

# *The Industrial Incentive Program Act*

*Repealed*

by Chapter 6 of the *Statutes of Saskatchewan, 1996*  
(effective April 4, 1996)

*Formerly*

Chapter I-4.1 of the *Statutes of Saskatchewan, 1983-84* (effective April 1, 1984) as amended by the *Statutes of Saskatchewan, 1984-85-86, c.49*. Repealed by 1996, c.6.

## Table of Contents

- 1 Short title
- 2 Interpretation
- 3 Program established
- 4 Application
- 5 Approval and payment
- 6 Additional information
- 7 Regulations
- 8 Offence
- 9 Overpayment and recovery

### **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.**

## CHAPTER I-4.1

### An Act to establish the Industrial Incentive Program

#### Short title

1 This Act may be cited as *The Industrial Incentive Program Act*.

#### Interpretation

2(1) In this Act:

- (a) **“capital outlay”** means the direct costs incurred by an eligible applicant to acquire, construct, extend or alter his plant or equipment and includes any other prescribed costs;
- (b) **“eligible applicant”** means a person who:
  - (i) is principally engaged in a prescribed manufacturing or processing activity; and
  - (ii) meets the prescribed qualifications, in addition to the qualification mentioned in subclause (i);
- (c) **“eligible employee”** means a person who:
  - (i) is legally entitled to work in Canada; and
  - (ii) on the day he commences employment with an eligible applicant or within three months of that date is listed on a valid Saskatchewan Health Services Card issued for the purposes of *The Saskatchewan Hospitalization Act* or *The Saskatchewan Medical Care Insurance Act*;
- (d) **“eligible employment position”** means an employment position that meets the prescribed criteria;
- (e) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (f) **“prescribed”** means prescribed by the regulations;
- (g) **“program”** means the Industrial Incentive Program established in section 3.

(2) For the purposes of this Act, commercial production is deemed to commence on the date on which a facility or a part of a facility that has been established, expanded or modernized for the purpose of obtaining a payment pursuant to this Act is utilized for the production in commercial volume of marketable goods.

1983-84, c.I-4.1, s.2.

#### Program established

3 The Industrial Incentive Program is established to stimulate economic development in manufacturing and processing and to create permanent employment.

1983-84, c.I-4.1, s.3.

**Application**

4 An eligible applicant who wishes to receive a payment pursuant to this Act with respect to his capital outlays shall:

- (a) apply to the minister on a form supplied by him;
- (b) provide the minister with any prescribed information and any additional information that the minister may require pursuant to section 6; and
- (c) satisfy the minister that he intends to invest at least \$30,000 in capital outlays in manufacturing and processing and to create at least one full-time eligible employment position.

1983-84, c.I-4.1, s.4.

**Approval and payment**

5(1) Subject to the other provisions of this Act and the regulations, where the minister:

- (a) has received an application and the information prescribed or requested by him pursuant to section 4; and
- (b) is of the opinion that the eligible applicant is suitable and that the proposed payment is not for any reason objectionable;

he may approve the application and, in the prescribed manner and at the prescribed time, may make a payment to the eligible applicant.

(2) Notwithstanding subsection (1), the minister shall not make a payment pursuant to subsection (1) unless:

- (a) the eligible applicant has submitted his application to the minister on or before the prescribed date;
- (b) the eligible applicant satisfies the minister that:
  - (i) he has invested at least \$30,000 in capital outlays in the manufacturing or processing project that was the subject of his application;
  - (ii) the capital outlays directly resulted in the creation of at least one full-time eligible employment position for the prescribed period; and
  - (iii) the eligible employment position has been occupied only by eligible employees;

(c) the capital outlays were incurred, commercial production was commenced and:

- (i) the plant and equipment acquired, constructed, extended or altered; or
- (ii) the other purposes for which the capital outlays were incurred were completed or achieved;

within:

- (iii) 12 months of the date that the minister approved the application; or

- (iv) any period of time, other than that mentioned in subclause (iii), that the minister may allow; and
  - (d) the eligible applicant has met any additional prescribed criteria.
- (3) The amount of a payment pursuant to this Act to an eligible applicant is equal to the lesser of:
- (a) \$7,500 for each full-time eligible employment position created; and
  - (b) 25% of the eligible applicant's capital outlays.

1983-84, c.I-4.1, s.5; 1984-85-86, c.49, s.2.

**Additional information**

**6** The minister, or any person authorized by him in writing for the purpose, may at any time require:

- (a) an eligible applicant to submit additional information or material to the minister or the authorized person; and
- (b) verification, by affidavit or otherwise, of any information or material that is or was previously submitted by an eligible applicant.

1983-84, c.I-4.1, s.6.

**Regulations**

**7(1)** The Lieutenant Governor in Council may make regulations:

- (a) defining any word or expression used in this Act but not defined in this Act;
- (b) prescribing information to be submitted by an eligible applicant along with his application;
- (c) determining the manner of making payments pursuant to section 5 and the timing of those payments;
- (d) prescribing any other matter or thing which is required to be prescribed;
- (e) prescribing any additional matters that are incidental and ancillary to this Act.

(2) The Lieutenant Governor in Council may make any regulations pursuant to this section retroactive to a day not earlier than April 1, 1984.

1983-84, c.I-4.1, s.7.

**Offence**

**8** Every person who:

- (a) makes a statement to the minister or any person authorized by the minister that is, at the time and in light of the circumstances in which it is made, false or misleading or that is a misrepresentation; or

**c. I-4.1**

**INDUSTRIAL INCENTIVE PROGRAM**

- (b) fails to disclose a material fact;

in any information or application pursuant to this Act or in any material submitted pursuant to section 6 is guilty of an offence and liable on summary conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

1983-84, c.I-4.1, s.8.

**Overpayment and recovery**

**9(1)** Where, in the minister's opinion, an eligible applicant has deliberately made a false or misleading statement or deliberately failed to disclose a material fact in any information or material submitted to the minister or any person authorized by the minister:

- (a) the eligible applicant is ineligible to receive a payment pursuant to this Act; and

- (b) any payment made to the eligible applicant is deemed to be an overpayment.

(2) Where an overpayment to an eligible applicant results for any reason, the overpayment may be recovered:

- (a) as a debt due to the Crown in right of Saskatchewan; or

- (b) by deducting the amount of the overpayment from any future payments to the eligible applicant pursuant to this Act or from any other payment due the eligible applicant by the Government of Saskatchewan.

1983-84, c.I-4.1, s.9.