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## PART II/PARTIE II

### REVISED REGULATIONS OF SASKATCHEWAN/ RÈGLEMENTS RÉVISÉS DE LA SASKATCHEWAN

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**REVISED REGULATIONS OF SASKATCHEWAN**

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**CHAPTER E-11.1 REG 1***The Ethanol Fuel Act*

## Section 7

Order in Council 750/2002, dated October 23, 2002

(Filed October 24, 2002)

**Title**

1 These regulations may be cited as *The Ethanol Fuel (General) Regulations*.

**Interpretation**

2 In these regulations:

- (a) “**Act**” means *The Ethanol Fuel Act*;
- (b) “**required fuel**” means fuel other than those fuels that are excluded pursuant to section 4.

**Date by which only ethanol-blended fuel must be sold**

3 For the purposes of subsection 4(1) of the Act, the prescribed date is July 1, 2004.

**Excluded fuels**

4(1) For the purposes of subsection 4(2) of the Act, the Act does not apply to the following fuels:

- (a) heating fuel;
- (b) diesel and biodiesel fuel;
- (c) kerosene;
- (d) aviation gasoline;
- (e) jet fuel;
- (f) specialty fuel intended to be sold for motor vehicle racing;
- (g) propane;
- (h) natural gas.

(2) For the purposes of subsection 4(2) of the Act, the Act does not apply to fuel used for gas turbines.

**Manner of blending**

5(1) A distributor shall blend ethanol with required fuel in a manner that results in the average volume of ethanol-blended fuel available for distribution by that distributor in Saskatchewan having a composition of at least:

- (a) in the period commencing July 1, 2004 and ending on September 30, 2004, 2.5% ethanol;
- (b) in the period commencing October 1, 2004 and ending on March 31, 2005, 5.0% ethanol; and
- (c) in the period commencing on April 1, 2005, 7.5% ethanol.

- (2) A distributor shall comply with *The Fuel Tax Act, 2000* when blending fuel.
- (3) A distributor shall provide the minister with evidence satisfactory to the minister to establish that it has complied with this section during any period that the minister may determine.
- (4) If a distributor has complied with this section, all required fuel sold by the distributor during the period that the distributor has complied with this section is deemed to be ethanol-blended fuel for the purposes of the Act and these regulations.

**Enforcement officers**

**6** The following are prescribed as enforcement officers:

- (a) persons who are enforcement officers for the purposes of *The Fuel Tax Act, 2000*;
- (b) employees of the department over which the minister presides who are designated by the minister.

**Coming into force**

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

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**CHAPTER G-5.1 REG 107**

*The Government Organization Act*

Sections 19 and 24

and

*The Ethanol Fuel Act*

Section 3

Order in Council 751/2002, dated October 23, 2002

(Filed October 24, 2002)

**Title**

**1** These regulations may be cited as *The Ethanol Fuel (Grants) Regulations*.

**Interpretation**

**2** In these regulations:

- (a) **“agreement”** means an agreement mentioned in section 5;
- (b) **“eligible distributor”** means a distributor as defined in *The Ethanol Fuel Act* who:
- (i) blends ethanol with eligible fuel and sells that eligible ethanol-blended fuel to purchasers; and
- (ii) is designated as an eligible distributor pursuant to section 4;
- (c) **“eligible ethanol-blended fuel”** means eligible fuel that has been blended with ethanol in the manner required by *The Ethanol Fuel Act* and *The Ethanol Fuel (General) Regulations*;

- (d) “**eligible fuel**” means required fuel within the meaning of *The Ethanol Fuel (General) Regulations*;
- (e) “**ethanol**” means ethanol produced in Saskatchewan from biomass or renewable feedstocks by an ethanol producer;
- (f) “**ethanol producer**” means an ethanol producer whose production facilities are located within Saskatchewan;
- (g) “**fuel**” means fuel as defined in *The Fuel Tax Act, 2000*;
- (h) “**grant**” means a grant payable pursuant to section 7;
- (i) “**litre**” means a litre as defined in *The Fuel Tax Act, 2000*;
- (j) “**minister**” means the member of the Executive Council to whom for the time being the administration of *The Ethanol Fuel Act* is assigned;
- (k) “**purchaser**” means:
- (i) a retailer in Saskatchewan who sells eligible ethanol-blended fuel in Saskatchewan to consumers; or
  - (ii) an individual who purchases eligible ethanol-blended fuel in Saskatchewan.

**Application to minister**

3(1) A person who wishes to be designated as an eligible distributor shall apply to the minister in any form that the minister may approve.

(2) Together with the application, the person applying to the minister shall provide the minister with any information that the minister may require to satisfy the minister that the person:

- (a) carries on business in Saskatchewan as a distributor;
- (b) has obtained any necessary licence required pursuant to *The Fuel Tax Act, 2000* to blend ethanol with fuel; and
- (c) proposes to obtain ethanol from ethanol producers.

**Approval**

4 On receipt of an application pursuant to section 3 and if the minister considers it appropriate to do so, the minister may approve the application and designate the person applying as an eligible distributor.

**Agreement**

5(1) To be eligible for a grant pursuant to these regulations, an eligible distributor shall enter into a written agreement with the minister in which the eligible distributor agrees to do all of the following:

- (a) to allow any audit procedures that the minister may require;
- (b) subject to subsection (3), to purchase over any 12-month period at least 30% of its total ethanol to be used in blending with eligible fuel from ethanol producers whose design capacity to produce ethanol is equal to or less than 25 million litres per year;

- (c) to comply with *The Fuel Tax Act, 2000*, the regulations made pursuant to *The Fuel Tax Act, 2000*, *The Ethanol Fuel Act*, the regulations made pursuant to *The Ethanol Fuel Act* and other Acts and regulations;
- (d) to allow the minister to have access to and review any records or information provided to the Minister of Finance in connection with *The Fuel Tax Act, 2000* or the regulations made pursuant to that Act;
- (e) to make audited financial records and statements available to the minister;
- (f) to allow the minister to have access to and use of any data processing equipment and software used by the eligible distributor and to make copies of documents respecting matters governed by these regulations using that equipment and software;
- (g) to keep and make available to the minister the following records:
  - (i) with respect to ethanol used by the eligible distributor to blend with eligible fuel:
    - (A) the name and address of the person from whom the eligible distributor acquired the ethanol;
    - (B) a description of the ethanol acquired;
    - (C) the volume, expressed in litres, of ethanol acquired; and
    - (D) the date the ethanol was acquired;
  - (ii) with respect to the blending of eligible fuel and ethanol:
    - (A) the type of eligible fuel and ethanol blended;
    - (B) the volume, expressed in litres, of eligible fuel and ethanol blended and the volume, expressed in litres, of the eligible ethanol-blended fuel produced;
    - (C) a description of the eligible ethanol-blended fuel produced, with the ethanol expressed as a percentage of the total eligible ethanol-blended fuel; and
    - (D) the date the eligible ethanol-blended fuel was produced;
  - (iii) with respect to each sale or disposition of eligible ethanol-blended fuel by the eligible distributor:
    - (A) except in the case of sales to individuals, the name and address of the person to whom the eligible ethanol-blended fuel was sold or disposed of;
    - (B) a description of the eligible ethanol-blended fuel sold or disposed of;

- (C) the volume, expressed in litres, of eligible ethanol-blended fuel sold or disposed of; and
  - (D) the date of the sale or disposition;
  - (h) to retain the records mentioned in clause (g) for at least six years after the date that the information in the records relates to;
  - (i) to do any other things that the minister may require for the purposes of these regulations.
- (2) No eligible distributor shall fail to comply with the agreement that the eligible distributor has entered into.
- (3) The minister may exempt an eligible distributor from complying with clause (1)(b) for a period if the eligible distributor satisfies the minister that:
- (a) the eligible distributor is unable to comply with that clause for that period;
  - (b) in that period, the eligible distributor acquired ethanol from producers other than a producer described in that clause; and
  - (c) the eligible distributor is otherwise in compliance with these regulations.

**Grant applications**

- 6(1) In this section and in section 7, “**grant period**” means a period:
- (a) commencing on January 1 in one year and ending on March 31 of that year;
  - (b) commencing on April 1 in one year and ending on June 30 of that year;
  - (c) commencing on July 1 of one year and ending on September 30 of that year; or
  - (d) commencing on October 1 of one year and ending on December 31 of that year.
- (2) An eligible distributor may apply to the minister for a grant with respect to sales or dispositions of eligible ethanol-blended fuel by the eligible distributor to purchasers in the grant period.
- (3) An application for a grant must be made within 90 days after the grant period with respect to which the application is made.
- (4) Together with an application for a grant period, an eligible distributor shall provide the minister with all of the following information:
- (a) the volume, expressed in litres, of eligible ethanol-blended fuel that the eligible distributor had at the beginning of the grant period and the composition of that eligible ethanol-blended fuel, with the ethanol expressed as a percentage of the total eligible ethanol-blended fuel;
  - (b) the volume, expressed in litres, of ethanol blended with eligible fuel in the grant period to produce eligible ethanol-blended fuel during the grant period;

- (c) the volume, expressed in litres, of eligible ethanol-blended fuel that was sold or disposed of by the eligible distributor to purchasers in the grant period;
- (d) the volume, expressed in litres, of eligible ethanol-blended fuel that the eligible distributor had at the end of the grant period and the composition of that eligible ethanol-blended fuel, with the ethanol expressed as a percentage of the total eligible ethanol-blended fuel;
- (e) any other information that the minister may require to determine the eligible distributor's eligibility for a grant and the amount of the grant.

**Grant approvals**

7(1) On receipt of an application and all required information pursuant to section 6 and if the minister is satisfied that the eligible distributor has complied with these regulations and is eligible for a grant, the minister shall pay a grant to the eligible distributor with respect to eligible ethanol-blended fuel sold or disposed of by the eligible distributor to purchasers in the grant period.

(2) The amount of a grant for a grant period for which an eligible distributor is eligible is the amount A calculated in accordance with the following formula:

$$A = B \times C$$

where:

B is the volume, expressed in litres, of ethanol blended in eligible ethanol-blended fuel that was sold or disposed of by the eligible distributor to purchasers in the grant period;

C is the rate of tax required to be paid pursuant to *The Fuel Tax Act, 2000* per litre of ethanol blended with fuel.

**Overpayments**

8(1) The minister may declare all or any grant payments made to an eligible distributor pursuant to these regulations to be an overpayment if, in the opinion of the minister:

- (a) the eligible distributor has knowingly made a false or misleading statement with respect to a material fact on any form or in any information or document provided to the minister pursuant to these regulations;
- (b) the eligible distributor has omitted to make a statement or to provide any information or document that results in a statement with respect to a material fact being misleading;
- (c) the eligible distributor has failed to comply with these regulations or the terms and conditions of an agreement.

(2) If the minister declares a grant payment to be an overpayment, the amount of the overpayment is deemed to be a debt due and owing to the Crown in right of Saskatchewan and may be recovered from the eligible distributor in any manner authorized pursuant to *The Financial Administration Act, 1993* or in any other manner authorized by law.

**Coming into force**

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

**SASKATCHEWAN REGULATIONS 95/2002***The Milk Control Act, 1992*

## Section 10

Board Order, dated October 23, 2002

(Filed October 23, 2002)

**Title**

**1** These regulations may be cited as *The Milk Control Amendment Regulations, 2002 (No. 10)*.

**R.R.S. c.M-15 Reg 1, Appendix amended**

**2** Clauses 3(1)(m) and (n) of Part II of the Appendix to *The Milk Control Regulations* are repealed and the following substituted:

“(m) in the case of class 5a milk:

- (i) \$3.5084 per kilogram of butterfat;
- (ii) \$6.7779 per kilogram of protein; and
- (iii) \$0.1316 per kilogram of other solids;

“(n) in the case of class 5b milk:

- (i) \$3.5084 per kilogram of butterfat;
- (ii) \$2.6736 per kilogram of protein; and
- (iii) \$2.6736 per kilogram of other solids”.

**Coming into force**

**3** These regulations come into force on November 1, 2002.

**SASKATCHEWAN REGULATIONS 96/2002***The Land Titles Act, 2000*

## Section 203

Minister's Order, dated October 15, 2002

(Filed October 24, 2002)

**Title**

**1** These regulations may be cited as *The Land Titles Conversion Facilitation Amendment Regulations, 2002*.

**R.R.S. c.L-5.1 Reg 2 amended**

**2** *The Land Titles Conversion Facilitation Regulations* are amended in the manner set forth in these regulations.

**Sections 4 and 5 repealed**

**3** Sections 4 and 5 are repealed.

**Section 6.1 repealed**

**4** Section 6.1 is repealed.

**New sections 6.5 and 6.6****5 The following sections are added after section 6.4:****“Vesting orders**

**6.5(1)** On application to the court, if the judge hearing the application considers it appropriate to do so, the judge may make an order:

- (a) directing that a title be vested in any person; and
  - (b) either:
    - (i) directing the Registrar to transfer title or to make changes to a title; or
    - (ii) authorizing any person to apply to the Registrar to transfer title or to make changes to a title.
- (2) An order may be made pursuant to subsection (1):
- (a) on any notice that the judge considers appropriate; or
  - (b) without notice if in judge’s opinion the circumstances warrant it.

**“Conversion of mineral titles**

**6.6(1)** For the purposes of section 195 of the Act, a certificate of title for surface that is silent as to whether or not mines and minerals or any mineral commodities are included in the title, and that was in existence on the day before the coming into force of an order made pursuant to section 191 of the Act, is converted to and deemed to be:

- (a) with respect to the surface, a surface title issued pursuant to section 12 of the Act; and
  - (b) with respect to the mines and minerals, an uncertified mineral title for the mineral commodity or commodities in the mineral parcel, in the name of the owner of the surface title, notwithstanding that no mineral title is issued for the mineral commodity or commodities in the mineral parcel pursuant to section 12 of the Act.
- (2) Subject to subsection (3), any transfer of or other dealing with a surface title mentioned in clause (1)(a) is deemed to include a transfer of or dealing with any mineral title mentioned in clause (1)(b).
- (3) Subsection (2) does not apply:
- (a) after a mineral title has been issued for the mineral commodity or commodities in the mineral parcel pursuant to section 12 of the Act; or

(b) if the Registrar conducts a search and examination of the records of the land titles registry pursuant to clause 17(3)(a) of the Act with respect to an uncertified mineral title deemed to have been issued pursuant to clause (1)(b), and determines:

(i) that the owner of all or any mineral commodities in the mineral parcel is different than the owner of the surface parcel, with respect to those mineral commodities; or

(ii) that all or any of the mineral commodities in the mineral parcel have not been the subject of a Crown grant within the meaning of subclause 2(1)(l)(ii) of the Act, with respect to those mineral commodities.

(4) Notwithstanding clause 195(1)(c) of the Act, if the Registrar is satisfied that the purported ownership of any mineral commodity is correct, a mineral title that is issued pursuant to clause (3)(a) is converted to and deemed to be a mineral title issued pursuant to section 12 of the Act”.

**Coming into force**

**6** These regulations come into force on the day on which they are filed with the Registrar of Regulations but are retroactive and are deemed to have been in force on and from June 25, 2001.

