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PART II/PARTIE II

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REVISED REGULATIONS OF SASKATCHEWAN

CHAPTER F-8.001 REG 25*The Farm Financial Stability Act*

Sections 22, 24, 33 and 84

Order in Council 656/2003, dated August 12, 2003

(Filed August 13, 2003)

PART I

Title and Interpretation**Title**

1 These regulations may be cited as *The Canada Saskatchewan BSE Recovery Program Regulations, 2003 (No. 2)*.

Interpretation

2(1) In these regulations:

- (a) **“account”** means the Canada Saskatchewan BSE Recovery Program Account continued pursuant to section 4;
- (b) **“Act”** means *The Farm Financial Stability Act*;
- (c) **“adjusted market loss differential”** means the market loss differential as determined by the minister pursuant to subsection 9(3);
- (d) **“applicant”** means:
 - (i) in Part III, a feeder who applies for an assistance payment;
 - (ii) in Part IV, a licensed packing plant that applies for an incentive payment;
 - (iii) in Part V, a feeder who applies for a set-aside payment; and
 - (iv) in Part VI, any of the persons mentioned in subclauses (i) to (iii);
- (e) **“application”** means:
 - (i) in Part III, an application for an assistance payment that is submitted pursuant to section 6;
 - (ii) in Part IV, an application for an incentive payment that is submitted pursuant to section 11; and
 - (iii) In Part V, an application for a set-aside payment that is submitted pursuant to section 16;
- (f) **“assistance payment”** means a payment approved pursuant to section 8;
- (g) **“assistance program”** means the Canada Saskatchewan BSE Recovery Program continued pursuant to section 3;

- (h) **“breeder association”** means:
- (i) a breeder association within the meaning of *The Cattle Breeder Associations Loan Guarantee Regulations, 1991*; or
 - (ii) a sheep breeder association within the meaning of *The Sheep Breeder Associations Loan Guarantee Regulations*;
- (i) **“BSE”** means Bovine Spongiform Encephalopathy;
- (j) **“eligible livestock”** means:
- (i) with respect to the assistance program and the incentive program, any of the following classes of animals that meet the criteria set out in subsection (2):
 - (A) heifers under 30 months, steers under 30 months, bulls, cows or veal calves of the genus species *Bos taurus* or *Bos indicus* (cattle);
 - (B) lambs, rams, wethers or ewes of the genus species *Ovis aries* (sheep);
 - (C) heifers under 36 months, bulls under 36 months, cull bulls, cows and veal calves of the genus species *Bison bison* (bison);
 - (D) goats of the genus species *Capra hircus*;
 - (E) elk of the genus species *Cervus elaphus nelsoni*, *Cervus elaphus roosevelti*, *Cervus elaphus manitobensis*, *Cervus elaphus nannodes* or any crosses between these subspecies;
 - (F) caribou and reindeer of the genus species *Rangifer tarandus*;
 - (G) mule deer of the genus species *Odocoileus hemionus*;
 - (H) white-tailed deer of the genus species *Odocoileus virginianus*;
 - (I) fallow deer of the genus species *Dama dama*;
 - (ii) with respect to the set-aside program, heifers weighing at least 544.21 kilograms or 1200 pounds or steers weighing at least 566.89 kilograms or 1250 pounds that:
 - (A) are of the genus species *Bos taurus* or *Bos indicus* (cattle); and
 - (B) meet the criteria set out in subsection (2);
- (k) **“feeder”** means:
- (i) an individual who:
 - (A) is a Saskatchewan resident;
 - (B) is 18 years of age or older; and
 - (C) owns, before May 20, 2003, eligible livestock that are the subject of an application; or

(ii) a corporation, co-operative, partnership, communal organization or Indian band that:

(A) is a Saskatchewan resident; and

(B) owns, before May 20, 2003, eligible livestock that are the subject of an application;

(l) **“feeder association”** means:

(i) a feeder association within the meaning of *The Cattle Feeder Associations Loan Guarantee Regulations, 1989*;

(ii) a bison feeder association within the meaning of *The Bison Feeder Associations Loan Guarantee Regulations*; or

(iii) a sheep feeder association within the meaning of *The Sheep Feeder Associations Loan Guarantee Regulations*;

(m) **“heavy lamb”** means a lamb sold for slaughter that is, at the time of sale, greater than 54.42 kilograms or 120 pounds;

(n) **“incentive payment”** means an incentive payment approved pursuant to section 13;

(o) **“incentive program”** means the incentive program established pursuant to section 3;

(p) **“Indian band”** means a band as defined in the *Indian Act* (Canada) and includes the council of a band;

(q) **“licensed packing plant”** means a premises or facility:

(i) that is used for slaughtering or processing cattle; and

(ii) that satisfies the minister that it is licensed or approved to undertake the activities mentioned in subclause (i) in the province or territory in which it is located;

(r) **“muscle cuts of beef”** includes fresh and frozen cuts commonly known as table cuts from skeletal beef, including steaks and roasts;

(s) **“owner”**, with respect to eligible livestock, means:

(i) a person who is able to satisfy the minister based on evidence that the minister considers appropriate that the person is the owner of the eligible livestock;

(ii) a person who is a member of a feeder association, who is growing and finishing the eligible livestock and who has a feeder contract with the feeder association with respect to that eligible livestock; or

(iii) a person who is a member of a breeder association, who is growing and finishing the eligible livestock and who has a breeder contract with the breeder association with respect to that eligible livestock;

- (t) **“purchase contract”** means a contract to purchase eligible livestock that:
- (i) is required for the purposes of the set-aside program; and
 - (ii) is between:
 - (A) a purchaser; and
 - (B) the feeder of the eligible livestock;
- (u) **“purchaser”** means, for the purposes of the set-aside program:
- (i) an individual who is at least 18 years of age who enters into a purchase contract with a feeder of eligible livestock; or
 - (ii) a corporation, co-operative, partnership, communal organization or Indian band that enters into a purchase contract with a feeder of eligible livestock;
- (v) **“review committee”** means any review committee established by the minister pursuant to *The Government Organization Act* for the purposes of these regulations;
- (w) **“Saskatchewan resident”** means:
- (i) an individual who is resident in Saskatchewan;
 - (ii) an individual who or an entity other than an individual that:
 - (A) filed an income tax return respecting farm income in Saskatchewan in the year preceding the year for which an application is made; or
 - (B) filed or will file an income tax return respecting farm income in Saskatchewan in the year for which an application is made; or
 - (iii) an Indian band whose reserve lands are in Saskatchewan;
- (x) **“set-aside payment”** means a payment approved pursuant to section 18;
- (y) **“set-aside program”** means the set-aside program established pursuant to section 3;
- (z) **“veal calf”** means a bovine animal that:
- (i) has the maturity characteristics set out in Schedule I to Part IV of the *Livestock and Poultry Carcass Grading Regulations*, being SOR/92 541; and
 - (ii) has a carcass weight of:
 - (A) less than 205 kilograms with the hide on; or
 - (B) less than 180 kilograms with the hide off.

(2) For the purposes of clause (1)(j), the eligible livestock mentioned in that clause must meet the following criteria:

(a) as of May 20, 2003, the eligible livestock were being fed in Canada for slaughter;

(b) in the case of eligible livestock for the purposes of the assistance program or the incentive program:

(i) the eligible livestock are sold in Canada before the earliest of the following:

(A) the date confirmed by the minister pursuant to subsection (3) as the date that the Canada/United States border is re-opened to the export of muscle cuts of beef or of live cattle of up to 30 months of age at the time of sale;

(B) the date determined by the minister pursuant to subsection 21(1) as the date that the moneys in the account have been fully utilized on a national basis;

(C) in the case of eligible livestock other than heifers under 30 months and steers under 30 months of the genus species *Bos taurus* or *Bos indicus* (cattle), August 31, 2003;

(ii) the eligible livestock are slaughtered in Canada;

(iii) in the case of eligible livestock sold on or after May 20, 2003 and on or before June 17, 2003, the eligible livestock are slaughtered on or before July 10, 2003;

(iv) in the case of eligible livestock sold on or after June 18, 2003, the eligible livestock are slaughtered within 14 days after being sold;

(c) in the case of the set-aside program, the eligible livestock are set-aside or sold for the purpose of being set-aside before the earliest of the following:

(i) the date confirmed by the minister pursuant to subsection (3) as the date that the Canada/United States border is re-opened to the export of muscle cuts of beef or of live cattle of up to 30 months of age at the time of sale;

(ii) the date determined by the minister pursuant to subsection 21(1) as the date that the moneys in the account have been fully utilized on a national basis;

(iii) August 31, 2003.

(3) For the purposes of paragraph (2)(b)(i)(A), subclause (2)(c)(i) and subclause 11(2)(b)(ii), the minister may confirm the date that the Canada/United States border is re-opened to the export of muscle cuts of beef or of live cattle of up to 30 months of age at the time of sale.

(4) If the minister confirms a date for the purposes of subsection (3), the minister shall cause a notice of that confirmation containing the date to be published in the Gazette within 14 days after the date that the minister makes the confirmation.

PART II
Programs, Account and Administration

Programs governed by these regulations

3(1) The Canada Saskatchewan BSE Recovery Program is continued for the purposes of:

- (a) providing assistance payments to feeders affected by the market disruption caused by the closure of the Canada/United States border to eligible livestock exports; and
 - (b) encouraging the slaughter of eligible livestock in Canada.
- (2) The incentive program is established for the purposes of:
- (a) assisting licensed packing plants in disposing of by-products from eligible livestock during the period that the market for eligible livestock remains disrupted by the closure of the Canada/United States border to eligible livestock exports; and
 - (b) encouraging the slaughter of eligible livestock in Canada.
- (3) The set-aside program is established for the purpose of assisting feeders of eligible livestock to set aside eligible livestock for eight weeks during the period that the market for eligible livestock remains disrupted by the closure of the Canada/United States border to eligible livestock exports.

Account continued

4(1) The Canada Saskatchewan BSE Recovery Program Account established pursuant to *The Canada Saskatchewan BSE Recovery Program Regulations* is continued.

- (2) The Minister of Finance is authorized to deposit into the account:
- (a) all contributions from the Government of Canada that are directed to the account for the purposes of the assistance program, the incentive program or the set-aside program pursuant to an agreement made pursuant to subsection 22(2) of the Act; and
 - (b) from moneys appropriated by the Legislature, all contributions of the Government of Saskatchewan to the assistance program, the incentive program or the set-aside program pursuant to an agreement made pursuant to subsection 22(2) of the Act.
- (3) The account consists of:
- (a) all contributions mentioned in subsection (2);
 - (b) all other moneys appropriated by the Legislature:
 - (i) for the purposes of the assistance program, the incentive program or the set-aside program; or
 - (ii) for any other farm income stabilization purpose, if the Minister of Finance designates that those moneys are to be paid into the account;

- (c) all earnings on investments of the account; and
 - (d) all other moneys received in the account for the purposes of the assistance program, the incentive program or the set-aside program.
- (4) All assistance payments, incentive payments and set-aside payments are to be paid from the account.
- (5) Any surplus remaining in the account when the assistance program, incentive program and set-aside program are completed is to be returned to the Government of Canada and the Government of Saskatchewan in proportion to each government's contribution to the account.
- (6) The fiscal year of the account is the period commencing on April 1 in one year and ending on March 31 of the following year.

Minister to administer account and programs

5(1) The minister shall administer:

- (a) the account; and
 - (b) the assistance program, the incentive program and the set-aside program.
- (2) For the purpose of administering the account and the assistance program, the incentive program and the set-aside program, the minister may:
- (a) exercise the powers given to the minister pursuant to the Act; and
 - (b) do any other thing that the minister considers necessary to administer:
 - (i) the account; or
 - (ii) the assistance program, the incentive program or the set-aside program.
- (3) Without limiting the generality of subsection (2), for the purpose of administering the account or the assistance program, the incentive program or the set-aside program, the minister may:
- (a) police and audit compliance with the assistance program, the incentive program or the set-aside program;
 - (b) enter into any agreement with any person, agency, organization, association, institution or body that the minister considers advisable;
 - (c) execute any bills of exchange, promissory notes and other negotiable or transferable instruments;
 - (d) undertake research, conduct studies and provide information to agricultural producers in relation to:
 - (i) eligible livestock; or
 - (ii) the assistance program, the incentive program or the set-aside program;

- (e) use any moneys received in the account to:
 - (i) pay for the administration of the account and the assistance program, incentive program and set-aside program; and
 - (ii) make:
 - (A) assistance payments to feeders;
 - (B) incentive payments to licensed packing plants; or
 - (C) set-aside payments to feeders;
- (f) invest any moneys in the account that are not presently required for the purposes of the assistance program, the incentive program or the set-aside program in any investments that are authorized pursuant to *The Financial Administration Act, 1993* as investments for the general revenue fund; and
- (g) dispose of any investment made pursuant to clause (f), subject to the terms of the investment, in any manner, on any terms and in any amount that the minister considers advisable.

PART III Assistance Program

Application for assistance payment

- 6(1)** A feeder who wishes to apply for an assistance payment must apply to the minister on an application form supplied by the minister.
- (2) On an application form submitted pursuant to subsection (1), the applicant must:
- (a) specify the number of eligible livestock that are the subject of the application and the total net live weight of those eligible livestock;
 - (b) provide any evidence that the minister may require to determine, to the satisfaction of the minister, that the applicant was the owner, before May 20, 2003, of the eligible livestock that are the subject of the application;
 - (c) provide any evidence that the minister may require to determine, to the satisfaction of the minister, that the livestock mentioned in the application are eligible livestock;
 - (d) declare that no other application for assistance has been made or is to be made for the eligible livestock that are the subject of the application pursuant to:
 - (i) the assistance program or the set-aside program; or
 - (ii) any other, similar government program offered by the Government of Saskatchewan or by the government of any other province or territory of Canada that provides assistance with respect to eligible livestock;

(e) provide the minister with any evidence that the minister may require to determine, to the satisfaction of the minister, the following:

- (i) the applicant's province or territory of residency and, if appropriate, the applicant's age;
 - (ii) the applicant's compliance with these regulations;
 - (iii) the applicant's eligibility for an assistance payment;
 - (iv) the amount of any assistance payment to be paid to the applicant;
- and

(f) provide the minister with any evidence or information in addition to that mentioned in clauses (a) to (e) that the minister may require for the purpose of:

- (i) substantiating the applicant's eligibility;
- (ii) determining the amount of an assistance payment to the applicant;
- (iii) verifying the applicant's compliance with these regulations; or
- (iv) administering the assistance program.

(3) If the applicant is a corporation, co-operative, partnership, communal organization or Indian band, for the purposes of verifying residency and compliance with these regulations, the applicant on its application must provide, if requested by the minister:

- (a) the names of its shareholders, partners or members; and
- (b) evidence respecting the shareholders, partners or members that the minister may require to determine the eligibility of the applicant for an assistance payment.

Time limit for submitting applications under assistance program

7(1) Subject to subsection (2), an application must be received by the minister on or before September 30, 2003 or, in the case of an application that is mailed, must be postmarked on or before September 30, 2003.

(2) The minister may consider an application received or postmarked after September 30, 2003 if:

- (a) the minister is satisfied that extenuating circumstances exist making it unreasonable or impossible for the application to have been received or postmarked on or before September 30, 2003; and
- (b) if a review committee has been established, the review committee determines that extenuating circumstances exist and recommends to the minister that the application be considered.

Approval of application for assistance payment

8(1) Subject to subsections (2) and (3) and section 21, if the minister is satisfied that an applicant meets the eligibility requirements set out in these regulations and has complied with the regulations, the minister may approve an assistance payment to the applicant.

(2) No more than one assistance payment or set-aside payment is payable with respect to the same eligible livestock.

(3) An applicant is not entitled to receive any assistance payments with respect to eligible livestock that are the subject of an application if the applicant has applied for or received any payment with respect to the eligible livestock pursuant to any other, similar government program offered by the Government of Saskatchewan or by the government of any other province or territory of Canada that provides assistance with respect to eligible livestock.

Amount and terms of assistance payment

9(1) The amount of an applicant's approved assistance payment is the amount AP calculated in accordance with the following formula and as adjusted in accordance with subsection (2):

$$AP = TNLW \times AMLD$$

where:

TNLW is the total net live weight of the applicant's eligible livestock as stated on the applicant's application form;

AMLD is the adjusted market loss differential as at the date the applicant sold the eligible livestock.

(2) For the purposes of determining the amount of an applicant's approved assistance payment, the amount AP calculated pursuant to subsection (1) is to be adjusted in accordance with the sliding scale index as determined by the minister in accordance with the agreement made pursuant to subsection 22(2) of the Act.

(3) For the purposes of the definition of AMLD in subsection (1), the minister may determine, in accordance with the agreement made pursuant to subsection 22(2) of the Act, an adjusted market loss differential for a day or period in accordance with the following formula:

$$AMLD = USMP - WCMP$$

where:

AMLD is the adjusted market loss differential for the day or period;

USMP is the United States market price for livestock for the day or period as determined by the minister in accordance with the agreement made pursuant to subsection 22(2) of the Act and as adjusted for exchange rate and basis differences between Canada and the United States for the day or period; and

WCMP is the Western Canadian market price for livestock for the day or period as determined by the minister in accordance with the agreement made pursuant to subsection 22(2) of the Act.

(4) The minister may cause the sliding scale index determined pursuant to subsection (2) and the adjusted market loss differential for a day or period calculated pursuant to subsection (3):

(a) to be posted on the Internet website of the department over which the minister presides; and

(b) to be made public in any other manner that the minister considers appropriate.

(5) Notwithstanding any other provision of this section:

(a) the minister may establish, in accordance with the agreement made pursuant to subsection 22(2) of the Act, a different adjusted market loss differential for each of the following classes of eligible livestock:

- (i) steers and heifers;
- (ii) bulls;
- (iii) cows;
- (iv) veal calves;
- (v) rams, wethers and ewes;
- (vi) lambs;
- (vii) heavy lambs;
- (viii) bison heifers and bulls under 36 months;
- (ix) bison cull bulls;
- (x) bison cows;
- (xi) bison veal calves;
- (xii) goats;
- (xiii) caribou;
- (xiv) reindeer;
- (xv) elk;
- (xvi) mule deer;
- (xvii) white-tailed deer;
- (xviii) fallow deer; and

(b) an applicant's assistance payment is to be based on the class of the eligible livestock that are the subject of the application and the adjusted market loss differential for that class of eligible livestock.

(6) No assistance payment is to be paid to an applicant if the amount of the assistance payment is less than \$50.

(7) If the applicant is a member of a feeder association or a breeder association and the eligible livestock for which an assistance payment is to be made are the subject of an agreement between the applicant and the association, the assistance payment is to be paid jointly in the name of:

- (a) the applicant; and
- (b) the association.

Restrictions on transfer or assignment of assistance payments

10(1) No transfer or assignment of an assistance payment is valid unless it has been granted a prior written approval by the minister.

(2) An applicant who wishes to transfer or assign an assistance payment shall:

- (a) apply for approval to the minister on a form provided by the minister; and
- (b) supply the minister with any additional information that the minister may reasonably require to determine whether or not to approve the transfer or assignment.

(3) The minister may refuse to approve more than one transfer or assignment of an assistance payment.

(4) If the minister approves a transfer or assignment, the minister may impose any terms and conditions that the minister considers necessary or prudent on the approval.

(5) No person who is subject to an approval granted pursuant to this section shall fail to comply with any term or condition imposed by the minister on the approval.

(6) Notwithstanding that the minister has approved a transfer or assignment of an assistance payment pursuant to this section, the minister may deduct or set-off from the assistance payment the amount of any debt of, or other moneys owing by, the applicant to whom the assistance payment is payable to:

- (a) the Crown in right of Canada; or
- (b) the Crown in right of Saskatchewan.

PART IV
Incentive Program

Application for incentive payment

11(1) A licensed packing plant that wishes to apply for an incentive payment must apply to the minister on an application form supplied by the minister.

(2) On an application form submitted pursuant to subsection (1), the applicant must:

- (a) specify the number of eligible livestock that are the subject of the application;

(b) provide any evidence that the minister may require to determine, to the satisfaction of the minister, that the eligible livestock that are the subject of the application were slaughtered by the applicant on or after June 18, 2002 and on or before the earlier of the following:

(i) August 31, 2003;

(ii) the date confirmed by the minister pursuant to subsection 2(3) that the Canada/United States border is re-opened to the export of muscle cuts of beef or of live cattle of up to 30 months of age at the time of sale;

(c) provide any evidence that the minister may require to determine, to the satisfaction of the minister, that the livestock mentioned in the application are eligible livestock;

(d) declare that no other application for assistance has been made or is to be made for the eligible livestock that are the subject of the application pursuant to:

(i) the incentive program; or

(ii) any other, similar government program offered by the Government of Saskatchewan or by the government of any other province or territory of Canada that provides assistance with respect to eligible livestock;

(e) provide the minister with any evidence that the minister may require to determine, to the satisfaction of the minister, the following:

(i) the location of the applicant's licensed packing plant;

(ii) the applicant's compliance with these regulations;

(iii) the applicant's eligibility for an incentive payment;

(iv) the amount of any incentive payment to be paid to the applicant;
and

(f) provide the minister with any evidence or information in addition to that mentioned in clauses (a) to (e) that the minister may require for the purpose of:

(i) substantiating the applicant's eligibility;

(ii) determining the amount of an incentive payment to the applicant;

(iii) verifying the applicant's compliance with these regulations; or

(iv) administering the incentive program.

Time limit for submitting applications under incentive program

12(1) Subject to subsection (2), an application must be received by the minister on or before September 30, 2003 or, in the case of an application that is mailed, must be postmarked on or before September 30, 2003.

(2) The minister may consider an application received or postmarked after September 30, 2003 if:

(a) the minister is satisfied that extenuating circumstances exist making it unreasonable or impossible for the application to have been received or postmarked on or before September 30, 2003; and

(b) if a review committee has been established, the review committee determines that extenuating circumstances exist and recommends to the minister that the application be considered.

Approval of application for incentive payment

13(1) Subject to subsections (2) and (3) and section 21, if the minister is satisfied that an applicant meets the eligibility requirements set out in these regulations and has complied with the regulations, the minister may approve an incentive payment to the applicant.

(2) No more than one incentive payment is payable with respect to the same eligible livestock.

(3) An applicant is not entitled to receive any incentive payments with respect to eligible livestock that are the subject of an application if the applicant has applied for or received any payment with respect to the eligible livestock pursuant to any other, similar government program offered by the Government of Saskatchewan or by the government of any other province or territory of Canada that provides assistance with respect to eligible livestock.

Amount and terms of incentive payment

14(1) The amount of an applicant's incentive payment is an amount IP calculated in accordance with the following formula:

$$IP = NEL \times P$$

where:

NEL is the number of eligible livestock that are the subject of the application; and

P is the payment per head of eligible livestock determined in accordance with the formula contained in Schedule 3 of the agreement made pursuant to subsection 22(2) of the Act and based on the species of eligible livestock that are the subject of the application.

(2) The minister may impose any terms and conditions on an incentive payment that the minister considers appropriate.

(3) No person who is the subject of terms or conditions imposed pursuant to subsection (2) shall fail to comply with any term or condition.

Incentive payments not transferable or assignable

15 No transfer or assignment of an incentive payment is valid.

PART V
Set-aside Program

Application for set-aside payment

16(1) A feeder who wishes to apply for a set-aside payment must apply to the minister on an application form supplied by the minister.

(2) On an application form submitted pursuant to subsection (1), the applicant must:

- (a) specify the number of eligible livestock that are the subject of the application and the total net live weight of those eligible livestock;
- (b) provide any evidence that the minister may require to determine, to the satisfaction of the minister, that the applicant was the owner, before May 20, 2003, of the eligible livestock that are the subject of the application;
- (c) provide any evidence that the minister may require to determine, to the satisfaction of the minister, that the livestock mentioned in the application are eligible livestock;
- (d) declare that no other application for assistance has been made or is to be made for the eligible livestock that are the subject of the application pursuant to:
 - (i) the assistance program or the set-aside program; or
 - (ii) any other, similar government program offered by the Government of Saskatchewan or by the government of any other province or territory of Canada that provides assistance with respect to eligible livestock;
- (e) provide the minister with any evidence that the minister may require to determine, to the satisfaction of the minister, the following:
 - (i) the applicant's province or territory of residency and, if appropriate, the applicant's age;
 - (ii) the applicant's compliance with these regulations;
 - (iii) the applicant's eligibility for a set-aside payment; and
 - (iv) the amount of any set-aside payment to be paid to the applicant; and
- (f) provide the minister with any evidence or information in addition to that mentioned in clauses (a) to (e) that the minister may require for the purposes of:
 - (i) substantiating the applicant's eligibility;
 - (ii) determining the amount of a set-aside payment to the applicant;
 - (iii) verifying the applicant's compliance with these regulations; or
 - (iv) administering the set-aside program.

(3) If the applicant is a corporation, co-operative, partnership, communal organization or Indian band, for the purposes of verifying residency and compliance with these regulations, the applicant on its application must provide, if requested by the minister:

- (a) the names of its shareholders, partners or members; and
- (b) evidence respecting the shareholders, partners or members that the minister may require to determine the eligibility of the applicant for a set-aside payment.

Time limit for submitting applications under set-aside program

17(1) Subject to subsection (2), an application must be received by the minister on or before September 4, 2003 or, in the case of an application that is mailed, must be postmarked on or before September 4, 2003.

(2) The minister may consider an application received or postmarked after September 4, 2003 if:

- (a) the minister is satisfied that extenuating circumstances exist making it unreasonable or impossible for the application to have been received or postmarked on or before September 4, 2003; and
- (b) if a review committee has been established, the review committee determines that extenuating circumstances exist and recommends to the minister that the application be considered.

Approval of application for set-aside payment

18(1) Subject to subsections (2) and (3) and section 21, if the minister is satisfied that an applicant meets the eligibility requirements set out in these regulations and has complied with the regulations, the minister may approve a set-aside payment to the applicant.

(2) No more than one assistance payment or set-aside payment is payable with respect to the same eligible livestock.

(3) An applicant is not entitled to receive any set-aside payments with respect to eligible livestock that are the subject of an application if the applicant has applied for or received any payment with respect to the eligible livestock pursuant to any other, similar government program offered by the Government of Saskatchewan or by the government of any other province or territory of Canada that provides assistance with respect to eligible livestock.

Amount and terms of set-aside payment

19(1) The amount of an applicant's approved set-aside payment is the same amount as any assistance payment that would have been calculated and paid in accordance with section 9 if the application respecting the eligible livestock had been an application to receive an assistance payment.

(2) Section 9 applies, with any necessary modification, for the purposes of determining the amount of a set-aside payment.

- (3) As a condition of receiving a set-aside payment, the applicant must agree:
 - (a) to mark the eligible livestock in the manner required by the minister; and
 - (b) either:
 - (i) to withhold the eligible livestock from slaughter for at least eight weeks from the last day of the week the eligible livestock were marked as required by clause (a); or
 - (ii) if the eligible livestock are sold to a purchaser, to:
 - (A) conclude a written purchase contract with the purchaser; and
 - (B) include in the purchase contract mentioned in paragraph (A) a condition that the purchaser must withhold the eligible livestock from slaughter for at least eight weeks from the last day of the week in which the eligible livestock were marked as required by clause (a).
- (4) The minister may impose any terms and conditions on a set-aside payment that the minister considers appropriate.
- (5) No person who is the subject of terms or conditions imposed pursuant to subsection (4) shall fail to comply with any term or condition.

Restrictions on transfer or assignment of set-aside payments

- 20(1)** No transfer or assignment of a set-aside payment is valid unless it has been granted a prior written approval by the minister.
- (2) An applicant who wishes to transfer or assign a set-aside payment shall:
 - (a) apply for approval to the minister on a form provided by the minister; and
 - (b) supply the minister with any additional information that the minister may reasonably require to determine whether or not to approve the transfer or assignment.
 - (3) The minister may refuse to approve more than one transfer or assignment of a set-aside payment.
 - (4) If the minister approves a transfer or assignment, the minister may impose any terms and conditions that the minister considers necessary or prudent on the approval.
 - (5) No person who is subject to an approval granted pursuant to this section shall fail to comply with any term or condition imposed by the minister on the approval.
 - (6) Notwithstanding that the minister has approved a transfer or assignment of a set-aside payment pursuant to this section, the minister may deduct or set-off from the set-aside payment the amount of any debt of, or other moneys owing by, the applicant to whom the set-aside payment is payable to:
 - (a) the Crown in right of Canada; or
 - (b) the Crown in right of Saskatchewan.

PART VI
General

Termination if moneys fully utilized

21(1) If the minister determines that moneys in the account have been fully utilized, the minister may refuse to approve any application pursuant to Part III, IV or V and the applicant is not eligible to receive any assistance payment, incentive payment or set-aside payment with respect to that application.

(2) If the minister makes a determination pursuant to subsection (1), the minister may cause the date the determination is effective:

- (a) to be posted on the Internet website of the department over which the minister presides; and
- (b) to be made public in any other manner that the minister considers appropriate.

Conditions of participating in program

22(1) As a condition of participating in the assistance program, incentive program or set-aside program and receiving an assistance payment, incentive payment or set-aside payment, an applicant shall:

- (a) grant access, at any reasonable time, to land on which the applicant conducts the applicant's livestock or packing plant operations to any persons designated by the minister to verify:
 - (i) information required to substantiate the applicant's eligibility;
 - (ii) the amount of an assistance payment, incentive payment or set-aside payment that may be paid to the applicant; or
 - (iii) the applicant's compliance with these regulations;
- (b) consent to any other person, agency, organization, association, institution or body releasing information to the minister respecting the applicant's livestock or packing plant operations;
- (c) consent to the minister sharing any information provided by the applicant and any information respecting any assistance payment, incentive payment or set-aside payment paid to the applicant with any other person, agency, organization, association, institution or body; and
- (d) provide to the minister, on the minister's request and within the period set by the minister, the applicant's income tax records for one or more years, or any other information that the minister may require, to verify:
 - (i) the applicant's eligibility;
 - (ii) the amount of an assistance payment, incentive payment or set-aside payment that may be paid to the applicant; or
 - (iii) the applicant's compliance with these regulations.

- (2) No applicant shall fail to comply with any condition set out in subsection (1).
- (3) No person shall supply any false or misleading information to the minister on any application or in response to any request for information from the minister.

Reconsideration

23(1) Within 90 days after an applicant receives written notice of the minister's decision with respect to his or her application for an assistance payment, incentive payment or set-aside payment, the applicant may:

- (a) request, in writing, that the minister reconsider the decision; and
 - (b) along with the written request mentioned in clause (a), provide the minister with any further information that the applicant considers relevant with respect to the application.
- (2) If a review committee has been established, the minister may refer any request pursuant to subsection (1) to the review committee for a recommendation as to whether the minister's initial decision was made in accordance with these regulations.
- (3) On receipt of a request pursuant to subsection (1) and after considering any recommendation of the review committee made pursuant to subsection (2), the minister shall:
- (a) reconsider the minister's initial decision;
 - (b) confirm, reverse or vary that decision; and
 - (c) notify the applicant in writing of the reconsideration.
- (4) The minister's decision pursuant to subsection (3) is final.
- (5) Nothing in these regulations entitles an applicant to a hearing before the minister or the review committee.

Overpayment

24(1) The minister may declare all or any assistance payments, incentive payments or set-aside payments made to an applicant pursuant to these regulations to be an overpayment if, in the minister's opinion:

- (a) the applicant 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 applicant 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; or
- (c) the applicant has failed to comply with these regulations.

(2) If the minister declares an assistance payment, incentive payment or set-aside 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 applicant in any manner authorized pursuant to *The Financial Administration Act, 1993* or in any other manner authorized by law.

PART VII

Repeal and Coming into Force

R.R.S. c.F-8.001 Reg 24 repealed

25 *The Canada Saskatchewan BSE Recovery Program Regulations* are repealed.

Coming into force

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

**SASKATCHEWAN
REGULATIONS 82/2003**

The Education Act, 1995

**RÈGLEMENT DE LA
SASKATCHEWAN 82/2003**

Loi de 1995 sur l'éducation

SASKATCHEWAN REGULATIONS 82/2003*The Education Act, 1995*

Subsection 3(2)

Minister's Order, dated August 7, 2003

(Filed August 12, 2003)

Title

1 These regulations may be cited as *The Teacher Certification and Classification Amendment Regulations, 2003*.

R.R.S. c.E-0.2 Reg 11 amended

2 *The Teacher Certification and Classification Regulations, 2002* are amended in the manner set forth in these regulations.

Section 2 amended

3(1) Subsection 2(1) is amended by adding the following definitions in alphabetical order:

“**Additional Qualification Certificate**” means an Additional Qualification Certificate issued pursuant to section 5.4; (« *brevet de compétence complémentaire* »)

“**certificate program**” means a certificate program approved pursuant to section 5.1; (« *programme de brevet* »)

“**integrated program**” means an integrated program approved pursuant to section 5.2; (« *programme d'études intégré* »)

“**introductory level**” means introductory level courses offered by the university or educational institution for which a prerequisite is not required; (« *niveau d'introduction* »)

“**technical or vocational program**” means a technical or vocational program recognized pursuant to section 5.3; (« *programme technique ou en formation de métier* »”).

(2) Subsection 2(3) is amended by striking out “appraising” and substituting “recognizing”.

(3) The following subsections are added after subsection 2(3):

“(4) The requirements of SIAST are to be used as a guide in recognizing technical or vocational programs from other educational institutions.

“(5) Notwithstanding subsections (3) and (4), a program offered by an educational institution may be recognized and approved regardless of whether the university or SIAST offers a comparable program”.

Section 5 amended

4 Clause 5(1)(a) is amended by adding “from the university” after “a Bachelor of Education degree”.

RÈGLEMENT DE LA SASKATCHEWAN 82/2003*Loi de 1995 sur l'éducation*

Paragraphe 3(2)

Décret Ministériel, en date du 7 août 2003

(déposé 12 août 2003)

Titre

1 *Règlement de 2003 modifiant le Règlement de 2002 sur l'attribution des brevets aux enseignants et la classification des enseignants.*

Modification du R.R.S. ch. E-0.2, Règ 1.11

2 Le *Règlement de 2002 sur l'attribution des brevets aux enseignants et la classification des enseignants* est modifié de la manière énoncée au présent règlement.

Modification de l'article 2

3(1) Le paragraphe 2(1) est modifié par adjonction des définitions qui suivent dans leur ordre alphabétique:

« **brevet de compétence complémentaire** » Brevet délivré sous le régime de l'article 5.4. ("*Additional Qualification Certificate*")

« **niveau d'introduction** » Cours d'introduction offerts par l'université ou par l'établissement d'enseignement pour lesquels aucune exigence préalable n'est exigée. ("*introductory level*")

« **programme de brevet** » Programme de brevet agréé sous le régime de l'article 5.1. ("*certificate program*")

« **programme d'études intégré** » Programme agréé sous le régime de l'article 5.2. ("*integrated program*")

« **programme technique ou en formation de métier** » Programme reconnu sous le régime de l'article 5.3. ("*technical or vocational program*") ».

(2) Le paragraphe 2(3) est modifié par suppression des mots « l'évaluation » et leur remplacement par les mots « la reconnaissance ».

(3) Les paragraphes qui suivent sont insérés après le paragraphe 2(3):

« (4) Les conditions imposées par le SIAST sont utilisées à titre indicatif dans la reconnaissance des programmes techniques ou en formation de métier offerts par d'autres établissements d'enseignement.

« (5) Malgré les paragraphes (3) et (4), un programme offert par un établissement d'enseignement peut être reconnu et agréé, que l'université ou le SIAST offre ou non un programme comparable ».

Modification de l'article 5

4 L'alinéa 5(1)a) est modifié par insertion après les mots « du baccalauréat en éducation » des mots « de l'université ».

New sections 5.1 to 5.4

5 The following sections are added after section 5:

“Certificate program

5.1(1) The minister may approve a program as a certificate program.

(2) A certificate program approved pursuant to subsection (1) must:

- (a) consist of a minimum of 30 semester hours of undergraduate courses or graduate study of which a maximum of nine semester hours may be at the introductory level;
- (b) be developed for teachers by the university or an educational institution; and
- (c) consist of courses in:
 - (i) subjects related to the courses of study used in Saskatchewan schools;
 - (ii) teacher education; or
 - (iii) subjects in any approved discipline.

“Integrated program

5.2(1) The minister may approve a program as an integrated program.

(2) An integrated program approved pursuant to subsection (1) must be a 30-semester-hour program that:

- (a) is developed by a teacher in consultation with the university or an educational institution;
- (b) subject to subsection (3), was approved before the teacher commenced the program;
- (c) consists of:
 - (i) a:
 - (A) minimum of 18 semester hours of graduate study; or
 - (B) maximum of nine semester hours of introductory level courses;
 - (ii) courses in:
 - (A) subjects related to the courses of study used in Saskatchewan schools;
 - (B) teacher education; or
 - (C) subjects in any approved discipline; and
 - (iii) a focus in a different area than the classes that were used by the teacher to obtain his or her teacher’s certificate; and
- (d) must be completed within six years after commencing the first class or within such additional time as the minister may allow.

Nouveaux articles 5.1 à 5.4**5 Les articles qui suivent sont insérés après l'article 5:****« Programme de brevet**

5.1(1) Le ministre peut agréer un programme en tant que programme de brevet.

(2) Le programme de brevet agréé sous le régime du paragraphe (1) doit:

- a) comprendre 30 heures-semester minimales d'études de premier cycle ou d'études supérieures desquelles 9 heures-semester au maximum peuvent être consacrées à un niveau d'introduction;
- b) être réalisé à l'intention des enseignants par l'université ou par un établissement d'enseignement;
- c) comporter des cours:
 - (i) soit dans des matières se rapportant aux programmes d'études qui existent dans les écoles de la Saskatchewan,
 - (ii) soit d'études en éducation,
 - (iii) soit dans des matières se rapportant à une discipline agréée.

« Programme d'études intégré

5.2(1) Le ministre peut agréer un programme en tant que programme d'études intégré.

(2) Le programme d'études intégré agréé sous le régime du paragraphe (1) doit être un programme de 30 heures-semester qui est conforme aux exigences suivantes:

- a) il est réalisé par un enseignant en collaboration avec l'université ou avec un établissement d'enseignement;
- b) sous réserve du paragraphe (3), il a été agréé avant que l'enseignant n'ait entrepris le programme;
- c) il comprend:
 - (i) le nombre d'heures-semester suivant:
 - (A) soit un minimum de 18 heures-semester d'études supérieures,
 - (B) soit un maximum de neuf heures-semester de cours d'un niveau d'introduction;
 - (ii) des cours:
 - (A) soit dans des matières se rapportant aux programmes d'études qui existent dans les écoles de la Saskatchewan,
 - (B) soit d'études en éducation,
 - (C) soit dans des matières se rapportant à une discipline agréée;
 - (iii) une concentration dans un domaine différent de celui des classes qui ont permis à l'enseignant d'obtenir son brevet d'enseignement;
- d) il doit se terminer dans les six ans à compter du début de la première classe ou dans le délai additionnel qu'accorde le ministre.

(3) A teacher may apply by June 30, 2004 for approval for an integrated program that includes any class he or she has completed or commenced.

“Technical or vocational program

5.3(1) The minister may recognize a program as a technical or vocational program.

(2) A technical or vocational program recognized pursuant to subsection (1) must be a program of studies provided by SIAST or an educational institution that:

- (a) consists of a minimum of 28 weeks;
- (b) grants a diploma or certificate on completion; and
- (c) is in an area that is related to the courses of study used in Saskatchewan schools.

“Additional Qualification Certificate

5.4(1) Subject to subsections (2) and (3), the certifying official may issue an Additional Qualification Certificate to an applicant:

- (a) who:
 - (i) holds a Professional ‘A’ Teacher’s Certificate; or
 - (ii) holds a provisional Professional ‘A’ Teacher’s Certificate; and
- (b) who:
 - (i) has completed a certificate program, an integrated program or a technical or vocational program; or
 - (ii) holds a journeyperson’s certificate in a trade that relates to the courses of study used in Saskatchewan schools.

(2) The certifying official must be satisfied that the program for which the applicant is applying for an Additional Qualification Certificate does not include:

- (a) any class that the teacher used to obtain his or her teacher’s certificate; or
- (b) a significant duplication in content with any class that the teacher used to obtain his or her teacher’s certificate.

(3) The certifying official may only issue one Additional Qualification Certificate to any applicant”.

Section 10 amended

6(1) The following subsection is added after subsection 10(1):

“(1.1) A recognized employer of teachers may apply to the certifying official, in the form provided by the department, for the issuance of a probationary teacher’s certificate if the recognized employer is unable to fill a teaching position with a person who possesses a teacher’s certificate that is valid for that position”.

(3) Un enseignant peut présenter une demande avant le 30 juin 2004 pour obtenir l'approbation d'un programme d'études intégré qui comporte une classe qu'il a terminée ou commencée.

« Programme technique ou en formation de métier

5.3(1) Le ministre peut reconnaître un programme en tant que programme technique ou en formation de métier.

(2) Le programme technique ou en formation de métier reconnu sous le régime du paragraphe (1) doit être un programme d'études offert par le SIAST ou par un établissement d'enseignement qui:

- a) compte un minimum de 28 semaines;
- b) décerne un diplôme ou un brevet quand il prend fin;
- c) porte sur un domaine se rapportant aux programmes d'études qui existent dans les écoles de la Saskatchewan.

« Brevet de compétence complémentaire

5.4(1) Sous réserve des paragraphes (2) et (3), l'agent d'attribution des brevets peut délivrer un brevet de compétence complémentaire au demandeur:

- a) qui:
 - (i) ou bien est titulaire d'un brevet d'enseignement professionnel "A",
 - (ii) ou bien est titulaire d'un brevet d'enseignement professionnel "A" provisoire;
- b) qui:
 - (i) ou bien a terminé un programme de brevet, un programme d'études intégré ou un programme technique ou en formation de métier,
 - (ii) ou bien est titulaire d'un certificat d'ouvrier spécialisé dans un métier agréé se rapportant aux programmes d'études qui existent dans les écoles de la Saskatchewan.

(2) L'agent d'attribution des brevets doit être convaincu que le programme pour lequel le demandeur présente une demande de brevet de compétence complémentaire ne comprend pas:

- a) soit une classe qui a permis à l'enseignant d'obtenir son brevet d'enseignement;
- b) soit une répétition appréciable du contenu d'une classe qui a permis à l'enseignant d'obtenir son brevet d'enseignement.

(3) L'agent d'attribution des brevets ne peut délivrer à un demandeur qu'un seul brevet de compétence complémentaire ».

Modification de l'article 10

6(1) Le paragraphe qui suit est inséré après le paragraphe 10(1):

«(1.1) Un employeur reconnu d'enseignants peut présenter une demande à l'agent d'attribution des brevets, en la formule fournie par le ministère, pour l'attribution d'un brevet d'enseignement probatoire, s'il ne réussit pas à combler un poste d'enseignant avec le titulaire d'un brevet d'enseignement valide pour ce poste ».

(2) Subsection 10(2) is amended:

(a) in clause (a) by adding “or (1.1)” after “subsection (1)”; and

(b) in clause (b) by striking out “or the conseil scolaire” and substituting “, the conseil scolaire or the recognized employer”.

Section 12 amended

7(1) The following clauses are added after clause 12(6)(c):

“(c.1) a Professional ‘A’ Teacher’s Certificate and an Additional Qualification Certificate;

“(c.2) a Professional ‘B’ Teacher’s Certificate (Endorsed), an approved three-year bachelor’s degree and one year of graduate study”.

(2) The following clause is added after clause 12(7)(d):

“(d.1) a Professional ‘A’ Teacher’s Certificate, a Bachelor of Education degree, an Additional Qualification Certificate and one year of graduate study”.

New section 13

8 Section 13 is repealed and the following substituted:

“Provisional designation

13 For the purposes of section 12, a provisional teacher’s certificate is to be considered as a Professional ‘A’ Teacher’s Certificate, a Professional ‘B’ Teacher’s Certificate (Endorsed), a Vocational Teacher’s Certificate (Endorsed) or a Technical Teacher’s Certificate (Endorsed), as the case may be”.

Section 15 amended

9 The following subsection is added after subsection 15(4):

“(5) Notwithstanding subsection (2), the effective date of the Additional Qualification Certificate is the date on the Additional Qualification Certificate”.

Coming into force

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

(2) Le paragraphe 10(2) est modifié:

a) à l'alinéa a), par insertion de « ou (1.1) » après les mots « paragraphe (1) »;

b) à l'alinéa b), par suppression des mots « ou le conseil scolaire » et leur remplacement par les mots « , le conseil scolaire ou l'employeur reconnu ».

Modification de l'article 12

7(1) Les alinéas qui suivent sont insérés après l'alinéa 12(6)c):

« c.1) le brevet d'enseignement professionnel "A" et le brevet de compétence complémentaire;

« c.2) le brevet d'enseignement professionnel "B" (avec mention), un baccalauréat agréé de trois ans et une année d'études supérieures ».

(2) L'alinéa qui suit est inséré après l'alinéa 12(7)d):

« d.1) le brevet d'enseignement professionnel "A", le baccalauréat en éducation, le brevet de compétence complémentaire et une année d'études supérieures ».

Nouvel article 13

8 L'article 13 est abrogé et remplacé par ce qui suit:

« Caractère provisoire

13 Pour l'application de l'article 12, il y aura lieu de considérer qu'un brevet d'enseignement provisoire tient lieu de brevet d'enseignement professionnel "A", de brevet d'enseignement professionnel "B" (avec mention), de brevet d'enseignement en formation de métier (avec mention) ou de brevet d'enseignement technique (avec mention), le cas échéant ».

Modification de l'article 15

9 Le paragraphe qui suit est inséré après le paragraphe 15(4):

« (5) Malgré le paragraphe (2), la date de prise d'effet du brevet de compétence complémentaire est la date qui figure sur celui-ci ».

Entrée en vigueur

10 Le présent règlement entre en vigueur le jour de son dépôt auprès du registraire des règlements.

SASKATCHEWAN REGULATIONS 83/2003*The Animal Identification Act*

Section 24

Order in Council 655/2003, dated August 12, 2003

(Filed August 13, 2003)

Title**1** These regulations may be cited as *The Brand Amendment Regulations, 2003*.**R.R.S. c.A-20.1 Reg 1, new section 14.1****2** **The following section is added after section 14 of *The Brand Regulations*:****“Identification for purposes of BSE Recovery Programs****14.1(1)** In this section:

(a) **‘applicant’** means an applicant for a set-aside payment pursuant to *The Canada Saskatchewan BSE Recovery Program Regulations, 2003 (No. 2)* as defined in those regulations;

(b) **‘eligible livestock’** means a heifer or steer that is an eligible livestock for the purposes of the set-aside program pursuant to *The Canada Saskatchewan BSE Recovery Program Regulations, 2003 (No. 2)*.

(2) Notwithstanding section 9, an applicant may apply one or more Arabic numerals high on the right or left shoulder of eligible livestock where the applicant is required or authorized to do so for the purposes of the set-aside program pursuant to *The Canada Saskatchewan BSE Recovery Program Regulations, 2003 (No. 2)*.

(3) An applicant may apply the Arabic numerals mentioned in subsection (2) without registering them as a brand”.

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