j) any premises in which exhibitions or fairs are presented;
- (k) any special-care facilities.

MANUFACTURER PERMITS

Manufacturer permits

16(1) The authority may issue a manufacturer permit respecting any premises where the primary business is that of a brewery, a distillery or a winery.

(2) Subject to the laws of the Parliament of Canada, the Act and these regulations, the holder of a manufacturer permit may:

- (a) manufacture beverage alcohol of a kind and at the premises specified on the permit;
- (b) sell and deliver to the authority beverage alcohol manufactured by the permittee;
- (c) in the case of a brewer, sell on behalf of the authority and deliver to a permittee beverage alcohol manufactured by the brewer; and
- (d) export beverage alcohol of a kind and in a quantity specified by the authority.

Importation of beer

17 The authority may authorize a brewer who is the holder of a manufacturer permit to import beer into Saskatchewan if:

- (a) the beer is manufactured by the manufacturer; and
- (b) the requirements of section 3 of the *Importation of Intoxicating Liquors Act* (Canada) are complied with.

Hospitality suite

18 The holder of a manufacturer permit who operates a hospitality suite on or adjacent to the manufacturer's permitted premises:

- (a) may, without charge, offer beverage alcohol products manufactured on the premises to guests in the suite;
- (b) may operate the suite on the days and during the hours that a permittee may lawfully sell beverage alcohol pursuant to subclause 35(1)(a)(ii);
- (c) shall not allow minors in the hospitality suite;

(d) shall not allow more than 125 persons as guests at one time in the hospitality suite.

SPECIAL OCCASION PERMITS

Special occasion permits

19(1) The authority may issue a special occasion permit respecting any premises or area where a special occasion is to be held authorizing the permittee:

- (a) to serve beverage alcohol without charge;
- (b) to serve beverage alcohol at prices sufficient only to recover the purchase price of the beverage alcohol as specified by the authority; or
- (c) to sell beverage alcohol at prices set by the permittee for the special occasion.

(2) The holder of a special occasion permit:

- (a) may store beverage alcohol in the premises or on the area with respect to which the permit was issued;
- (b) shall stop serving or selling beverage alcohol not less than one-half hour prior to the expiration of the permit, or any period specified in the permit, in order to permit persons who have been served beverage alcohol to finish it; and
- (c) shall ensure that:
 - (i) only those kinds and quantities of beverage alcohol that the permittee is authorized to sell or serve at the special occasion are sold or served; and
 - (ii) the number of persons in the premises or on the area with respect to which the permit is issued does not exceed the capacity of the premises or area endorsed on the permit.

(3) No person who holds a special occasion permit shall sell or serve or permit the sale or serving of beverage alcohol except on the day or days and during the hours prescribed by the authority for the sale or service of beverage alcohol pursuant to the permit.

(4) Every special occasion permit expires:

- (a) subject to clause (b), no later than 2:30 a.m. on the day following the day with respect to which the permit was issued; and
- (b) no later than 3:00 a.m. on the next day, in the case of a permit issued for December 31.

(5) No special occasion permit other than one endorsed pursuant to subsection (6) or issued pursuant to subsection (7) is to be in effect for more than eight hours during any 24-hour period.

(6) The authority may endorse a special occasion permit to be in effect for a period not exceeding 19 hours in any 24-hour period.

(7) The authority may issue a special occasion permit for a period not exceeding one year respecting regular meetings of an association or other organization and with respect to which the applicant would be entitled to apply for and receive a separate special occasion permit, where:

- (a) there is no more than one meeting per week during the period that the permit is in effect;
- (b) arrangements satisfactory to the authority have been made to secure any beverage alcohol not consumed:
 - (i) at a meeting; and
 - (ii) that is intended to be served at the next regularly scheduled meeting; and
- (c) no meeting is longer than six hours.

Where special occasion permit not to be issued

20 No special occasion permit shall be issued unless the authority is satisfied that the premises or area with respect to which the permit is sought can accommodate the number of persons stated in the application for the permit.

Special occasion permit re community events

21 The authority may authorize the holder of a special occasion permit to purchase beverage alcohol from the authority, a franchise or a permittee whose permit is endorsed pursuant to clause 29(1)(b) or (c) and to sell or serve without charge the beverage alcohol to individuals who are not minors where:

- (a) the application for the special occasion permit is made not less than 10 days prior to the date of the special occasion or any shorter period that the authority may allow;
- (b) the applicant has made arrangements satisfactory to the authority for compliance with *The Liquor Consumption Tax Act*; and
- (c) in the case of an application respecting an event that the authority considers a community event:
 - (i) the application is submitted to the head office of the authority; and
 - (ii) the applicant submits proof satisfactory to the authority that the council of the municipality in which the event is to be held approves the issuing of a permit.

Restrictions on issuing special occasions permits

22(1) The authority shall not issue a special occasion permit pursuant to clause 19(1)(c) to an individual.

(2) The authority may refuse to issue a special occasion permit pursuant to clause 19(1)(c) to any organization that the authority considers inappropriate.

Minors re special occasion permits

23 No holder of a special occasion permit shall allow any minors in the premises or on the area with respect to which the special occasion permit is issued unless the permit is issued pursuant to clause 19(1)(a) or (b) or:

- (a) the applicant has requested that minors be allowed on the premises;

(b) the authority has authorized minors to be allowed on the premises and that authorization is endorsed on the permit; and

(c) where the permit is issued to an organization or a person other than an individual, the minor is accompanied by his or her parent, legal guardian or spouse, if that spouse is not a minor.

Special occasion permits re outdoor premises

24 No special occasion permit shall be issued respecting any premises or area that is, in whole or in part, located outside of a building unless:

(a) the location of the premises or area is clearly defined and it is capable of being isolated in order to prevent access by the public; and

(b) the council of the municipality in which the premises or area is situated has approved of the application for the permit.

Restriction re special occasion permit

25 Every person who is issued a special occasion permit shall ensure that only the beverage alcohol that has been purchased lawfully from the authority, a franchise or a permittee and that has been properly recorded on the permit is served or sold to persons attending the special occasion.

INTERIM AND PROVISIONAL PERMITS

Permits on an interim basis

26(1) The authority may issue a permit on an interim basis pending:

(a) the completion of alterations to any premises where those alterations are required by the authority;

(b) the applicant's compliance with the provisions of these regulations relating to the type of permit applied for; or

(c) the disposition of the application for the permit applied for.

(2) No permit shall be issued on an interim basis for a period of more than six months.

Permits on a provisional basis

27(1) The authority, after an applicant files plans and specifications showing the location, layout and construction or reconstruction of the proposed permitted premises, may issue a permit on a provisional basis pending the issuance of a permit on a non-provisional basis.

(2) If, in the opinion of the authority, the layout and construction or reconstruction of the premises does not comply with the plans and specifications filed pursuant to subsection (1), the authority, subject to the Act, may suspend or cancel the permit.

(3) A permit issued pursuant to subsection (1) does not authorize the holder to sell beverage alcohol of any type until the authority gives:

(a) final approval of the construction or reconstruction of the premises; and

(b) written authorization to the permittee to sell beverage alcohol.

GENERAL ENDORSEMENTS AND REQUIREMENTS

Endorsement permitting sale from patio

28(1) The authority may endorse the permit of a permittee to authorize the permittee to sell beverage alcohol for consumption in a patio area that, in the opinion of the authority, is adjacent and suitably connected to the permitted premises if:

- (a) in the case of premises for which a tavern permit has been issued, the combined capacity of the permitted premises and the patio area does not exceed 500 persons;
 - (b) in the case of premises for which a special use permit has been issued, the area of the patio area does not exceed the area of the permitted premises; and
 - (c) in the case of premises for which a restaurant permit has been issued:
 - (i) the area of the patio area does not exceed the floor area of the permitted premises or 125 square metres, whichever is less; and
 - (ii) the capacity of the patio area does not exceed the capacity of the permitted premises or 100 persons, whichever is less.
- (2) Where the authority endorses the restaurant permit of a permittee pursuant to subsection (1), the authority may fix the maximum number of persons that the permittee may allow in the patio area.
- (3) Where the authority endorses the permit of a permittee pursuant to subsection (1), the permittee shall ensure that no beverage alcohol is sold to persons in the patio area other than that which the permittee is authorized to sell in the permitted premises.

Endorsements permitting sale of alcohol in containers

29(1) The authority, in its sole discretion, may make endorsements permitting the sale, in closed containers of the type and quantity contained in the endorsement for consumption off the permitted premises, of:

- (a) wine by a permittee who has been issued a restaurant permit, but only to a customer who has just consumed a meal in the permitted premises;
 - (b) beer, wine and coolers by a permittee who has been issued a tavern permit other than a tavern permit issued respecting a nightclub;
 - (c) beverage alcohol products manufactured by the permittee in the permitted premises and any beer, wine or coolers by a permittee who has been issued a tavern permit respecting a brew pub; or
 - (d) beverage alcohol by a permittee who has been issued a special use permit respecting a camp described in clause 15(i).
- (2) Where the authority receives an application for an endorsement pursuant to subsection (1), the authority, in addition to any relevant considerations submitted by the applicant, shall consider the suitability of the location, operation and management of the permitted premises of the applicant and the type of business that the endorsement authorizes.

(3) Except for endorsements made pursuant to clause (1)(a), the maximum number of endorsements that the authority may make pursuant to subsection (1) for each urban and northern municipality of a specified population is set out in Table 1 of Appendix A.

(4) The authority shall not make an endorsement pursuant to subsection (1) to a permitted premises in Saskatoon or Regina that is within 1.6 kilometres of a permitted premises that has an endorsement pursuant to subsection (1) except:

(a) in the case where a new hotel applies for an endorsement pursuant to subsection (1) and the authority considers it appropriate to make the endorsement; and

(b) in the case where the permittee of permitted premises applying for the endorsement pursuant to subsection (1) had an existing Class "B" licence with an off-sale endorsement on the day prior to the coming into force of section 1 of *The Alcohol and Gaming Regulation Amendment Act, 1994*.

(5) Subsection (4) does not apply to endorsements made pursuant to clause (1)(a).

Food and non-alcoholic beverages to be made available

30 Every holder of a permit other than a manufacturer permit shall maintain at the location of the special occasion or in the permitted premises and in any lounge, patio or banquet room of the permitted premises with respect to which an endorsement has been made, a supply of food and non-alcoholic beverages for sale or provision to customers for consumption in the premises.

Minors in permitted premises

31(1) Subject to subsection (2), the authority may endorse any permit or class of permits to allow minors to be present in the permitted premises.

(2) Minors may be present in any premises with respect to which a restaurant permit is held except:

(a) any lounge that is the subject of an endorsement to the permit pursuant to section 8; or

(b) during the times that the premises are being operated as a nightclub pursuant to section 11.

Presence of persons in permitted premises

32(1) Subject to subsections (2) and (3), persons may be present between the hours of 3:00 a.m. and 9:30 a.m. of the same day in any permitted premises other than:

(a) premises situated in a hotel or motel;

(b) a brew pub;

(c) a nightclub;

(d) premises described in clause 12(d); or

(e) premises described in clause 12(e).

(2) Persons may be present between the hours of 3:30 a.m. and 9:30 a.m. on January 1 in any permitted premises, other than:

(a) premises situated in a hotel or motel;

- (b) a brew pub;
 - (c) a nightclub;
 - (d) premises described in clause 12(d); or
 - (e) premises described in clause 12(e).
- (3) Persons may be present in any permitted premises situated in a hotel or motel or premises described in clause 12(d):
- (a) between the hours of 5:00 a.m. and 9:30 a.m. on any day except Sunday; and
 - (b) between the hours of 5:00 a.m. and 12:00 noon on Sundays.

Limitations

33 The authority, in its sole discretion, may limit or prohibit any type or types or limit the quantities of beverage alcohol that any permittee or class of permittee may sell, deliver or provide pursuant to a permit or permits of any class or pursuant to any endorsement or endorsements of any class.

Duration of permits

34 Every permit, other than a special occasion permit or a permit issued on an interim basis or a provisional basis, expires one year from the date it is issued unless it is issued for less than a year.

HOURS OF OPERATION, ETC.

Days and hours of operation

35(1) Subject to the other provisions of these regulations:

- (a) every permittee may:
 - (i) open the permitted premises of the permittee for the sale of beverage alcohol on every day; and
 - (ii) sell beverage alcohol in the permitted premises between:
 - (A) 9:30 a.m. and 2:00 a.m. of the following day on any day except Sunday;
 - (B) 12:00 noon and 2:00 a.m. of the following day on Sundays; and
 - (C) 9:30 a.m. and 2:30 a.m. on the following day on December 31; and
 - (b) a permittee who opens the permitted premises for the sale of beverage alcohol on a day shall keep the permitted premises open for the sale of beverage alcohol for at least six consecutive hours during the hours the permittee may lawfully sell beverage alcohol in the permitted premises pursuant to clause (a).
- (2) The holder of a permit issued pursuant to clause 15(a) or (b) shall open the permitted premises for the sale of beverage alcohol in the premises at least five days in each calendar week.

(3) The holder of a tavern permit with an off-sale endorsement shall open the permitted premises for the sale of beverage alcohol between the hours of 11:00 a.m. and 6:00 p.m. on a minimum of six days in each calendar week.

(4) A permittee whose permit is endorsed to authorize the sale of beverage alcohol for consumption off the permitted premises may sell that beverage alcohol for consumption off the permitted premises during:

(a) any hours and on any day that the permittee may lawfully sell beverage alcohol in the permitted premises; and

(b) the period mentioned in section 36.

(5) Notwithstanding any other provision in these regulations, no holder of a tavern permit whose permit is endorsed to authorize the sale of beverage alcohol for consumption off the permitted premises shall sell that beverage alcohol before 12:00 noon on Good Friday, Remembrance Day or Christmas Day.

Cut-off period

36 Every permittee other than the holder of a special occasion permit shall ensure that the permitted premises of the permittee remain open for a period of at least one-half hour but not longer than one hour after the time at which the lawful sale of beverage alcohol has ceased to allow persons who have been served beverage alcohol to finish it.

Special occasion permit hours

37(1) Subject to subsection (2), no special occasion permit shall be issued respecting a period earlier than 9:30 a.m. or later than 2:30 a.m. of the following day unless the permit contains an endorsement of the authority allowing the permittee to serve beverage alcohol outside those hours.

(2) A special occasion permit issued respecting December 31 may expire not later than 3:00 a.m. on the following day.

Opening of permitted premises

38(1) The holder of a tavern permit issued respecting premises situated in a hotel or motel or premises described in clause 12(d) may open those premises between the hours of 5:00 a.m. and 9:30 a.m. on any day except Sunday and between the hours of 5:00 a.m. and 12:00 noon on Sundays.

(2) The holder of a restaurant permit, other than a permit endorsed pursuant to section 11, may open the premises with respect to which the permit was issued between the hours of 3:00 a.m. and 9:30 a.m. on any day except Sunday and between the hours of 3:00 a.m. and 12:00 noon on Sundays.

(3) Nothing in subsections (1) and (2) authorizes the permittees mentioned in those subsections to sell, serve or permit the consumption of beverage alcohol in or from the permitted premises of the permittees during the hours mentioned in those subsections.

SPECIAL PROVISIONS

Medical use permit restrictions

39(1) No permittee who has been issued a medical use permit pursuant to section 80 of the Act shall have more than 1.14 litres of beverage alcohol on the premises used in the practice of his or her profession.

(2) Every permittee described in subsection (1) shall ensure that the container used to hold the beverage alcohol mentioned in that subsection is clearly labelled “for medical purposes only”.

Medical use permits re pharmacists

40(1) Notwithstanding subsection 39(1), a pharmacist holding a valid medical use permit issued pursuant to section 80 of the Act may have up to 40 litres of beverage alcohol on the premises used in the practice of his or her profession.

(2) Every permittee described in subsection (1) shall ensure that any container used to hold the beverage alcohol mentioned in that subsection is clearly labelled “for medical purposes only”.

Non-consumptive use permits

41 Every permittee who has been issued a non-consumptive use permit pursuant to section 86 of the Act shall ensure that any container used to hold the beverage alcohol in his or her possession is clearly labelled “not for human consumption - for industrial purposes only”.

Beverage alcohol re educational purposes

42 Every governing authority of an educational institution that purchases beverage alcohol from the authority pursuant to section 87 of the Act shall ensure that any container used to hold that alcohol while it is in the institution’s possession is clearly labelled “not for human consumption - for educational purposes only”.

Beverage alcohol re sacramental purposes

43(1) No permittee who has been issued a permit pursuant to section 89 of the Act shall sell, ship or deliver wine except pursuant to a written order from a person lawfully entitled to purchase that wine.

(2) Every permittee who has been issued a permit pursuant to section 89 of the Act and who sells or delivers wine to any person shall maintain a record of:

- (a) the quantities of wine sold and delivered; and
- (b) the persons to whom wine was sold and delivered.

MISCELLANEOUS PROVISIONS

Applications and supporting documentation

44(1) In this section:

- (a) “**outlet**” means any place or area with respect to which an application for a permit is made;
- (b) “**premises**” means the premises in which a proposed outlet is to be located.

- (2) Every applicant for a permit, other than a special occasion permit, shall:
- (a) provide documentation indicating, to the satisfaction of the authority, the applicant's right to possession of the premises; and
 - (b) include, where required by the authority, the following particulars with the application:
 - (i) layout plans of the outlet in quadruplicate and to scale clearly showing the floor plan and physical arrangements for:
 - (A) washrooms;
 - (B) storage;
 - (C) preparation and serving of foodstuffs and beverage alcohol; and
 - (D) any other particulars of the premises and the chattels in or used in connection with the premises that the authority may require;
 - (ii) in the case of an applicant other than an individual and where required by the authority, the names of all:
 - (A) partners of a partnership;
 - (B) shareholders of a corporation; or
 - (C) members of a co-operative or non-profit corporation.

Application fees

- 45(1)** Every applicant for a permit set out in section 3, other than a special occasion permit, shall pay an application fee of \$200.
- (2) Subject to subsection (3), every applicant for a permit shall pay the applicable fee for the permit set out in Table 2 or 3 of Appendix A.
- (3) Every applicant for a permit pursuant to section 80, 86, 87, 89 or 90 of the Act shall pay the applicable fee for the permit set out in Table 4 of Appendix A.
- (4) Every applicant for an endorsement to a permit shall pay the applicable fee for the endorsement set out in Table 5 of Appendix A.
- (5) Where the authority cancels a permit issued pursuant to these regulations or a licence issued prior to the coming into force of these regulations, it may, in its discretion, refund any prorated amount it considers appropriate.

Sale of beer manufactured outside Saskatchewan

- 46** Where the authority has purchased beer that has been manufactured in Canada but outside Saskatchewan by a brewer who is a permittee, the authority may authorize the brewer to sell and deliver the beer on behalf of the authority to any permittee:
- (a) specified by the authority; and
 - (b) subject to the terms and conditions imposed by the authority.

Samples of beverage alcohol

47 The authority may permit a person to provide samples of beverage alcohol to persons other than minors where:

- (a) each individual sample does not exceed one-quarter ounce of beverage alcohol;
- (b) samples are provided by:
 - (i) employees of the authority; or
 - (ii) representatives of manufacturers under the supervision of an employee of the authority;
- (c) tasting of samples takes place in a store; and
- (d) no charge is made for the samples provided.

Tasting of beverage alcohol re franchises

48 No person who has been granted a franchise pursuant to section 105 of the Act shall permit the tasting of beverage alcohol kept for sale or sold by the franchisee without the written consent of the authority.

How beverage alcohol is to be served

49(1) Every permittee who is issued a permit shall ensure that:

- (a) each drink containing spirits sold or served by the permittee contains no less than one ounce of spirits in the same form in which it was purchased from the authority;
- (b) at the request of a customer, a drink served by the permittee is served with a separate vessel for each of the following:
 - (i) beverage alcohol;
 - (ii) mix;
 - (iii) ice;
- (c) all beverage alcohol dispensed by the permittee is dispensed from the original container in which it was purchased from the authority; and
- (d) all spirits contained in a drink served by the permittee are measured by means of:
 - (i) a glass of a type approved by the authority and clearly marked with a line at the level at which the amount of spirits to be contained in the drink will be measured; or
 - (ii) a mechanical or electronic measuring device approved by the authority.

(2) Coolers may be sold by full bottles.

Importation limits

50 For the purposes of clause 108(2)(e) of the Act, the maximum quantity of beverage alcohol purchased or acquired in any part of Canada other than Saskatchewan that a person may bring into Saskatchewan is, in the case of:

- (a) spirits, 1.14 litres;

- (b) wine, 1.14 litres; and
- (c) either beer, coolers or any combination of beer and coolers, nine litres.

Debit card or credit card may be used

51 For the purposes of subsections 178(2) and (3) of the Act, acceptance of payment by use of a debit card or credit card is prescribed as a form of payment.

Applicability of building and accessibility standards

52 The capacity of permitted premises is to be calculated by the authority having regard to the standards adopted pursuant to section 3 of *The Uniform Building and Accessibility Standards Regulations* as those regulations existed on the coming into force of this section.

Authority may act as agent

53 For the purposes of subsection 138(1) of the Act, the authority may canvass for, reserve, take or solicit orders for and act or hold itself out as agent or intermediary for the sale or purchase of beverage alcohol.

Prohibited entertainment

54(1) It is a term and condition of every permit that no permittee shall permit or allow in the permitted premises:

- (a) any nude activity or entertainment; or
- (b) any activity or entertainment that consists of a striptease performance or wet clothing contest.

(2) Section 142 of the Act does not apply to any permittee who contravenes subsection (1).

Forms

55 Form A in Appendix B is the form of notice to be published by the authority where, pursuant to section 30 of the Act, it has received an application for a permit.

Restocking fees

56 A restocking fee may be assessed by the authority pursuant to subsection 53(2) of the Act in a sum equal to 10% of the current listing price of any products returned to the authority.

TRANSITIONAL, REPEAL AND COMING INTO FORCE

Transitional

57 The holder of a Class "A", Class "B" or Class "C" licence issued prior to the coming into force of section 1 of *The Alcohol and Gaming Regulation Amendment Act, 1994* shall continue to enjoy the same powers and privileges, and shall be subject to the same duties and responsibilities, respecting the sale and delivery of beverage alcohol and the conduct of the licensed premises as the holder enjoyed and was subject to prior to the coming into force of that Act.

R.R.S. c.A-18.01 Reg 1 repealed

58 *The Alcohol Control Regulations* are repealed.

Coming into force

59 These regulations come into force on the day on which section 1 of *The Alcohol and Gaming Regulation Amendment Act, 1994* is proclaimed in force.

Appendix A

TABLE 1
[Subsection 29(3)]

Off-sale Endorsements

| POPULATION OF URBAN OR NORTHERN MUNICIPALITY | MAXIMUM NUMBER OF ENDORSEMENTS |
|---|---|
| 1 - 2,500 | 1 |
| 2,501 - 5,000 | 2 |
| 5,001 - 10,000 | 3 |
| 10,001 - 20,000 | 4 |
| 20,001 - 30,000 | 6 |
| 30,001 - 40,000 | 7 |
| 40,001 - 80,000 | 8 |
| 80,001 - 100,000 | 10 |
| 100,001 plus | 1 per 12,000 population |

TABLE 2
[Subsection 45(2)]

General Permit Fees

| ITEM | TYPE OF PERMIT | CITY | TOWN | VILLAGE | HAMLET |
|-------------|------------------------------|-------------|-------------|----------------|---------------|
| 1 | Restaurant | \$250 | \$175 | \$125 | \$ 75 |
| 2 | Tavern, other than Nightclub | 200 | 150 | 100 | 50 |
| 3 | Tavern, Nightclub | 600 | 250 | 250 | 250 |
| 4 | Special Use | 200 | 150 | 100 | 50 |
| 5 | Manufacturer | 500 | 500 | 500 | 500 |
| 6 | Interim/Provisional | 100 | 100 | 100 | 100 |

TABLE 3
[Subsection 45(2)]

Special Occasion Permit Fees

| ITEM | TYPE OF PERMIT | FEE |
|-------------|-------------------------------|------------|
| 1 | Special occasion | |
| | – sale of beverage alcohol | \$ 50 |
| | – sale for cost recovery only | 25 |
| 2 | Special occasion | |
| | – non-sale | 15 |
| | – community event | |
| | – first three days | 150 |
| | – each following day | 50 |

| | | |
|---|--|-----|
| 3 | Special occasion – for an extended period pursuant to subsection 19(6) | 15 |
| 4 | Special occasion – for an extended period respecting meetings pursuant to subsection 19(7) | |
| | – sale | 100 |
| | – non-sale | 50 |

TABLE 4
[Subsection 45(3)]

Miscellaneous Permit Fees

| ITEM | TYPE OF PERMIT | FEE |
|------|---|------|
| 1 | Permit to pharmacist, physician, dentist or veterinarian | \$ 5 |
| 2 | Permit to a person engaged in a mechanical, or manufacturing business or in a scientific pursuit | 5 |
| 3 | Permit to an educational institution for bartending or mixology courses | 5 |
| 4 | Permit to a person engaged in the business of selling church supplies | 10 |
| 5 | Competition permit – homemade wine or beer | 10 |

TABLE 5
[Subsection 45(4)]

Endorsement Fees

| ITEM | TYPE OF ENDORSEMENT | CITY | TOWN | VILLAGE | HAMLET |
|------|---|-------|-------|---------|--------|
| 1 | Sale of beverage alcohol in adjacent area | \$350 | \$250 | \$175 | \$100 |
| 2 | Sale and delivery of beverage alcohol pursuant to agreement with holder of special occasion permit | 250 | 100 | 100 | 100 |
| 3 | Sale of beverage alcohol for consumption off permitted premises | 100 | 75 | 50 | 25 |
| 4 | Nightclub endorsement to restaurant permit | 100 | 75 | 50 | 25 |
| 5 | Sale of wine for consumption off restaurant premises | 50 | 25 | 10 | 10 |

Appendix B

FORM A
[Section 55]

Form of Notice for Publication

You are advised that the undersigned has applied to the Liquor and Gaming Authority for a permit to sell beverage alcohol in premises known as _____ of which the following is a correct legal description:

Here describe accurately the location of the premises giving lot, block and plan number, also street name

Dated at _____, Saskatchewan, this _____ day of _____, 199 ____.

(Signature of Applicant)

CHAPTER A-20.2 REG 8

The Animal Products Act

Sections 15 and 18

Order in Council 19/95, dated January 12, 1995

(Filed January 13, 1995)

Title

1 These regulations may be cited as *The Dairy Producers Regulations, 1995*.

Interpretation

2 In these regulations:

- (a) “**Act**” means *The Animal Products Act*;
- (b) “**3-A sanitary standards**” means the standards of fabrication and design for dairy equipment published by the International Association of Milk, Food and Environmental Sanitarians, as amended from time to time;
- (c) “**blend price**” means the average monthly price paid to producers for milk pooled and sold pursuant to *The Milk Control Regulations*;
- (d) “**cream**” means that portion of milk, containing at least 18% milk fat, that rises to the surface of milk on standing or that is separated from it by centrifugal force;
- (e) “**dairy barn**” means a building or structure used to house dairy cattle;

- (f) **“dairy farm”** means any place or premises where one or more lactating females of the bovine species are kept and from which a part or all of the milk produced is sold, offered for sale or delivered for human consumption, and includes all buildings, yards and premises occupied or used in connection with the production of milk;
- (g) **“dairy plant”** means a place where any dairy product is pasteurized, standardized, dehydrated or otherwise processed, and, without restricting the generality of the foregoing, includes a cheese factory, a creamery, a cream receiving station and an ice cream plant;
- (h) **“dairy producer”** means a person who supplies milk to a dairy plant;
- (i) **“dairy product”** has the same meaning as in “The Dairy Manufacturing Plant Regulations”, being Saskatchewan Regulations 53/79;
- (j) **“department”** means the department over which the minister presides;
- (k) **“farm bulk milk tank”** means:
- (i) a stationary farm storage tank maintained in a milk house and used for cooling and storing milk on the premises of a dairy producer; and
 - (ii) fixtures and equipment used in connection with the storage tank;
- (l) **“group I pool”** means the amount of daily milk quota for which a dairy producer receives a blend price;
- (m) **“group I pool price”** means a monthly milk price per hundred kilograms for the group I pool established by the Milk Control Board with respect to all registered dairy producers;
- (n) **“inhibitor”** means any antibiotic, medicine or chemical preparation that can be detected in milk using standard methods;
- (o) **“licence”** means a licence issued pursuant to these regulations;
- (p) **“licensee”** means a dairy producer licensed pursuant to these regulations;
- (q) **“milk”** means the natural lacteal secretion obtained from one or more lactating females of the bovine species, and includes cream, skim milk and any other portion of milk;
- (r) **“milk house”** means a building, or a separate space in a building, that contains a milk room, and includes any of the following if present:
- (i) a vestibule;
 - (ii) a washroom;
 - (iii) an equipment room;
- (s) **“milk room”** means the area or room in a milk house for:
- (i) keeping a farm bulk milk tank;
 - (ii) storing milking equipment, utensils and cleaning supplies;
 - (iii) washing and sanitizing milking equipment, utensils and the farm bulk milk tank;

(t) “**milking parlour**” means a room where lactating females of the bovine species are milked;

(u) “**official sample**” means a homogeneous sample of at least 100 millilitres of milk transferred aseptically to a sterile sample container by any person authorized or approved by the minister from any milk supply, and maintained at a temperature between 1° and 4° Celsius for submission to a laboratory approved by the minister for testing in accordance with standard methods;

(v) “**standard methods**” means the most recently published “Standard Methods for the Examination of Dairy Products” approved by the American Public Health Association, the “Official Methods of Analysis of the Association of Official Analytical Chemists”, or any method approved by the International Dairy Federation or the National Liaison Group on Milk Product Quality.

Minister may delegate

3(1) The minister may delegate all or any part of the powers or duties conferred on the minister by these regulations to any officer or employee of the department.

(2) The exercise of any power or the fulfilment of any duty by a person designated pursuant to subsection (1) is deemed to be an exercise of the power or a fulfilment of the duty by the minister.

Prohibition

4(1) No person shall supply milk to a dairy plant in Saskatchewan unless that person holds a licence as a dairy producer issued pursuant to these regulations.

(2) Notwithstanding subsection (1), a person who supplies only cream to a dairy plant is not required to be licensed pursuant to these regulations.

Application

5(1) A person who desires to be licensed pursuant to these regulations as a dairy producer shall apply to the minister for a licence in the form issued by the department and shall supply any additional information that the minister may require.

(2) Where an application has been submitted in compliance with these regulations, the minister may issue a licence to any dairy producer who produces milk that meets the milk quality standards set out in section 16 and who meets all other requirements respecting dairy facilities, equipment and health and sanitation.

Conditions respecting licensing of dairy producers

6(1) Licences are to be in the form issued by the department and signed by the minister.

(2) No licence is transferable.

(3) Every licence, unless previously cancelled, expires on December 31 of the year for which it is issued.

(4) Every licensee shall comply with *The Business Corporations Act*, *The Business Names Registration Act*, these regulations and any other Acts or regulations of Saskatchewan.

(5) The minister may refuse an application for a licence or the renewal of an existing licence where a dairy producer has failed to comply with any enactment mentioned in subsection (4).

Licensing fees

7 No fee is to be charged for the issue of a licence.

Licences to be displayed

8 Every licensee shall ensure that his or her licence is displayed at all times in a conspicuous place in the milk house.

Suspension or cancellation of licences

9(1) Where, in the opinion of the minister, a licensee has failed to comply with any provision of the Act or of these regulations, the minister may, after giving the licensee an opportunity to be heard, suspend the licence.

(2) Notwithstanding subsection (1), the minister may suspend a licence without giving the licensee an opportunity to be heard where the minister is of the opinion that to do so is necessary in the public interest for reasons of public health.

(3) Where a licence has been suspended pursuant to subsection (1) or (2):

(a) notice of suspension in writing is to be given by prepaid registered mail to the licensee; and

(b) in the case of a suspension pursuant to subsection (2), the licensee is to be given an opportunity to be heard within 15 days of receiving the notice of suspension.

(4) A licensee is deemed to have received the notice given pursuant to subsection (3) on the fifth day after the day of mailing.

(5) On receiving a notice of suspension pursuant to subsection (3), the licensee shall immediately surrender the licence to the minister.

(6) The minister may reinstate a suspended licence if the licensee, within 30 days of receiving the notice of his or her suspension, furnishes evidence to the satisfaction of the minister that he or she can comply with the provisions of the Act or regulations on account of which the licence was suspended.

(7) Where a licence has been reinstated pursuant to subsection (6), notice in writing is to be given to the licensee that his or her licence has been removed from suspension, together with the reinstatement of the licence.

(8) Where the evidence mentioned in subsection (6) has not been received within the 30 days mentioned in that subsection, the minister may cancel the licence.

(9) Where a licence has been cancelled pursuant to subsection (8), notice of the cancellation is to be given to the licensee by prepaid registered mail.

(10) A licensee is deemed to have received the notice given pursuant to subsection (9) on the fifth day after the day of mailing.

Dairy facilities and equipment requirements

10(1) A dairy producer who wishes to design, construct or renovate a dairy barn or milk house shall first obtain the written approval of the minister.

(2) The minister may require a dairy producer mentioned in subsection (1) to provide the minister with any information that the minister needs in order to decide whether to grant the approval.

(3) The design, construction or renovation must meet the standards prescribed in the most recent edition of:

- (a) the Canadian Farm Building Code issued by the Associate Committee on the National Building Code, National Research Council of Canada;
- (b) the National Dairy Premises Guidelines published by the National Liaison Group on Milk Product Quality; and
- (c) the Canadian Farm Buildings Handbook published by Agriculture and Agri-Food Canada.

(4) A dairy producer installing any milking equipment shall ensure that the equipment is installed according to the Standards for Milking and Milk Handling Equipment published by the National Liaison Group on Milk Product Quality.

(5) A dairy producer shall ensure that the milking and milk handling equipment meets all applicable 3-A sanitary standards for design, fabrication and installation.

(6) Unless otherwise approved by the minister, a dairy producer shall have not more than one farm bulk milk tank, which must have a capacity sufficient to hold and cool milk from six consecutive milkings at peak production.

(7) A dairy producer shall ensure that:

- (a) the farm bulk milk tank meets all applicable 3-A sanitary standards;
- (b) the farm bulk milk tank is provided with lugs on which to place a spirit levelling device; and
- (c) a farm bulk milk tank manufactured after January 1, 1996 has a recording thermometer or the means for installing a recording thermometer.

(8) A dairy producer shall ensure that:

- (a) the measuring rod or device and the conversion chart are accurate;
- (b) the measuring rod and calibration charts bear the same serial number as the serial number on the farm bulk milk tank; and
- (c) the farm bulk milk tank is level.

Dairy facilities restricted

11 No person shall:

- (a) except with the prior written approval of the minister, permit animals other than those of the bovine species to be stabled in a dairy barn;
- (b) permit animals other than females of the bovine species to enter a milking parlour;
- (c) permit animals of any species to enter a milk house or milk room.

Criteria relating to health and sanitation requirements

12 A dairy producer shall ensure that:

- (a) the dairy farm is clean and sanitary and meets with the approval of the minister;
- (b) the dairy barn is managed in such a way as to keep the fly and insect population at a minimum level;

- (c) the dairy barn is kept clean, and that its walls and ceiling are painted or white-washed at regular intervals;
- (d) the milking parlour is kept clean, the walls and ceiling are painted at regular intervals and the floor is flushed with water after each milking;
- (e) the milk house and milk room are kept painted, clean and tidy;
- (f) the water supply used for all dairy purposes is of adequate quantity and potable quality;
- (g) the equipment used for production and handling of milk is cleaned after each use, sanitized before each milking, stored in a sanitary manner and kept in good condition;
- (h) milking is done under clean and sanitary conditions and that no milking is done other than in a stanchion barn, tie stall barn or milking parlour;
- (i) freshly drawn milk is cooled immediately and maintained at between 1° and 4° Celsius in accordance with 3-A sanitary standards; and
- (j) persons who do the milking or who enter the milk house:
 - (i) are clean;
 - (ii) keep their hands clean while engaged in work;
 - (iii) wear clean and washable outer garments;
 - (iv) refrain from any unsanitary practice that may result in contamination of milk or equipment; and
 - (v) are free of any communicable disease that is transmissible through milk and that the dairy producer could reasonably be expected to be aware of.

Minister to be notified

13 Any dairy producer on whose dairy farm any communicable disease that is transmissible through milk occurs, or who suspects that a dairy worker has contracted a communicable disease of that nature or has become a carrier, shall promptly notify the minister.

Prohibited milk

14 No person shall sell, supply or offer for sale any milk:

- (a) that contains antibiotics, insecticides, herbicides, colouring matter, preservatives, added water or anything foreign to milk, or that is of disagreeable odour or taste;
- (b) that is produced during the period beginning 15 days prior to and ending five days after parturition; or
- (c) that is produced from an animal known to be infected by a disease injurious to human health, including tuberculosis and brucellosis, unless the milk is first pasteurized in a dairy plant.

Co-operation with inspector

15 A dairy producer shall permit an inspector, or any person authorized by the minister, to collect samples of milk, and shall provide all reasonable co-operation to an inspector or authorized person.

Milk quality standards

16 A dairy producer supplying milk to a dairy plant shall ensure that all milk:

- (a) tests negative for inhibitors;
- (b) has a standard plate count not exceeding 50,000 colonies of bacteria per millilitre;
- (c) has a somatic cell count:
 - (i) not exceeding 750,000 cells per millilitre; and
 - (ii) as of January 1, 1996, not exceeding 500,000 cells per millilitre; and
- (d) has a freezing point value higher than -0.508° Celsius.

Failure to comply with 16(a)

17(1) Where the milk of a dairy producer does not meet the standards set out in clause 16(a), an infraction is committed, and the dairy producer is subject to the price differential set out in subsection (2) for the full month in which the infraction occurred, for all the milk supplied in that month.

(2) The price differential shall be:

- (a) 4% below the group I pool price for the first infraction incurred within any 12-month period;
- (b) 6% below the group I pool price for the second infraction incurred within any 12-month period;
- (c) 10% below the group I pool price for the third infraction incurred within any 12-month period; and
- (d) 15% below the group I pool price for the fourth or subsequent infraction incurred within any 12-month period.

Failure to comply with 16(b), (c) or (d)

18(1) Where the milk of a dairy producer does not meet the standards set out in clause 16(b) or (d) in two of any three consecutive tests, an infraction is committed, and the dairy producer is subject to the price differential set out in subsection (3) for the full month in which the infraction occurred, for all the milk supplied in that month.

(2) Where the milk of a dairy producer does not meet the standards set out in clause 16(c) in three of any five consecutive tests, an infraction is committed, and the dairy producer is subject to the price differential set out in subsection (3) for the full month in which the infraction occurred, for all the milk supplied in that month.

(3) The price differential shall be:

- (a) 2% below the group I pool price for the first infraction incurred within any 12-month period;
- (b) 4% below the group I pool price for the second infraction incurred within any 12-month period;
- (c) 8% below the group I pool price for the third infraction incurred within any 12-month period; and

- (d) 10% below the group I pool price for the fourth or subsequent infraction incurred within any 12-month period.

New series of tests

19 When an infraction is committed for standard plate count, somatic cell count or freezing point value as provided for in section 18, the next test for standard plate count, somatic cell count or freezing point value constitutes the commencement of a new consecutive series of tests for that factor for the purposes of that section.

Prohibition

20 In addition to being subject to any applicable price differential for his or her milk, a dairy producer who has supplied milk to a dairy plant that is prohibited pursuant to section 14 or that does not meet the standards set out in section 16, and who is given notice in writing from the minister for the purposes of this section, is prohibited from making further milk shipments until evidence is furnished to the satisfaction of the minister that the milk of the dairy producer is no longer prohibited pursuant to section 14 or that it meets the standards set out in section 16.

Compliance with minister's requirements

21 Where, in the opinion of the minister, a person who is subject to these regulations is in default of any requirement imposed by these regulations, the minister may order the person in default to remedy the default within a specified time, and the person to whom the order is made shall comply with that order.

Repeal and transitional

22(1) "The Dairy Producers Regulations", being Saskatchewan Regulations 52/79, are repealed.

(2) Notwithstanding subsection (1), a licence issued pursuant to "The Dairy Producers Regulations" that is in force immediately before the coming into force of these regulations:

- (a) unless previously cancelled, expires on the date that it would have expired if these regulations had not come into force, but on expiry may only be renewed as provided for in these regulations; and
- (b) for the purposes of these regulations, is deemed to be a licence issued pursuant to these regulations.

Coming into force

23 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

CHAPTER C-41 REG 1

The Cost of Credit Disclosure Act

Section 20

Order in Council 16/95, dated January 12, 1995

(Filed January 13, 1995)

TITLE AND INTERPRETATION

Title

1 These regulations may be cited as *The Cost of Credit Disclosure Regulations, 1995*.

Interpretation

2 In these regulations:

- (a) **“Act”** means *The Cost of Credit Disclosure Act*;
- (b) **“advertisement”** includes a public notice or announcement:
 - (i) in a newspaper, magazine, flyer, handbill or other written form distributed in Saskatchewan;
 - (ii) on a billboard or sign located in Saskatchewan;
 - (iii) broadcast by television or radio in Saskatchewan;
- (c) **“charges”** in subclause 2(1)(c)(i) of the Act includes:
 - (i) the interest;
 - (ii) except with respect to a credit card or charge card, the costs of administration, including any:
 - (A) service charge, transaction charge, activity charge or other similar charge; or
 - (B) annual fee, membership fee, renewal fee or other similar fee;but does not include a charge or an amount with respect to:
 - (iii) fees for insurance where those fees are disclosed separately to the borrower;
 - (iv) official fees; or
 - (v) fees for prepayment of credit, or any instalment, before the due date;
- (d) **“interest”** means, for the purposes of clauses 3(2)(c) and 3.1(2)(c) of the Act, the charges within the meaning of clause 2(c) of these regulations or total sum within the meaning of clause 2(i) of these regulations applied during the period covered by the statement;
- (e) **“payment period”** means:
 - (i) the period between the date the cost of borrowing is first applied and the date the first payment is due and payable; or

- (ii) the period between the date the current payment is due and payable and the date the previous payment was due and payable;
- (f) **“prepayment”** means, for the purposes of section 6 of the Act, a payment that:
 - (i) is made before any payment required by the terms of the agreement is made; and
 - (ii) extinguishes a portion or all of the amount owing to the lender;
- (g) **“principal”** means the sum stated in clause 3(1)(a) or 3.1(1)(a) of the Act or the difference stated in clause 3(1)(c) or 3.1(1)(c) of the Act that remains unpaid or outstanding at any time, including insurance or official fees but not including any portion of the cost of borrowing so long as the payments required by the terms of the agreement are made as they become due;
- (h) **“statement period”** means:
 - (i) the period between the date the cost of borrowing is first applied and the date of the first statement of account, if no statement of account has been previously provided to the borrower; or
 - (ii) the period between the date the current statement of account was provided to the borrower and the date of the previous statement of account;
- (i) **“total sum”** in paragraph 2(1)(c)(ii)(A) of the Act means charges within the meaning of clause 2(c) of these regulations.

CALCULATION OF BORROWING COSTS

Calculation of cost of borrowing

3(1) The cost of borrowing for each payment period is the amount C calculated as follows:

$$C = P \times A \times T$$

where:

P is the outstanding principal during the payment period;

A is the annual rate; and

T is the length of the payment period, expressed as a fraction of a year.

- (2) The annual rate to be used in subsection (1) is:
 - (a) to equal the sum of the percentage rates charged for each payment period on the principal outstanding at the end of each payment period;
 - (b) deemed to have been charged not in advance on the principal amount outstanding from time to time if:
 - (i) the borrower has fulfilled all obligations; and
 - (ii) the payments, including any prepayments, are applied first to the reduction of the accrued cost of borrowing before being applied to the principal amount; and

- (c) to be the actual rate or the actual rate accurate to within one-eighth of one per cent.
- (3) The length of the payment period to be used in subsection (1) is:
 - (a) the number of days in the period divided by 365; or
 - (b) one divided by the number of payment periods per calendar year, where the contract provides for semi-monthly, monthly, quarterly, or semi-annual payment periods and the payment periods are considered to be of equal length even though their length measured in days varies.

Payment in full, calculation of the cost of borrowing

4(1) For the purposes of section 11 of the Act, where a sum remaining to be paid under an agreement for credit that is not a variable interest agreement is paid in full before the term of the agreement expires, the lender is entitled to an amount equal to the sum of:

- (a) the cost of borrowing for the payment periods prior to the period in which payment in full is made, calculated in the manner prescribed in these regulations; and
- (b) the cost of borrowing for the payment period in which payment in full is made in the amount C calculated as follows:

$$C = P \times A \times T$$

where:

P is the outstanding principal paid in full;

A is the annual rate; and

T is the period that has elapsed since the date of the last payment or the date of the extension of credit, expressed as a fraction of a year.

- (2) The rebate that a borrower is entitled to pursuant to section 11 of the Act is the cost of borrowing paid by the borrower less the amount that the lender is entitled to pursuant to subsection (1).
- (3) Notwithstanding subsection (1), for the purposes of a variable interest agreement described in section 6 of the Act and an agreement for credit that is not a variable interest agreement described in section 11 of the Act:
 - (a) except in the case of a credit card or charge card, where a sum remaining to be paid is paid in full within 30 days of an extension of credit, the lender may retain an amount equal to the cost of borrowing for 30 days in addition to an amount not exceeding the lesser of one-half the cost of borrowing for those 30 days or \$20; and
 - (b) where an agreement for credit includes provision for insurance of the life of the borrower and where a sum remaining to be paid is paid in full, any unearned insurance premium is to be credited to the borrower.

DISCLOSURE

Additional requirements

- 5(1) Any amendment or other modification to the original terms of a contract for the extension of credit, whether or not the amendment is made pursuant to an option in the original contract, is considered to be a separate contract.
- (2) A lender shall provide the borrower with a supplementary disclosure statement similar to the statement that is required to be provided pursuant to subsection 3(1), 3.1(1), 4(1) or 5(1) of the Act or clause 11(a) of these regulations for each separate contract mentioned in subsection (1).
- (3) A supplementary disclosure statement does not have to be in any particular form and does not have to repeat any information that is unchanged from the original statement.
- (4) The variation of the original term of a transaction by one or more extensions of payment is not a separate contract within the meaning of subsection (1).

Forms may be used

- 6(1) The statement mentioned in section 8 of the Act that is required to be provided pursuant to subsection 3(1), 3.1(1), 4(1) or 5(1) of the Act may be in Form A, B or C of the Appendix, as the case may require.
- (2) The information that is to be disclosed pursuant to clause 11(a) of these regulations may be in the form set out in Form D of the Appendix.

Fixed credit, fixed interest disclosure

- 7 Where a lender extends fixed credit pursuant to an agreement that is not a variable interest agreement, the lender shall disclose to the borrower in writing:
- (a) before extending the credit, in addition to the requirements of subsection 3(1) of the Act, as much of the following information as is applicable:
 - (i) the components of the cost of borrowing, itemized and expressed in dollars and cents;
 - (ii) the total amount to be paid by the borrower, expressed in dollars and cents;
 - (iii) the length of the term of the extension of credit and the amortization period if it differs from the length of the term;
 - (iv) the number, amounts, and times of payments required to be made with respect to the credit extended, assuming that all obligations are fulfilled as they become due and including any minimum or maximum payment;
 - (v) the terms and conditions for making a prepayment; and
 - (vi) the period for which a statement of account applies or may be requested; and
 - (b) once each year for the period covered by the statement, in addition to the requirements of subsection 3(2) of the Act, the amount and date of each advance of credit, except where the maximum aggregate amount of credit authorized pursuant to an agreement is advanced in one sum.

Fixed credit, variable interest disclosure

8(1) Where a lender extends fixed credit pursuant to a variable interest agreement, the lender shall disclose to the borrower in writing:

(a) before extending the credit, in addition to the requirements of subsection 3.1(1) of the Act, the information set out in clause 7(a) of these regulations; and

(b) at least annually for the period covered by the statement, in addition to the requirements of subsection 3.1(2) of the Act, the information set out in clause 7(b) of these regulations.

(2) For the purposes of subsection 3.1(4) of the Act, within five weeks of the effective date of the change, the lender shall provide the borrower with a clear statement in writing containing the information set out in clauses 3.1(2)(d) and 3.1(3)(b) of the Act.

Variable credit, fixed interest disclosure

9(1) Where a lender extends variable credit pursuant to an agreement that is not a variable interest agreement, before extending the credit the lender shall disclose to the borrower, in writing, in addition to the requirements of subsection 4(1) of the Act, as much of the following information as is applicable:

(a) the information set out in subclauses 7(a)(i) and (iii) to (vi) of these regulations;

(b) the amounts included for insurance or official fees;

(c) the basis on which additional charges are to be made in the event of default;

(d) the maximum aggregate amount of credit available; and

(e) the information set out in subsection 5(1) of the Act.

(2) For the purposes of subsection 4(2) of the Act, where a lender has not previously provided a borrower with written notice of any changes to the repayment terms of the agreement that may have occurred as a result of changes in the cost of borrowing, the statement is to include those changes respecting the number, amounts and times of payments required to be made with respect to the agreement, assuming that all obligations are fulfilled as they become due and including any minimum or maximum payment.

Variable credit, variable interest disclosure

10 Where a lender extends variable credit pursuant to a variable interest agreement, the lender shall disclose to the borrower in writing:

(a) before extending the credit, in addition to the requirements of subsection 4(1) of the Act, the information set out in clauses 9(1)(a) to (d) of these regulations; and

(b) at least every three months for the period covered by the statement, in addition to the requirements of subsection 4(2) of the Act, the information set out in subsection 9(2) of these regulations.

Credit card or charge card disclosure

11 Where a lender extends variable credit by use of a credit card or charge card, the lender shall disclose to the borrower in writing:

- (a) before or at the time of issuing the card, in addition to the requirements of subsection 5(1) of the Act:
 - (i) the information set out in subclauses 7(a)(iv) to (vi) and clauses 9(1)(c) and (d) of these regulations;
 - (ii) the cost of borrowing, expressed as an annual percentage rate; and
 - (iii) the amount, itemized and expressed in dollars and cents, of any of the following, including the manner in which they are to be applied:
 - (A) a service charge, transaction charge, activity charge or other similar charge; or
 - (B) an annual fee, membership fee, renewal fee or other similar fee;
- (b) at least every three months for the period covered by the statement, in addition to the requirements of subsection 4(2) of the Act, the information set out in subclause 7(a)(iv), clause 9(1)(c) and subclause 11(a)(iii) of these regulations; and
- (c) any change or variation of a matter mentioned in clause (a) other than the matter mentioned in clause 9(1)(d), at least 30 days before the change or variation is to take effect.

Additional information

12 A lender may disclose any information, in addition to the information required to be disclosed by the Act or these regulations, if that information does not contradict, obscure or detract from the information required to be disclosed.

EXEMPTIONS

Posting of notice

13(1) For the purposes of subsection 5(3) of the Act, a lender who extends credit at an annual rate that is subject to change by reference to an index that is not directly within the control of the lender but is available to the public is exempt from the requirements of subsection 5(2) of the Act, if the lender:

- (a) has previously disclosed the index and the mathematical relationship between the index and the lender's annual rate; and
 - (b) posts a notice disclosing the change in the annual rate within a reasonable time of the change in a readily accessible and conspicuous place at the lender's business premises.
- (2) Subsection 8(2) of these regulations does not apply where:
- (a) the agreement for fixed credit involves credit given by the advance of money other than by money advanced through a credit card transaction; and

(b) the lender extends credit at an annual rate that is subject to change by reference to an index that is not directly within the control of the lender but is available to the public, if the lender:

(i) has previously disclosed the index and the mathematical relationship between the index and the lender's annual rate; and

(ii) posts a notice disclosing the change in the annual rate within a reasonable time of the change in a readily accessible and conspicuous place at the lender's business premises.

Exemption where information unknown or unavailable

14 A lender or seller is exempt from disclosing any of the information required to be disclosed pursuant to subclause 7(a)(iv) where, at the time of disclosure, that information is unknown or unavailable to the lender or seller and:

(a) the amount of the payments is not fixed;

(b) the times of the payments are not fixed;

(c) an extension of credit is repayable on demand and the amounts or times of the payments are not fixed; or

(d) an extension of credit is repayable on demand and both the amounts and times of the payments are not fixed.

GENERAL

Advertising

15(1) Subject to subsection 12(3) of the Act, a lender may advertise any of the following terms without including any other relevant term of the extension of credit:

(a) a credit plan that is available at the lender's usual rates;

(b) the cost of borrowing expressed as an annual percentage and calculated in the manner prescribed in these regulations;

(c) the maximum and minimum amounts of credit available, expressed in dollars and cents;

(d) the term of the credit available; or

(e) the amount of any down payment, trade-in allowance or any other matter offered by the seller or another person with respect to the cash price to be charged.

(2) Where a lender advertises any term respecting the cost of borrowing other than those terms mentioned in subsection (1), in addition to the requirements of subsection 12(2) of the Act, the advertisement is to include:

(a) the cost of borrowing expressed in dollars and cents; and

(b) the nature of any additional charges not included in the cost of borrowing that are to be paid by the borrower.

- (3) The information to be disclosed must:
- (a) in the case of a print advertisement, be of a size that can be easily read;
 - (b) in the case of a television advertisement:
 - (i) be in print of a size that can be easily read; and
 - (ii) remain on the screen for a sufficient period to enable a viewer to read the information; and
 - (c) in the case of a radio advertisement, be given emphasis in the script equal to that of the annual rate.

Non-application of Act

16(1) Subject to subsection (2), the Act does not apply to:

- (a) life insurance companies making advances to policyholders on the security or against the cash surrender value of a policy in Canada;
 - (b) sellers with respect to the sale or purchase of corporate bonds and debentures;
 - (c) hail insurance companies accepting promissory notes for the premium payable under hail insurance contracts; and
 - (d) sellers or lenders making sales or loans to industrial or commercial enterprises.
- (2) Notwithstanding clause (1)(d), the Act applies to sellers and lenders making sales or loans to farm, ranch or feed lot operators with respect to their farm, ranch or feed lot operations.

REPEAL AND COMING INTO FORCE

Sask. Reg. 356/78 repealed

17 Saskatchewan Regulations 356/78 are repealed.

Coming into force

18 These regulations come into force on the day on which section 1 of *The Cost of Credit Disclosure Amendment Act, 1990* is proclaimed in force.

Appendix

FORM A
[Clause 7(a)]

**Fixed Credit, Fixed Interest, Fixed Term
Statement of Disclosure**

(Date of disclosure of this statement)

(Name of lender-seller)

(Address of lender-seller)

(Name of borrower-buyer(s))

1 Effective date of the credit: _____

2. (a) amount paid to the borrower,
disbursed on the borrower's direction,
or cash price: \$ _____

(b) insurance fees: \$ _____
(Each charge must be itemized.)

(c) official fees: \$ _____

(d) total of (a), (b) and (c): \$ _____

(e) the amount of any down-payment,
trade-in or any other matter to be
credited to the borrower: \$ _____
(Each charge must be itemized.)

(f) total of (d) minus (e): \$ _____

(g) total of (f) and Item 3: \$ _____

3. The cost of borrowing for the term of
the credit will be \$ _____
(Each charge must be itemized.)

4. The annual rate will be _____ %.
(The actual rate, accurate to within one-eighth of one per cent)

5. Term: _____ Amortization period: _____
(If different from the term)

6. The total amount to be repaid in Item 2(g) is to be repaid in the following way: _____

(The number, amount and times of each payment and the amount of any minimum or maximum payment must be given.)

7. Where the amount to be repaid is not repaid at maturity or where a payment is not made when due, the following charge
or penalties may be imposed: _____

(Each charge must be itemized, and the basis on which these charges will be assessed must be given.)

8. The terms and conditions of prepayment before maturity are as follows: _____

9. Statements of account will be provided in the following manner: _____

(Signature of borrower-buyer(s))

(Signature on behalf of the lender-seller)

JANUARY 27, 1995

FORM B
[Clause 8(1)(a)]
**Fixed Credit, Variable Interest, Fixed Term
Statement of Disclosure**

(Date of disclosure of this statement)

(Name of lender-seller)

(Address of lender-seller)

(Name of borrower-buyer(s))

1. Effective date of the credit: _____

2. (a) amount paid to the borrower, disbursed on the borrower's direction, or cash price: \$ _____

(b) insurance fees: \$ _____
(Each charge must be itemized.)

(c) official fees: \$ _____

(d) total of (a), (b) and (c): \$ _____

(e) the amount of any down-payment, trade-in or any other matter to be credited to the borrower: \$ _____
(Each charge must be itemized.)

(f) total of (d) minus (e): \$ _____

(g) total of (f) and Item 3: \$ _____

3. The anticipated cost of borrowing for the term of the credit, based on the initial annual rate will be \$ _____
(Each charge must be itemized.)

4. The initial annual rate will be _____ %.
(The actual rate, accurate to within one-eighth of one per cent, in effect on the transaction date and disclosed in accordance with clauses 3.1(1)(d) and (e) of the Act)

5. Term: _____ Amortization period: _____
(If different from the term)

6. The total amount to be repaid in Item 2(g), assuming there is no change in the annual rate and that all other terms and conditions remain the same, is to be repaid in the following way: _____

(The number, amount and times of each payment and the amount of any minimum or maximum payment must be given.)

7. Where the amount to be repaid is not repaid at maturity or where a payment is not made when due, the following charges or penalties may be imposed: _____

(Each charge must be itemized, and the basis on which these charges will be assessed must be given.)

8. The terms and conditions of prepayment before maturity are as follows: _____

9. Statements of account will be provided in the following manner: _____

Change in the cost of borrowing
The terms of this agreement are subject to changes in the cost of borrowing. The conditions under which the cost of borrowing may vary correspond to an increase or decrease in the annual rate. Other changes in the agreement that may be made as a result of a change in the cost of borrowing are as follows:

(A description of changes to the repayment schedule or any other matter in the agreement that may be made as a result of an increase or decrease in the annual rate)

(Signature of borrower-buyer(s))

(Signature on behalf of the lender-seller)

THE SASKATCHEWAN GAZETTE

FORM C
[Subsection 9(1) and Clause 10(a)]

**Credit Repayable in Amounts or Dates That are Not Fixed
Credit Repayable on Demand
Statement of Disclosure**

(Date of disclosure of this statement)

(Name of lender-seller)

(Address of lender-seller)

(Name of borrower-buyer(s))

1. Effective date of the credit: _____

2. (a) credit limit: \$ _____

(b) insurance fees: \$ _____

(Each charge must be itemized)

(c) official fees: \$ _____

3. The anticipated cost of borrowing
(see appropriate example below)
for the term of the credit will be \$ _____

(Each charge must be itemized)

Example of schedule of cost of borrowing if the annual rate is fixed

| <i>Annual Rate (per cent)</i> | <i>Amount Borrowed</i> | <i>Cost of borrowing over a 12-month period</i> |
|-----------------------------------|------------------------|---|
| 15 | \$1,000 | \$150 |
| 15 | 2,000 | 300 |
| 15 | 3,000 | 450 |

Example of schedule of cost of borrowing if the annual rate is subject to change

| <i>Amount Borrowed</i> | <i>Cost of borrowing over a 12-month period</i> | | |
|------------------------|---|--------------|--------------|
| | <i>at 7%</i> | <i>at 8%</i> | <i>at 9%</i> |
| \$1,000 | \$ 70 | \$ 80 | \$ 90 |
| 2,000 | 140 | 160 | 180 |
| 3,000 | 210 | 240 | 270 |

4. (a) If the rate does not change for the term of the contract, the annual rate will be _____%.
(The actual rate, accurate to within one-eighth of one per cent, and disclosed in accordance with subsection 4(1) of the Act)

(b) If the rate changes from time to time, the initial annual rate will be _____%.
(The actual rate, accurate to within one-eighth of one per cent, in effect on the transaction date and disclosed in accordance with subsection 4(1) of the Act)

5. Term: _____ Amortization period: _____
(If different from the term)

6. The total amount to be repaid, which is the sum of Items 2(a), (b), (c) and Item 3, is to be repaid in the following way:

(The number, amount and times of each payment and the amount of any minimum or maximum payment, or as much of that information as is applicable, must be given.)

7. Where the amount to be repaid is not repaid at maturity or where a payment is not made when due, the following charges or penalties may be imposed: _____

(Each charge must be itemized, and the basis on which these charges will be assessed must be given.)

8. The terms and conditions of prepayment before maturity are as follows: _____

9. Statements of account will be provided in the following manner: _____

Change in the cost of borrowing
The terms of this agreement are subject to changes in the cost of borrowing. The conditions under which the cost of borrowing may vary correspond to an increase or decrease in the annual rate, and/or an increase in the principal amount advanced. Other changes in the agreement that may be made as a result of a change in the cost of borrowing are as follows: _____

(A description of changes to the terms of the agreement that may be made as a result of an increase or decrease in the annual rate, or an increase in the amount of principal advanced, or both)

(Signature of borrower-buyer(s))

(Signature on behalf of the lender-seller)

JANUARY 27, 1995

FORM D
[Clause 11(a)]
**Credit Card or Charge Card
Statement of Disclosure**

(Date of disclosure of this statement)

(Name of lender-seller)

(Address of lender-seller)

(Name of borrower-buyer(s))

1. Effective date of the credit: _____

2. Maximum amount of credit available: \$ _____

3. Non-interest charges

(a) service, transaction or activity charges: \$ _____
(Each charge must be itemized.)

(b) annual, membership or renewal fees: \$ _____
(Each charge must be itemized.)

(c) the charges or fees are to be applied in the following way: _____

4. The annual rate will be _____ %.
(The actual rate, accurate to within one-eighth of one per cent, in effect on the transaction date)

5. The amount to be repaid is to be repaid in the following way: _____

(The amount and time of each payment and the amount of any minimum or maximum payment must be given.)

6. Where the amount to be repaid is not repaid at maturity or where a payment is not made when due, the following charges or penalties may be imposed: _____

(Each charge must be itemized, and the basis on which these charges will be assessed must be given.)

7. The terms and conditions of prepayment before maturity are as follows: _____

8. Statements of account will be provided in the following manner: _____

Change in the cost of borrowing
The terms of this agreement are subject to changes in the cost of borrowing. The conditions under which the cost of borrowing may vary correspond to an increase or decrease in the annual rate, and/or an increase in the principal amount advanced. Other changes in the agreement that may be made as a result of a change in the cost of borrowing are as follows:

(A description of changes to the repayment schedule or any other matter in the agreement that may be made as a result of an increase or decrease in the annual rate, or a cash advance, or both)

(Signature of borrower-buyer(s))

(Signature on behalf of the lender-seller)

SASKATCHEWAN REGULATIONS 1/95

The Reciprocal Enforcement of Maintenance Orders Act, 1983

Section 22

Order in Council 17/95, dated January 12, 1995

(Filed January 13, 1995)

Title

1 These regulations may be cited as *The Reciprocal Enforcement of Maintenance Orders Amendment Regulations, 1995*.

R.R.S. c.R-4.1 Reg 2, section 2 amended

2 Section 2 of *The Reciprocal Enforcement of Maintenance Orders Regulations, 1991* is amended by adding the following clause after clause (i):

“(i.1) Czech Republic”.

Coming into force

3 These regulations come into force on the day which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 2/95

The Revenue and Financial Services Act

Section 85

Order in Council 18/95, dated January 12, 1995

(Filed January 13, 1995)

Title

1 These regulations may be cited as *The Revenue Collection Administration Amendment Regulations, 1995*.

R.R.S. c.R-22.01 Reg 2 amended

2 *The Revenue Collection Administration Regulations* are amended in the manner set forth in these regulations.

Section 14 amended

3 The following subsection is added after subsection 14(4.1):

“(4.11) Notwithstanding subsection (4.1), the minister may pay an allowance to a vendor described in that subsection if the minister has, pursuant to section 58.1 of the Act, waived the interest or penalty otherwise payable by the vendor”.

Section 24.1 amended

4 Section 24.1 is amended:

(a) in subsection (1) by striking out “determined as at the time specified in subsection (2)” **and substituting** “as determined in accordance with subsection 26(2)”;

(b) in clause (2)(b) by striking out “the minister verifies the amount of the overpayment” **and substituting** “the overpayment was made”;

(c) by adding the following subsection after subsection (3):

“(3.1) Notwithstanding subsection (3), where an overpayment is discovered by an audit conducted pursuant to the Act or *The Education and Health Tax Act*, interest is to be calculated from the day on which the overpayment was made”; **and**

(d) in subsection (4) by striking out “(3)” and substituting “(3.1)”.

Section 31.31 amended

5 Section 31.31 is amended:

(a) in subsection (1) by striking out “determined as at the time specified in subsection (2)” and substituting “as determined in accordance with subsection 31.4(2)”;

(b) in clause (2)(b) by striking out “the minister verifies the amount of the overpayment” and substituting “the overpayment was made”;

(c) by adding the following subsection after subsection (3):

“(3.1) Notwithstanding subsection (3), where an overpayment is discovered by an audit conducted pursuant to the Act or *The Fuel Tax Act, 1987*, interest is to be calculated from the day on which the overpayment was made”; **and**

(d) in subsection (4) by striking out “(3)” and substituting “(3.1)”.

Section 46 amended

6 The following subsection is added after subsection 46(5):

“(5.1) Notwithstanding subsection (5), the minister may pay an allowance to a collector described in that subsection if the minister has, pursuant to section 58.1 of the Act, waived the interest or penalty otherwise payable by the collector”.

Section 49.1 amended

7 Section 49.1 is amended:

(a) in subsection (1) by striking out “determined as at the time specified in subsection (2)” and substituting “as determined in accordance with subsection 50(2)”;

(b) in clause (2)(b) by striking out “the minister verifies the amount of the overpayment” and substituting “the overpayment was made”;

(c) by adding the following subsection after subsection (3):

“(3.1) Notwithstanding subsection (3), where an overpayment is discovered by an audit conducted pursuant to the Act or *The Liquor Consumption Tax Act*, interest is to be calculated from the day on which the overpayment was made”; **and**

(d) in subsection (4) by striking out “(3)” and substituting “(3.1)”.

Section 57 amended

8 The following subsection is added after subsection 57(4):

“(4.1) Notwithstanding subsection (4), the minister may pay a commission to a collector described in that subsection if the minister has, pursuant to section 58.1 of the Act, waived the interest or penalty otherwise payable by the collector”.

Section 57.1 amended

9 Section 57.1 is amended:

- (a) **in subsection (1) by striking out** “determined as at the time specified in subsection (2)” **and substituting** “as determined in accordance with subsection 58(2)”;
- (b) **in clause (2)(b) by striking out** “the minister verifies the amount of the overpayment” **and substituting** “the overpayment was made”;
- (c) **by adding the following subsection after subsection (3):**
“(3.1) Notwithstanding subsection (3), where an overpayment is discovered by an audit conducted pursuant to the Act or *The Tobacco Tax Act*, interest is to be calculated from the day on which the overpayment was made”; **and**
- (d) **in subsection (4) by striking out** “(3)” **and substituting** “(3.1)”.

Coming into force

- 10** These regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 3/95

The Environmental Management and Protection Act

Section 38

Order in Council 38/95, dated January 18, 1995

(Filed January 18, 1995)

Title

- 1** These regulations may be cited as *The Hazardous Substances and Waste Dangerous Goods Amendment Regulations, 1995*.

R.R.S. c.E-10.2 Reg 3 amended

- 2** *The Hazardous Substances and Waste Dangerous Goods Regulations* are amended in the manner set forth in these regulations.

Section 2 amended

3 Section 2 is amended:

- (a) **by adding the following clause after clause (f):**
“(f.1) ‘**certification program**’ means a training course that covers the installation, testing or decommissioning of storage tanks for petroleum products that is offered by the department or is an equivalent training course approved by the minister”;
- (b) **by repealing clause (j) and substituting the following:**
“(j) ‘**director**’ means the Director of the Commercial Branch, Saskatchewan Environment and Resource Management”;
- (c) **by adding the following clause after clause (p):**
“(p.1) ‘**level 1 leak detection**’ means a method of detection that is capable of detecting a leak of 0.38 litres per hour with a probability of detection of 0.95 and a probability of false alarm of 0.05”;

(d) by adding the following clause after clause (v):

“(v.1) ‘**qualified person**’ means a person who has successfully completed a certification program and possesses two years of directly related experience in the installation, testing or decommissioning of underground storage tanks or above-ground storage tanks”; **and**

(e) by adding the following clause after clause (w.1):

“(w.2) ‘**stockpile**’ means bulk storage and handling of hazardous substances or waste dangerous goods stored above surface grade or below surface grade and includes solids, liquids and mixtures of solids and liquids not contained in storage tanks or containers”.

New section 5

4 Section 5 is repealed and the following substituted:

General exemptions

“**5(1)** These regulations do not apply to any substance that is not described in section 3 or 3.1 nor to any of the following:

- (a) household and agricultural chemicals stored for consumptive use on the premises of any single residence, multiple residence, hotel or motel;
- (b) substances in quantities that are permitted in food or drugs pursuant to the *Food and Drugs Act* (Canada);
- (c) radioactive materials regulated pursuant to the *Atomic Energy Control Act* (Canada);
- (d) consumer products subject to the *Consumer Chemicals and Containers Regulations* (Canada), SOR/88-556, made pursuant to the *Hazardous Products Act* (Canada);
- (e) tobacco and tobacco products;
- (f) wood and wood products;
- (g) empty containers;
- (h) explosives as defined in the *Explosives Act* (Canada);
- (i) hazardous wastes regulated pursuant to *The PCB Waste Storage Regulations*;
- (j) substances in sanitary sewage lagoons.

(2) Any construction, installation or operation of, or alteration or extension to any industrial effluent works that is operated primarily for the storage of waste dangerous goods is exempt from clause 17(c) of the Act”.

New section 6

5 Section 6 is repealed and the following substituted:

Underground storage facilities

“**6** These regulations do not apply to the storage of any hazardous substances or waste dangerous goods in the following types of underground storage facilities:

- (a) pipe lines and pipe storage facilities that store or transport crude oil, natural gas or production water and that are subject to *The Pipe Lines Act*;

- (b) interprovincial pipe lines that store or transport crude oil, natural gas or production water and that are subject to the *National Energy Board Act* (Canada);
- (c) natural gas distribution facilities within urban centres and low pressure rural distribution lines regulated pursuant to *The Power Corporation Act*;
- (d) storage facilities that store or transport crude oil, natural gas or production water and that are subject to *The Oil and Gas Conservation Act*;
- (e) flow-through process tanks”.

Section 7 amended

6 Subsection 7(1) is amended:

(a) by repealing clause (b) and substituting the following:

“(b) pipe lines and pipe storage facilities that store or transport crude oil, natural gas or production water and that are subject to *The Pipe Lines Act*”;

(b) by repealing clause (c) and substituting the following:

“(c) storage facilities that store or transport crude oil, natural gas or production water and that are subject to *The Oil and Gas Conservation Act*”;
and

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

“(f) above-ground storage tanks located within underground mines”.

Section 8 amended

7 Section 8 is amended:

(a) in subsection (1):

(i) in the portion preceding clause (a) by striking out “small”;

(ii) in clause (c) by striking out “or waste dangerous good”;

(iii) in clause (d) by striking out “or waste dangerous good”; and

(iv) by repealing clause (e) and substituting the following:

“(e) is a waste dangerous good stored in a storage facility other than used oil or waste antifreeze solutions and the weight of the waste dangerous good combined with the weight of any other waste dangerous good other than used oil or waste antifreeze solutions does not exceed 100 kilograms at any time”;
and

(b) by adding the following subsections after subsection (2):

“(3) These regulations do not apply to the storage of new engine oil, lubricants and grease in containers.

“(4) These regulations do not apply to the storage of used oil or waste antifreeze solutions in containers at a storage facility where the aggregate storage capacity for all used oil and waste antifreeze solution containers at that storage facility does not exceed 500 kilograms”.

Section 9 amended

8 Section 9 is amended:

(a) by repealing subclauses (2)(c)(i) and (ii) and substituting the following:

“(i) in the case of an above-ground storage tank for petroleum products, December 31, 1997;

“(ii) in the case of an underground storage tank for the storage of hazardous substances:

(A) if determined by the minister to be located in a site of high environmental sensitivity, April 1, 1994;

(B) subject to subsection (9), if determined by the minister to be located in a site of moderate environmental sensitivity, the sooner of:

(I) the detection of a leak in accordance with subsection 13(1.1) or (1.2); or

(II) the later of December 31, 1997 or 17 years from the known date that the underground storage tank was manufactured; or

(C) subject to subsection (10), if determined by the minister to be located in a site of low environmental sensitivity, when leaks are detected in accordance with subsection 13(1.1) or (1.2)”; and

(b) by repealing subsections (8) to (8.3) and substituting the following:

“(8) Where there is no alteration to a storage facility mentioned in subclause (2)(c)(i) prior to December 31, 1997, section 14 applies on and from December 31, 1997.

“(8.1) Where there is no alteration to a storage facility mentioned in paragraph (2)(c)(ii)(A) prior to April 1, 1994, section 15 applies on and from April 1, 1994.

“(8.2) Where there is no alteration to a storage facility mentioned in paragraph (2)(c)(ii)(B) prior to the later of December 31, 1997 or 17 years from the known date that the underground storage tank was manufactured and the requirements of subsection (9) have been met, section 15 applies on and from the later of December 31, 1997 or 17 years from the known date that the underground storage tank was manufactured.

“(8.3) Where there is no alteration to a storage facility mentioned in paragraph (2)(c)(ii)(C) and the requirements of subsection (10) have been met, section 15 applies on and from the detection of a leak in accordance with subsection 13(1.1) or (1.2)”; and

(c) by repealing subsection (9) and substituting the following:

“(9) No person shall store a hazardous substance in an underground storage tank at locations determined by the minister to be located in a site of moderate environmental sensitivity:

(a) in the case of an underground storage tank equipped with a metered product dispenser, unless:

(i) the underground storage tank is equipped in conformance with paragraphs 15(1)(b)(v)(C), (D) and either (A) or (B) by no later than December 31, 1997;

(ii) in the case of a steel underground storage tank, the underground storage tank is equipped in conformance with paragraph 15(1)(b)(v)(E) and clause 15(1)(c) by no later than December 31, 1997; and

(iii) the tank bed is equipped with at least one more release detection monitoring well than the number of tanks by the later of December 31, 1997 or 17 years from the known date that the underground storage tank was manufactured; or

(b) in the case of an underground storage tank not equipped with a metered product dispenser or an underground storage tank that is owned by a farmer and used solely for the purposes of storing petroleum products to be used by that farmer for his or her own farming purposes, unless:

(i) in the case of a steel underground storage tank, the underground storage tank is equipped in conformance with paragraph 15(1)(b)(v)(E) and clause 15(1)(c) by the later of December 31, 1997 or 17 years from the known date that the underground storage tank was manufactured; and

(ii) the tank bed is equipped with at least one more release detection monitoring well than the number of tanks by the later of December 31, 1997 or 17 years from the known date that the underground storage tank was manufactured.

“(10) No person shall store a hazardous substance in an existing operational underground storage tank at a location determined by the minister to be a site of low environmental sensitivity:

(a) subject to clause (c), in the case of an underground storage tank equipped with a metered product dispenser, unless the owner or operator is conforming with the requirements of subsection 13(1.1) by no later than December 31, 1995;

(b) subject to clause (c), in the case of an underground storage tank not equipped with a metered product dispenser, unless the tank bed is equipped with at least one more release detection monitoring well than the number of tanks by December 31, 1995; or

(c) in the case of an underground storage tank that is owned by a farmer and used solely for the purposes of storing petroleum products to be used by that farmer for his or her own farming purposes, unless the tank bed is equipped with at least one more release detection monitoring well than the number of tanks by December 31, 1997.

“(11) Sections 10 and 17 apply to every storage facility, including every storage facility mentioned in subsection (2)”.

Section 10 amended

9 Section 10 is amended:

(a) in subsection (2):

(i) by striking out “and” after clause (d); and

(ii) by repealing clause (e) and substituting the following:

“(e) in the case of a storage tank and the associated piping and equipment for the storage of petroleum products, the name of the qualified person performing the construction, installation, alteration or expansion of the storage tank system; and

“(f) any other information that the minister may require”; **and**

(b) by adding the following subsections after subsection (2):

“(3) No person shall construct, install, alter or expand, or cause the construction, installation, alteration or expansion of, an above-ground storage tank for the storage of petroleum products, other than by means of the services of a qualified person or under the supervision of a person designated by the minister unless:

(a) each tank is filled by a direct top-fill using a functional automatic shut-off nozzle; and

(b) petroleum products are delivered from each tank by means of a gravity flow hose.

“(4) No person shall construct, install, alter or expand, or cause the construction, installation, alteration or expansion of, an above-ground storage tank for the storage of waste dangerous goods other than under the supervision of a person designated by the minister.

“(5) No person shall construct, install, alter or expand, or cause the construction, installation, alteration or expansion of, an underground storage tank for the storage of petroleum products other than by means of the services of a qualified person or under the supervision of a person designated by the minister.

“(6) No person shall construct, install, alter or expand, or cause the construction, installation, alteration or expansion of, an underground storage tank for the storage of waste dangerous goods other than under the supervision of a person designated by the minister”.

Section 13 amended

10 The following subsections are added after subsection 13(1):

“(1.1) The owner or operator of an underground storage tank for hazardous substances equipped with a metered product dispenser that is not in compliance with the requirements of section 15 prior to December 31, 1995, shall, prior to December 31, 1995:

(a) ensure that level 1 leak detection is performed daily and recorded daily on inventory records in conformance with the requirements prescribed by the United States Environmental Protection Agency publication EPA/530/UST/-90-007, 'Standard Test Procedures for Evaluating Leak Detection Methods: Statistical Inventory Reconciliation Methods', and that the results are reported to the director on a monthly basis;

(b) in the event of a leak or suspected leak, report the results in accordance with *The Environmental Spill Control Regulations*;

(c) in the event of an inconclusive result, report the occurrence to the director within 72 hours.

“(1.2) The owner or operator of an underground storage tank that is not equipped with a metered product dispenser or an underground storage tank that is used solely for the purposes of storing petroleum products to be used by a farmer for his or her own farming purposes, shall:

(a) ensure that release detection monitoring wells are checked for evidence of a leak by an independent party on an annual basis and that the results are reported to the director; and

(b) in the event of the existence of evidence of a leak or suspected leak, report the results in accordance with *The Environmental Spill Control Regulations*”.

Section 14 amended

11 Section 14 is amended:

(b) by repealing subclause (b)(vii) and substituting the following clauses:

“(vii) with respect to shop fabricated steel above-ground horizontal utility tanks for flammable and combustible liquids, the standards prescribed by the Underwriters' Laboratories of Canada publication ULC-S643-M1989, 'Standard for Shop Fabricated Steel Aboveground Utility Tanks for Flammable and Combustible Liquids,' November, 1989, as revised, amended or substituted;

“(viii) with respect to contained steel above-ground tanks for flammable liquids, the standards prescribed by the Underwriters' Laboratories of Canada publication ULC/ORD-C142.3-1991, 'Contained Steel Above-ground Tank Assemblies for Flammable Liquids,' April, 1991, as revised, amended or substituted;

“(ix) with respect to contained steel above-ground tanks for used oil, the standards prescribed by the Underwriters' Laboratories of Canada publication ULC/ORD-C142.23-1991, 'Aboveground Waste Oil Tanks,' January, 1991, as revised, amended or substituted;

“(x) with respect to steel above-ground tanks for fuel oil, lubricating oil and used oil, the standards prescribed by the Underwriters' Laboratories of Canada publication CAN/ULC-S602M, 'Third Draft, Proposed Third Edition, Standard for Aboveground Steel Tanks for Fuel Oil and Lubricating Oil,' August, 1991, as revised, amended or substituted;

“(xi) with respect to the storage of hazardous substances or waste dangerous goods, any storage tank approved by the Underwriters’ Laboratories of Canada or other nationally recognized standards association where the tanks are used for the purpose for which they were so approved;

“(xii) with respect to any tank or pipe line described in subclauses (i) to (ix), the standards mentioned in those subclauses or any nationally recognized standard”;

(b) in clause (f) by repealing the portion preceding subclause (i) and substituting the following:

“(f) where of a nominal capacity of greater than 10,000 litres and susceptible to corrosion, subjected to a thickness test immediately after 20 years from the date of the manufacture of the above-ground storage tank and at 10-year intervals after that, and permanently marked immediately after each test, in a conspicuous place and manner, to indicate the:”; **and**

(c) by repealing clauses (h) and (i) and substituting the following:

“(h) immediately surrounded by an impermeable system, which is designed, constructed and maintained:

(i) to contain any hazardous substances or waste dangerous goods that are released from the storage tank, piping or equipment; and

(ii) to prevent the spread of the hazardous substances or waste dangerous goods to the surrounding area or into any storm or sanitary sewer system, water supply or water source;

“(i) either:

(i) equipped with a transfer spill collector in the off-loading line;

(ii) constructed with the piping so that the invert elevation of the connection point is above the crown elevation of the adjacent laterally running pipe so as to prevent spillage during the transfer of hazardous substances or waste dangerous goods into the above-ground storage tank; or

(iii) equipped or constructed so as to contain spills at the off-loading connection point in a manner acceptable to the minister; and

“(j) with respect to:

(i) above-ground storage tanks containing used oil that are emptied using vacuum suction, equipped with suction tubes fitted with leak-tight couplings for connection to the product removal suction hose; and

(ii) above-ground storage tanks containing used oil that are manually filled, equipped with an inlet funnel with a minimum 25-litre capacity, a lockable funnel inlet cover and a mesh-screened funnel opening”.

Section 15 amended

12 Section 15 is amended:

(a) by repealing subclause (1)(b)(v) and substituting the following:

“(v) with respect to underground storage tanks containing petroleum products that:

(A) are filled by means of hoses equipped with tight-fill couplings, either a transfer spill prevention system that meets the standards prescribed by the Underwriters’ Laboratories of Canada publication ULC/ORD-C58.19-1992, ‘Spill Containment Devices for Underground Flammable Liquid Storage Tanks’, January, 1992, or an over-fill protection system that meets the standards prescribed by the Underwriters’ Laboratories of Canada publication ULC/ORD-C58.15-1992, ‘Overfill Protection Devices for Flammable Liquid Storage Tanks’, January, 1992, as revised, amended or substituted at the coming into force of this paragraph, or a system that, in the opinion of the minister, achieves an equivalent level of performance;

(B) are filled by means of hoses equipped with functional automatic shut-off nozzles, a transfer spill prevention system that meets the standards prescribed by the Underwriters’ Laboratories of Canada publication ULC/ORD-C58.19-1992, ‘Spill Containment Devices for Underground Flammable Liquid Storage Tanks’, January, 1992, as revised, amended or substituted at the coming into force of this paragraph, or a system that, in the opinion of the minister, achieves an equivalent level of performance;

(C) are equipped with a product dispenser, a drip collection tray immediately under the dispenser that meets the standards prescribed by the Underwriters’ Laboratories of Canada publication ULC/ORD-C107.21, ‘Under-Dispenser Sumps’, June, 1992, as revised, amended or substituted at the coming into force of this paragraph, or a system that, in the opinion of the minister, achieves an equivalent level of performance;

(D) employ suction pumps, vertical in-line check valves immediately beneath the product dispenser; and

(E) are cathodically protected underground storage tanks, corrosion monitoring terminals in conformity with clauses 4.4.1 and either 4.4.3 or 4.4.4 of the Underwriters’ Laboratories of Canada Publication CAN/ULC-S603.1-92, ‘Standard for Galvanic Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids,’ September 1992, as revised, amended or substituted at the coming into force of this paragraph;

“(vi) with respect to:

(A) underground storage tanks containing used oil that are emptied using vacuum suction, suction tubes fitted with leak-tight couplings for connection to the product removal suction hose; and

(B) underground storage tanks containing used oil that are manually filled, an inlet funnel with a minimum 25-litre capacity, a lockable funnel inlet cover and a mesh-screened funnel opening”;
and

(b) by repealing subsection (2) and substituting the following:

- “(2) Every person required to conduct a test pursuant to clause (1)(f) or (g) shall:
- (a) ensure that the test is performed by a qualified person; and
 - (b) report the results of that test to the director within 30 days of the completion of the test”.

Section 16 amended

13 Section 16 is amended:

(a) in clause (1)(a) by adding “impermeable” after “situated in an”;

(b) by repealing subsections (2) to (4) and substituting the following:

“(2) Subject to subsection (5), no person shall store more than 2,000 kilograms of hazardous substances, used oil or waste antifreeze solutions or more than 200 kilograms of waste dangerous goods other than used oil or waste antifreeze solutions, in a stockpile or a container within a building or other structure unless the building or structure is:

(a) situated at least 100 metres from a residence or at least 500 metres from a hospital, senior citizen care home, school, day-care centre, prison, group home, special-care home or health care facility, and:

(i) where the building or structure consists of one or two stories, has a structure of non-combustible construction and is equipped with a monitored single-stage fire alarm system installed, tested and maintained in accordance with the National Building Code of Canada (1990), regardless of the occupant load;

(ii) where the building or structure consists of one or two stories, has a structure of combustible construction or combustible and non-combustible construction in combination and:

(A) has floor assemblies that are fire separations and, if constructed of combustible construction, have a fire resistance rating of not less than one hour;

(B) has load-bearing walls, columns and arches that have a fire resistance rating of not less than the rating required for the assemblies they support;

(C) the exterior walls, where constructed of combustible construction, have a fire resistance rating of not less than one hour; and

(D) is equipped with a monitored single-stage fire alarm system installed, tested and maintained in accordance with the National Building Code of Canada (1990), regardless of the occupant load; or

(iii) where the building or structure consists of three or four stories, has a structure of non-combustible construction in accordance with the National Building Code of Canada (1990) and is equipped with a fire suppression system designed, installed, tested and maintained in accordance with the National Fire Code of Canada (1990); or

(b) situated at least 100 metres from a hospital, senior citizen care home, school, day-care centre, prison, group home, special-care home or health care facility and:

(i) subject to subclause (ii), where the building or structure consists of one or two stories, has a structure of non-combustible construction and has floor assemblies, load-bearing walls, columns, arches, exterior walls and roof assembly with a minimum one hour fire resistance rating and is equipped with a monitored single-stage fire alarm system installed, tested and maintained in accordance with the National Building Code of Canada (1990), regardless of the occupant load;

(ii) where the building or structure consists of one or two stories with a floor area of less than 100 square metres, has a structure of non-combustible construction and is equipped with a monitored single-stage fire alarm system installed, tested and maintained in accordance with the National Building Code of Canada (1990), regardless of the occupant load;

(iii) where the building or structure consists of one or two stories, has a structure of combustible construction or combustible and non-combustible construction in combination and has floor assemblies, load-bearing walls, columns, arches, exterior walls and roof assembly with a minimum one-hour fire resistance rating and is equipped with a monitored single-stage fire alarm system installed, tested and maintained in accordance with the National Building Code of Canada (1990), regardless of the occupant load; or

(iv) where the building or structure consists of three or four stories, has a structure of non-combustible construction in accordance with the National Building Code of Canada (1990), and is equipped with a fire suppression system designed, installed, tested and maintained in accordance with the National Fire Code of Canada (1990).

“(3) Subject to subsection (5), no person shall store more than 2,000 kilograms of hazardous substances, used oil or waste antifreeze solutions or more than 200 kilograms of waste dangerous goods other than used oil or waste antifreeze solutions, in a stockpile or a container outside of a building or other structure unless the hazardous substance or waste dangerous good is situated at least 500 metres from a residence, hospital, senior citizen care home, school, day-care centre, prison, group home, special-care home or health care facility.

“(4) Subject to subsection (5), no person shall store a hazardous substance or waste dangerous good in a stockpile or a container unless the stockpile or container is:

(a) situated on land other than land that is subject to flooding on a 1 in 500 year run-off or storm event based on available historical data for natural or engineered watercourses or water bodies; and

(b) situated in a storage facility designed so as not to be subject to flooding in the event of a 0.15 metre rainstorm of one-hour duration”; **and**

(c) by repealing clauses (5)(a) and (b) and substituting the following:

“(a) the person storing or proposing to store the hazardous substance or waste dangerous good provides the minister with the information the minister may require and the minister, after considering that information, is of the opinion that the storage does not constitute a danger to the public or the environment; or

“(b) in the case of a storage facility for containers or stockpiles in operation prior to the coming into force of this clause, the person storing or proposing to store hazardous substances or waste dangerous goods obtains:

(i) the consent of the person in charge of any hospital, senior citizen care home, school, day-care centre, prison, group home, special-care home or health care facility within 100 metres of the storage facility and the consent of any person residing within 100 metres of the storage facility;

(ii) the consent of the municipality; and

(iii) in the case of a proposed alteration or expansion to the storage facility, approval to alter or expand the facility pursuant to section 10 and the consents mentioned in subclauses (i) and (ii) and following the alteration or expansion the storage facility provides a level of protection acceptable to the minister”.

New section 17

14 Section 17 is repealed and the following substituted:

Decommissioning

“17(1) No person shall remove, abandon, dispose or permanently close all or part of any storage facility without the prior approval of the minister to decommission the storage facility and decontaminate and reclaim or manage and monitor every affected area.

(2) At least 30 days prior to the removal, abandonment, disposal or permanent closure of a storage facility, the owner or operator of the storage facility shall submit a decommissioning application to the minister containing:

(a) a description of how the decommissioning is to take place;

(b) a description of the plans for the disposal of any remaining equipment, hazardous substances, waste dangerous goods or contaminated materials; and

(c) a detailed proposal:

(i) to decontaminate and reclaim the affected area;

(ii) to monitor and manage the affected area; or

(ii) that consists of a combination of decontaminating and reclaiming and monitoring and managing pursuant to subclauses (i) and (ii).

(3) Before making a proposal pursuant to subclause (2)(c)(ii), the owner or operator shall carry out a site assessment to determine the degree of contamination, the risks to the environment and the risks to the health and safety of the public.

(4) Within 12 months of the date of approval, an owner or operator of a storage facility, in accordance with the terms of the approval, shall decommission the facility and:

- (a) decontaminate and reclaim the affected area; or
- (b) initiate monitoring and management of the contamination and associated risks.

(5) Notwithstanding any other provision in these regulations or any term of an approval, no owner or operator of an underground storage tank shall abandon or permanently close the underground storage tank unless the underground storage tank is:

- (a) emptied;
- (b) removed from the ground; and
- (c) rendered unfit for further use for the storage of hazardous substances or waste dangerous goods.

(6) No person to whom an approval is issued pursuant to this section shall fail to comply with the terms of the approval.

(7) No person shall decommission, remove, abandon, dispose or permanently close an underground storage tank used for the storage of petroleum products other than by means of the services of a qualified person or under the supervision a person designated by the minister.

(8) No person shall decommission, remove, abandon, dispose or permanently close an underground storage tank used for the storage of waste dangerous goods other than under the supervision of a person designated by the minister”.

Appendix A amended

15 Appendix A is amended by adding “Invert drilling fluids” after “Indium”.

Appendix D amended

16 Appendix D is amended by adding the following before “Waste antifreeze solutions”:

“Filters containing used oils listed above unless drained and crushed to less than 25% of the original physical volume of the filter.

“Filters containing waste dangerous goods where the filter media meets any of the criteria set out in Part III of the *Transportation of Dangerous Goods Regulations* (Canada)”.

Coming into force

17 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 4/95

The Farm Financial Stability Act

Section 61

Order in Council 39/95, dated January 18, 1995

(Filed January 18, 1995)

Title

1 These regulations may be cited as *The Breeder Associations Loan Guarantee Amendment Regulations, 1995*.

R.R.S. c.F-8.001 Reg 5, section 5 amended

2 Section 5 of *The Breeder Associations Loan Guarantee Regulations, 1991* is amended:

(a) in subclause (4)(b)(i) by adding “or a lesser period determined by the provincial supervisor in accordance with subsection (5)” after “two years”;

(b) in subclause (4)(b)(ii) by adding “or during the entire lesser period” after “those years”; and

(c) by adding the following subsection after subsection (4):

“(5) Where, during the time that an individual producer has been a member of a breeder association, the association has, through no fault of the producer, been unable to borrow, the provincial supervisor may reduce the two-year period set out in subclause (4)(b)(i) by a period not exceeding the lesser of:

(a) the period during which the breeder association was unable to borrow; and

(b) one year”.

Coming into force

3 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 5/95

The Land Bank Repeal and Temporary Provisions Act

Section 15

Order in Council 40/95, dated January 18, 1995

(Filed January 18, 1995)

Title

1 These regulations may be cited as *The Land Bank Temporary Provisions Amendment Regulations, 1995*.

R.R.S. c.L-2.1 Reg 2 amended

2 *The Land Bank Temporary Provisions Regulations, 1983* are amended in the manner set forth in these regulations.

Section 8.4 amended

3 The following subsection is added after subsection 8.4(4):

“(5) Notwithstanding section 7, the rental price:

(a) payable by a lessee of uncultivated land for 1994 pursuant to a lease entered into prior to February 20, 1991 is \$5.42 per cow month; and

(b) payable by a lessee of uncultivated land for 1994 pursuant to a lease entered into on or after February 20, 1991 is an amount per acre calculated in accordance with the following table:

| Lease Class | Rate per Acre |
|-------------|---------------|
| 1 | \$0.27 |
| 2 | 0.81 |
| 3 | 1.35 |
| 4 | 1.90 |
| 5 | 2.44 |
| 6 | 2.98 |
| 7 | 3.52 |
| 8 | 4.06 |
| 9 | 4.60 |
| 10 | 5.15 |
| 11 | 5.69”. |

Section 8.5 amended

4 The following subsection is added after subsection 8.5(3):

“(4) The rent payable by a lessee for 1994 pursuant to a hay lease or hay permit is:

- (a) \$4.51 per ton for native hay;
- (b) \$13.55 per ton for tame hay”.

Coming into force

5 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

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