

The Agricultural Corporation Exemption Regulations

Repealed

by chapter M-17.1 Reg 7 (effective June 25, 1998).

Formerly

Chapter M-17.1 Reg 4 (effective January 1, 1987).

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 M-17.1 REG 4
The Mineral Taxation Act, 1983

Title

1 These regulations may be cited as *The Agricultural Corporation Exemption Regulations*.

Interpretation

2 In these regulations:

- (a) “**Act**” means *The Mineral Taxation Act, 1983*;
- (b) “**farmer**” means an individual who:
 - (i) spends a significant portion of his time engaged in farming;
 - (ii) participates in both the management decisions involved in the operation of a farm and the physical labour required in carrying out the operation of a farm; and
 - (iii) receives a significant portion of his income either directly or indirectly from the sale of farm produce;
- (c) “**farming**” means tillage of soil, livestock production, raising poultry, dairying, fur farming, tree farming, bee keeping or fish farming and includes any other activity undertaken to produce agricultural products, but does not include:
 - (i) the production of agricultural products for the purpose of crop science research;
 - (ii) the purchase for re-sale of farm products; or
 - (iii) the commercial processing of farm products;
- (d) “**resident farmer**” means a farmer who resides in Saskatchewan for at least 183 days in each year;
- (e) “**share**” includes:
 - (i) a membership interest as defined in *The Non-profit Corporations Act*;
 - (ii) shares held in a co-operative association incorporated or continued under *The Co-operatives Act*;
 - (iii) the interest of a member of a co-operative association incorporated or continued under *The Co-operatives Act*, where that association does not have share capital.

M-17.1 REG 4 AGRICULTURAL CORPORATION EXEMPTION**Interpretation of Act**

3 For the purpose of the Act and in these regulations, “**agricultural corporation**” means a corporation that is primarily engaged in the business of farming and of which:

- (a) the majority of all issued voting shares are legally and beneficially owned by resident farmers; and
- (b) the majority of all issued shares are legally and beneficially owned by resident farmers.

30 Oct 87 cM-17.1 Reg 4 s3.

Exemption certificate

4(1) To qualify for an exemption pursuant to subsection 13.1(1) of the Act, a corporation shall apply to the minister for an exemption certificate in respect of its mineral ownership.

- (2) An application for an exemption certificate pursuant to subsection (1) shall:
 - (a) be delivered to the department in the form required by the minister;
 - (b) contain any information that may be required by the minister, including:
 - (i) the name of the corporation;
 - (ii) information respecting the ownership of and voting rights with respect to the shares and the corporate structure of the corporation;
 - (iii) information with respect to the occupation and residence of each shareholder of the corporation;
 - (iv) a description of the business activities of the corporation; and
 - (v) the area of mineral rights owned by the corporation; and
 - (c) be verified by a declaration in the form required by the minister signed on behalf of the corporation certifying that all information contained in the application is true and complete and that the applicant is an agricultural corporation within the meaning of the Act and these regulations.
- (3) Where he is satisfied that the information contained in any application pursuant to subsection (2) is true and complete and that the applicant is an agricultural corporation, the minister shall issue to the agricultural corporation an exemption certificate:
 - (a) identifying the agricultural corporation to which it is issued; and
 - (b) describing the mineral right in respect of which the agricultural corporation is an owner.
- (4) No exemption certificate shall be issued pursuant to this section for a term of more than 36 consecutive months beginning with the month in which it is issued, but an agricultural corporation may apply for a further exemption certificate in the manner set out in this section at any time within 60 days before expiry of its current exemption certificate.

- (5) An agricultural corporation to which an exemption certificate has been issued pursuant to this section shall immediately inform the minister, by notice in writing, of any change in any of the information contained in that certificate or in the application for that certificate that materially affects the accuracy of the certificate or the entitlement of the agricultural corporation to the exemption provided by section 13.1 of the Act.
- (6) On receipt of any information pursuant to subsection (5), the minister may, as the circumstances may require:
- (a) amend the exemption certificate to the extent made necessary by that information;
 - (b) revoke the exemption certificate; or
 - (c) revoke the exemption certificate and issue a new exemption certificate reflecting that information, for the remainder of the term for which the original certificate was issued.
- (7) Notwithstanding any other provision of this section, the minister may revoke any exemption certificate at any time if he is satisfied that the applicant for that exemption certificate was not, or is no longer, an agricultural corporation.

30 Oct 87 cM-17.1 Reg 4 s4.