

The Export Marketing Assistance Program Regulations, 1991

Repealed

by Saskatchewan Regulations 40/98 (effective May 13, 1998).

Formerly

Chapter G-5.1 Reg 39 (effective May 15, 1991).

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 G-5.1 REG 39
The Government Organization Act
and
The Trade and Investment Act

Title

1 These regulations may be cited as *The Export Marketing Assistance Program Regulations, 1991*.

Interpretation

2 In these regulations:

(a) **“company”** means:

- (i) any person or partnership registered under *The Business Names Registration Act*;
- (ii) any corporation incorporated, continued or registered under *The Business Corporations Act*;
- (iii) any co-operative incorporated, continued or registered under *The Co-operatives Act, 1989*; or
- (iv) a non-profit corporation incorporated, continued or registered under *The Non-profit Corporations Act*;

(b) **“eligible activity”** means any provision of services outside Saskatchewan or any:

- (i) manufacturing;
- (ii) producing; or
- (iii) processing;

of goods for export from Saskatchewan;

(c) **“eligible company”** means a company that:

- (i) is engaged in an eligible activity;
- (ii) has been registered for at least one year with the Director appointed pursuant to *The Business Corporations Act* or the registrar appointed pursuant to *The Co-operatives Act, 1989*, as the case may be;
- (iii) has total annual sales of less than \$20 million; and
- (iv) has minimum annual sales in an amount that the minister considers sufficient to demonstrate the company's ability to successfully participate in the program;

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(d) **“eligible expenditures”** means any expenditures made by an eligible company for the purpose of marketing goods or providing services outside Saskatchewan and includes:

- (i) expenditures for travel and accommodation by one representative of the eligible company to the farthest point on the representative's itinerary that is approved by the minister;
- (ii) expenditures for travel and accommodation by one representative of a prospective customer to the eligible company's office in Saskatchewan;
- (iii) expenditures for the rental of booth space and furnishings at trade fairs, shows and exhibitions to promote the sale of goods or the provision of services;

(e) **“financial assistance”** means financial assistance provided pursuant to section 9;

(f) **“minister”** means the minister responsible for the administration of *The Trade and Investment Act*;

(g) **“program”** means the Export Marketing Assistance Program continued pursuant to section 3;

(h) **“project”** means any marketing activity carried out with respect to:

- (i) goods to be sold or bartered; or
- (ii) services to be provided;

outside Saskatchewan.

24 May 91 cG-5.1 Reg 39 s2.

Program continued

3(1) The Export Marketing Assistance Program is continued.

(2) The purpose of the program is to assist eligible companies in marketing their goods and services outside Saskatchewan.

24 May 91 cG-5.1 Reg 39 s3.

Application for enrolment in the program

4(1) A company may apply to be enrolled in the program.

(2) A company that applies to be enrolled in the program shall provide the minister with:

- (a) information with respect to projects the company proposes to undertake; and
- (b) any further information with respect to:
 - (i) the projects mentioned in clause (a); and
 - (ii) the company;

that the minister may require.

24 May 91 cG-5.1 Reg 39 s4.

Enrolment of company in the program

5 Where the minister is satisfied that a company that has applied to be enrolled in the program is an eligible company, the minister may enroll the company in the program.

24 May 91 cG-5.1 Reg 39 s5.

Applications for financial assistance

6(1) An eligible company enrolled in the program may apply to the minister, on a form provided by the minister, for financial assistance with respect to a project of the company.

(2) Where an eligible company has not applied for financial assistance before with respect to any project, the application mentioned in subsection (1) is to include:

- (a) an overall marketing strategy of the eligible company describing how the project is a part of that marketing strategy;
- (b) a financial statement of the eligible company that is satisfactory to the minister.

(3) The eligible company shall submit the application for financial assistance to the minister:

- (a) not less than one month; and
- (b) not more than three months;

prior to the commencement of the project with respect to which the application is made.

24 May 91 cG-5.1 Reg 39 s6.

Pre-approval of projects

7(1) Subject to subsection (3), where the minister:

- (a) receives an application for financial assistance pursuant to section 6 for a project; and
- (b) is of the opinion that the:
 - (i) goods to be marketed pursuant to the project were produced by means of materials and labour substantially from Saskatchewan sources; or
 - (ii) service to be provided pursuant to the project is to be provided by persons from Saskatchewan;

the minister may accept the application.

(2) The minister may impose any terms and conditions on an acceptance pursuant to subsection (1) that the minister considers advisable.

(3) The minister shall not approve an application pursuant to subsection (1) if the eligible company has more than two other projects, for which it received approval, remaining uncompleted at the time of the application.

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(4) The minister shall:

- (a) provide written notice of the decision made pursuant to subsection (1) to the eligible company; and
- (b) where the minister accepts an application pursuant to subsection (1) and imposes terms and conditions on the acceptance, the minister shall provide the eligible company with written notice of those terms and conditions.

24 May 91 cG-5.1 Reg 39 s7.

Proof of eligible expenditures

8(1) An eligible company that has its application accepted pursuant to section 7, shall forward to the minister all statements of account showing that the company paid all costs that:

- (a) are eligible expenditures; and
- (b) it has incurred with respect to the project.

(2) The eligible company shall forward the statements of account mentioned in subsection (1) not later than 60 days, or any longer period that the minister may specify, after the completion of the project.

24 May 91 cG-5.1 Reg 39 s8.

Provision of financial assistance

9 Where the minister:

- (a) accepts an application pursuant to section 7;
- (b) receives the statements of account for paid eligible expenditures of the company in accordance with section 8; and
- (c) is satisfied that the eligible company has complied with any terms and conditions imposed by the minister on the acceptance of the application;

the minister, subject to sections 10 and 11, shall provide financial assistance by way of a grant to the eligible company.

24 May 91 cG-5.1 Reg 39 s9.

Limits on financial assistance

10 The minister shall not provide financial assistance to an eligible company:

- (a) with respect to any eligible expenditures described in subclause 2(d)(i), in excess of 50% of the amount of the expenditures for travel and accommodation by one representative of the eligible company to the farthest point on the travel itinerary approved by the minister;
- (b) with respect to eligible expenditures described in subclause 2(d)(ii), in excess of 50% of the amount of the expenditures for travel and accommodation by one representative of a prospective customer to the eligible company's office in Saskatchewan;
- (c) with respect to any eligible expenditures described in subclause 2(d)(iii), in excess of 50% of the amount of renting booth space and furnishings at a trade fair, show or exhibition;

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- (d) where the aggregate amount of all financial assistance payments to the eligible company would exceed \$5,000 in a year; or
- (e) with respect to a project, if the company has received any grant or other payment for the project from:
 - (i) the Government of Canada; or
 - (ii) the Government of Saskatchewan pursuant to any other program or source.

24 May 91 cG-5.1 Reg 39 s10.

Prohibition re payment of financial assistance

11 No financial assistance shall be provided pursuant to section 9 to any eligible company where the eligible company has failed to provide to the minister any information required by the regulations or the minister pursuant to these regulations.

24 May 91 cG-5.1 Reg 39 s11.

Information required

12 The minister may require an eligible company to provide:

- (a) any financial information that the minister considers necessary for the purpose of determining whether to provide financial assistance or the amount of financial assistance;
- (b) copies of receipts or other evidence of eligible expenditures;
- (c) an opportunity to examine the product with respect to which an application for financial assistance has been made.

24 May 91 cG-5.1 Reg 39 s12.

False or misleading statement

13 Where, in the opinion of the minister, an eligible company has made a false or misleading statement on any form or in any information or document provided to the minister pursuant to these regulations, the minister may:

- (a) cancel the enrolment of the company under the program; and
- (b) declare that any financial assistance to the company pursuant to the program is an overpayment to that company.

24 May 91 cG-5.1 Reg 39 s13.

Recovery of overpayment

14(1) Where:

- (a) the minister, pursuant to clause 13(b), has declared that a company has received an overpayment pursuant to the program; or
- (b) for any reason, the company has received an overpayment pursuant to the program;

the amount of the overpayment is a debt due to Her Majesty in right of Saskatchewan.

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(2) In addition to any other manner in which it may be recovered, an overpayment may be recovered by deducting the amount of the overpayment from any grants or tax credits to which the company would otherwise be entitled pursuant to the program or under any other Act or regulations of the Government of Saskatchewan providing for payments to that company.

24 May 91 cG-5.1 Reg 39 s14.

R.R.S. c.T-15.1 Reg 1 repealed

15 *The Export Marketing Assistance Program Regulations* are repealed.

24 May 91 cG-5.1 Reg 39 s15.