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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

CHAPTER F-13.4 REG 39

The Financial Administration Act, 1993

Sections 24 and 71

Order in Council 863/2009, dated December 16, 2009

(Filed December 17, 2009)

Title

1 These regulations may be cited as *The Coal Permit Rental Fee Exemption and Remission Regulations*.

Interpretation

2 In these regulations:

- (a) “**coal permit**” means a permit to explore Crown coal lands pursuant to *The Coal Disposition Regulations, 1988*;
- (b) “**holder**” means a person who is shown on the records of the Ministry of Energy and Resources as the owner of an interest in a disposition;
- (c) “**rental fee**” means the annual rental fee for a permit as prescribed in Appendix 1 of *The Coal Disposition Regulations, 1988*.

Exemption and remission

3(1) Every holder is granted, in accordance with these regulations, an exemption of all second and third year rental fees otherwise payable in the period commencing on April 1, 2009 and ending on April 1, 2011 with respect to coal permits.

(2) Notwithstanding subsection (1), if a holder pays or has paid any amount of rental fees mentioned in subsection (1), the holder is granted a remission equivalent to the amount of the rental fees paid.

Coming into force

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

CHAPTER T-18.1 REG 7*The Traffic Safety Act*

Section 287

Order in Council 865/2009, dated December 16, 2009

(Filed December 17, 2009)

Title

1 These regulations may be cited as *The Traffic Safety (Hand-held Electronic Communications Equipment) Regulations*.

Interpretation

2 In these regulations, “**Act**” means *The Traffic Safety Act*.

Exemptions re certain classes of persons

3 Subsection 241.1(2) of the Act does not apply to the following classes of persons:

- (a) peace officers acting in the course of their duties;
- (b) persons who drive emergency vehicles described in section 238 of the Act.

Coming into force

4(1) Subject to subsection (2), these regulations come into force on the day on which section 11 and clause 12(c) of *The Traffic Safety (Drivers’ Licences and Hand-held Electronic Communications Equipment) Amendment Act, 2009* come into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 11 and clause 12(c) of *The Traffic Safety (Drivers’ Licences and Hand-held Electronic Communications Equipment) Amendment Act, 2009* come into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 112/2009*The Fuel Tax Act, 2000*

Section 51

Order in Council 864/2009, dated December 16, 2009

(Filed December 17, 2009)

Title**1** These regulations may be cited as *The Fuel Tax Amendment Regulations, 2009*.**R.R.S. c.F-23.21 Reg 1 amended****2** *The Fuel Tax Regulations, 2000* are amended in the manner set forth in these regulations.**Section 2 amended****3 Subsection 2(1) is amended:****(a) by repealing clause (h) and substituting the following:****“(h) ‘farm’ means an area of land in Saskatchewan:**

(i) of at least 30 cultivated hectares used for the growing of cereal crops for sale; or

(ii) used for the growing or raising of primary farm products for sale that generate an annual gross revenue of at least \$10,000;

“(h.1) ‘farmer’ means a person who:

(i) controls and is responsible for the operation of a farm;

(ii) owns or is the lessee of the farm; and

(iii) makes an appreciable contribution to the growth and maturity of primary farm products by being actively and directly involved in farming operations;

but does not include a person who:

(iv) is the lessor or has entered into any other agreement whereby the person has transferred the farm or an interest in the farm to another person for the purpose of farming it;

(v) buys primary farm products solely for the purpose of resale; or

(vi) holds an interest in the farm solely for investment purposes;

“(h.2) ‘farming operations’ means one or more of the following activities carried out by a farmer in connection with the production of his or her own primary farm products:

(i) the cultivation or tilling of land for crops, animal forage or grazing;

(ii) the seeding, spraying, irrigating, fertilizing or harvesting of crops and other primary farm products;

- (iii) the loading and unloading of crops for on-farm storage;
- (iv) the raising, breeding, feeding, watering, handling or segregating of farm animals, poultry, bees and fur-bearing animals;
- (v) corral cleaning;
- (vi) the collecting and primary processing of eggs, poultry, milk and honey;
- (vii) mobile seed cleaning and mobile grain drying; and
- (viii) the hauling by the farmer of his or her own primary farm products or production inputs used in connection with any of the activities mentioned in subclauses (i) to (vii);

but does not include:

- (ix) the use of a licensed farm vehicle by a farmer, the farmer's dependants or others for non-farm business or employment purposes;
- (x) off-farm sorting, cleaning, grading and preparing crops for storage or market;
- (xi) any manufacturing, processing, refining, packaging, mixing, grinding, marketing or other operation that changes the agricultural commodity from its natural or primary state to a secondary state, thereby adding value;
- (xii) the transportation of:
 - (A) primary farm products by a person other than the farmer who produced them;
 - (B) production inputs used in connection with any of the activities mentioned in subclauses (i) to (vii) by a person other than the farmer who will use them for his or her own farming operations; or
 - (C) race horses and rodeo stock;
- (xiii) the renting out by a lessor of a farm, buildings, livestock, motor vehicles, machinery or other assets, and any activities related to the maintenance or improvement of the rented assets;
- (xiv) the exhibiting, racing or leasing of any primary farm product;
- (xv) the raising of animals or production of feed for animals commonly kept:
 - (A) as pets; or
 - (B) for display in a zoo;
- (xvi) pre-production activities, such as the construction of farm buildings or farm fences;

(xvii) secondary or indirect activities, unless carried out by a farmer on his or her own farm using unlicensed farm machinery, including:

- (A) land levelling or clearing;
- (B) digging dugouts;
- (C) trenching or installation of water lines;
- (D) clearing bush; and
- (E) burying rocks;

(xviii) the use of construction equipment or machinery to carry out an activity other than an activity mentioned in subclauses (i) to (vii);

(xix) the use of unlicensed farm machinery or licensed farm vehicles to carry out an activity other than an activity mentioned in subclauses (i) to (viii);

(xx) the use of any vehicle or machinery other than a licensed farm vehicle or unlicensed farm machinery;

(xxi) the business of providing services or sales, or both, to a farmer, including but not limited to:

- (A) banking, accounting, consulting, veterinary and other animal health services; and
- (B) sales and services of production inputs and farm machinery”;

(b) by repealing clause (i);

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

“(j) **‘heating’** means using fuel in a device that contains a burner to produce an open flame, but does not include using fuel:

- (i) to power an internal combustion engine or a turbine engine;
- (ii) as a means of propulsion;
- (iii) for regulating temperature in a trailer or container used for the private or commercial transportation of goods;
- (iv) to produce electricity or to power a compressor or pump;
- (v) for fabrication processes such as cutting or welding”;

(d) by repealing clause (l) and substituting the following:

“(l) **‘licensed farm vehicle’** means a vehicle:

- (i) owned or leased by a farmer; and
- (ii) registered in the farmer’s name as a Class F vehicle pursuant to *The Vehicle Classification and Registration Regulations*”; **and**

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

- “(q) ‘unlicensed farm machinery’ means machinery or equipment that:
- (i) is not required to be registered pursuant to *The Traffic Safety Act*; and
 - (ii) is used in farming operations”.

Section 7 amended

4(1) Clause 7(1)(a) is amended by striking out “*The Vehicle Administration Act*” and substituting “*The Traffic Safety Act*”.

(2) Clause 7(3)(b) is amended by striking out “includes” and substituting “means”.

New section 8

5 Section 8 is repealed and the following substituted:

“Exemption permit

8(1) For the purposes of subsection 7(1) of the Act, a farmer or primary producer of renewable resources that wishes to obtain a fuel tax exemption permit shall apply to the minister on a form required by the minister and include with the application:

- (a) the applicant’s social insurance number;
 - (b) if applicable, the applicant’s AgriStability Program Number or the applicant’s number for a similar provincial or federal program;
 - (c) in the case of an incorporated entity, the applicant’s Federal Business Number; and
 - (d) any additional information that the minister may require.
- (2) A fuel tax exemption permit issued pursuant to section 7 of the Act is valid:
- (a) as long as the person named in it:
 - (i) continues to be a farmer or a primary producer of renewable resources;
 - (ii) uses the fuel obtained through the use of the permit solely in farming operations or in business as a primary producer of renewable resources; and
 - (iii) complies with the Act and these regulations; or
 - (b) until the permit is suspended or cancelled by the minister.
- (3) A fuel tax exemption permit is not transferable.
- (4) Every holder of a fuel tax exemption permit shall prepare and file with the minister, on or before the last day of May in each year, an annual return:
- (a) in the form required by the minister; and
 - (b) containing any information that the minister may require”.

New sections 15 and 15.1**6 Section 15 is repealed and the following substituted:****“Special authorizations re custom farming**

15(1) In this section, ‘**custom farming**’ means carrying out any activity mentioned in subclauses 2(1)(h.2)(i) to (vii).

(2) The minister may, pursuant to section 12 of the Act, issue an authorization to a recipient permitting the recipient to purchase marked diesel fuel without the payment of tax for use in unlicensed farm machinery to carry out custom farming for a farmer on the farmer’s farm.

(3) An authorization issued pursuant to subsection (2) is for any period that may be specified in the authorization.

“Special authorizations re heating

15.1(1) The minister may, pursuant to section 12 of the Act, issue an authorization to a recipient permitting the recipient to purchase marked diesel fuel without the payment of tax for heating.

(2) An authorization issued pursuant to subsection (1) is for any period that may be specified in the authorization”.

Section 18 amended**7 The following subsection is added after subsection 18(2):**

“(3) For the purposes of sections 22 and 23 of the Act, marked diesel fuel sold for heating use must be identified as heating fuel or fuel oil at the time of sale and must be:

- (a) delivered into a tank used exclusively for the storage of fuel used for heating; or
- (b) sold to the holder of an authorization issued pursuant to section 15.1”.

New section 19**8 Section 19 is repealed and the following is substituted:****“Terminal or refinery requirement**

19(1) Every refinery or terminal shall, when fuel is removed, issue a bill of lading or other document that shows:

- (a) the destination of the fuel;
- (b) the type of fuel being transported;
- (c) the quantity of fuel being transported;
- (d) the name and location of the terminal;
- (e) the name of the carrier;
- (f) the name and location of the consignee; and
- (g) the date that the fuel was removed.

(2) Every recipient that operates a refinery or terminal, and owns, stores, possesses or transports fuel on its own behalf or on behalf of another recipient:

(a) must file an inventory report by the 20th day of the month following the month with respect to which the report relates that:

(i) includes the total inventory owned, possessed or in transit, summarized by:

(A) position holder;

(B) refinery or terminal;

(C) product type; and

(ii) separately identifies and reports owned inventory by:

(A) refinery or terminal;

(B) product type; and

(b) must report owned inventory on its monthly fuel tax return, including fuel that is possessed or stored by another fuel recipient”.

Coming into force

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

SASKATCHEWAN REGULATIONS 113/2009*The Summary Offences Procedure Act, 1990*

Section 55

Order in Council 866/2009, dated December 16, 2009

(Filed December 17, 2009)

Title

1 These regulations may be cited as *The Summary Offences Procedure Amendment Regulations, 2009 (No.4)*.

R.R.S. c.S-63.1 Reg 2, Appendix, Part 3, Table 1 amended

2 **Table 1 of Part 3 of the Appendix of *The Summary Offences Procedure Regulations, 1991* is amended by adding the following item after item 95:**

“95.1 Using electronic communications
equipment while driving 241.1 220”.

Coming into force

3(1) Subject to subsection (2), these regulations come into force on the day on which section 11 of *The Traffic Safety (Drivers' Licences and Hand-held Electronic Communications Equipment) Amendment Act, 2009* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the coming into force of section 11 of *The Traffic Safety (Drivers' Licences and Hand-held Electronic Communications Equipment) Amendment Act, 2009*, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

