

The Active Families Benefits Act

Repealed

by Chapter 3 of *The Statutes of Saskatchewan, 2016*
(effective June 30, 2016).

Formerly

[Chapter A-4.01](#) of the *Statutes of Saskatchewan, 2008*
(effective January 1, 2009) , as amended by the *Statutes of
Saskatchewan, 2012, c.1.*

NOTE:

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

| | | | |
|---|-----------------------------|---|-------------------|
| 1 | Short title | 5 | Information |
| 2 | Interpretation | 6 | Regulations |
| 3 | Amount of benefit | 7 | Coming into force |
| 4 | Claiming the benefit amount | | |

CHAPTER A-4.01

An Act respecting an Active Families Benefit

Short title

1 This Act may be cited as *The Active Families Benefit Act*.

Interpretation

2(1) In this Act:

- (a) **“active families benefit amount”** means the amount determined in accordance with section 3;
- (b) **“cohabiting spouse or common-law partner”** means the cohabiting spouse or common-law partner, as defined in section 122.6 of the federal Act, at the time an eligible expense is incurred;
- (c) **“eligible activity”** means a cultural, recreational or sports activity:
 - (i) that is prescribed; or
 - (ii) that meets any prescribed criteria and is approved by the minister;
- (d) **“eligible child”** means a child who:
 - (i) meets the prescribed age criterion as of the last day of the taxation year; or
 - (ii) in the case of a child who dies during the taxation year, would have met the prescribed age criterion as of the last day of the taxation year;
- (e) **“eligible expenses”** means prescribed expenses or classes of expenses incurred by an eligible individual or the eligible individual’s cohabiting spouse or common-law partner with respect to eligible activities;
- (f) **“eligible individual”** means the parent or legal guardian of an eligible child who is determined in accordance with subsections (2) and (3) and the regulations to be the parent or legal guardian who may claim an active families benefit amount for the eligible child;
- (g) **“federal Act”** means the *Income Tax Act* (Canada);
- (h) **“minister”** means the member of Executive Council to whom for the time being the administration of this Act is assigned;
- (i) **“prescribed”** means prescribed in the regulations;

c. A-4.01

ACTIVE FAMILIES BENEFIT

- (j) “**taxation year**” means taxation year as defined in subsection 249(1) of the federal Act as it applies to individuals.
- (2) For the purposes of clause (1)(f), the parent or legal guardian of an eligible child who may claim an active families benefit amount for the child is to be determined in accordance with the following rules:
- (a) if the eligible child resides with all of his or her parents or legal guardians, one of those parents or legal guardians may claim the active families benefit amount;
- (b) if the eligible child does not reside with all of his or her parents or legal guardians, the parent or legal guardian who primarily fulfils the responsibility for the care and upbringing of the eligible child may claim the active families benefit amount.
- (3) For the purposes of clause (2)(b), the parent or legal guardian who primarily fulfils the responsibility for the care and upbringing of the eligible child is to be determined in accordance with the regulations.

2008, c.A-4.01, s.2; 2012, c.1, s.3.

Amount of benefit

3 The active families benefit amount of an eligible individual for an eligible child is the lesser of:

- (a) the total amount of eligible expenses incurred in the taxation year to enable the eligible child to participate in eligible activities; and
- (b) \$150.

2008, c.A-4.01, s.3.

Claiming the benefit amount

4(1) Subject to subsections (2), (3) and (4), for a taxation year an eligible individual is entitled to claim in accordance with section 39.2 of *The Income Tax Act, 2000* an active families benefit amount for each eligible child.

(2) Only one eligible individual may claim an active families benefit amount with respect to an eligible child for a taxation year.

(3) The amount of any eligible expense may only be claimed with respect to one eligible child.

(4) Where an eligible individual claims an active families benefit amount for a taxation year pursuant to section 39.2 of *The Income Tax Act, 2000*, the eligible individual’s annual return of income required pursuant to *The Income Tax Act, 2000* for the taxation year is to be accompanied by a form containing the prescribed information.

2008, c.A-4.01, s.4.

Information

5(1) An eligible individual who claims an active families benefit amount shall retain receipts for all eligible expenses claimed and promptly provide to the minister on request:

- (a) proof satisfactory to the minister that the eligible individual is eligible for the active families benefit amount in the amount claimed; and
- (b) any other information that the minister may require.

(2) An eligible individual shall retain the receipts mentioned in subsection (1) until the expiration of six years from the last day of the last taxation year to which the receipts relate.

2008, c.A-4.01, s.5.

Regulations

6(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) for the purposes of clause 2(1)(c), prescribing cultural, recreational and sports activities as eligible activities and prescribing criteria that cultural, recreational and sports activities must meet to qualify for approval by the minister as eligible activities;
- (b.1) for the purposes of clause 2(1)(d), prescribing the age criterion for eligible children;
- (c) for the purposes of clause 2(1)(e), prescribing expenses or classes of expenses as eligible expenses;
- (d) for the purposes of clause 2(1)(f), prescribing persons or classes of persons as eligible individuals;
- (e) for the purposes of subsection 2(3), prescribing rules for determining which parent or legal guardian is the parent or legal guardian who primarily fulfils the responsibility for the care and upbringing of the eligible child;
- (f) for the purposes of section 4, prescribing information to be provided in the form to be provided with the eligible individual's annual return of income for a taxation year;
- (g) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (h) respecting any other matter that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

(2) A regulation made pursuant to this section may be made retroactive to a day not earlier than January 1, 2009.

2008, c.A-4.01, s.6; 2012, c.1, s.4.

Coming into force

7 This Act comes into force on January 1, 2009.

2008, c.A-4.01, s.7.

