

*The
School Division Tax
Loss Compensation
Fund Administration
Regulations*

being

[Chapter E-0.1 Reg 18](#) (effective December 15, 1994), as amended by the *Statutes of Saskatchewan*, [2014, c.E-13.1](#).

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 E-0.1 REG 18

The Education Act

Title

1 These regulations may be cited as *The School Division Tax Loss Compensation Fund Administration Regulations*.

Interpretation

2 For the purposes of these regulations:

(a) **“cost-sharing agreement”** means the Amended Cost-Sharing Agreement entered into between Canada and Saskatchewan on September 22, 1992, concerning, *inter alia*, their respective obligations for payment of the costs associated with the resolution of the outstanding Treaty Land Entitlements of certain Indian Bands;

(b) **“fiscal year”** means the fiscal year established pursuant to section 9;

(c) **“trust fund”** means the School Division Tax Loss Compensation Fund established pursuant to subsection 290.1(1) of *The Education Act*.

30 Dec 94 cE-0.1 Reg 18 s2.

Administration of trust fund

3 The minister, or any person or association designated by the minister, shall administer the trust fund in accordance with these regulations.

30 Dec 94 cE-0.1 Reg 18 s3.

Administrative expenses

4 The minister may make a payment out of the trust fund to defray the necessary expenses of administering the trust fund.

30 Dec 94 cE-0.1 Reg 18 s4.

Payments

5(1) The minister may make a payment out of the trust fund pursuant to these regulations to any school division to compensate that school division for education tax revenue that is lost as a result of land within that school division being set apart as an Indian reserve pursuant to the terms of the Framework Agreement.

(2) Subject to subsection (3), a payment made pursuant to subsection (1) is to be made within 90 days from the latest of the following dates:

(a) the date the land to which the payment relates is set apart as an Indian reserve pursuant to the terms of the Framework Agreement;

(b) the date the Crown in right of Canada makes its payment to the trust fund with respect to the land set apart as an Indian reserve;

(c) the date the Crown in right of Saskatchewan makes its payment to the trust fund with respect to the land set apart as an Indian reserve.

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(3) In the case of land within a school division being set apart as an Indian reserve pursuant to the terms of the Framework Agreement after both the Crown in right of Canada and the Crown in right of Saskatchewan have made their respective maximum contributions to the trust fund, a payment made pursuant to subsection (1) is to be made within 180 days from the date the land to which the payment relates is set apart as an Indian reserve.

(4) If any money is remaining in the trust fund when the trust fund is wound up, the minister may make a residual payment out of the trust fund pursuant to these regulations to any school division that received a payment pursuant to subsection (1).

30 Dec 94 cE-0.1 Reg 18 s5.

Payment calculation

6(1) Subject to subsection (2), the amount of a payment made pursuant to subsection 5(1) with respect to any land that is set apart as an Indian reserve pursuant to the terms of the Framework Agreement is to be calculated in accordance with the following formula:

$$P = 75\% \times (70\% \times TR \times 25)$$

where:

P is the amount of the payment to be made to the school division; and

TR is the tax revenue receivable from education taxes levied on the land that is set apart in the calendar year immediately prior to the date on which the land is set apart as an Indian reserve.

(2) Where P is an amount that is greater than the amount of money remaining in the trust fund, the amount of P is the amount of money remaining in the trust fund.

30 Dec 94 cE-0.1 Reg 18 s6.

Residual payment calculation

7 When the trust fund is wound up, the amount of a residual payment made pursuant to subsection 5(4) is to be calculated in accordance with the following formula:

$$RP = \frac{TS}{TF} \times F$$

where:

RP is the amount of the residual payment to be made to a school division when the trust fund is wound up;

TS is the total amount of money paid to the school division out of the trust fund;

TF is the total amount of money paid to all school divisions out of the trust fund; and

F is the amount of money remaining in the trust fund available for disbursement if the trust fund is wound up pursuant to clause 13(a).

30 Dec 94 cE-0.1 Reg 18 s7.

Investments

8 The minister, or any person or association designated by the minister to administer the trust fund, may:

- (a) invest any moneys of the trust fund not immediately required for the purposes of payments to school divisions in any security or class of securities authorized for investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
- (b) dispose of the investments in any manner, on any terms and in any amount that the minister, or any person or association designated by the minister to administer the trust fund, considers expedient.

30 Dec 94 cE-0.1 Reg 18 s8.

Fiscal year

9 The fiscal year of the trust fund is the period commencing on April 1 in one year and ending on March 31 in the following year.

30 Dec 94 cE-0.1 Reg 18 s9.

Audit

10 The Provincial Auditor, or any other auditor or auditors appointed by the Lieutenant Governor in Council, shall audit the records, accounts and financial statements of the trust fund annually and at any other time that the Lieutenant Governor in Council may require.

30 Dec 94 cE-0.1 Reg 18 s10.

Annual report

11(1) In each fiscal year, the department, in accordance with section 13 of *The Executive Government Administration Act*, shall submit the following to the minister:

- (a) a report on the trust fund respecting its business for the preceding fiscal year;
- (b) a financial statement showing the business of the trust fund for the preceding fiscal year in any form that may be required by Treasury Board.

(2) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly each report and statement received by him or her pursuant to subsection (1).

30 Dec 94 cE-0.1 Reg 18 s11; 2014, c.E-13.1, s.62.

Overpayment

12 Any overpayment made to a school division, when a payment made pursuant to these regulations is made out of the trust fund, is a debt due to the Crown in right of Saskatchewan and may be recovered in any manner authorized by law.

30 Dec 94 cE-0.1 Reg 18 s12.

Winding up

13 The trust fund may be wound up at the earlier of the following:

- (a) the date when the maximum area of land that may be set apart as Indian reserves pursuant to the terms of the Framework Agreement has been set apart as Indian reserves pursuant to the terms of the Framework Agreement and payments to the affected school divisions required by section 5 have been made;
- (b) the date when:
 - (i) there is no money in the trust fund; and
 - (ii) both the Crown in right of Canada and the Crown in right of Saskatchewan have made their respective maximum contributions to the trust fund pursuant to the terms of the cost-sharing agreement.

30 Dec 94 cE-0.1 Reg 18 s13.