

The Post-Secondary Graduate Tax Credit Regulations

being

[Chapter P-16.2 Reg 1](#) (effective January 17, 2001).

NOTE:

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

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CHAPTER P-16.2 REG 1

The Post-Secondary Graduate Tax Credit Act

Title

1 These regulations may be cited as *The Post-Secondary Graduate Tax Credit Regulations*.

Interpretation

2(1) In these regulations, “**Act**” means *The Post-Secondary Graduate Tax Credit Act*.

(2) In these regulations and for the purposes of the Act:

(a) “**full-time instructional load**”, with respect to a program at a post-secondary institution or body, means a full-time instructional load as defined by that post-secondary institution or body;

(b) “**full-time study**” means:

(i) with respect to a qualified individual who undertook a program of studies at a post-secondary institution or body, taking at least:

(A) 60% of a full-time instructional load; or

(B) 40% of a full-time instructional load if the minister is satisfied that the qualified individual has a physical or mental impairment that:

(I) is expected to remain with the qualified individual during the qualified individual’s life; and

(II) significantly restricts the qualified individual’s ability to take at least 60% of a full-time instructional load;

(ii) with respect to a qualified individual who has met the requirements of *The Apprenticeship and Trade Certification Act, 1999* and *The Apprenticeship and Trade Certification Regulations* for a journeyperson’s certificate, being engaged in a program to be certified as a journeyperson.

26 Jan 2001 cP-16.2 Reg 1 s2.

Criteria for eligible programs

3 For the purposes of subclause 2(b)(ii) of the Act, the minister shall consider the following criteria in recognizing a program of post-secondary studies as an eligible program:

(a) in the case of a program that is offered at a post-secondary institution or body and that leads to a degree, diploma, certificate or designation to be awarded to those who successfully complete the program:

(i) the programs, staff and academic reputation of the post-secondary institution or body;

(ii) where the post-secondary institution or body is not a part of, or principally funded by, a government:

- (A) the nature of the post-secondary institution's or body's contractual obligations to its students respecting their training; and
- (B) the ability of the post-secondary institution or body to ensure that those obligations will be fulfilled; and
- (iii) any other matters the minister considers appropriate to be satisfied that the program contains an adequate level of educational instruction;
- (b) in the case of a program leading to a journeyperson's certificate, whether the program:
 - (i) in the minister's opinion, meets the criteria required by *The Apprenticeship and Trade Certification Act, 1999* and *The Apprenticeship and Trade Certification Regulations*; and
 - (ii) leads to a journeyperson's certificate other than a journeyperson's certificate issued pursuant to subsection 41(5) of *The Apprenticeship and Trade Certification Regulations*;
- (c) in the case of any other program, whether the program, in the opinion of the minister, is similar to a program described in clause (a) or (b) and meets criteria equivalent to the criteria set out in those clauses.

26 Jan 2001 cP-16.2 Reg 1 s3.

Information in certified forms

4 For the purposes of clause 4(2)(c) of the Act, a form certified by the minister must contain the following items:

- (a) in the case of a tax credit granted with respect to a program of post-secondary studies mentioned in clause 3(a), the name of the post-secondary institution or body at which the program of post-secondary studies was undertaken;
- (b) the name of the qualified individual and, with respect to a qualified individual who completed a program of post-secondary studies after December 31, 2000, the qualified individual's social insurance number;
- (c) the year the qualified individual successfully completed the eligible program;
- (d) a statement informing the qualified individual to whom the certificate is issued how he or she may use the form to claim his or her tax credit.

26 Jan 2001 cP-16.2 Reg 1 s4.

Interest

5(1) For the purposes of section 6 of the Act, the prescribed rate of interest is the rate of interest prescribed in *The Pre-judgment Interest Regulations*.

(2) Interest is to be calculated from the date the tax credit was issued to the date of the certificate.

26 Jan 2001 cP-16.2 Reg 1 s5.

Coming into force

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

26 Jan 2001 cP-16.2 Reg 1 s6.