

The Crop Insurance Regulations

Repealed

by Chapter S-12.1 Reg 1 (effective March 18, 2014).

Formerly

Chapter C-47.2 Reg 1 (effective December 5, 1984) as amended by Saskatchewan Regulations 63/85, 121/85, 76/86, 8/87, 25/88, 81/92, 8/94, 33/94, 12/96, 4/97, 17/98, 90/98, 50/1999, 67/1999, 68/1999, 12/2000, 18/2001, 26/2002, 34/2002, 18/2003, 28/2003, 7/2004, 25/2005, 20/2006, 17/2007, 10/2008, 21/2009, 17/2010, 96/2010, 9/2011 and 11/2012.

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 C-47.2 REG 1

The Crop Insurance Act

Title

- 1 These regulations may be cited as *The Crop Insurance Regulations*.

Interpretation

- 2 In these regulations:

- (a) “**Act**” means *The Crop Insurance Act*;
- (b) “**establishment benefit**” means an acreage payment provided as an extension to coverage under a contract of crop insurance on acreage of insured spring-seeded or fall-seeded annual crops or legumes or perennial grasses or annual cereal crops grown for harvested fodder production that fails to establish following seeding due to one or more of the perils designated under ‘crop insurance’ pursuant to clause 2(d) of the Act;
- (c) “**harvest**” means the threshing of grain;
- (d) “**individual coverage**” means coverage that is based on the long-term average yield of the applicant or the insured, as the case may be, for the crop concerned, as determined by the corporation;
- (e) “**insured acreage**” means acreage seeded to each insurable crop as reported by the insured in the seeded acreage report;
- (e.1) “**large-seeded Kabuli chickpeas**” means varieties of Kabuli chickpeas that meet the minimum seed weight requirement as determined by the corporation;
- (e.2) “**lentils (large green)**” means varieties of lentils that:
 - (i) have a green seed coat and a yellow cotyledon; and
 - (ii) meet the minimum seed weight requirement as determined by the corporation;
- (e.3) “**lentils (other)**” means varieties of lentils that do not meet the requirements to be classed as lentils (large green) or lentils (red);
- (e.4) “**lentils (red)**” means varieties of lentils that have a red cotyledon;
- (f) “**new crop**” means any of the following:
 - (i) **Repealed.** 14 Mar 2008 SR 10/2008 s3.
 - (ii) caraway;
 - (iii) coriander;
 - (iv) non-irrigated dry beans (pinto);
 - (v) non-irrigated dry beans (black);
 - (vi) Khorasan wheat;

- (vii) timothy hay;
- (viii) any crop insured pursuant to the vegetable acreage loss option mentioned in section 11.94;
- (ix) wild rice;
- (x) camelina;
- (xi) non-irrigated dry beans (navy);
- (xii) soybeans;
- (xiii) honey;
- (xiv) any crop insured pursuant to the fruit tree establishment and replacement program mentioned in section 11.96;

(g) **“seeded acreage report”** means a seeded acreage report prepared pursuant to section 6 and includes any amendments to that report filed by the insured with the corporation;

(g.1) **“small-seeded Kabuli chickpeas”** means varieties of Kabuli chickpeas that do not meet the minimum seed weight requirement to be classed as large-seeded Kabuli chickpeas;

(g.2) **“unit price option”** means the insured’s election pursuant to section 10.1 of the base price, variable price, in-season price, contract price or low price per kilogram or per tonne for a particular crop as determined by the corporation;

(h) **“unseeded acreage insurance”** means coverage provided for the purpose of guaranteeing a return from acreage intended for seeding, determined on the basis of the insured’s historical seeding pattern, but that remains unseeded and is still too wet to seed on June 20 in any year as a result of excessive spring moisture, but the coverage does not apply to acreage that is dry enough to seed but is inaccessible because of spring moisture conditions.

24 Dec 98 SR 90/98 s2; 6 Apr 2001 SR 18/2001 s3; 28 Mar 2002 SR 26/2002 s3; 19 Apr 2002 SR 34/2002 s3; 25 Apr 2003 SR 28/2003 s3; 1 Apr 2005 SR 25/2005 s3; 30 Mar 2007 SR 17/2007 s3; 14 Mar 2008 SR 10/2008 s3; 27 Mar 2009 SR 21/2009 s3; 1 Apr 2010 SR 17/2010 s3; 23 Mar 2012 SR 11/2012 s3.

Interpretation, Act

3(1) For the purposes of clause 2(g) of the Act, **“insurable crop”** includes:

- (a) hard red spring wheat, durum wheat, extra strong red spring wheat, Canada prairie spring wheat, winter wheat, barley, oats, spring rye, fall rye, flax, canola, brown mustard, oriental mustard, yellow mustard, sunflowers, field peas, lentils (large green), lentils (red), lentils (other), potatoes, irrigated dry beans (pinto), irrigated dry beans (black), irrigated dry beans (other), desi chickpeas, small-seeded Kabuli chickpeas, large-seeded Kabuli chickpeas, fababeans, canary seed, triticale, hard white spring wheat, identity preserved canola, alfalfa seed;
- (b) any of the following, when grown for harvested fodder production:
 - (i) alfalfa;

- (ii) dehydrated alfalfa;
 - (iii) alfalfa-grass mixtures;
 - (iv) perennial grasses;
 - (v) sweet clover;
 - (vi) annual cereal crops; and
- (c) any new crop.
- (2) For the purposes of clause 2(h) of the Act, **“operator of a farm”** means the person who is actively engaged in the production of the insured crop and who is legally, operationally and financially independent of all other insured persons.
- (3) In determining whether a person is legally independent for the purposes of subsection (2), the corporation may consider whether that person has access as of right to the land on which the insured crop is grown, by virtue of ownership, rental agreement or formal farm operating agreement.
- (4) In determining whether a person is operationally independent for the purposes of subsection (2), the corporation may consider the following factors:
- (a) whether the person makes critical farming decisions respecting the insured crop;
 - (b) whether the person is responsible to ensure that day-to-day operations are completed respecting the insured crop;
 - (c) whether the person has access to separate storage facilities;
 - (d) whether the person has access to adequate machinery.
- (5) In determining whether a person is financially independent for the purposes of subsection (2), the corporation may consider the following factors:
- (a) whether the person is able to file separate income and expense statements for income tax purposes;
 - (b) whether the person maintains separate farm accounting records;
 - (c) whether the person maintains a separate bank, credit union or trust company account;
 - (d) whether the person has a separate Goods and Services Tax number;
 - (e) whether the person has a financial interest in the insured crop.

14 Dec 84 cC-47.2 Reg 1 s3; 12 Jly 85 SR 63/85 s4; 27 Dec 85 SR 121/85 s3; 4 Sep 92 SR 81/92 s4; 4 Feb 94 SR 8/94 s2; 19 Apr 96 SR 12/96 s3; 31 Jan 97 SR 4/97 s4; 27 Feb 98 SR 17/98 s4; 24 Dec 98 SR 90/98 s4; 6 Apr 2001 SR 18/2001 s4; 19 Apr 2002 SR 34/2002 s4; 24 Mar 2006 SR 20/2006 s3; 30 Mar 2007 SR 17/2007 s4; 14 Mar 2008 SR 10/2008 s4

Form of contract

4 Every contract of crop insurance made pursuant to the Act is to be in Form A of the Appendix and is subject to the Act and these regulations.

14 Dec 84 cC-47.2 Reg 1 s4; 30 Mar 2007 SR 17/2007 s5.

Application

5 Every application for insurance pursuant to the Act is to be in the form provided by the corporation.

4 Sep 92 SR 81/92 s5.

Acreage reports

6 Every applicant or insured, as the case may be, shall file with the corporation in the form prescribed by the corporation:

- (a) on or before June 25 or a date set by the corporation in each year, a seeded acreage report declaring:
 - (i) the insured crops seeded in which the applicant or insured has an interest;
 - (ii) the total acres seeded to each insured crop in which the applicant or insured has an interest at the time of seeding, and the number of acres seeded on summerfallow, stubble or irrigated acres;
 - (iii) total acres in summerfallow;
 - (iv) an estimate of all production of insured crops in storage in the current year;
 - (v) total acres seeded to crops that are not insured crops; and
 - (vi) any other relevant information the corporation may require respecting the matters mentioned in subclauses (i) to (v);
- (b) **Repealed.** 31 Jan 97 SR 4/97 s5.
- (c) **Repealed.** 4 Sep 92 SR 81/92 s6.

14 Dec 84 cC-47.2 Reg 1 s6; 12 Jly 85 SR 63/85 s6; 20 Feb 87 SR 8/87 s4; 4 Sep 92 SR 81/92 s6; 15 Apr 94 SR 33/94 s3; 19 Apr 96 SR 12/96 s4; 31 Jan 97 SR 4/97 s5.

Cancellation

7(1) Where an insured has given notice of cancellation of his contract, an application for reinstatement is to be in the form prescribed by the corporation and is to be filed within a period specified by the corporation.

(2) Where the corporation accepts an application for reinstatement pursuant to subsection (1), the insured is eligible for any discounts or adjustments to which he would have been entitled had he not submitted notice of cancellation.

14 Dec 84 cC-47.2 Reg 1 s7.

Reinstatement of cancelled contract

7.1(1) Subject to subsection (3), where an applicant for crop insurance:

- (a) either:
 - (i) is, in the opinion of the corporation, a part of the same farm operation as a previous insured whose previous contract was cancelled; or
 - (ii) had a previous contract that was cancelled; and
- (b) applies for crop insurance within three years of the day that the previous contract mentioned in clause (a) was cancelled;

the application is deemed to be an application for reinstatement of the previous contract.

(2) Where the corporation accepts an application pursuant to subsection (1), the applicant, on reinstatement of the previous contract, will receive any discounts, surcharges or adjustments that were associated with the previous contract at the time it was cancelled.

(3) An application for crop insurance shall not be deemed an application for reinstatement of a previous contract if no acres were insured under the previous contract for the three years preceding the year in which the contract was cancelled.

13 May 88 SR 25/88 s3; 31 Jan 97 SR 4/97 s6;
24 Dec 98 SR 90/98 s5.

Change in insurance terms

8(1) During the term of a contract, the insured may, in the form required by the corporation and within the period specified by the corporation, change:

- (a) the selection of crops insured:
 - (i) for pedigreed production;
 - (ii) for organic production;
 - (iii) for commercial production;
 - (iv) for irrigated production; or
 - (v) in the case of tame legumes and perennial grasses, for hay or forage production;
- (b) the percentage of average yield;
 - (b.1) **Repealed.** 28 Mar 2002 SR 26/2002 s4.
- (c) any election made pursuant to section 10.1, 10.2, 11.2, 11.3, 11.6, 11.95 or 11.96.

(2) Any election made pursuant to these regulations remains in force for each subsequent year unless the insured changes the election in accordance with subsection (1).

31 Jan 97 SR 4/97 s7; 24 Dec 98 SR 90/98 s6; 17 Mar 2000 SR 12/2000 s3; 28 Mar 2002 SR 26/2002 s4; 25 Apr 2003 SR 28/2003 s4; 30 Mar 2007 SR 17/2007 s6; 14 Mar 2008 SR 10/2008 s5; 23 Mar 2012 SR 11/2012 s4.

Insured acreage

9(1) Subject to subsection (2), the insured acreage of each insured crop is to be determined on the basis of the acreage seeded to each insured crop as reported by the insured in the seeded acreage report.

(2) Where the insured files a claim for indemnity after filing his seeded acreage report, the insured acreage of each insured crop is deemed to be the lesser of the insured acreage as determined in:

- (a) the seeded acreage report; and
- (b) the post-harvest report made pursuant to section 26.

(3) Where the applicant or the insured, as the case may be, fails to file a seeded acreage report, the corporation may:

- (a) determine the insured acreage on behalf of the insured for the purposes of determining coverage under this contract, in which case the determination shall be binding on the insured and the insured shall pay a premium calculated on that insured acreage determined by the corporation together with any penalties the corporation may assess to the insured; or
- (b) declare the insured acreage to be zero for the purposes of determining the coverage under this contract, in which case the determination shall be binding on the insured and the corporation may assess a penalty to the insured in any amount that the corporation may in its discretion determine, having regard for the premium payment that would have been payable by the insured had a seeded acreage report, been filed, and in that event the insured shall make payment of the penalty as prescribed by the corporation, including interest on any delinquent payments;

14 Dec 84 cC-47.2 Reg 1 s9; 12 Jly 85 SR 63/85
s7; 4 Sep 92 SR 81/92 s7; 31 Jan 97 SR 4/97 s8.

9.1 Repealed. 4 Sep 92 SR 81/92 s8.**Coverage not more than 80%**

10(1) Subject to subsection (1.1), the total coverage or guaranteed production in kilograms or in tonnes per acre for each insurable crop is not more than 80% of the average yield for a period of years as established from time to time by the corporation.

(1.1) The total coverage or guaranteed production, in kilograms or in tonnes per acre for each insurable crop covered by:

- (a) section 11.7, is not more than 70% of the average yield for a period of years as established from time to time by the corporation; and
- (b) section 11.92, is not more than 90% of the average yield for a period of years as established from time to time by the corporation.

(2) The total coverage or guaranteed production in kilograms or in tonnes for each insured crop is an amount equal to the product of the coverage per acre as determined pursuant to subsection (1) and the acres seeded to each insured crop as determined pursuant to section 9.

14 Dec 84 cC-47.2 Reg 1 s10; 18 Jly 86 SR 76/86
s4; 19 Apr 96 SR 12/96 s5; 1 Apr 2005 SR 25/
2005 s4; 1 Apr 2010 SR 17/2010 s4.

Unit Price Option Election

10.1 The insured must, in the form required by the corporation and within the period specified by the corporation, elect the base price, variable price, in-season price, contract price or low price for each crop.

25 Apr 2003 SR 28/2003 s5; 30 Mar 2007 SR 17/2007 s7; 27 Mar 2009 SR 21/2009 s4.

Election for separate coverage on irrigated and non-irrigated acres

10.2(1) The insured may elect to insure irrigated acres of an insured crop separately from acres seeded on summerfallow and stubble of the same insured crop.

(2) An insured making an election pursuant to subsection (1) shall pay any additional premium determined by the corporation on all acres of the insured crop.

(3) The insured shall make an election pursuant to subsection (1) on or before March 31 in each year.

14 Mar 2008 SR 10/2008 s6.

Coverage

11 Subject to sections 11.2 and 11.3, the total coverage in dollars is an amount equal to the product of:

- (a) the guaranteed production or total coverage in kilograms or tonnes for each insured crop; and
- (b) the unit price option for the particular crop grown:
 - (i) in the case of tame legumes and perennial grasses, for production of hay or forage; or
 - (ii) in the case of insured crops other than those mentioned in sub-clause (i), for commercial, organic or pedigreed seed.

14 Dec 84 cC-47.2 Reg 1 s11; 12 Jly 85 SR 63/85 s8; 27 Dec 85 SR 121/85 s5; 20 Feb 87 SR 8/87 s5; 31 Jan 97 SR 4/97 s9; 27 Feb 98 SR 17/98 s5; 17 Mar 2000 SR 12/2000 s4; 28 Mar 2002 SR 26/2002 s5; 25 Apr 2003 SR 28/2003 s6.

11.1 Repealed. 19 Apr 96 SR 12/96 s6.

Total coverage for unseeded acreage

11.2(1) The corporation may determine from time to time the premium payable for unseeded acreage insurance.

(2) Subject to subsections (4) and (7) to (9), the indemnity in dollars payable by the corporation to the insured with respect to unseeded acreage insurance is the amount I_1 calculated in accordance with the following formula:

$$I_1 = [EA - (SA + UA)] \times \$70$$

where:

EA is the insured's eligible acres calculated in accordance with subsection (3);

SA is the insured's seeded acres; and

UA is the insured's unseeded acres that, in the opinion of the corporation, were dry enough to seed on or before June 20, excluding the insured's acres intended for summerfallow in the current year.

- (3) For the purposes of subsection (2), the insured's eligible acres is equal to the amount EA calculated in accordance with the following formula:

$$EA = [CA \times SI] - [LCA \times SI \times 5\%]$$

where:

CA is the number of the insured's cultivated acres available for crop production in the current year;

SI is the insured's seeding intensity, being the percentage of cultivated acres seeded by the insured in any crop year, determined on the basis of the insured's historical seeding pattern; and

LCA is the sum of the insured's cultivated acres available for crop production for each legal land description on which there are acres that the insured is unable to seed on or before June 20 in the current year because of excessive spring moisture.

- (4) Subject to subsection (6), if an insured is unable to seed all of his or her summerfallow acres on or before June 20 in any year due to excessive spring moisture, the indemnity in dollars payable by the corporation to the insured with respect to unseeded acreage insurance is the greater of:

- (a) the amount I_1 determined pursuant to subsection (2); and
- (b) the amount I_2 calculated in accordance with the following formula:

$$I_2 = [ESA - (SSA + USA)] \times II \times \$70$$

where:

ESA is the insured's eligible summerfallow acres calculated in accordance with subsection (5);

SSA is the insured's seeded summerfallow acres;

USA is the insured's unseeded summerfallow acres that, in the opinion of the corporation, were dry enough to seed on or before June 20; and

II is the insured's insurance intensity, being the percentage of seeded acres insured by the insured in any crop year, determined on the basis of the insured's historical pattern of insuring crops.

- (5) For the purposes of subsection (4), the insured's eligible summerfallow acres is equal to the amount ESA calculated in accordance with the following formula:

$$ESA = SFA - (LSA \times 5\%)$$

where:

SFA is the insured's summerfallow acres available for crop production in the current year;

LSA is the sum of the insured's summerfallow acres available for all legal land descriptions on which there are summerfallow acres that the insured is unable to seed on or before June 20 in the current year because of excessive spring moisture.

(6) The total number of summerfallow acres on which unseeded acreage insurance is payable pursuant to subsection (4) shall not exceed the insured's eligible acres calculated in accordance with subsection (3).

(7) The insured may elect to increase the amount payable pursuant to subsection (2) by increasing the value in the formula from \$70 per acre to \$85 per acre or \$100 per acre.

(8) An insured making an election pursuant to subsection (7) shall pay any additional premium determined by the corporation.

(9) The insured shall make an election pursuant to subsection (7) on or before March 31 in each year.

24 Dec 98 SR 90/98 s7; 3 Sep 99 SR 67/1999 s3;
17 Mar 2000 SR 12/2000 s5; 30 Mar 2007
SR 17/2007 s8; 25 Mar 2011 SR 9/2011 s3; 23
Mar 2012 SR 11/2012 s5.

Establishment benefit

11.3(1) The corporation may determine from time to time the premium payable and the indemnity payable for the establishment benefit for perennial grasses, alfalfa, alfalfa-grass mixtures, native forage, sweet clover, annual cereal crops grown for harvested fodder production, spring-seeded annual crops and fall-seeded annual crops.

(2) In the case of native forage crops, only applicants or insureds who meet the criteria determined by the corporation are eligible to participate in the establishment benefit program for those crops.

(3) The establishment benefit for alfalfa, alfalfa-grass mixtures, native forage, sweet clover, annual cereal crops grown for harvested fodder production and perennial grasses is additional coverage.

(4) An applicant or insured who wishes to elect an establishment benefit respecting the crops mentioned in subsection (3) must do so on or before March 31 in the year for which the election is made.

(5) Subject to subsections (6) and (7), if one or more acres of an insured crop is destroyed by gophers during the period for which an establishment benefit would be payable for those acres and in the opinion of the corporation any reseeding of another crop in that year is likely to be destroyed by gophers, the insured is eligible for a payment of \$50 for each acre destroyed.

(6) The number of acres eligible for payment pursuant to subsection (5) will be reduced by a deductible equal to one acre per crop per legal land description.

(7) Any acre for which a benefit is paid pursuant to subsection (5) is not eligible for any subsequent payments pursuant to a contract of crop insurance for that year.

5 Mar 2004 SR 7/2004 s3; 1 Apr 2005 SR 25/
2005 s5; 30 Mar 2007 SR 17/2007 s9.

11.4 Repealed. 28 Mar 2002 SR 26/2002 s7.

11.41 Repealed. 28 Mar 2002 SR 26/2002 s7.

11.5 Repealed. 31 Jan 97 SR 4/97 s12.

Diversification option

11.6(1) Subject to subsection (2), an insured who has entered into a contract of crop insurance for grain crops or an applicant who has applied for a contract of crop insurance for grain crops may elect to insure under the diversification option crops that are not otherwise eligible for insurance pursuant to these regulations or the contract of crop insurance.

(2) A crop is eligible for the diversification option only if, in the opinion of the corporation, the crop is agronomically viable for the area in which it is grown and has the potential to be produced in harvestable quantities in the year of insurance.

(3) An election pursuant to subsection (1) is to be made on or before March 31 in each year.

(3.1) **Repealed.** 5 Mar 2004 SR 7/2004 s4.

(4) **Repealed.** 27 Feb 98 SR 17/98 s8.

(5) The establishment benefit applies to crops to which the diversification option applies.

(6) For the purpose only of applying this section, crops that meet the criteria mentioned in subsections (1) and (2) are designated as “insurable crops” for the purposes of clause 2(g) of the Act.

(7) The maximum number of acres that an insured may elect to have the diversification option apply to is a number equal to 30% of the number of the acres of grain crops that he or she has insured.

(8) The minimum number of acres that an insured or applicant may elect to have the diversification option apply to is one acre.

(9) An insured shall indicate the crops seeded by the insured to which the diversification option applies in the seeded acreage report required pursuant to subsection 4(1) of the contract of crop insurance.

(10) Notwithstanding section 12, the premium to be paid per acre for the diversification option is an amount equal to the average premium per acre paid by the insured for crop insurance for grain crops.

(11) **Repealed.** 28 Mar 2002 SR 26/2002 s8.

(12) **Repealed.** 31 Jan 97 SR 4/97 s13.

(13) **Repealed.** 31 Jan 97 SR 4/97 s13.

(14) Notwithstanding any other provision of these regulations or the contract of crop insurance, the corporation shall pay indemnity to an insured for crops insured under the diversification option in an amount per acre that is equal to the average amount per acre of indemnity paid to the insured pursuant to the crop insurance program for grain crops.

15 Apr 94 SR 33/94 s5; 31 Jan 97 SR 4/97 s13;
27 Feb 98 SR 17/98 s8; 17 Mar 2000 SR 12/2000
s9; 28 Mar 2002 SR 26/2002 s8; 4 Apr 2003 SR
18/2003 s4; 25 Apr 2003 SR 28/2003 s8; 5 Mar
2004 SR 7/2004 s4; 1 Apr 2005 SR 25/2005 s6;
30 Mar 2007 SR 17/2007 s10.

New crops

11.7(1) Notwithstanding any other provision of these regulations:

- (a) **Repealed.** 17 Sep 2010 SR 96/2010 s2.
 - (b) **Repealed.** 17 Sep 2010 SR 96/2010 s2.
 - (c) no experience discount or surcharge applies to premiums on new crops, except for caraway and coriander;
 - (d) no adjustment for the quality of the harvested production is to be made to the quantity of production for new crops, except for the crops set out in subsection (2);
 - (e) the maximum coverage level available for new crops is 70%.
- (2) An adjustment to the quantity of the harvested production of the following crops is to be made when the quality of harvested production falls below the standard grade for the industry as determined by the corporation:
- (a) non-irrigated dry beans (pinto);
 - (b) non-irrigated dry beans (black);
 - (c) non-irrigated dry beans (navy);
 - (d) timothy hay.

19 Apr 2002 SR 34/2002 s5; 1 Apr 2005 SR 25/2005 s7; 1 Apr 2010 SR 17/2010 s5; 17 Sep 2010 SR 96/2010 s2; 23 Mar 2012 SR 11/2012 s6.

Forage rainfall insurance program

11.8(1) In this section:

- (a) **“applicant”** means a person who:
 - (i) qualifies for insurance pursuant to a contract of crop insurance; and
 - (ii) elects to participate in the forage rainfall insurance program pursuant to this section;
 - (b) **“program”** means the forage rainfall insurance program administered by the corporation pursuant to this section.
- (2) An applicant may elect to participate in the forage rainfall insurance program with respect to acres of native forage or grazed tame forage that are within an area covered by the program, as determined by the corporation.
- (3) An applicant who wishes to participate in the program must, on or before March 31 of each year:
- (a) make elections pursuant to subsections (2), (13.1) and (14.1);
 - (b) **Repealed.** 28 Mar 2002 SR 26/2002 s9.
 - (c) subject to the approval of the corporation, select the weather station that best represents the climatic conditions for the acres to be insured; and
 - (d) declare the acres to be insured pursuant to the program.

- (4) Acres that are insured pursuant to any other program pursuant to a contract of crop insurance are not eligible to be insured pursuant to the forage rainfall insurance program.
- (5) The minimum number of acres that may be insured by an applicant pursuant to the forage rainfall insurance program is 10 acres per quarter section of land.
- (6) Every applicant shall pay a premium, as determined by the corporation, on all acres insured by the applicant pursuant to the program.
- (7) No experience discount or surcharge applies to a premium for the forage rainfall insurance program.
- (8) The coverage pursuant to the forage rainfall insurance program is an amount per acre for native forage and grazed tame forage that:
- (a) is to be determined by the corporation each year before the enrolment deadline mentioned in subsection (3); and
 - (b) may be established at different levels in different soil zones of the province.
- (9) **Repealed.** 28 Mar 2002 SR 26/2002 s9.
- (10) Indemnity calculations for the forage rainfall insurance program are to be based on data obtained:
- (a) from the weather station selected pursuant to clause (3)(c); or
 - (b) if the necessary data is not available from the weather station selected pursuant to clause (3)(c), from the weather station selected by the corporation as the best alternative to the weather station selected pursuant to clause (3)(c).
- (11) Subject to subsections (13) to (14.1), an indemnity is triggered on insured acres pursuant to the forage rainfall insurance program when the calculated annual precipitation from April 1 to July 31 falls below 80% of the normal precipitation, as determined by the corporation, for the weather station selected pursuant to clause (3)(c) or (10)(b), as the case may be.
- (12) For every percentage point that the calculated annual precipitation mentioned in subsection (11) falls below 80% of the normal precipitation for the selected weather station, an indemnity equal to 2.5% of the liability is to be paid on the insured acres.
- (13) In determining the calculated annual precipitation for a weather station for the purposes of subsections (11) and (12), any precipitation in excess of a percentage as elected by the applicant pursuant to subsection (13.1) of the normal monthly precipitation for that weather station is not to be included in the calculated annual total for that weather station.
- (13.1) The applicant must elect one of the following percentages of monthly precipitation as the maximum to be included in the calculated annual total for a weather station:
- (a) 125%;
 - (b) 150%.

(14) Subject to subsection (13), the calculated annual precipitation for each weather station under the forage rainfall insurance program is to be determined by weighting the precipitation totals at that weather station for the months of April, May, June and July in accordance with the election made by the applicant pursuant to subsection (14.1).

(14.1) The applicant must elect one of the following options for the monthly weighting of precipitation totals for a weather station:

- (a) option 1 – April 30%, May 30%, June 30%, July 10%;
- (b) option 2 – April 10%, May 40%, June 40%, July 10%;
- (c) option 3 – April 10%, May 30%, June 30%, July 30%.

6 Apr 2001 SR 18/2001 s5; 28 Mar 2002 SR 26/2002 s9; 19 Apr 2002 SR 34/2002 s6; 4 Apr 2003 SR18/2003 s5; 5 Mar 2004 SR 7/2004 s5.

11.9 Repealed. 27 Mar 2009 SR 21/2009 s5.

Corn heat unit insurance program

11.91(1) In this section:

- (a) **“applicant”** means a person who:
 - (i) qualifies for insurance pursuant to a contract of crop insurance; and
 - (ii) elects to participate in the corn heat unit insurance program pursuant to this section;
 - (b) **“corn heat unit”** means the number of temperature degrees above the minimum required for the growth of corn as determined by the corporation;
 - (c) **“program”** means the corn heat unit insurance program administered by the corporation pursuant to this section;
 - (d) **“program area”** means the area of Saskatchewan that is determined by the corporation in which the program is to be offered.
- (2) An applicant may elect to participate in the corn heat unit insurance program with respect to acres that the applicant seeds to corn within the program area.
- (3) For the purposes of this section, the corporation may determine the area or areas of Saskatchewan in which the program is to be offered.
- (4) An applicant who wishes to participate in the program must, on or before March 31 of each year:
- (a) make elections pursuant to subsections (2) and (8);
 - (b) subject to the approval of the corporation, select the weather station that best represents the climatic conditions for the acres to be insured; and
 - (c) declare the acres to be insured pursuant to the program.
- (5) The minimum number of acres that may be insured by an applicant pursuant to the program is one acre.
- (6) Every applicant shall pay a premium, as determined by the corporation, on all acres insured by the applicant pursuant to the program.
- (7) No experience discount or surcharge applies to a premium for the program.

- (8) The applicant must elect an amount of coverage pursuant to the program from the alternative amounts per acre that are to be determined by the corporation each year before the enrolment deadline mentioned in subsection (4).
- (9) Indemnity calculations for the program are to be based on data obtained:
- (a) from the weather station selected pursuant to clause (4)(b); or
 - (b) if the necessary data is not available from the weather station selected pursuant to clause (4)(b), from the weather station selected by the corporation as the best alternative to the weather station selected pursuant to clause (4)(b).
- (10) An indemnity is triggered on insured acres pursuant to the program when the number of the corn heat units, as determined by the corporation, for the period mentioned in subsection (13) falls below 2100 for the weather station selected pursuant to clause (4)(b) or (9)(b), as the case may be.
- (11) The amount of any payment pursuant to the program that the corporation shall pay to an applicant is the product of:
- (a) the applicant's liability calculated pursuant to subsection (12); and
 - (b) the appropriate percentage of the applicant's liability pursuant to the program determined according to the following schedule:

Schedule of Corn Heat Units and Liability Percentages

<u>Annual Corn Heat Units</u>	<u>Percent of Liability Paid</u>
2100 or greater	0%
2080 to 2099	3%
2060 to 2079	6%
2040 to 2059	9%
2020 to 2039	12%
2000 to 2019	15%
1980 to 1999	18%
1960 to 1979	21%
1940 to 1959	24%
1920 to 1939	27%
1900 to 1919	30%
1880 to 1899	33%
1860 to 1879	36%
1840 to 1859	39%
1820 to 1839	42%
1800 to 1819	45%
1780 to 1799	48%
1760 to 1779	52%
1740 to 1759	56%
1720 to 1739	60%
1700 to 1719	64%
1680 to 1699	68%
1660 to 1679	72%
1640 to 1659	76%
Less than 1640	80%.

(12) The applicant's liability mentioned in subsection (11) is the amount L calculated in accordance with the following formula:

$$L = C \times A$$

where:

C is the coverage per acre elected by the applicant pursuant to subsection (8); and

A is the number of acres insured by the applicant pursuant to the program.

(13) The corporation shall determine corn heat units as the cumulative total of corn heat units for the period:

(a) commencing on May 15 in each year; and

(b) ending on the first day after July 1 of the year mentioned in clause (a) in which the daily minimum temperature is below minus 2 degrees Celsius, as determined by the corporation.

(14) Notwithstanding any other provision of these regulations, the corporation may limit the total number of acres that may be insured at any weather station pursuant to the program.

5 Mar 2004 SR 7/2004 s7.

Crop averaging program

11.92(1) In this section:

(a) **“applicant”** means a person who:

(i) qualifies for insurance pursuant to a contract of crop insurance; and

(ii) elects to participate in the crop averaging program pursuant to this section;

(b) **“eligible crop”** means a crop that has been designated by the corporation as qualifying for coverage under the crop averaging program;

(c) **“program”** means the crop averaging program administered by the corporation pursuant to this section.

(2) An applicant may elect to participate in the program with respect to all eligible crops.

(3) An election pursuant to subsection (2) must be made on or before March 31 in each year.

(4) An applicant must select the 80% coverage level for all crops.

(5) Subject to subsection 10(1.1), the coverage level for each applicant is 80% multiplied by a factor determined by the corporation in each year that reflects the applicant's reduced risk of loss that results from combining all crops under the program.

(6) Coverage per crop for the program is equal to the amount C calculated in accordance with the following formula:

$$C = Y \times CL \times PO \times A$$

where:

Y is the long-term individual yield for the eligible crop determined by the corporation;

CL is the coverage level determined by the corporation pursuant to subsection (5);

PO is the price option elected by the insured; and

A is the number of acres of the eligible crop.

(7) Total coverage under the program is the sum of the coverage for all eligible crops calculated pursuant to subsection (6).

(8) The total premium to be paid by an applicant for the program is the sum of the premiums for each eligible crop.

(9) Any experience discount or surcharge that is determined by the corporation for the applicant will apply to the total premium.

(10) Notwithstanding any other provision of these regulations or the contract of crop insurance, the corporation shall pay an indemnity to an applicant if the total production for all eligible crops, adjusted for quality and multiplied by the elected price option, falls below the total dollar coverage for all the eligible crops.

1 Apr 2005 SR 25/2005 s9.

Forage diversification option

11.93(1) Subject to subsection (2), an insured who has entered into a contract of crop insurance or an applicant who has applied for a contract of crop insurance may elect to insure under the forage diversification option crops grown for fodder production that are not otherwise eligible for insurance pursuant to these regulations or the contract of crop insurance.

(2) A crop is eligible for the forage diversification option only if, in the opinion of the corporation, the crop is agronomically viable for the area in which it is grown.

(3) An election pursuant to subsection (1) must be made on or before March 31 in each year.

(4) The establishment benefit does not apply to crops to which the forage diversification option applies.

(5) For the purpose only of applying this section, crops that meet the criteria mentioned in subsections (1) and (2) are designated as 'insurable crops' for the purposes of clause 2(g) of the Act.

(6) The minimum number of acres that an insured may elect to have the forage diversification option apply to is one acre.

(7) An insured shall indicate the crops seeded by the insured to which the forage diversification option applies in the seeded acreage report required pursuant to subsection 4(1) of the contract of crop insurance.

- (8) The insured shall pay a premium, as determined by the corporation, on all acres insured under the forage diversification option.
- (9) No experience discount or surcharge applies to a premium for the forage diversification option.
- (10) The coverage pursuant to the forage diversification option is an amount per acre that is to be determined by the corporation each year before the deadline mentioned in subsection (3).
- (11) Notwithstanding any other provision of these regulations or the contract of crop insurance, the corporation shall pay an indemnity to an insured for crops insured under the forage diversification option in an amount per acre that is equal to an average per acre loss, as determined by the corporation, for barley at the 80% coverage level, for the risk area in which the insured crop is grown.

1 Apr 2005 SR 25/2005 s9; 30 Mar 2007 SR
17/2007 s11.

Vegetable acreage loss option

11.94(1) Subject to subsection (2), an insured who has entered into a contract of crop insurance or an applicant who has applied for a contract of crop insurance may elect to insure under the vegetable acreage loss option vegetable crops that are specified in subsection (2).

(2) Vegetable crops under the vegetable acreage loss option are the following:

- (a) beans;
- (b) beets;
- (c) broccoli;
- (d) cabbage;
- (e) carrots;
- (f) cauliflower;
- (g) cucumbers;
- (h) onions;
- (i) peas;
- (j) potatoes;
- (k) pumpkins;
- (l) rutabagas;
- (m) squash;
- (n) sweet corn.

(3) A crop is eligible to be insured under the vegetable acreage loss option only if, in the opinion of the corporation, the crop is agronomically viable for the area in which it is grown.

- (4) An election pursuant to subsection (1) must be made on or before March 31 in each year.
- (5) The minimum number of acres that an insured or an applicant may elect to have the vegetable acreage loss option apply to is one acre.
- (6) An insured shall indicate the crops seeded by the insured to which the vegetable acreage loss option applies in the seeded acreage report required pursuant to subsection 4(1) of the contract of crop insurance.
- (7) Crops insured under the vegetable acreage loss option shall be grouped, as determined by the corporation, for the purpose of calculating premium, coverage and indemnities.
- (8) The insured shall pay a premium, as determined by the corporation, on all acres insured under the vegetable acreage loss option.
- (9) The insured must elect an amount of coverage under the vegetable acreage loss option from the alternative amounts per acre that are to be determined by the corporation each year before the deadline mentioned in subsection (4).
- (10) Coverage provided under the vegetable acreage loss option will be in effect as follows:
 - (a) from the date of planting to and including June 20, coverage will be 35% of the amount elected pursuant to subsection (9);
 - (b) on or after June 21 to the termination date pursuant to subsection (12), coverage will be 100% of the amount elected pursuant to subsection (9).
- (11) The corporation shall pay an indemnity under the vegetable acreage loss option equal to the coverage determined pursuant to subsection (10) for each acre or partial acre that the producer is required to destroy, less a deductible equal to 10% of all acres insured by the insured under this option with the approval of the corporation, as a result of an insurable cause of loss.
- (12) The termination date for coverage under the vegetable acreage loss option will be the earliest of the following dates:
 - (a) the date of harvest;
 - (b) the date of destruction of the crop;
 - (c) the fall cut-off date for coverage for each crop, as determined by the corporation.

1 Apr 2005 SR 25/2005 s9; 24 Mar 2006
SR 20/2006 s4; 30 Mar 2007 SR 17/2007 s12.

Wild rice coverage option

11.95(1) Subject to subsection (2), an insured who has entered into a contract of crop insurance or an applicant who has applied for a contract of crop insurance may elect to insure wild rice under the wild rice coverage option.

- (2) An insured or applicant must have:
- (a) a valid licence for the production of wild rice as issued pursuant to *The Wild Rice Regulations, 2005*; or
 - (b) if production of the wild rice is located on reserve, written authorization from the Indian band for whose use and benefit that reserve has been set aside.
- (3) An election pursuant to subsection (1) must be made on or before March 31 in each year.
- (4) An insured must indicate the acres intended to be harvested by the insured to which the wild rice coverage option applies in the seeded acreage report required pursuant to subsection 4(1) of the contract of crop insurance.
- (5) The insured must pay a premium, as determined by the corporation, on all acres insured under the wild rice coverage option.
- (6) The insured must elect one of the following coverage levels before the deadline mentioned in subsection (3):
- (a) 50%;
 - (b) 60%;
 - (c) 70%.
- (7) Indemnity payments under the wild rice coverage option will be calculated for each designated area of production within Saskatchewan, as determined by the corporation.
- (8) The corporation shall determine the indemnity payable per acre for each coverage level offered in each designated area of production as the amount IA calculated in accordance with the following formula:
- $$IA = [(PY \times CL) - AY] \times UP$$
- where:
- PY is the probable yield, as determined by the corporation;
 - CL is the coverage level;
 - AY is the annual yield;
 - UP is the unit price, as determined by the corporation.
- (9) The total indemnity payable to each insured producer for each designated area of production is the amount TI calculated in accordance with the following formula:
- $$TI = IA \times A$$
- where:
- IA is the indemnity per acre determined pursuant to subsection (8);
 - A is the number of insured acres determined pursuant to subsection (4).
- (10) Wild rice is deemed not to be a volunteer crop for the purposes of these regulations.

Fruit tree establishment and replacement program

11.96(1) An insured who has entered into a contract of crop insurance or an applicant who has applied for a contract of crop insurance may elect to insure the following crops under the fruit tree establishment and replacement program:

- (a) saskatoons (*Amelanchier alnifolia*);
 - (b) dwarf sour cherries (*Prunus cerasus*);
 - (c) haskap (*Lonicera caerulea*).
- (2) A crop is eligible to be insured under the fruit tree establishment and replacement program only if, in the opinion of the corporation, the crop is agronomically viable and of a suitable variety for the area in which it is grown.
- (3) An election pursuant to subsection (1) must be made on or before March 31 in each year.
- (4) The minimum number of acres that an insured or an applicant may elect to have the fruit tree establishment and replacement program apply to is one acre.
- (5) An insured shall indicate the crops planted by the insured to which the fruit tree establishment and replacement program applies in the seeded acreage report required pursuant to subsection 4(1) of the contract of crop insurance.
- (6) The insured shall pay a premium, as determined by the corporation, on all trees insured under the fruit tree establishment and replacement program.
- (7) Crops will be covered under the fruit tree establishment and replacement program as follows:
- (a) trees at least one year old and not more than three years old will be eligible for establishment coverage; and
 - (b) trees more than three years old and not more than six years old will be eligible for replacement coverage.
- (8) The corporation may determine, from time to time, the indemnity payable for establishment coverage and replacement coverage under the fruit tree establishment and replacement program.
- (9) The corporation shall pay an indemnity to an insured under the fruit tree establishment and replacement program equal to:
- (a) in the case of a claim respecting establishment coverage, the coverage determined pursuant to subsection (8) for the total number of trees destroyed as a result of an insurable cause of loss, less a deductible equal to 10% of all trees insured by the insured for establishment coverage under this program; and
 - (b) in the case of a claim respecting replacement coverage, the coverage determined pursuant to subsection (8) for the total number of trees destroyed as a result of an insurable cause of loss, less a deductible equal to 10% of all trees insured by the insured for replacement coverage under this program.

Premium

12 The premium payable for each insured crop is an amount determined by the corporation.

31 Jan 97 SR 4/97 s14.

Premium due

13(1) The premium is due and payable at the time the statement of insurance in the form prescribed by the corporation, is mailed to the insured.

(2) The corporation may allow a discount for prompt payment of premium on any conditions that may be set from time to time by the corporation.

14 Dec 84 cC-47.2 Reg 1 s13.

Joint and several liability

13.1 Where any amount is owed to the corporation by a partnership, joint venture or unincorporated group of associated individuals, the amount owed is a joint and several liability of the participants in the partnership, joint venture or group.

15 Apr 94 SR 33/94 s6.

Failure to pay

14 Where the applicant or the insured, as the case may be, has failed to pay the premium or penalty as required by these regulations the corporation may, in its discretion, consider the contract:

(a) to be in force and take any action that it sees fit to recover any premium or penalty remaining unpaid; or

(b) to be at an end, and any part of the premium or penalty paid by the insured to the corporation is forfeited to the corporation.

14 Dec 84 cC-47.2 Reg 1 s14.

Promissory note

15(1) The corporation may accept a promissory note to secure all or a portion of the total premium.

(2) A promissory note mentioned in subsection (1) may include a surcharge, allow a discount for prompt payment and provide for an interest charge in the event of late payment in accordance with any conditions that may be set from time to time by the corporation.

14 Dec 84 cC-47.2 Reg 1 s15.

Same conditions

16 Where the amount of the premium or penalty has been determined under subsection 9(3), the payments made by the insured on the amount payable are subject to the same conditions regarding surcharge, discount and interest charges as if the amount had been secured by a promissory note.

14 Dec 84 cC-47.2 Reg 1 s16.

Legal action

17 Where the insured refuses or neglects to pay all or any part of the premium or penalty assessed by the corporation including surcharges and interest, the corporation may take any legal action that it considers necessary to enforce payment.

14 Dec 84 cC-47.2 Reg 1 s17.

Change in use

18 Where the insured wishes to put any acreage of any insured crop to another use, he shall notify the corporation in person or file a request in any form that is prescribed by the corporation.

14 Dec 84 cC-47.2 Reg 1 s18.

Appraisal

19 Where there is agreement regarding an appraisal of the potential production of acreage with respect to which a request has been filed pursuant to section 18, the appraisal is to be in any form that is prescribed by the corporation.

14 Dec 84 cC-47.2 Reg 1 s19.

Another use before approval

20 Where an insured has put any part of his insured acreage to another use without following the procedure set out in section 18, the corporation may determine the actual yield for indemnity purposes to be the guaranteed production or the average yield established for that acreage before its use was so converted.

14 Dec 84 cC-47.2 Reg 1 s20.

Another use before agreement on potential production

21 Where an insured has put any part of his insured acreage to another use before agreement has been reached on the appraisal of potential production of that acreage, the corporation may determine actual yield for the purposes of indemnity to be the lesser of:

- (a) the appraised potential production per acre as set out in the appraisal report of an adjuster appointed by the corporation; or
- (b) an amount per acre established by any method determined by the corporation.

14 Dec 84 cC-47.2 Reg 1 s21.

Notice regarding yield

22(1) Where, before harvest, the insured has reason to believe that his actual yield for any insured crop will be less than the guaranteed production, he shall give the corporation written notice of that fact in order to provide the corporation with a reasonable opportunity to conduct a pre-harvest inspection.

(2) A notice pursuant to subsection (1) is to include an estimate of all carry-over production of insured crops in the possession of the insured or held on his behalf at the date of the notice.

(3) Where the insured fails to give notice pursuant to subsection (1) and, as a result, the corporation is unable to determine who among two or more persons produced a crop, the corporation, for all its purposes, may fix the amount of crop produced by the insured.

14 Dec 84 cC-47.2 Reg 1 s22;
12 Jly 85 SR 63/85 s9; 27 Feb 98 SR 17/98 s10.

Pre-harvest inspection

23 A pre-harvest inspection report is to include any information that the corporation may require.

14 Dec 84 cC-47.2 Reg 1 s23.

Inadequate information on stored production

24(1) Where the insured:

- (a) has failed to report, before harvest, all of his farm-stored production from previous years and, as a result of that failure, the corporation cannot clearly determine the current year's production; or
- (b) at the time of the post-harvest inspection is unable, to the satisfaction of the corporation, to clearly indicate the current year's production;

the corporation, for the purpose of ascertaining the actual yield, may determine that all stored production and all marketings of the year following the commencement of harvest of the insured crop is the current year's production of the insured crop.

14 Dec 84 cC-47.2 Reg 1 s24; 12 Jly 85 SR 63/85 s10.

Corporation may fix production

24.1 Where the corporation is not able to determine which of two or more persons produced a crop, the corporation may fix the amounts produced by each person who is an insured of the corporation for all the purposes of the corporation.

15 Apr 94 SR 33/94 s7.

Delayed harvest inspection

25 The corporation may require that a request for a delayed harvest inspection be filed by a date before the end of the insurance period as set out in the contract where:

- (a) the insured has not completed threshing; or
- (b) the actual threshed production has not reached the level of the guaranteed production;

by a date established by the corporation.

14 Dec 84 cC-47.2 Reg 1 s25.

Post-harvest report

26 A post-harvest report is to be in any form that the corporation may prescribe and is the basis of determining the production and the actual yield of the insured crop.

14 Dec 84 cC-47.2 Reg 1 s26; 12 Jly 85 SR 63/85 s11.

Proof of loss

27 A proof of loss is to be in the form prescribed by the corporation.

15 Apr 94 SR 33/94 s8.

Actual yield

28(1) Subject to any other provision of these regulations, for the purposes of these regulations and the contract, “**actual yield**” means the yield of a crop insured under a contract as determined by the corporation, and includes:

- (a) all threshed grain from the insured acreage;
- (b) loss credits due to uninsurable causes, if any, established under the terms of the contract; and
- (c) any amount, determined by the corporation, of potential production on acreage abandoned or put to another use.

(2) Subject to subsection (3), the corporation may revise a determination of actual yield made pursuant to subsection (1):

- (a) after reinspecting the damaged area of the insured crop; or
- (b) after receiving information that the initial determination was incorrect.

(3) The corporation must complete any revision of a determination of actual yield within six years after the last day of the crop year with respect to which the determination relates.

19 Apr 96 SR 12/96 s9; 27 Feb 98 SR 17/98 s11.

Amount payable

29 Subject to section 32, the amount payable in the case of yield-loss claims mentioned in the proof of loss is the product of:

- (a) the total coverage or guaranteed production of each insured crop less the actual yield in kilograms or in tonnes for each insured crop; and
- (b) the unit price option as set out in the statement of insurance for each insured crop.

14 Dec 84 cC-47.2 Reg 1 s29; 31 Jan 97 SR 4/97 s15; 27 Feb 98 SR 17/98 s12; 25 Apr 2003 SR 28/2003 s10.

30 Repealed. 4 Sep 92 SR 81/92 s12.

Reappraisal

31(1) In the event of a disagreement between the corporation and the insured about the amount payable to the insured as a result of loss or damage caused by one or more of the perils designated in the definition of “crop insurance”, whether the right to recover on the policy is disputed or not, that amount shall, on the request of either party, be determined by a reappraisal conducted in accordance with this section.

(2) Within five days of the disagreement pursuant to subsection (1), the party requesting a reappraisal shall serve personally or by registered mail on the other party a notice in writing requesting a reappraisal and naming an appraiser.

- (3) Subject to subsection (4), the date of the disagreement pursuant to subsection (1) is deemed to be the earlier of:
- (a) the fifth day after the day when the insured receives a proof of loss form from the corporation; and
 - (b) the day that the corporation receives written notice in accordance with subsection (2).
- (4) The corporation may determine the date of the disagreement pursuant to subsection (1) to be a date later than the date determined pursuant to subsection (3).
- (5) Within five days of receiving a notice pursuant to subsection (2), the party served shall serve personally or by registered mail on the other party written notice that he accepts the named appraiser or that he names his own appraiser.
- (6) Where each party names an appraiser, the appraisers shall together estimate the amount of loss or damage and, where they cannot agree, they shall:
- (a) appoint an arbitrator; or
 - (b) request that the Superintendent of Insurance appoint an arbitrator;
- to resolve the dispute, determine the amount of the loss or damage and provide a written award.
- (7) Each party shall bear the cost of his appraiser.
- (8) The parties shall share equally:
- (a) the cost of the appraiser where only one appraiser is appointed;
 - (b) the cost of the arbitrator, if any.
- (9) A reappraisal pursuant to this section is to be commenced two days after:
- (a) both appraisers have been appointed; or
 - (b) the time has expired for the appointment of appraisers.
- (10) Failure by one party to name an appraiser within the time prescribed in this section vests power in the appraiser already appointed to determine the amount of the loss or damage.
- (11) The Superintendent of Insurance may, in his discretion, extend the time prescribed for doing any thing pursuant to this section.

14 Dec 84 cC-47.2 Reg 1 s31.

No double recovery

32 Where the insured is eligible for compensation for loss to an insured crop pursuant to *The Wildlife Damage and Livestock Predation Regulations*, the amount payable pursuant to section 29 is to be reduced by the amount that the insured would otherwise have received pursuant to these regulations for that portion of the crop that would otherwise have been eligible for indemnification pursuant to these regulations.

27 Feb 98 SR 17/98 s13; 25 Mar 2011 SR 9/2011 s4.

APPENDIX

Form A

SASKATCHEWAN CROP INSURANCE CORPORATION

Contract of Crop Insurance

THE SASKATCHEWAN CROP INSURANCE CORPORATION (hereinafter referred to as the “**corporation**”) subject to *The Crop Insurance Act* (hereinafter referred to as the “**Act**”), the regulations made pursuant to the Act, and the Canada-Saskatchewan Production Insurance Agreement, agrees to insure the insured in accordance with the terms and conditions of this contract, in any crop year during the term of this contract, and agrees to pay to the insured:

- (a) the unit price option for each kilogram or each tonne of insured crop by which the actual yield is less than the total coverage of that crop, as provided by this contract, provided that the reduced yield results from one or more of the perils designated under “**crop insurance**”;
- (b) unseeded acreage insurance in the case of loss resulting from the inability to seed crops on insured acreage on or before June 20 of the relevant year due to excessive spring moisture;
- (c) an establishment benefit on acreage of:
 - (i) spring-seeded or fall-seeded annual crops, and annual cereal crops grown for harvested fodder production, that fails to re-establish in the spring or suffers damage on or before the dates mentioned in clause 8(6)(a) of this contract; or
 - (ii) tame legumes and perennial grasses that fails to establish by the spring following the establishment year;

where:

- (iii) that acreage exceeds the lesser of:
 - (A) 10 acres; and
 - (B) 10% of the total acreage of the insured crops; and
- (iv) the failure to establish results from one or more of the perils designated under “**crop insurance**” pursuant to clause 1(2)(c).

The premium to insure a crop in each year of the contract shall be paid in cash in full or under any terms and conditions that are provided in the Act and the regulations made pursuant to the Act.

5 Mar 2004 SR 7/2004 s8; 1 Apr 2005 SR 25/
2005 s10; 30 Mar 2007 SR 17/2007 s14.

TERMS AND CONDITIONS

Meaning of terms

1(1) In this contract, expressions and words have the meaning given to them by the Act and the regulations made pursuant to the Act.

- (2) For the purposes of this contract:
- (a) **“actual yield”** means the yield of a crop insured under a contract as determined by the corporation and includes:
- (i) all threshed grain from the insured acreage;
 - (ii) loss credits due to uninsurable causes, if any, established under the terms of this contract;
 - (iii) an amount, if any, as determined by the corporation, of potential production on acreage abandoned or put to another use;
- (b) **“coverage per acre”** means:
- (i) subject to subclauses (ii) and (iii), in the case of individual coverage, not more than 80% of the long-term average yield per acre;
 - (ii) coverage pursuant to the crop averaging program; and
 - (iii) in the case of new crops, not more than 70% of the long-term average yield per acre;
- for the insured crop as determined by the corporation in the manner prescribed in the regulations;
- (c) **“crop insurance”** means insurance against loss of an insured crop caused by drought, flood, hail, wind, frost, lightning, excessive rain, snow, hurricane, tornado, wildlife, accidental fire, insect infestation, gophers or plant disease;
- (d) **“designated grades”** means:
- (i) subject to subclause (ii), in the case of:
 - (A) hard red spring wheat, No. 2 C.W.R.S.;
 - (B) durum wheat, No. 2 C.W.A.D.;
 - (C) extra strong red spring wheat, No. 2 C.W.E.S.;
 - (D) Canada prairie spring wheat, No. 2 C.P.S.;
 - (E) **Repealed.** 19 Apr 2002 SR 34/2002 s8.
 - (F) winter wheat, No. 2 C.W.;
 - (G) barley, No. 1 C.W.;
 - (H) oats, No. 3 C.W.;
 - (I) spring rye, No. 2 C.W.;
 - (J) fall rye, No. 2 C.W.;
 - (K) flax, No. 2 C.W.;
 - (L) canola, No. 1 Canada;
 - (M) **Repealed.** 24 Dec 98 SR 90/98 s9.
 - (N) sunflowers, No. 1 Canada;

(O) field peas, a composite grade determined according to the following weightings:

(I) 70% No. 2 Canada;

(II) 30% No. 3 Canada;

(P) **Repealed.** 6 Apr 2001 SR 18/2001 s6.

(Q) **Repealed.** 19 Apr 2002 SR 34/2002 s8.

(R) fababeans, No. 2 Canada;

(S) canary seed, sound and dry;

(T) triticale, No. 2 Canada;

(U) brown mustard, No. 1 Canada;

(V) oriental mustard, No. 1 Canada;

(W) yellow mustard, No. 1 Canada;

(X) lentils (large green), No. 2 Canada;

(Y) lentils (red), No. 1 Canada;

(Z) lentils (other), No. 2 Canada;

(AA) irrigated dry beans (pinto), No. 1 Canada;

(BB) irrigated dry beans (black), No. 1 Canada;

(CC) irrigated dry beans (other), No. 1 Canada;

(DD) desi chickpeas, No. 2 C.W.;

(EE) small-seeded Kabuli chickpeas, No. 2 C.W.;

(FF) large-seeded Kabuli chickpeas, a composite grade determined according to the following weightings:

(I) 35% No. 2 C.W. 9 mm;

(II) 50% No. 2 C.W. 8 mm;

(III) 15% Sample Account Green 7 mm;

(GG) hard white spring wheat, No. 2 C.W.H.W.;

(HH) identity preserved canola, No. 1 Canada.

(II) non-irrigated dry beans (pinto), No.1 Canada;

(JJ) non-irrigated dry beans (black), No.1 Canada;

(KK) non-irrigated dry beans (navy), No.1 Canada;

(LL) timothy hay, choice;

(ii) Canada Certified No. 1 in the case of any insurable crop that is grown as pedigreed seed but that does not meet the germination standards for pedigreed seed, as determined by the corporation;

(e) **Repealed.** 31 Jan 97 SR 4/97 s16.

(e.1) “**establishment benefit**” means an acreage payment provided as an extension to coverage under this contract on acreage of insured spring-seeded or fall-seeded annual crops or legumes or perennial grasses or annual cereal crops grown for harvested fodder production which fails to establish following seeding due to one or more of the perils designated under “crop insurance” pursuant to clause (2)(c);

(f) “**put to another use**” means:

(i) in the case of crops grown for seed production, working down using for pasture, cutting for feed, reseeding to the same or another crop and any use other than threshing; and

(ii) in the case of crops grown for fodder, working down or reseeding to the same or another crop;

(g) “**regulations**” means *The Crop Insurance Regulations*;

(h) **Repealed.** 4 Sep 92 SR 81/92 s13.

(i) “**stubble acreage**” means acreage which has been in crop or has not been properly summerfallowed, as determined by the corporation in its discretion, during the year immediately preceding the year in which the insurance is in effect;

(j) “**summerfallow acreage**” means acreage which did not produce a crop, and on which an adequate and accepted method of weed and other plant growth control was practiced, as determined by the corporation in its discretion, by July 11 and during the year immediately preceding the year in which the insurance is in effect;

(k) “**total coverage**” means the total guaranteed production in kilograms or in tonnes of the insured crop as determined by the corporation and as set out in the regulations;

(k.1) “**unit price option**” means the insured’s election pursuant to section 10.1 of the regulations of the base price, variable price, in-season price, contract price or low price per kilogram or per tonne for a particular crop as determined by the corporation;

(l) “**unseeded acreage insurance**” means coverage provided for the purpose of guaranteeing a return from acreage intended for seeding, determined on the basis of the insured’s historical seeding pattern, which remains unseeded and still too wet to be seeded on June 20 in any year as a result of excessive spring moisture but that coverage does not apply to acreage which is dry enough to be seeded, but is not accessible because of spring moisture conditions;

(m) “**wildlife**” means any animal that has not been held in captivity, and includes birds.

SR 121/85 s7; 20 Feb 87 SR 8/87 s8; 13 May 88 SR 25/88 s4; 4 Sep 92 SR 81/92 s13; 19 Apr 96 SR 12/96 s10; 31 Jan 97 SR 4/97 s16; 27 Feb 98 SR 17/98 s14; 24 Dec 98 SR 90/98 s9; 17 Mar 2000 SR 12/2000 s11; 6 Apr 2001 SR 18/2001 s6; 28 Mar 2002 SR 26/2002 s10; 19 Apr 2002 SR 34/2002 s8; 25 Apr 2003 SR 28/2003 s11; 5 Mar 2004 SR 7/2004 s8; 1 Apr 2005 SR 25/2005 s10; 24 Mar 2006 SR 20/2006 s5; 30 Mar 2007 SR 17/2007 s14; 27 Mar 2009 SR 21/2009 s6; 1 Apr 2010 SR 17/2010 s6; 25 Mar 2011 SR 9/2011 s5.

Scope of insurance

2(1) It is understood that this contract includes all the acreage seeded to an insurable crop covered by the contract unless the corporation has otherwise consented in writing.

(2) It is understood that the insurable varieties of a crop are those that are, in the opinion of the corporation, suitable for the local growing conditions in the region of Saskatchewan in which they are to be grown.

14 Dec 84 cC-47.2 Reg 1 Form A s2; 15 Apr 94 SR 33/94 s9; 19 Apr 96 SR 12/96 s10.

Insurance period

3(1) Subject to the terms and conditions of this contract, yield-loss coverage is provided by the corporation on each of the insured crops of the insured in each crop year from the date of seeding until the earlier of:

- (a) the day that the crop is threshed; and
- (b) the day that the crop is put to another use;

but in no event shall such a crop be insured after November 15 in any crop year in the case of all crops except tame legumes and perennial grasses grown for hay and forage, unless that period is extended by the corporation.

(2) Alfalfa, dehydrated alfalfa, alfalfa-grass mixtures, perennial grasses, sweet clover and annual cereal crops grown for harvested fodder production will not be insured after August 15 unless the deadline is extended by the corporation.

(2.1) **Repealed.** 4 Sep 92 SR 81/92 s13.

(3) **Repealed.** 4 Sep 92 SR 81/92 s13.

14 Dec 84 cC-47.2 Reg 1 Form A s3; 27 Dec 85 SR 121/85 s7; 20 Feb 87 SR 8/87 s8; 4 Sep 92 SR 81/92 s13; 19 Apr 96 SR 12/96 s10; 31 Jan 97 SR 4/97 s16; 27 Feb 98 SR 17/98 s14.

Seeded acreage report

4(1) Every insured shall file with the corporation, on or before June 25 or a date set by the corporation in each year, a seeded acreage report, in the form prescribed by the corporation, declaring:

- (a) the insured crops seeded in which the insured has an interest;
- (b) the total acres seeded to each insured crop in which the insured has an interest at the time of seeding, and the number of acres seeded on summerfallow, stubble or irrigated acres;

- (c) total acres in summerfallow;
 - (d) an estimate of all production of insured crops in storage in the current year;
 - (e) total acres seeded to crops that are not insured crops; and
 - (f) any other relevant information the corporation may require respecting the matters mentioned in clauses (a) to (e).
- (2) Any seeded acreage report submitted by the insured is binding on the insured and is not subject to change by the insured without the written permission of the corporation.
- (3) A report pursuant to this section of the contract is known as the seeded acreage report and unless otherwise determined by the corporation forms the basis on which the crop of the insured is insured and the basis on which any loss will be adjusted and paid.
- (4) If the insured under a contract with the corporation fails to file a seeded acreage report, the corporation may:
- (a) determine the insured acreage on behalf of the insured for the purposes of determining coverage under this contract, in which case the determination shall be binding on the insured and the insured shall pay a premium calculated on that insured acreage determined by the corporation together with any penalties the corporation may assess to the insured; or
 - (b) declare the insured acreage to be zero for the purposes of determining the coverage under this contract, in which case the determination shall be binding on the insured and the corporation may assess a penalty to the insured in any amount that the corporation may in its discretion determine, having regard for the premium payment that would have been payable by the insured had a seeded acreage report, been filed, and in that event the insured shall make payment of the penalty as prescribed by the corporation, including interest on any delinquent payments.
- (5) If the insured does not plant a crop that is insurable under his contract, he shall file a report so indicating.

14 Dec 84 cC-47.2 Reg 1 Form A s4; 20 Feb 87
 SR 8/87 s8; 4 Sep 92 SR 81/92 s13; 15 Apr 94
 SR 33/94 s9; 31 Jan 97 SR 4/97 s16; 27 Feb 98
 SR 17/98 s14.

Changes in crop selection, etc.

- 5(1) Subject to subsection (3), changes must be made on or before March 31 of each year:
- (a) in the selection of crops insured;
 - (b) in the selection of percentage of average yield;
 - (c) in the election of the unit price option pursuant to section 10.1 of the regulations;

(d) in an election to participate in the establishment benefit for native forage, sweet clover, annual cereal crops grown for harvested fodder production, perennial grasses, alfalfa or alfalfa-grass mixtures pursuant to section 11.3 of the regulations; or

(e) in an election to participate in the diversification option pursuant to section 11.6 of the regulations.

(2) **Repealed.** 5 Mar 2004 SR 7/2004 s8.

(3) With respect to winter wheat or fall rye, the election to include winterkill coverage under the establishment benefit pursuant to this contract must be made on or before August 25 in the year in which the crop is seeded.

(4) Any election made pursuant to the regulations remains in force for each subsequent year unless the insured changes the election in accordance with this section.

28 Mar 2002 SR 26/2002 s10; 4 Apr 2003 SR 18/2003 s7; 25 Apr 2003 SR 28/2003 s11; 5 Mar 2004 SR 7/2004 s8; 1 Apr 2005 SR 25/2005 s10.

6 Repealed. 27 Feb 98 SR 17/98 s14.

Notice of loss

7(1) An insured, whose crop has been damaged by one or more of the perils covered by this contract and who wishes to put all or a portion of the acreage seeded to that crop to another use, shall notify the corporation in person or in writing delivered by registered mail or personally at least five days before a field inspection is required.

(2) **Repealed.** 4 Sep 92 SR 81/92 s13.

(3) If, in any year, acreage intended for seeding remains unseeded on June 20 because of excessive moisture, the insured shall advise the corporation no later than June 25 of that year.

(3.01) If the insured advises the corporation that acreage intended for seeding remains unseeded because of excessive moisture after June 25 in a year but before July 3 of that year, any resulting indemnities will be reduced by 25%, to a maximum of \$1,000.

(3.02) No indemnity will be paid with respect to unseeded acres if the insured advises the corporation on or after July 3 of any year that acreage intended for seeding remains unseeded because of excessive moisture.

(3.03) The corporation has the right to waive the application of subsections (3.01) and (3.02) if the corporation is satisfied that, as a result of extenuating circumstances, the insured was unable to provide the corporation with the required information within the time set out in those subsections.

(3.1) **Repealed.** 17 Mar 2000 SR 12/2000 s11.

(4) Where, before harvest, the insured has reason to believe that his or her actual yield for any insured crop will be less than the guaranteed production, the insured shall:

- (a) give the corporation written notice of that fact in order to provide the corporation with a reasonable opportunity to conduct a pre-harvest inspection;
- (b) include in the notice mentioned in clause (a) an estimate of all carry-over production of insured crops in the possession of the insured or held on the insured's behalf as at the date of the notice; and
- (c) store harvested production of the crop separate from any other kind of production and in a manner so that the identity of the crop is maintained.

(5) Where an insured files a claim on a crop in connection with which he has contravened clause (4)(a), (b) or (c), the corporation may count as current year's production all such production that is mixed with other production and all production which it cannot clearly identify as carryover production.

(6) Where in any year the harvested production of an insured crop is less than its total coverage, the insured, subject to subsection (8), shall advise the corporation on or before:

- (a) September 30 of that year in the case of alfalfa, dehydrated alfalfa, alfalfa-grass mixtures, perennial grasses, sweet clover or annual cereal crops grown for harvested fodder production; and
- (b) November 15 of that year in the case of insured crops other than those mentioned in clause (a).

(6.1) If the insured advises the corporation during the following periods that the harvested production of an insured crop in a year is less than its total coverage, any resulting indemnities will be reduced by 25%, to a maximum of \$1,000:

- (a) after September 30 but before November 16 of that year in the case of alfalfa, dehydrated alfalfa, alfalfa-grass mixtures, perennial grasses, sweet clover or annual cereal crops grown for harvested fodder production;
- (b) after November 15 of that year but before January 1 of the following year in the case of insured crops other than those mentioned in clause (a).

(6.11) The corporation has the right to waive the application of subsection (6.1) if the corporation is satisfied that, as a result of extenuating circumstances, the insured was unable to provide the corporation with the required information within the time set out in that subsection.

(6.2) No indemnity will be paid with respect to a crop if the insured advises the corporation on or after the following dates that the harvested production of the insured crop in a year is less than its total coverage:

- (a) November 16 of that year in the case of alfalfa, dehydrated alfalfa, alfalfa-grass mixtures, perennial grasses, sweet clover or annual cereal crops grown for harvested fodder production;
- (b) January 1 of the following year in the case of insured crops other than those mentioned in clause (a).

(6.21) The corporation has the right to waive the application of subsection (6.2) if the corporation is satisfied that, as a result of extenuating circumstances, the insured was unable to provide the corporation with the required information within the time set out in that subsection.

(6.3) In the case of alfalfa, dehydrated alfalfa, alfalfa-grass mixtures, perennial grasses, sweet clover or annual cereal crops grown for harvested fodder production, an insured must notify the corporation before the insured moves production off the farm on which the crop was produced.

(7) Subject to subsection (7.1), when in any year the harvesting of an insured crop has not been completed before the onset of winter and the harvested production is less than total coverage for that crop, the insured shall advise the corporation no later than November 15 of that year, and a final adjustment on any claim filed with respect to that crop may be deferred until the crop is totally harvested or until the unharvested acreage is put to another use with the consent of the corporation.

(7.1) Subsection (7) does not apply to alfalfa, dehydrated alfalfa, alfalfa-grass mixtures, sweet clover, perennial grasses and annual cereal crops grown for harvested fodder production.

(8) The corporation shall have the right to reject any claim submitted by an insured more than 15 days after the date that harvesting is generally completed in his locality.

(9) Upon receipt of notification of substantial damage or loss, the corporation shall appoint an adjuster to appraise the loss.

(10) On demand by the corporation the insured shall furnish the corporation and its adjuster with any information relating to the loss that the corporation may require.

14 Dec 84 cC-47.2 Reg 1 Form A s7; 27 Dec 85 SR 121/85 s7; 20 Feb 87 SR 8/87 s8; 4 Sep 92 SR 81/92 s13; 19 Apr 96 SR 12/96 s10; 31 Jan 97 SR 4/97 s16; 27 Feb 98 SR 17/98 s14; 3 Sep 99 SR 67/1999 s4; 24 Sep 99 SR 68/1999 s2; 17 Mar 2000 SR 12/2000 s11; 19 Apr 2002 SR 34/2002 s8; 25 Apr 2003 SR 28/2003 s11; 27 Mar 2009 SR 21/2009 s7; 23 Mar 2012 SR 11/2012 s8.

Adjustment of loss claim

8(1) Subject to subsection (6), no adjustment for loss or damage will be made on any insured crop other than fall rye or winter wheat before June 21 in any crop year.

(1.1) **Repealed.** 17 Mar 2000 SR 12/2000 s11.

(2) No adjustment for loss or damage will be made on winter wheat and fall rye before February 1 in the year in which the insured crop is intended to be harvested.

(3) No coverage is provided and no adjustment for loss will be made in any crop year for any portion of an insured crop, other than winter wheat, fall rye, alfalfa, dehydrated alfalfa, alfalfa-grass mixtures, perennial grasses, sweet clover and annual cereal crops grown for harvested fodder production, that is seeded after the earlier of:

- (a) the normal seeding date for the area, as determined by the corporation based on the normal frost-free period for the area; and
- (b) June 20 in any year.

(3.1) **Repealed.** 17 Mar 2000 SR 12/2000 s11.

(3.2) **Repealed.** 17 Mar 2000 SR 12/2000 s11.

(4) No coverage is provided and no adjustment for loss or damage will be made for any portion of an insured crop that is volunteer crop.

(5) No coverage is provided and no adjustment for loss or damage will be made on winter wheat and fall rye seeded after September 15 of the year preceding the year in which the insured winter wheat and fall rye crop is intended to be harvested.

(5.1) No coverage is provided and no adjustment for loss or damage will be made on annual cereal crops grown for harvested fodder production seeded after June 30.

(5.2) No coverage is provided and no adjustment for loss or damage will be made on winter wheat and fall rye acres that have been grazed by domestic animals.

(6) Adjustments for loss or damage for the establishment benefit:

- (a) are to apply:
 - (i) in the case of insured crops other than those mentioned in subclauses (ii) to (iv), from the date of seeding to and including June 20;
 - (ii) in the case of fall rye or winter wheat to be cut for feed or pastured, from the date of seeding to and including June 9;
 - (iii) in the case of tame legumes or perennial grasses, from the date of seeding to and including June 20 of the year following the establishment year; and
 - (iv) in the case of annual cereal crops grown for harvested fodder production, from the date of seeding to and including June 30;
- (b) may be carried out by the corporation at any time.

(6.1) **Repealed.** 17 Mar 2000 SR 12/2000 s11.

(7) During the periods mentioned in subsection (6), the insured may, with the consent of the corporation, work down acreage sown to an insured spring-seeded or fall-seeded annual crop, and the insured is entitled to receive payment of an establishment benefit, set out in section 11.3 of the regulations, where the acreage worked down exceeds the lesser of:

- (a) 10 acres; and
- (b) 10% of the total acreage of the insured crop.

- (8) **Repealed.** 4 Sep 92 SR 81/92 s13.
- (9) **Repealed.** 4 Sep 92 SR 81/92 s13.
- (10) Adjustments for yield-loss commence:
- (a) subject to clause (b), on June 21 for all established crops; and
 - (b) on June 10 for fall rye and winter wheat that is to be cut for feed or pastured.
- (10.1) Adjustment for yield-loss will not apply where adjustment for loss should have been carried out under the establishment benefit.
- (11) Any indemnity payable as the result of an adjustment for yield-loss will be based on the full coverage or production guarantee less actual yield.
- (12) Where a crop has been harvested, the quality of the harvest production, as determined by standards established by the Canadian Grain Commission, will be taken into account in determining the quantity of production, and all appraised production shall be regarded as being of “Designated Grade” in the calculation of an indemnity.

14 Dec 84 cC-47.2 Reg 1 Form A s8; 27 Dec 85 SR 121/85 s7; 20 Feb 87 SR 8/87 s8; 4 Sep 92 SR 81/92 s13; 31 Jan 97 SR 4/97 s16; 27 Feb 98 SR 17/98 s14; 24 Dec 98 SR 90/98 s9; 9 Jly 99 SR 50/1999 s4; 17 Mar 2000 SR 12/2000 s11; 5 Mar 2004 SR 7/2004 s8; 1 Apr 2005 SR 25/2005 s10.

8.1 Repealed. 17 Mar 2000 SR 12/2000 s11.

Acreage to be put to another use

- 9(1)** Acreage on which there is an insured crop shall not be put to another use before it is inspected by the corporation and an appraisal agreed upon by the corporation and the insured.
- (2) The corporation is not liable to the insured with respect to any acreage which has been put to another use without the agreement of the corporation in writing, but the insured is liable to the corporation for the premium on such acreage.
- (3) Where an insured does not harvest all the acreage of an insured crop, an appraisal will be made on the unharvested acreage and the appraised production taken into consideration when the final adjustment is made.
- (4) The corporation may at its option defer, to a date later in the crop year, the appraisal of an insured crop that has been damaged.

14 Dec 84 cC-47.2 Reg 1 Form A s9.

Reappraisal

10 If the corporation and the insured cannot reach agreement as to the extent of loss or damage suffered by the insured under the provisions of the contract as a result of damage caused by one or more of the designated natural perils, the amount shall be determined by independent appraisal as provided by section 31 of the regulations.

14 Dec 84 cC-47.2 Reg 1 Form A s10.

Negligence

11(1) Where the loss or damage claimed by the insured results from negligence, neglect or misconduct of the insured, the insurance provided by this contract is void, but the insured is not entitled to the return of monies paid as premiums or relieved from the liability for any unpaid premium owing.

(2) Where the insured makes a claim under the contract, if the corporation determines that all or part of the deficiency in yield is due to negligence, misconduct or poor farming practices of the insured, the corporation shall notify the insured that it declines to pay all or part of the claim.

14 Dec 84 cC-47.2 Reg 1 Form A s11; 27 Feb 98 SR 17/98 s14.

Life of contract, cancellation and termination

12(1) Subject to all the terms and conditions of this contract, this contract is in effect as of April 1 of the year specified in the application and continues in effect for each succeeding crop year.

(1.1) Notwithstanding subsection (1) but subject to all other terms and conditions of this contract, for an applicant approved by the corporation in 2002, this contract is in effect as of April 20, 2002 and continues in effect for each succeeding crop year.

(1.2) Notwithstanding subsections (1) and (1.1) but subject to all other terms and conditions of this contract, for an applicant approved by the corporation in 2003, this contract is in effect as of May 1, 2003 and continues in effect for each succeeding crop year.

(2) This contract may, in any year during its term, be terminated by the corporation or by the insured on either giving the other notice in writing by registered mail of the cancellation not later than March 31, and that cancellation is effective on and after April 1.

(2.1) **Repealed.** 27 Feb 98 SR 17/98 s14.

(2.2) **Repealed.** 5 Mar 2004 SR 7/2004 s8.

(3) This contract terminates on the death of the insured except where the death occurs after the beginning of the seeding of any insured crop and before the end of the insurance period in which case the contract terminates at the end of the insurance period.

(4) This contract may be terminated in any year for indebtedness on the part of an insured as at March 31 of that year or any time thereafter, and such termination is effective immediately upon the corporation's giving written notice to the insured.

(4.1) **Repealed.** 5 Mar 2004 SR 7/2004 s8.

(5) Subject to the provisions of the Act, the regulations, subsections (5.1) and (6) and section 11 of this contract, this contract may not be cancelled by either the corporation or the insured during the growing season.

- (5.1) The corporation may terminate this contract if:
- (a) subject to subsection (5.11), the insured does not declare any acres seeded to insured crops in the seeded acreage report filed pursuant to section 4 in the year mentioned in the application; or
 - (b) the insured does not file a seeded acreage report pursuant to section 4 in the year mentioned in the application.
- (5.11) The corporation shall not terminate a contract pursuant to clause (5.1)(a) if the insured did not declare any seeded acres because the insured qualified, in the year mentioned in the application, for any of the following indemnity payments respecting the insurable crop covered by the contract:
- (a) an establishment benefit;
 - (b) a payment pursuant to unseeded acreage insurance;
 - (c) a payment pursuant to subsection 11.3(5) of the regulations because of destruction by gophers.
- (5.2) If the corporation does terminate the contract in accordance with subsection (5.1), the termination is deemed to be effective on April 1 of the year mentioned in the application.
- (6) The corporation may terminate this contract at any time if the insured:
- (a) misrepresents or fails to disclose any material fact required to be disclosed to the corporation under the terms of this contract or in the application for insurance;
 - (b) is otherwise in breach of any term or condition of this contract; or
 - (c) acts in a threatening manner towards any employee or representative of the corporation.
- (7) Where this contract is terminated by the corporation pursuant to subsection (6), the insurance is void for the crop year in which the misrepresentation, breach or action occurred and remains void until or unless this contract is reinstated by the corporation, but the insured is not entitled to the return of moneys paid as premiums or relieved from liability for any unpaid premium owing to the corporation.

14 Dec 84 cC-47.2 Reg 1 Form A s12; 20 Feb 87 SR 8/87 s8; 4 Sep 92 SR 81/92 s13; 31 Jan 97 SR 4/97 s16; 27 Feb 98 SR 17/98 s14; 17 Mar 2000 SR 12/2000 s11; 28 Mar 2002 SR 26/2002 s10; 4 Apr 2003 SR 18/2003 s7; 5 Mar 2004 SR 7/2004 s8; 24 Mar 20/2006 s5; 14 Mar 2008 SR 10/2008 s9.

Subrogation

13 Where the corporation has paid a claim of the insured, all rights of the insured to claim against a third person, other than for other insurance, for loss or damage to the insured crop are hereby assigned to the corporation to the extent of the amount of loss paid by the corporation to the insured for such loss or damage.

14 Dec 84 cC-47.2 Reg 1 Form A s13.

Collateral assignment

14(1) The insured may assign his right to an indemnity for an insured crop in any crop year under this contract but any such assignment shall be in the form approved by the corporation and shall not be binding on the corporation until accepted in writing by the corporation.

(2) An assignee under this contract shall have the same right as the insured to file a claim for loss or damage to the insured crop where the insured does not file a claim.

14 Dec 84 cC-47.2 Reg 1 Form A s14.

Records and access to farm

15(1) The insured must at all times keep adequate and accurate records of his or her farming practices.

(2) The corporation may, at any time, require the insured to produce the records mentioned in subsection (1), and any persons designated by the corporation shall have access to those records and to the insured's farm at any reasonable time for the purpose of determining any matters arising out of this contract.

(3) The corporation may, at any time, request the Canadian Wheat Board, or any other individual, organization or corporation, to provide the corporation with information respecting the farming operations of the insured, and the insured by entering into this contract shall be deemed to have authorized and consented to the release of that information to the corporation.

14 Dec 84 cC-47.2 Reg 1 Form A s15; 20 Feb 87
SR 8/87 s8; 15 Apr 94 SR 33/94 s9; 27 Feb 98
SR 17/98 s14.

Waiver and alteration

16 No term or condition of this contract is deemed to have been waived or altered by the corporation unless the waiver or alteration is expressed in writing in a form authorized by the corporation and signed by a duly authorized representative of the corporation.

14 Dec 84 cC-47.2 Reg 1 Form A s16.

Changes in the contracts

17(1) The corporation reserves the right to add to or amend this contract to change the insurable crops, premium rates, coverage, unit price option and other terms and conditions of this contract from year to year.

(1.1) The corporation shall, on or before the relevant cancellation date mentioned in subsection 12(2) or (2.2), provide written notice to the insured of any amendment to the contract mentioned in this section by:

- (a) personal delivery; or
- (b) ordinary mail sent to the most current address of the insured that is indicated in the records of the corporation.

(1.2) A notice provided in accordance with this section shall be deemed to have been received:

- (a) on the day of actual delivery if provided by personal delivery; or
- (b) on the fifth day after the day on which it was mailed, if provided by ordinary mail.

(1.3) **Repealed.** 17 Mar 2000 SR 12/2000 s11.

(2) **Repealed.** 4 Sep 92 SR 81/92 s13.

14 Dec 84 cC-47.2 Reg 1 Form A s17; 20 Feb 87 SR 8/87 s8; 4 Sep 92 SR 81/92 s13; 27 Feb 98 SR 17/98 s14; 9 Jly 99 SR 50/1999 s4; 17 Mar 2000 SR 12/2000 s11; 28 Mar 2002 SR 26/2002 s10; 25 Apr 2003 SR 28/2003 s11.

Contract subject to the act

18 The parties to this contract agree that its terms and conditions are subject to the provisions of the Act and the regulations.

14 Dec 84 cC-47.2 Reg 1 Form A s18.

Date of filing

19 Any document filed or received by the corporation under this contract is deemed to be filed or received on the date indicated on the document by the corporation as the date that the document was filed or received by the corporation.

14 Dec 84 cC-47.2 Reg 1 Form A s19.

Date of receipt

20 Any document delivered by registered mail is deemed to be received by the addressee on the earlier of:

- (a) the date of the receipt from the postmaster for the document; and
- (b) the date on which an official post office receipt form for the document is signed by the addressee or a representative of the addressee.

27 Feb 98 SR 17/98 s14.

21 Repealed. 24 Mar 2006 SR 20/2006 s5.

Form B **Repealed.** 4 Sep 92 SR 81/92 s14.

Form C **Repealed.** 4 Sep 92 SR 81/92 s15.