

# *The Canada- Saskatchewan Adjustment Program Regulations*

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Chapter F-8.001 Reg 16 (effective March 29, 2000) as  
amended by Saskatchewan Regulations 35/2001.

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER F-8.001 REG 16

### *The Farm Financial Stability Act*

#### Title

- 1 These regulations may be cited as *The Canada-Saskatchewan Adjustment Program Regulations*.

#### Interpretation

- 2 In these regulations:

- (a) **“account”** means the Canada-Saskatchewan Adjustment Account established in the fund pursuant to section 4;
- (b) **“Act”** means *The Farm Financial Stability Act*;
- (c) **“base period”** means the 1999 taxation year;
- (d) **“corporation”** means the corporation appointed pursuant to section 5 to administer the program and the account;
- (e) **“eligible crops”** means those grains, oilseeds and specialty crops that were eligible pursuant to the *Western Grain Transportation Act* (Canada), namely barley, beans, buckwheat, canary seed, canola, corn, fababeans, flaxseed, lentils, mixed grains, mustard seed, oats, peas, rapeseed, rye, sunflowers, triticale and wheat;
- (f) **“eligible producer”** means a producer who has filed or will file a required income tax return for Canada and Saskatchewan for the base period or a Status Indian farming on a reserve:
  - (i) who is eligible to participate in a NISA program; and
  - (ii) who produced eligible crops in Saskatchewan in the base period;
- (g) **“NISA program”** means a net income stabilization account program within the meaning of *The Agricultural Safety Net Act*;
- (h) **“producer”** means an individual or body corporate, co-operative or communal organization that is the operator of a farm, as determined by the corporation in accordance with the rules established in *The Crop Insurance Regulations*;
- (i) **“program”** means the Canada-Saskatchewan Adjustment Program established pursuant to section 3;
- (j) **“program payment”** means a payment made to an eligible producer pursuant to the program;
- (k) **“qualifying sales”** means:
  - (i) all sales of eligible crops in the year, excluding sales of eligible crops received by landlords pursuant to crop share arrangements and sales of eligible crops bought for resale;
  - (ii) all payments received in the year under crop insurance, hail insurance or waterfowl or wildlife compensation for eligible crops; and
  - (iii) all payments received in the year pursuant to *The Unseeded Acreage Benefit Program Regulations*;

- (l) “**year**” means, subject to subsection 10(4), an eligible producer’s taxation year.

14 Apr 2000 cF-8.001 Reg 16 s2; 8 Jne 2001 SR 35/2001 s3.

**Program established**

- 3** The Canada-Saskatchewan Adjustment Program is established for the purposes of clause 22(1)(a) of the Act.

14 Apr 2000 cF-8.001 Reg 16 s3.

**Account established**

- 4(1)** The Canada-Saskatchewan Adjustment Account is established in the fund pursuant to clause 24(2)(a) of the Act.

- (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 subsection (2);
- (b) all other moneys appropriated by the Legislature:
  - (i) for the purposes of the program; or
  - (ii) for any other farm income stabilization purpose where 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.

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

- (5) Where the minister is of the opinion that there is a surplus in the account that is not needed for the purposes of the program, the minister may direct that the surplus be paid into the Canada-Saskatchewan Assistance Account established pursuant to *The Canada-Saskatchewan Assistance Program (CSAP II) Regulations*.

14 Apr 2000 cF-8.001 Reg 16 s4; 8 Jne 2001 SR 35/2001 s4.

**Corporation appointed**

- 5(1)** The Saskatchewan Crop Insurance Corporation is appointed, pursuant to clause 26(1)(b) of the Act, to:

- (a) administer the program; and
- (b) administer the account.

(2) For the purpose of administering the program and the account, the corporation has:

- (a) all the powers given to it pursuant to *The Crop Insurance Act*; and
- (b) any other power necessary to administer the program and the account.

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

- (a) appoint or engage any professional and technical personnel that may be required and determine their salaries and other remuneration;
- (b) employ any officers and other employees that the corporation considers necessary for its purposes;
- (c) make bylaws respecting the conduct of its proceedings and generally for the conduct of its activities;
- (d) police and audit program compliance;
- (e) enter into any agreement with any person, agency, organization, association, institution or body that the corporation considers advisable;
- (f) execute any bills of exchange, promissory notes and other negotiable or transferable instruments;
- (g) undertake research, conduct studies and provide information to producers in relation to commodities;
- (h) use any moneys received in the account for the purposes of the program to:
  - (i) make program payments; and
  - (ii) pay the expenses incurred by the corporation in administering the program and the account;
- (i) 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
- (j) dispose of any investment made pursuant to clause (i), subject to the terms of the investment, in any manner, on any terms and in any amount that the corporation considers advisable.

14 Apr 2000 cF-8.001 Reg 16 s5.

**Eligibility without application**

**6** A producer is deemed to have applied for a program payment if the producer:

- (a) is an eligible producer; and
- (b) participated in a NISA program in the 1998 taxation year.

14 Apr 2000 cF-8.001 Reg 16 s6.

**Where application required**

7(1) An eligible producer who does not meet the requirements of clause 6(b) and who wishes to participate in the program must submit to the corporation, in the form required by the corporation:

- (a) an application that is completed in all respects; and
- (b) any other information that the corporation may require to consider the application.

(2) All applications pursuant to subsection (1) must be received by the corporation on or before June 30, 2000.

14 Apr 2000 cF-8.001 Reg 16 s7.

**Program payments**

8 The corporation may make a program payment to an eligible producer, calculated in accordance with section 10:

- (a) where:
  - (i) the corporation is satisfied that the producer meets the requirements of section 6; or
  - (ii) the producer applies to the corporation pursuant to section 7; and
- (b) the corporation is satisfied that the producer has otherwise complied with these regulations.

14 Apr 2000 cF-8.001 Reg 16 s8.

**Qualifying sales**

9(1) For the purposes of calculating an eligible producer's program payment pursuant to section 10, the corporation shall determine the producer's qualifying sales in a year based on:

- (a) information available with respect to the eligible producer pursuant to the NISA program in which the eligible producer participates; or
- (b) where the eligible producer does not participate in a NISA program or where the information available pursuant to the NISA program is incomplete, information submitted to the corporation by the eligible producer.

(2) Any information submitted to the corporation for the purposes of clause (1)(b) must be:

- (a) in a form satisfactory to the corporation; and
- (b) received by the corporation within the period set by the corporation.

(3) The maximum qualifying sales for any year is:

- (a) for an eligible producer who is an individual, \$125,000;
- (b) for an eligible producer that is a body corporate, \$125,000 multiplied by the number of shareholders who hold at least 10% of the voting shares in the body corporate and who are actively involved in the production of eligible crops, to a maximum of \$625,000; or

(c) for an eligible producer that is a co-operative or communal organization, \$125,000 multiplied by the number of members of the co-operative or communal organization who are actively involved in the production of eligible crops, to a maximum of \$625,000.

(4) Notwithstanding any other provision of these regulations, the corporation shall apply the maximum amounts mentioned in subsection (3) in a manner that ensures that any individual who is an eligible producer and who participates in a body corporate, co-operative or communal organization that is an eligible producer does not, directly or indirectly, receive a program payment based on qualifying sales of more than \$125,000.

14 Apr 2000 cF-8.001 Reg 16 s9; 8 Jne 2001  
SR 35/2001 s5.

#### Calculation of program payment

10(1) Subject to subsections (2), (3) and (4), an eligible producer's program payment is to be calculated in accordance with the following formula:

$$\text{program payment} = A \times B$$

where:

A is the percentage, to be determined by the corporation, of qualifying sales on which a program payment is to be made; and

B is the greater of:

- (a) the eligible producer's qualifying sales for the 1998 year; and
- (b) the eligible producer's average annual qualifying sales during the period commencing with the eligible producer's 1994 year and ending with the eligible producer's 1998 year.

(2) If an eligible producer did not produce eligible crops in Saskatchewan in any year between 1994 and 1998, the year or years in which the eligible producer did not produce eligible crops in Saskatchewan are to be excluded from calculating the eligible producer's average annual qualifying sales pursuant to the definition of B in subsection (1).

(3) Where complete information is not available with respect to an eligible producer's qualifying sales for the years 1994 to 1998 pursuant to a NISA program, the eligible producer's program payment is to be based on the eligible producer's qualifying sales for the 1998 year, as determined by the corporation.

(4) Subject to subsection (5) but notwithstanding any other provision of these regulations, where an eligible producer produced an eligible crop in Saskatchewan for the first time in the year 1998 or 1999, the eligible producer's program payment calculated pursuant to subsection (1) is to be based on the eligible producer's qualifying sales, as determined by the corporation, for the crop year commencing on August 1 of the year in which the eligible producer first produced an eligible crop in Saskatchewan and ending on July 31 of the following year.

(5) Notwithstanding any other provision of these regulations, in no case is a program payment to be based on production or factors of production undertaken or employed in any year after the base period.

14 Apr 2000 cF-8.001 Reg 16 s10; 8 Jne 2001  
SR 35/2001 s6.

**Verification of application**

11(1) By participating in the program, a producer agrees that any persons designated by the corporation shall have access to the producer's farm at any reasonable time to verify information required to substantiate the producer's eligibility or qualifying sales.

(2) The corporation may, at any time, request that the Canadian Wheat Board, or any other person, agency, organization, association, institution or body, provide the corporation with information respecting the farming operations of a producer, and, by participating in the program, the producer is deemed to have authorized and consented to the release of that information to the corporation.

(3) The corporation may, at any time, require a producer to provide to the corporation the producer's income tax records for one or more years to verify the producer's qualifying sales of eligible crops.

14 Apr 2000 cF-8.001 Reg 16 s11.

**Reconsideration of determination**

12(1) The corporation shall establish a review process for the reconsideration of any determination made by the corporation with respect to a producer's eligibility or program payment.

(2) Within 30 days after a producer receives written notice from the corporation advising of the corporation's determination with respect to the producer's eligibility or program payment, the producer may request, in writing, that the corporation reconsider the determination.

(3) Nothing in these regulations entitles a producer to a hearing before the corporation.

14 Apr 2000 cF-8.001 Reg 16 s12.

**Revision of determination**

13(1) Subject to subsection (2), the corporation may revise a determination with respect to a producer's eligibility or program payment after receiving information that the initial determination was incorrect.

(2) The corporation must complete any revision of a determination with respect to a producer's eligibility or program payment within 12 months after the date of the original determination.

14 Apr 2000 cF-8.001 Reg 16 s13; 8 Jne 2001  
SR 35/2001 s7.

**Time of payment**

14 The corporation may make program payments in the manner and at the time determined by the corporation.

14 Apr 2000 cF-8.001 Reg 16 s14.

**Overpayments**

15(1) If a person contravenes any provision of these regulations, the corporation may declare that any program payment, or portion of a program payment, received by that person is an overpayment.



(2) Any overpayment made to a person, including a program payment declared as an overpayment pursuant to subsection (1), is a debt due to the corporation and may be recovered in any manner authorized by *The Financial Administration Act, 1993* or in any other manner authorized by law.

14 Apr 2000 cF-8.001 Reg 16 s15.

**Limitation of actions**

**16** Every action or proceeding by or on behalf of a producer against the corporation with respect to a program payment made or refused to be made pursuant to these regulations must be commenced by December 31, 2001.

14 Apr 2000 cF-8.001 Reg 16 s16.

**Fiscal year**

**17** The fiscal year of the program and the account is the fiscal year of the corporation.

14 Apr 2000 cF-8.001 Reg 16 s17.

**Annual report**

**18** The corporation shall report on the activities of the program and the account in its annual report prepared pursuant to *The Crop Insurance Act*.

14 Apr 2000 cF-8.001 Reg 16 s18.

**Coming into force**

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

14 Apr 2000 cF-8.001 Reg 16 s19.

