

The Post-Secondary Graduate Tax Credit Act

Repealed by
Chapter G-5.2 of the *Statutes of Saskatchewan, 2007*
(effective May 17, 2007).

Formerly
Chapter P-16.2 of the *Statutes of Saskatchewan, 2000*
(effective January 1, 2000) as amended by the *Statutes of
Saskatchewan, 2000, c.49; 2003, c.26; and 2004, c.44.*

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.

Table of Contents

1	Short title
2	Interpretation
3	Application for tax credit
4	Allowing of tax credit
5	Claiming the tax credit
6	Recovery of ineligible tax credits
7	Regulations
8	Coming into force

CHAPTER P-16.2

An Act respecting a Post-Secondary Graduate Tax Credit

Short title

- 1 This Act may be cited as *The Post-Secondary Graduate Tax Credit Act*.

Interpretation

- 2 In this Act:

- (a) **“department”** means the department over which the minister presides;
- (b) **“eligible program”** means a program of post-secondary studies where the program:
 - (i) requires at least six months of full-time study or is recognized by the minister as requiring the equivalent of six months of full-time study; and
 - (ii) is recognized by the minister in accordance with any criteria that may be prescribed in the regulations;
- (c) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (d) **“qualified individual”** means an individual who has graduated from an eligible program in a taxation year;
- (e) **“tax credit”** means a post-secondary graduate tax credit allowed pursuant to section 4;
- (f) **“taxation year”** means the 2000 taxation year or a subsequent taxation year.

2000, c.P-16.2, s.2; 2003, c.26, s.8.

c. P-16.2**POST-SECONDARY GRADUATE TAX CREDIT****Application for tax credit**

3(1) A qualified individual who wishes to obtain a tax credit may apply to the minister in the manner that the minister may require, in any form that may be acceptable to the minister and within the period that the minister may set.

(2) A qualified individual who applies in accordance with subsection (1) shall provide to the minister:

- (a) proof satisfactory to the minister that the qualified individual has graduated from an eligible program; and
- (b) any other information that the minister may require.

2000, c.P-16.2, s.3; 2003, c.26, s.8.

Allowing of tax credit

4(1) If the minister is satisfied that an individual is a qualified individual, the minister may allow the qualified individual a post-secondary graduate tax credit for the taxation year in which the qualified individual graduated in an amount TC calculated in accordance with the following formula and rounded up to the next whole dollar:

$$TC = 11\% \times \$3180.$$

(1.1) Subsection (1) applies to the 2000 to 2003 taxation years.

(1.2) If the minister is satisfied that an individual is a qualified individual, the minister may allow the qualified individual a post-secondary graduate tax credit for the taxation year in which the qualified individual graduated in an amount TC calculated in accordance with the following formulas and rounded up to the next whole dollar:

- (a) for the 2004 taxation year, $TC = 11\% \times \$4,545$;
- (b) for the 2005 taxation year, $TC = 11\% \times \$6,136$;
- (c) for the 2006 taxation year, $TC = 11\% \times \$7,727$;
- (d) for the 2007 taxation year and each subsequent taxation year, $TC = 11\% \times \$9,090$.

(2) When the minister allows a tax credit to a qualified individual, the minister shall issue a form that certifies the following:

- (a) the qualified individual's entitlement to the tax credit;
- (b) the amount of the tax credit that is allowed;
- (c) any additional information that may be prescribed in the regulations.

2000, c.P-16.2, s.4; 2003, c.26, s.8; 2004, c.44, s.2.

Claiming the tax credit

5(1) Subject to subsection (2), a qualified individual who is allowed a tax credit pursuant to section 4 is entitled to claim the tax credit for a taxation year in accordance with section 8.3 of *The Income Tax Act* or section 30 of *The Income Tax Act, 2000*.

(2) Where a qualified individual claims a tax credit for a taxation year pursuant to section 8.3 of *The Income Tax Act* or section 30 of *The Income Tax Act, 2000*, the qualified individual's annual return required pursuant to *The Income Tax Act* or section 30 of *The Income Tax Act, 2000* for the taxation year is to be accompanied by the form certified by the minister and issued to the qualified individual pursuant to subsection 4(2).

2000, c.P-16.2, s.5; 2000, c.49, s.3.

Recovery of ineligible tax credits

6(1) Where an individual obtains a tax credit to which he or she was not entitled, the amount of the tax credit is a debt due to the Crown in right of Saskatchewan and may be recovered by filing with the Court of Queen's Bench, at any judicial centre, a certificate of the minister certifying the amount of the tax credit, together with interest at the rate prescribed in the regulations to the date of the certificate.

(2) A certificate filed pursuant to subsection (1) has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount specified in the certificate, together with any reasonable costs and charges with respect to its filing.

2000, c.P-16.2, s.6.

Regulations

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

- (a) defining, enlarging or restricting the meaning of any word or phrase used in this Act but not defined in this Act;
- (b) prescribing criteria that the minister must follow in recognizing a program of post-secondary studies as an eligible program;
- (c) prescribing additional information that must be set out in a certificate issued pursuant to subsection 4(2);
- (d) prescribing any rate of interest that is to be prescribed and the method by which it is to be calculated;
- (e) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (f) respecting any other matter that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

(2) A regulation made pursuant to this section may be made retroactive to a day not earlier than January 1, 2000.

2000, c.P-16.2, s.7.

Coming into force

8 This Act comes into force on assent but is retroactive and is deemed to have been in force on and from January 1, 2000.

2000, c.P-16.2, s.8.

