



# The Saskatchewan Gazette

PUBLISHED WEEKLY BY AUTHORITY OF THE QUEEN'S PRINTER/PUBLIÉE CHAQUE SEMAINE SOUS L'AUTORITÉ DE L'IMPRIMEUR DE LA REINE

## PART II/PARTIE II

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Volume 107

REGINA, FRIDAY, OCTOBER 7, 2011/REGINA, VENDREDI, 7 OCTOBRE 2011

No. 40/n° 40

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## PART II/PARTIE II

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

#### TABLE OF CONTENTS/TABLE DES MATIÈRES

F-8.001 Reg 46	<i>The 2011 Saskatchewan Feed and Forage Program Regulations ...</i>	1047
T-18.1 Reg 9	<i>The Driver Training Regulations, 2011 .....</i>	1064

# Revised Regulations of Saskatchewan 2011/ Règlements Révisés de la Saskatchewan 2011

## September 2, 2011

<i>The Public Interest Disclosure Regulations</i> .....	P-38.1 Reg 1
<i>The Special-care Homes Rates Regulations, 2011</i> .....	R-8.2 Reg 8

## September 16, 2011

<i>The Plumbing Regulations</i> .....	P-37.1 Reg 13
<i>The Private Sewage Works Regulations</i> .....	P-37.1 Reg 14
<i>The Public Service Amendment Regulations, 2011</i> .....	SR 61/2011
<i>The Attending Health Professionals Amendment Regulations, 2011</i> .....	SR 62/2011
<i>The Saskatchewan Medical Care Insurance Payment Amendment Regulations, 2011 (No. 2)</i> .....	SR 63/2011
<i>The Local Government Election Amendment Regulations, 2011</i> .....	SR 64/2011
<i>The Saskatchewan Municipal Board Member Qualification Amendment Regulations, 2011</i> .....	SR 65/2011

## September 23, 2011

<i>The Adult Guardianship and Co-decision-making Amendment Regulations, 2011</i> .....	SR 66/2011
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## October 7, 2011

<i>The 2011 Saskatchewan Feed and Forage Program Regulations</i> .....	F-8.001 Reg 46
<i>The Driver Training Regulations, 2011</i> .....	T-18.1 Reg 9

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## REVISED REGULATIONS OF SASKATCHEWAN

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### CHAPTER F-8.001 REG 46

#### *The Farm Financial Stability Act*

Sections 22, 24, 33 and 84

Order in Council 599/2011, dated September 28, 2011

(Filed September 29, 2011)

#### Title

1 These regulations may be cited as *The 2011 Saskatchewan Feed and Forage Program Regulations*.

#### Interpretation

2 In these regulations:

- (a) **“account”** means the Saskatchewan Feed and Forage Program Account continued pursuant to section 4;
- (b) **“Act”** means *The Farm Financial Stability Act*;
- (c) **“applicant”** means:
  - (i) a livestock producer who applies for a feed shortfall support payment, a transportation support payment or a pasture rental support payment; or
  - (ii) a forage producer who applies for a re-seeding support payment;
- (d) **“application”** means:
  - (i) with respect to a feed shortfall support payment, an application made pursuant to section 8;
  - (ii) with respect to a re-seeding support payment, an application made pursuant to section 11;
  - (iii) with respect to a transportation support payment, an application made pursuant to section 15; and
  - (iv) with respect to a pasture rental support payment, an application made pursuant to section 19;
- (e) **“associate”** means an associate within the meaning of *The Business Corporations Act*;
- (f) **“breeder association”** means:
  - (i) a bison breeder association within the meaning of *The Bison Breeder Associations Loan Guarantee Regulations*;
  - (ii) a cattle breeder association within the meaning of *The Cattle Breeder Associations Loan Guarantee Regulations, 1991*; or
  - (iii) a sheep breeder association within the meaning of *The Sheep Breeder Associations Loan Guarantee Regulations*;

- (g) **“concentrated feedstuffs”** means feed grain, pelleted screenings, distiller’s grain solubles, canola meal, soybean meal and complete feed rations;
- (h) **“custom feeder”** means a person that grows or finishes livestock on a fee-for-service basis;
- (i) **“disaster assistance”** means disaster assistance as defined in *The Provincial Disaster Assistance Program Regulations, 2011*;
- (j) **“eligible applicant”** means:
- (i) with respect to a feed shortfall support payment, an eligible applicant as described in section 7;
  - (ii) with respect to a re-seeding support payment, an eligible applicant as described in section 10;
  - (iii) with respect to a transportation support payment, an eligible applicant as described in section 14; and
  - (iv) with respect to a pasture rental support payment, an eligible applicant as described in section 18;
- (k) **“eligible feed”** means concentrated feedstuffs, forage or straw;
- (l) **“eligible forage land”** means land located in Saskatchewan that is used as a perennial tame or native feed source for livestock or forage seed production;
- (m) **“eligible pasture land”** means land that was negatively affected by excess moisture in 2011 resulting in lost grazing capacity;
- (n) **“feed”** means any concentrated feedstuffs, forage or straw;
- (o) **“feed shortfall support payment”** means a feed shortfall support payment calculated pursuant to section 9;
- (p) **“feeder association”** means:
- (i) a bison feeder association within the meaning of *The Bison Feeder Associations Loan Guarantee Regulations*;
  - (ii) a cattle feeder association within the meaning of *The Cattle Feeder Associations Loan Guarantee Regulations, 1989*; or
  - (iii) a sheep feeder association within the meaning of *The Sheep Feeder Associations Loan Guarantee Regulations*;
- (q) **“forage”** means hay, silage and greenfeed;
- (r) **“forage producer”** means:
- (i) an individual who:
    - (A) is the owner or lessee of eligible forage land;
    - (B) is 18 years of age or older; and

- (C) either:
  - (I) resides in Saskatchewan and can provide evidence satisfactory to the minister of the individual's Saskatchewan residence; or
  - (II) in the minister's opinion, carries on farming operations in Saskatchewan;
- (ii) a corporation, a co-operative, a partnership or a communal organization that:
  - (A) is the owner or lessee of eligible forage land; and
  - (B) in the minister's opinion, carries on farming operations in Saskatchewan; or
- (iii) an Indian Band:
  - (A) whose reserve land is in Saskatchewan; and
  - (B) that uses a portion of its reserve land as eligible forage land;
- (s) **"Indian band"** means a band as defined in the *Indian Act* (Canada) and includes the council of a band;
- (t) **"livestock producer"** means:
  - (i) an individual who:
    - (A) is 18 years of age or older;
    - (B) either:
      - (I) resides in Saskatchewan and can provide evidence satisfactory to the minister of the individual's Saskatchewan residence; or
      - (II) in the minister's opinion, carries on livestock operations in Saskatchewan; and
    - (C) is the owner of the eligible livestock that are the subject of an application;
  - (ii) a corporation, a co-operative, a partnership or a communal organization that:
    - (A) in the minister's opinion, carries on livestock operations in Saskatchewan; and
    - (B) is the owner of the eligible livestock that are the subject of an application; or
  - (iii) an Indian band:
    - (A) whose reserve land is in Saskatchewan; and
    - (B) that is the owner of the eligible livestock that are the subject of an application;

- (u) **“owner”**, with respect to eligible livestock as defined in sections 6, 13 and 17, means a person who is:
- (i) the owner of eligible livestock;
  - (ii) the lessee of eligible livestock;
  - (iii) a member of a breeder association who has a breeder contract with the breeder association with respect to eligible livestock;
  - (iv) a member of a feeder association who has a feeder contract with the feeder association with respect to eligible livestock; or
  - (v) a custom feeder with respect to the eligible livestock;
- (v) **“pasture rental support payment”** means a pasture rental support payment calculated pursuant to section 20;
- (w) **“person”** includes a partnership, a communal organization and an Indian band;
- (x) **“program”** means the 2011 Saskatchewan Feed and Forage Program established pursuant to section 3;
- (y) **“re-seeding support payment”** means a re-seeding support payment calculated pursuant to section 12;
- (z) **“reserve land”** means reserve land within the meaning of the *Indian Act* (Canada);
- (aa) **“straw”** means crop residue used as a feed source or as bedding for eligible livestock;
- (bb) **“support payment”** includes feed shortfall support payments, re-seeding support payments, transportation support payments and pasture rental support payments;
- (cc) **“transportation support payment”** means a transportation support payment calculated pursuant to section 16.

## PART II

### 2011 Saskatchewan Feed and Forage Program

#### Program established

- 3(1) The 2011 Saskatchewan Feed and Forage Program is established.
- (2) The purpose of the program is to provide financial assistance to producers:
- (a) who experienced a shortage of winter feed for eligible livestock, as defined in section 6, as a result of the negative effect excess moisture had on 2011 forage production;
  - (b) who re-seeded perennial forage land during the period set out in clause 10(2)(c) as a result of excess moisture in 2010 or 2011;
  - (c) who transported eligible livestock, as defined in section 13, or eligible feed during the period commencing on April 1, 2011 and ending on March 31, 2012 due to a feed shortfall as a result of excessive moisture; and

- (d) who rented or leased additional pasture land or purchased feed during the period commencing on April 1, 2011 and ending on November 30, 2011 as a result of the negative effect excess moisture had in 2011 on eligible pasture land that resulted in lost grazing capacity.

**Account established**

4(1) The Saskatchewan Feed and Forage Program Account in the fund that was established pursuant to *The Saskatchewan Feed and Forage Program Regulations* is continued for the purpose of administering the program pursuant to clause 24(2)(a) of the Act in addition to administering the program established pursuant to *The Saskatchewan Feed and Forage Program Regulations*.

(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 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 program pursuant to an agreement made pursuant to subsection 22(2) of the Act.

(3) The account consists of:

- (a) all contributions mentioned in clause (2)(a);
- (b) all moneys appropriated by the Legislature:
  - (i) for the purposes of the 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 program or *The Saskatchewan Feed and Forage Program Regulations*.

(4) All support payments are to be paid from the account.

(5) Any surplus remaining in the account when the program is 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 program**

5(1) The minister shall administer the account and the program.

(2) For the purpose of administering the account and the program, the minister may:

- (a) exercise the powers given pursuant to the Act; and
- (b) do any other thing that the minister considers necessary to administer the account or the program.

(3) Without limiting the generality of subsection (2), for the purpose of administering the account or the program, the minister may:

- (a) enter into any agreement that the minister considers advisable with any person, agency, organization, association, institution or body;
- (b) undertake research, conduct studies and provide information to agricultural producers in relation to the program;
- (c) use any moneys received in the account:
  - (i) to pay for the administration of the account and the program; and
  - (ii) to make support payments;
- (d) invest any moneys in the account that are not presently required for the purposes of the program in any investments that are authorized pursuant to *The Financial Administration Act, 1993* as investments for the general revenue fund; and
- (e) dispose of any investment made pursuant to clause (d), subject to the terms of the investment, in any manner, on any terms and in any amount that the minister considers advisable.

### PART III Support Payments

#### DIVISION 1 Feed Shortfall

##### Interpretation of Division

**6** In this Division, “**eligible livestock**” means females and males of any of the following species of livestock that are of breeding age and used for breeding purposes in the applicant’s herd:

- (a) beef cattle;
- (b) dairy cattle;
- (c) bison;
- (d) domestic game farm animals, as defined in *The Domestic Game Farm Animal Regulations*;
- (e) sheep;
- (f) goats;
- (g) horses;
- (h) alpacas;
- (i) llamas.

**Eligible applicant**

7(1) Subject to section 21 and subsection (2), a person is eligible to apply for a feed shortfall support payment if:

- (a) the person is a livestock producer;
  - (b) the person was the owner of eligible livestock as of October 1, 2011;
  - (c) the person's forage production was negatively affected by excessive moisture in 2011;
  - (d) the person purchased eligible feed for the eligible livestock during the period commencing on June 1, 2011 and ending on March 31, 2012; and
  - (e) in the case of an individual, partnership, communal organization or corporation, the individual, each partner of the partnership, the communal organization or the corporation filed or will file an income tax return respecting farm income from livestock operations in Saskatchewan for the year preceding the year for which an application is made, or for the year for which an application is made.
- (2) No person who received disaster assistance is eligible to apply for a feed shortfall support payment with respect to the same expenditures.

**Application for payment**

8(1) An eligible applicant who intends to obtain a feed shortfall support payment shall apply to the minister on an application form supplied by the minister.

- (2) On an application, the applicant shall:
- (a) specify the type and number of eligible livestock with respect to which the application is made;
  - (b) declare that the applicant was the owner of the eligible livestock as of October 1, 2011;
  - (c) provide details respecting the applicant's normal feed sources, the applicant's average annual feed production and average annual feed purchases with respect to the eligible livestock;
  - (d) specify the number of acres of land that is normally used to produce eligible feed and the type of eligible feed normally produced on those acres of land;
  - (e) specify the type and total amount of eligible feed produced in 2011;
  - (f) specify the rural municipality in which the land mentioned in clause (d) is located;

(g) provide the following details with respect to all eligible feed that was purchased during the period commencing on June 1, 2011 and ending on March 31, 2012:

- (i) the type of feed that was purchased;
- (ii) the total weight, in imperial tons, of each type of feed that was purchased;
- (iii) the purchase price for each type of feed;
- (iv) the date on which each type of feed was purchased;

(h) provide any details that the minister may require to determine that the feed with respect to which the application is made is eligible feed;

(i) declare that no other application for a support payment has been made or is to be made by the applicant respecting the same expenditures; and

(j) provide the minister with any additional information that the minister may reasonably require to determine the applicant's eligibility for a feed shortfall support payment or the amount of the applicant's feed shortfall support payment.

(3) If an applicant is a corporation, a co-operative, a partnership, a communal organization or an Indian band, the minister may, for the purposes of verifying residency and compliance with these regulations, require the applicant to provide the names of the shareholders, partners, members or other persons, as the case may be, who are associates of the applicant.

**Calculation of feed shortfall support payment**

**9(1)** In this section:

(a) **“forage shortfall”** means the decline in an eligible applicant's production of forage in 2011, due to excessive moisture in 2011, relative to the forage required for the 2011-2012 normal overwintering forage consumption of the eligible livestock;

(b) **“normal overwintering forage consumption”** means the amount of forage necessary to maintain a healthy animal named in clauses 6(a) to (i) for 210 days of winter feeding as determined by the minister.

(2) The feed shortfall support payment that may be paid to an eligible applicant is the amount P calculated in accordance with the following formula:

$$P = (FS - PD) \times R$$

where:

FS is the forage shortfall, in imperial tons, as determined by the minister in accordance with subsection (3), which amount must not exceed the normal overwintering forage consumption of the eligible livestock;

PD is 10% of the normal overwintering forage consumption, in imperial tons, for the eligible livestock; and

R is the cost per imperial ton of the eligible feed purchased during the period commencing on June 1, 2011 and ending on March 31, 2012, to a maximum amount of \$12 per imperial ton of eligible feed.

- (3) In determining the forage shortfall with respect to an eligible applicant, the minister shall consider the following:
- (a) the normal overwintering forage consumption for the eligible livestock;
  - (b) the amount of eligible feed produced by the applicant in 2011;
  - (c) any other factors that the minister considers necessary or appropriate in the circumstances.

## DIVISION 2 Re-seeding

### Eligible applicant

**10(1)** In this section, “**excess moisture support payment**” means a support payment as defined in *The Excess Moisture Program Regulations* or *The Excess Moisture Program Regulations, 2011*.

- (2) Subject to section 21 and subsection (3), a person is eligible to apply for a re-seeding support payment if:
- (a) the person is a forage producer;
  - (b) the forage producer’s eligible forage land was re-seeded due to excessive moisture;
  - (c) the forage producer re-seeded the eligible forage land to perennial forage during the period commencing on June 1, 2010 and ending on October 31, 2012; and
  - (d) in the case of an individual, partnership, communal organization or corporation, the individual, each partner of the partnership, the communal organization or the corporation filed or will file an income tax return respecting farm income in Saskatchewan for the year preceding the year for which an application is made, or for the year for which an application is made.
- (3) No person who received an excess moisture support payment is eligible to apply for a re-seeding support payment with respect to the same land.

### Application for payment

**11(1)** An eligible applicant who intends to obtain a re-seeding support payment shall apply to the minister on an application form supplied by the minister.

- (2) On an application, the applicant shall:
- (a) for all eligible forage land:
    - (i) set out the legal land description;
    - (ii) specify the total number of acres of eligible forage land for each parcel listed for the purposes of subclause (i);
    - (iii) specify the rural municipality in which the land mentioned in subclause (i) is located; and
    - (iv) specify the number of acres re-seeded to perennial forage during the period set out in clause 10(2)(c), including the date of the re-seeding;

- (b) provide any details that the minister may require to determine that the land with respect to which the application is made is eligible forage land;
  - (c) declare that no other application for a re-seeding support payment has been made or is to be made by the applicant respecting the same expenditures; and
  - (d) provide the minister with any additional information that the minister may reasonably require to determine the applicant's eligibility for a re-seeding support payment or the amount of the applicant's re-seeding support payment.
- (3) If an applicant is a corporation, a co-operative, a partnership, a communal organization or an Indian band, the minister may, for the purposes of verifying residency and compliance with these regulations, require the applicant to provide the names of the shareholders, partners, members or other persons, as the case may be, who are associates of the applicant.

**Calculation of re-seeding support payment**

**12** The re-seeding support payment that may be paid to an eligible applicant is the amount P calculated in accordance with the following formula:

$$P = A \times \$12$$

where A is the number of acres of eligible forage land re-seeded to perennial forage during the period set out in clause 10(2)(c).

**DIVISION 3**

**Feed Transportation and Livestock Transportation**

**Interpretation of Division**

**13** In this Division, "eligible livestock" means any animal of the following species of livestock:

- (a) beef cattle;
- (b) dairy cattle;
- (c) bison;
- (d) domestic game farm animals, as defined in *The Domestic Game Farm Animal Regulations*;
- (e) sheep;
- (f) goats;
- (g) horses;
- (h) alpacas;
- (i) llamas.

**Eligible applicant**

14(1) Subject to section 21 and subsection (2), a person is eligible to apply for a transportation support payment if:

- (a) the person is a livestock producer;
- (b) the person is the owner of eligible livestock as of the date of transport set out in subclause 15(2)(b)(ii);
- (c) the person's forage production was negatively affected by excessive moisture;
- (d) the person transported eligible feed or eligible livestock during the period commencing on April 1, 2011 and ending on March 31, 2012; and
- (e) in the case of an individual, partnership, communal organization or corporation, the individual, each partner of the partnership, the communal organization or the corporation filed or will file an income tax return respecting farm income from livestock operations in Saskatchewan for the year preceding the year for which an application is made, or for the year for which an application is made.

(2) No person is eligible to apply for a transportation support payment unless that person has first applied for disaster assistance pursuant to *The Provincial Disaster Assistance Program Regulations, 2011*.

(3) If a person has received disaster assistance after applying pursuant to subsection (2), that person is not eligible to apply for a transportation payment with respect to the same expenditures.

**Application for payment**

15(1) An eligible applicant who intends to obtain a transportation support payment shall apply to the minister on an application form supplied by the minister.

(2) On an application, the applicant shall:

- (a) declare that the applicant was the owner of the eligible livestock as of the date of transport set out in subclause (b)(ii);
- (b) provide the following details with respect to all eligible feed or eligible livestock that were transported during the period commencing on April 1, 2011 and ending on March 31, 2012:
  - (i) the type of feed or livestock that was transported;
  - (ii) the date on which the transportation took place;
- (c) verify that the applicant has attached an invoice, receipt or other documentation respecting the cost of the transportation that:
  - (i) is satisfactory to the minister;
  - (ii) is issued to the eligible applicant as purchaser; and
  - (iii) is dated on or after April 1, 2011, but before April 1, 2012;

- (d) provide any details that the minister may require to determine that the feed or livestock with respect to which the application is made is eligible feed or eligible livestock, as the case may be;
  - (e) declare that no other application for a transportation support payment has been made or is to be made by the applicant respecting the same expenditures; and
  - (f) provide the minister with any additional information that the minister may reasonably require to determine the applicant's eligibility for a transportation support payment or the amount of the applicant's transportation support payment.
- (3) If an applicant is a corporation, a co-operative, a partnership, a communal organization or an Indian band, the minister may, for the purposes of verifying residency and compliance with these regulations, require the applicant to provide the names of the shareholders, partners, members or other persons, as the case may be, who are associates of the applicant.

**Calculation of transportation support payment**

**16** The transportation support payment that may be paid to an eligible applicant for the transportation of eligible feed or eligible livestock is the amount P calculated in accordance with the following formula:

$$P = C \times 95\%$$

where C is the cost of the transportation paid during the period commencing on April 1, 2011 and ending on March 31, 2012, as evidenced by the documents submitted pursuant to clause 15(2)(c).

**DIVISION 4**  
**Pasture Rental**

**Interpretation of Division**

**17** In this Division, “**eligible livestock**” means any animal of the following species of livestock:

- (a) beef cattle;
- (b) dairy cattle;
- (c) bison;
- (d) domestic game farm animals, as defined in *The Domestic Game Farm Animal Regulations*;
- (e) sheep;
- (f) goats;
- (g) horses;
- (h) alpacas;
- (i) llamas.

**Eligible applicant**

**18(1)** Subject to section 21 and subsection (2), a person is eligible to apply for a pasture rental support payment if:

- (a) the person is a livestock producer;
  - (b) the person is the owner of eligible livestock as of April 1, 2011;
  - (c) the person:
    - (i) owns eligible pasture land as of April 1, 2011; or
    - (ii) leases eligible pasture land as of April 1, 2011, and payment under that lease is required whether or not the eligible pasture land has been used by the lessee;
  - (d) the person's eligible pasture land was negatively affected by moisture in 2011;
  - (e) the person either:
    - (i) rented or leased alternative pasture land for grazing eligible livestock during the period commencing on April 1, 2011 and ending on November 30, 2011; or
    - (ii) purchased feed for eligible livestock to replace the lost grazing capacity of the eligible pasture land during the period commencing on April 1, 2011 and ending on November 30, 2011; and
  - (f) in the case of an individual, partnership, communal organization or corporation, the individual, each partner of the partnership, the communal organization or the corporation filed or will file an income tax return respecting farm income from livestock operations in Saskatchewan for the year preceding the year for which an application is made, or for the year for which an application is made.
- (2) No person is eligible to apply for a pasture rental support payment unless that person has first applied for disaster assistance pursuant to *The Provincial Disaster Assistance Program Regulations, 2011*.
- (3) If a person has received disaster assistance after applying pursuant to subsection (2), that person is not eligible to apply for a pasture rental payment with respect to the same expenditures.

**Application for payment**

**19(1)** An eligible applicant who intends to obtain a pasture rental support payment shall apply to the minister on an application form supplied by the minister.

- (2) On an application, the applicant shall:
- (a) specify the type of eligible livestock with respect to which the application is made;
  - (b) declare that the applicant was the owner of the eligible livestock as of April 1, 2011;

- (c) declare that the applicant was the owner or lessee of eligible pasture land as of April 1, 2011;
  - (d) set out the legal land description for all eligible pasture land;
  - (e) in the case of alternative pasture land that was rented or leased during the period commencing on April 1, 2011 and ending on November 30, 2011, provide the following details:
    - (i) the legal land description of the alternative pasture land that was rented or leased;
    - (ii) the total cost of renting or leasing the alternative pasture land;
  - (f) in the case of feed that was purchased during the period commencing on April 1, 2011 and ending on November 30, 2011, specify:
    - (i) the total weight, in imperial tons, of each type of feed that was purchased; and
    - (ii) the total cost of each type of feed that was purchased;
  - (g) verify that the applicant has attached an invoice, receipt or other documentation respecting the cost of the alternative pasture land that was rented or leased, or the cost of the feed that was purchased, that:
    - (i) is satisfactory to the minister;
    - (ii) is issued to the eligible applicant as purchaser; and
    - (iii) is dated on or after April 1, 2011, but before December 1, 2011;
  - (h) provide any details that the minister may require to determine that the pasture land or livestock with respect to which the application is made is eligible pasture land or eligible livestock, as the case may be;
  - (i) declare that no other application for a pasture rental support payment has been made or is to be made by the applicant respecting the same expenditures; and
  - (j) provide the minister with any additional information that the minister may reasonably require to determine the applicant's eligibility for a pasture rental support payment or the amount of the applicant's pasture rental support payment.
- (3) If an applicant is a corporation, a co-operative, a partnership, a communal organization or an Indian band, the minister may, for the purposes of verifying residency and compliance with these regulations, require the applicant to provide the names of the shareholders, partners, members or other persons, as the case may be, who are associates of the applicant.

**Calculation of pasture rental support payment**

**20(1)** The pasture rental support payment that may be paid to an eligible applicant for the rental or lease of alternative pasture land is the amount P calculated in accordance with the following formula:

$$P = C \times 95\%$$

where C is the cost of the rent for the alternative pasture land paid during the period commencing on April 1, 2011 and ending on November 30, 2011, as supported by the documents submitted pursuant to clause 19(2)(g).

(2) The pasture rental support payment that may be paid to an eligible applicant for the purchase of eligible feed is the amount P calculated in accordance with the following formula:

$$P = C \times N$$

where:

C is the cost per imperial ton of the eligible feed purchased during the period commencing on April 1, 2011 and ending on November 30, 2011, to a maximum amount of \$12 per imperial ton of eligible feed, as evidenced by the documents submitted pursuant to clause 19(2)(g); and

N is the number of imperial tons of eligible feed purchased during the period commencing on April 1, 2011 and ending on November 30, 2011.

## DIVISION 5

### General

#### Ineligible applicants

**21** Notwithstanding sections 7, 10, 14 and 18:

- (a) no person who received financial assistance from the government of any other province or territory of Canada is eligible to apply for:
  - (i) a feed shortfall support payment, a transportation support payment or a pasture rental support payment with respect to the same expenditures; or
  - (ii) a re-seeding support payment with respect to the same land;
- (b) no agency of the Government of Saskatchewan or Government of Canada is eligible to apply for a support payment; and
- (c) no person who owns or operates a research station that is funded in whole or in part by a government mentioned in clause (b) is eligible to apply for a support payment.

#### Application deadline

**22(1)** In this section, “**application deadline date**” means:

- (a) with respect to a feed shortfall support payment or a transportation support payment, April 30, 2012;
  - (b) with respect to a re-seeding support payment, November 30, 2012; and
  - (c) with respect to a pasture rental support payment, December 31, 2011.
- (2) Subject to subsections (3) and (4), an application must be received by the minister or, in the case of an application that is mailed, be postmarked on or before the application deadline date.
- (3) An application that is postmarked on or before the application deadline date is deemed to have been received by the minister on or before the application deadline date.

(4) The minister may accept an application that is received after the application deadline date if the minister is satisfied that:

- (a) extenuating circumstances exist making it unreasonable or impossible for the application to have been received on or before that date; and
- (b) it is not contrary to the public interest to do so.

**Approval of application**

**23(1)** If the minister is satisfied that an applicant meets the requirements set out in these regulations and has complied with the regulations, the minister may approve payment of a support payment to that applicant.

(2) If an eligible applicant fails to comply with these regulations, the minister may deny the application for a support payment.

(3) If the minister denies an application for a support payment, the minister shall notify the applicant in writing.

**Duplicate applications**

**24(1)** Not more than one support payment is to be made with respect to the same expenditures.

(2) If the minister receives more than one application for the same expenditures, the minister shall determine which application, if any, to accept.

**PART IV**  
**General**

**Conditions of program**

**25(1)** As a condition of participating in the program and receiving a support payment, an applicant shall:

(a) grant access, at any reasonable time, to land on which the applicant conducts the applicant's farming operations to any persons designated by the minister to verify information required to substantiate the applicant's eligibility or the amount of a support payment that may be paid to the applicant or to verify 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 farming operations; and

(c) 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 the applicant's eligibility or the amount of a support payment that may be paid to the applicant or to verify 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.

**Overpayments**

**26(1)** The minister may declare all or any portion of a support payment made to an eligible applicant to be an overpayment if the minister is satisfied that:

- (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 knowingly omitted to make a statement or to provide any information or document if the omission 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 all or any portion of a support payment to be an overpayment, the eligible applicant shall pay interest on the amount of the support payment that is declared to be an overpayment commencing on the 30th day after the date of the declaration at the rate equal to the sum of:

- (a) the prime lending rate of the bank holding Saskatchewan's general revenue fund; and
- (b) 2%.

(3) If the minister declares all or any portion of a support payment to be an overpayment, the amount of the overpayment and any interest to be paid pursuant to subsection (2) is deemed to be a debt due and owing to the Government 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.

**Termination if moneys fully utilized**

**27(1)** Notwithstanding any other provision of these regulations, if the minister determines that moneys in the account have been fully allocated, the minister may refuse to approve any application and the applicant is not eligible to receive any support payment with respect to that application.

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

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

(3) The effective date of the determination may be an earlier date than the date on which the minister makes public the effective date of the determination.

(4) The program is terminated on the effective date of the determination as made public by the minister.

**PART V****Coming into Force and Expiry****Coming into force and expiry**

**28(1)** These regulations come into force on the day on which they are filed with the Registrar of Regulations.

(2) These regulations expire on December 31, 2014.

**CHAPTER T-18.1 REG 9***The Traffic Safety Act*

## Section 287

Order in Council 600/2011, dated September 28, 2011

(Filed September 29, 2011)

**Title**

- 1 These regulations may be cited as *The Driver Training Regulations, 2011*.

**Interpretation**

- 2 In these regulations:

- (a) **“Act”** means *The Traffic Safety Act*;
- (b) **“applicant”** means a person applying to the administrator pursuant to section 111 of the Act for a driver instructor’s certificate or a driver training school certificate;
- (c) **“certificate”** means a driver instructor’s certificate or a driver training school certificate;
- (d) **“class”** means, with respect to a motor vehicle, the class of motor vehicle as defined in *The Driver Licensing and Suspension Regulations, 2006*;
- (e) **“driver instructor”** means a person who holds a valid driver instructor’s certificate;
- (f) **“driver instructor’s certificate”** means a certificate mentioned in subsection 111(3) of the Act;
- (g) **“driver training school certificate”** means a driver training school certificate mentioned in subsection 111(2) of the Act;
- (h) **“educational authority”** means:
  - (i) a board of education as defined in *The Education Act, 1995*;
  - (ii) the conseil scolaire as defined in *The Education Act, 1995*;
  - (iii) the senate of a university;
  - (iv) the persons responsible for the operation of a school for Indian children established by the Minister of Indian Affairs and Northern Development pursuant to the *Indian Act* (Canada); or
  - (v) the persons responsible for the operation of a private college or school that is recognized by the administrator;
- (i) **“in-car instruction”** means instruction that provides a student with practical driving experience at the driving controls of a motor vehicle under the direction of a driver instructor;
- (j) **“retraining”** means retraining a person in the operation of a class of motor vehicle for which that person holds a driver’s licence;

(k) **“simulation instruction”** means instruction employing electromechanical devices and films designed to simulate the driver’s compartment of a motor vehicle and the experience of driving a motor vehicle;

(l) **“student”** means a person who is receiving instruction from a driver instructor for the purpose of qualifying for any class of driver’s licence or for the purpose of improving his or her skills in the operation of a motor vehicle;

(m) **“upgrading”** means training a person who holds a driver’s licence in the operation of a class of motor vehicle that requires a higher class of driver’s licence.

**Non-application**

**3** These regulations do not apply to:

- (a) an employee of an employer who provides retraining or upgrading to other employees of the same employer; or
- (b) a person who provides instruction without compensation.

**Restrictions**

**4** No person shall provide driving instruction in a vehicle unless that person:

- (a) holds a class 1, 2, 3, or 4 driver’s licence, if he or she is providing instruction to a student who is seeking to obtain a class 5 driver’s licence;
- (b) holds a class 1 driver’s licence, if he or she is providing instruction to a student who is seeking to obtain a class 1, 2, 3 or 4 driver’s licence; and
- (c) holds an M endorsement, if he or she is providing instruction to a student who is seeking to obtain an endorsement to operate a motorcycle.

**Driver instructor certificate**

**5(1)** An application for a driver instructor’s certificate must:

- (a) be on a form provided by the administrator; and
- (b) be accompanied by:
  - (i) the results of a criminal record check respecting the applicant, satisfactory to the administrator, that is on a form provided by the administrator and signed by a peace officer or an officer of the R.C.M.P. detachment or the Town Constable of the municipality in which the applicant carries on business;
  - (ii) the fee set out in *The Traffic Safety Act Fees Regulations*;
  - (iii) proof of the applicant’s successful completion of a written test and a road test approved by the administrator for a driver instructor’s certificate; and
  - (iv) a driving record that is satisfactory to the administrator, and evidence of driving experience that satisfies the administrator that the applicant is capable of providing driving instruction for a particular class of driver or driver’s licence endorsement.

- (2) In addition to the requirements in subsection (1), a driver instructor must provide evidence of the successful completion in the preceding 12 months of a driver instructor training course approved by the administrator.
- (3) An application for renewal of a driver instructor's certificate must:
- (a) be on a form provided by the administrator; and
  - (b) be accompanied by:
    - (i) a signed declaration, on a form provided by the administrator, indicating if the applicant has in the past 24 months been charged with an offence under the *Criminal Code* and, if a conviction was obtained, the offences for which that person was convicted; and
    - (ii) the fee set out in *The Traffic Safety Act Fees Regulations*.
- (4) In addition to the requirements set out in subsection (3), a driver instructor must provide evidence of the successful completion of any continuing professional development requirements established by the administrator within the 24 months preceding the application for renewal.
- (5) An application to renew a driver instructor's certificate must be filed with the administrator not more than 60 days and not less than 10 days before the expiry of the current certificate.
- (6) In addition to the requirements set out in subsections (1) to (4), the administrator may require an individual applying for a driver instructor's certificate or renewing a driver instructor's certificate to provide a certificate of fitness that:
- (a) is in a form provided by the administrator;
  - (b) verifies that the applicant is physically and mentally fit; and
  - (c) is completed by a duly qualified medical practitioner acceptable to the administrator.
- (7) If the administrator is satisfied that an applicant has complied with the requirements of this section and the other requirements set out in the Act and these regulations, the administrator may, in accordance with the application:
- (a) issue a driver instructor's certificate to the applicant; or
  - (b) renew the applicant's driver instructor's certificate.

**Prohibition**

**6** No person shall engage in giving instruction for hire, tuition or salary in the driving of a motor vehicle or in the preparation of a person for examinations authorized by the administrator for a driver's licence unless he or she is the holder of a driver instructor's certificate and:

- (a) is employed by a driver training school registered pursuant to these regulations;
- (b) is the owner or operator of a driver training school registered pursuant to these regulations; or
- (c) is employed by an educational authority.

**Evaluation**

7(1) Every driver instructor shall successfully complete a performance evaluation approved by the administrator within 12 months after the date of issue of his or her first driver instructor's certificate.

(2) The administrator may, at any time it considers appropriate, require a driver instructor to successfully complete a performance evaluation approved by the administrator.

**Reporting**

8(1) Every driver instructor shall report to the administrator, within five days after its occurrence, if:

- (a) the driver instructor is charged with an offence pursuant to the *Criminal Code* or *The Alcohol and Gaming Regulation Act, 1997*; or
- (b) the driver instructor is subject to an administrative suspension pursuant to the Act or any regulation pursuant to the Act.

(2) If a driver instructor is charged with an offence pursuant to the *Criminal Code* or *The Alcohol and Gaming Regulation Act, 1997*, the administrator may refuse to issue or renew a driver instructor's certificate until the charge has been disposed of or the time making any appeal respecting the charge has elapsed.

**Identification**

9 At the request of a peace officer, a student or the administrator, a driver instructor shall produce a valid driver instructor's certificate.

**Driver Training Schools**

10(1) An application to obtain a driver training school certificate or to renew a driver training school certificate must:

- (a) be on a form provided by the administrator; and
- (b) be accompanied by:
  - (i) a penal bond for the protection of the contractual right of the students that is:
    - (A) in the principal sum of \$10,000;
    - (B) on a form approved by the administrator; and
    - (C) written by a company authorized to do business pursuant to *The Saskatchewan Insurance Act*;
  - (ii) evidence of insurance coverage required pursuant to section 11 that:
    - (A) is in the form of a certificate of the insurer that is acceptable to the administrator; and
    - (B) stipulates that the insurance shall not be cancelled except on 30 days' prior written notice to the administrator; and
  - (iii) the required fees as set out in *The Traffic Safety Act Fees Regulations*.

- (2) For the purposes of subclause (1)(b)(i):
- (a) the total liability of the surety under the penal bond for all breaches of the conditions of the bond must not be less than the principal sum of \$10,000; and
  - (b) the surety shall not cancel the bond except on 30 days' prior written notice to the administrator.
- (3) An application to renew a driver training school certificate must be filed with the administrator not more than 60 days and not less than 10 days before the expiry date of the current certificate.
- (4) If the administrator is satisfied that an applicant has complied with the requirements of this section and the other requirements set out in the Act and these regulations, the administrator may, in accordance with the application:
- (a) issue a driver training school certificate to the applicant; or
  - (b) renew the applicant's driver training school certificate.

**Liability Insurance**

**11(1)** No person shall operate a driver training school unless the driver training school has a motor vehicle liability insurance policy or a bond of guarantee that insures the owner of the driver training school, every driver training instructor and any person taking instruction against the liability for bodily injury, death and property damage that is imposed by law and arises out of the ownership, use or operation of the vehicle.

(2) The insurance policy or bond of guarantee mentioned in subsection (1) must exceed by \$2,000,000 the amount required pursuant to *The Automobile Accident Insurance Act* against liability for bodily injury, death and property damage for any one accident.

**Duties**

**12** Every person who holds a driver training school certificate shall:

- (a) notify the administrator, in writing, of any change to its name or address within 15 days after the change;
- (b) ensure the instruction in the driver training school meets the standard for instruction approved by the administrator; and
- (c) notify the administrator, in writing, of any of the following changes within 15 days after the change:
  - (i) if any new driver instructor is employed by the driver training school;
  - (ii) if any driver instructor ceases to be employed by the driver training school.

**Records**

**13(1)** Every driver training school shall maintain records with respect to each student showing:

- (a) the student driver education certificate number;
- (b) the student's name, address, date of birth and SGI-issued customer identification number;
- (c) if the student is attending a secondary school, the name of the secondary school;
- (d) the dates and number of hours of in-car instruction and simulation instruction;
- (e) the dates and number of hours of in-class instruction;
- (f) if required by the administrator, the student's vision test results;
- (g) the class of licence or endorsement with respect to which instruction was given;
- (h) the student's attendance;
- (i) the student's marks on all examinations; and
- (j) if the student is receiving driving instruction for the operation of a commercial vehicle, the log books required to be maintained during training and student progress reports or evaluations; and.

(2) Every driver training school shall maintain, on a form acceptable to the administrator, records showing the success and failure rate of the students of each driver instructor employed by the school.

(3) Every driver training school shall make any records kept pursuant to subsections (1) and (2) open to inspection by the administrator at all reasonable times.

(4) Records kept pursuant to this section are for the confidential use of the administrator.

(5) A driver training school shall maintain any record respecting a student for at least five years after the date on which the record was made.

(6) If a driver training school ceases operation, all records held by the driver training school pursuant to this Act must be transferred to the administrator.

**Reporting**

**14** Every driver training school shall provide to the administrator, on a form acceptable to the administrator, a report showing the results of driver licensing examinations for each student on the completion of every course.

**Prohibition**

**15** No driver training school, no operator, agent or employee of a driver training school and no driver instructor shall state or imply that a driver's licence is guaranteed on completion of the course of instruction.

**Expiry of certificate**

**16(1)** A driver instructor's certificate expires on the date set out on the certificate unless it is sooner suspended or revoked pursuant to the Act or these regulations.

(2) A driver training school certificate expires on the date set out on the certificate unless it is sooner suspended or revoked pursuant to the Act or these regulations.

**Standards for vehicles**

**17** No driver training school and no educational authority shall operate or cause to be operated a motor vehicle for the purpose of practical instruction to train students in the driving of motor vehicles unless the motor vehicle:

- (a) is maintained in safe operating condition; and
- (b) meets all the requirements of the Act and the regulations made pursuant to the Act.

**Standards for class 5 motor vehicles**

**18(1)** In addition to the requirement set forth in section 17, every class 5 motor vehicle used in driver training by a driver instructor to train a student to drive must have the following:

- (a) special rear-view mirrors firmly affixed to the vehicle to allow a driver instructor a clear and unobstructed view of the highway to the rear of the vehicle;
- (b) a sign at the rear of the vehicle that is conspicuously and clearly visible from a distance of 30 metres and that contains the words "**Student Driver**" in letters not less than 7.5 centimetres in height; and
- (c) dual brakes.

(2) Notwithstanding subsection (1), the following students may receive instruction in a vehicle the student owns:

- (a) a student with a physical disability that impairs his or her ability to drive a motor vehicle and who requires a vehicle equipped with special or modified controls designed to overcome or compensate for the physical impairment;
- (b) when the administrator determines it is appropriate, a student who requires assistance from a driver training school to improve his or her skill in operating a class 5 motor vehicle for the purposes of training or retraining that student; and
- (c) a student who is seeking to improve his or her skill in operating a class 5 motor vehicle for the purposes of training or retraining that student if the student owns a vehicle with a standard transmission.

**Standards for class 1 vehicle**

**19** In addition to the requirements set out in section 17, every class 1 motor vehicle used in driver training by a driver instructor to train a student to drive must have the following:

- (a) special rear-view mirrors firmly affixed to the vehicle to allow a driver instructor a clear and unobstructed view of the highway to the rear of the vehicle and along both sides of the vehicle;
- (b) a sign at the rear of the vehicle that is conspicuously and clearly visible from a distance of 30 metres and that contains the words “**Student Driver**” in letters not less than 7.5 centimetres in height.

**Employee training**

**20** Notwithstanding sections 18 and 19, an employee who is undergoing training by an employee of the same employer or by a person who is under contract to an employer to train employees may receive instruction in the employer’s vehicle.

**In-car instruction**

**21(1)** For the purposes of this section, “**driver training program**” means a program of instruction for new drivers, offered by an educational authority, that includes 30 hours of classroom instruction and six hours of in-car instruction.

(2) For the purposes of providing in-car instruction, four hours of simulation instruction is deemed to the equivalent of one hour of in-car instruction.

(3) In a driver training program, not more than three hours of in-car instruction may be substituted by the use of simulation instruction.

**R.R.S. c.V-2.1 Reg 4 repealed**

**22** *The Driver Training Regulations, 1986* are repealed.

**Coming into force**

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

