

*The Canada
Saskatchewan
Assistance Program
(CSAP II) Regulations*

being

[Chapter F-8.001 Reg 18](#) (effective May 30 , 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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Appendix

CHAPTER F-8.001 REG 18
The Farm Financial Stability Act

Title

1 These regulations may be cited as *The Canada-Saskatchewan Assistance Program (CSAP II) Regulations*.

Interpretation

2 In these regulations:

- (a) **“account”** means the Canada-Saskatchewan Assistance Account established in the fund pursuant to section 4;
- (b) **“Act”** means *The Farm Financial Stability Act*;
- (c) **“base period”** means the 2000 taxation year;
- (d) **“corporation”** means the corporation appointed pursuant to section 5 to administer the program and the account;
- (e) **“eligible crop”** means a crop listed in the Appendix as an eligible crop;
- (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 irrespective of any opt-out provisions for that 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, a body corporate, a co-operative or a 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 Assistance 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 9(4), an eligible producer’s taxation year.

Program established

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

8 Jun 2001 F-8.001 Reg 18 s3

Account established

4(1) The Canada-Saskatchewan Assistance 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) Any surplus remaining in the account on the completion of the program is to be returned to the Government of Canada and the Government of Saskatchewan in proportion to each government's contribution to the account.

8 Jun 2001 F-8.001 Reg 18 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 may:

(a) exercise any of the powers given to it pursuant to *The Crop Insurance Act*; and

(b) do any other things that the corporation considers 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.

8 Jun 2001 F-8.001 Reg 18 s5.

Application

6(1) The corporation shall send, by ordinary mail, an application, in the form determined by the corporation, to every producer who, according to the information available to the corporation:

- (a) is an eligible producer; and
- (b) participated in a NISA program in the 1999 taxation year.

(2) Any eligible producer who does not receive an application pursuant to subsection (1) may obtain an application from the corporation.

(3) Where an eligible producer wishes to participate in the program, he or she must submit to the corporation:

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

(4) All applications pursuant to this section must be received by the corporation on or before July 16, 2001.

8 Jun 2001 F-8.001 Reg 18 s6.

Program payments

7 The corporation may make a program payment to an eligible producer, calculated in accordance with section 9:

- (a) where the producer applies to the corporation pursuant to section 6; and
- (b) the corporation is satisfied that the producer has otherwise complied with these regulations.

8 Jun 2001 F-8.001 Reg 18 s7.

Qualifying sales

8(1) For the purposes of calculating an eligible producer's program payment pursuant to section 9, 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 common 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.
- (5) Notwithstanding any other provision of these regulations, no eligible producer is eligible to receive a program payment with respect to any qualifying sales if the eligible producer has received a payment pursuant to a similar program offered by another jurisdiction in Canada with respect to those qualifying sales.

8 Jun 2001 F-8.001 Reg 18 s8.

Calculation of program payment

9(1) Subject to subsections (2), (3) and (4), an eligible producer's program payment is the amount PP calculated in accordance with the following formula:

$$PP = A \times B$$

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 1999 year; and
- (b) the eligible prod

ucer's average annual qualifying sales during the period commencing with the eligible producer's 1995 year and ending with the eligible producer's 1999 year.

(2) If an eligible producer did not produce eligible crops in Saskatchewan in any year between 1995 and 1999, 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 1995 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 1999 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 1999 or 2000, 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.

8 Jun 2001 F-8.001 Reg 18 s9.

Verification of application

10(1) As a condition of participating in the program, a producer shall:

- (a) grant access to the producer's farm, at any reasonable time, to any persons designated by the corporation to verify information required to substantiate the producer's eligibility or qualifying sales;
- (b) consent to the Canadian Wheat Board and to any other person, agency, organization, association, institution or body releasing information to the corporation respecting the producer's farming operations; and
- (c) provide to the corporation, on the corporation's request and within the period set by the corporation, the producer's income tax records for one or more years, or any other information that the corporation may require, to verify the producer's eligibility or qualifying sales.

(2) Pursuant to the producer's consent given pursuant to clause (1)(b), the corporation may 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 the producer.

8 Jun 2001 F-8.001 Reg 18 s10.

Reconsideration of determination

11(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) On reconsidering its determination, the corporation may exempt a producer from an eligibility requirement of the program and deem that producer to be an eligible producer for the purposes of the program where the corporation is satisfied that the producer:

- (a) has substantially complied with the eligibility requirements of the program; and
- (b) is unable, due to exceptional circumstances, to comply fully with the eligibility requirements of the program.

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

(5) In no case is a reconsideration of a determination by the corporation to cause a program payment to be based on production or factors of production undertaken or employed in any year after the base period.

8 Jun 2001 F-8.001 Reg 18 s11.

Revision of determination

12(1) Subject to subsection (2), the corporation may, on its own initiative, 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.

(3) The corporation shall notify the producer in writing of any revision of a determination and a producer may request that the corporation reconsider its revision of a determination in accordance with section 11, and that section applies, with any necessary modification, to the reconsideration of the determination.

(4) In no case is a revision of a determination by the corporation to cause a program payment to be based on production or factors of production undertaken or employed in any year after the base period.

8 Jun 2001 F-8.001 Reg 18 s12.

Time of payment

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

8 Jun 2001 F-8.001 Reg 18 s13.

Overpayments

14(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.

8 Jun 2001 F-8.001 Reg 18 s14.

Limitation of actions

15 An 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, 2002.

8 Jun 2001 F-8.001 Reg 18 s15.

Fiscal year

16 The fiscal year of the program and the account is the fiscal year of the corporation.

8 Jun 2001 F-8.001 Reg 18 s16.

Annual report

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

8 Jun 2001 F-8.001 Reg 18 s17.

Coming into force

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

8 Jun 2001 F-8.001 Reg 18 s18.

Appendix**Eligible Crops***[Clause 2(e)]*

- | | |
|----------------------------|------------------|
| - anise | - marjoram |
| - barley | - millet |
| - basil | - mint |
| - beans | - mixed grains |
| - borage | - monarda |
| - buckwheat | - mustard |
| - canary seed | - oats |
| - canola | - oilseed radish |
| - caraway seed | - oregano |
| - chickpeas/garbanzo beans | - parsley |
| - chives | - peas |
| - cilantro | - pepper |
| - comfrey | - quinoa |
| - coriander | - rapeseed |
| - corn | - rosemary |
| - dill | - rye |
| - evening primrose | - safflower |
| - fennel | - sage |
| - fenugreek | - salsify |
| - flax | - scorzonera |
| - forage seed | - summer savory |
| - fresh herbs | - sunflower |
| - garlic | - tarragon |
| - ginseng | - thymol |
| - hemp | - triticale |
| - lathyrus | - water cress |
| - lentils | - wheat |
| - lupins | |

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