

# *The Potash Development Act*

*Repealed*

by Chapter 20 of the *Statutes of Saskatchewan, 2008*  
(effective May 14, 2008).

*Formerly*

Chapter P-18 of *The Revised Statutes of Saskatchewan, 1978*  
(effective February 26, 1979) as amended by the *Statutes of  
Saskatchewan, 1979-80, c.92; 1982-83, c.1; 1984-85-86, c.16;  
1989-90, c.54; 1992, c.A-24.1, 43 and 58; and 2000, c.I-2.01 and  
c.L-5.1.*

## **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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### SCHEDULE I

## CHAPTER P-18

### An Act respecting the Development of Potash Resources in Saskatchewan

#### Short title

1 This Act may be cited as *The Potash Development Act*.

#### Interpretation

2(1) In this Act:

(a) **“assets”** means mines, mining property and other real and personal property, tangible or intangible, of every kind and description relating thereto including, without limiting the generality of the foregoing:

- (i) rights under contracts and agreements;
- (ii) books, books of account and records;
- (iii) choses in action;
- (iv) potash, whether in place, mined, processed or refined;
- (v) all other rights, interests and claims in or to real or personal property, whether liquidated or unliquidated, certain or contingent, accrued or accruing, legal or equitable;

used or capable of being used for or in connection with the mining, refining, processing, production, transportation, storing or marketing of potash;

(b) **“associate”** when used to indicate a relationship with any person means:

- (i) a body corporate of which that person beneficially owns or controls directly or indirectly, shares or securities currently convertible into shares carrying more than ten per cent of the voting rights under all circumstances or by reason of the occurrence of an event that has occurred and is continuing, or a currently exercisable option or right to purchase such shares or such convertible securities;
- (ii) a partner of that person acting on behalf of the partnership of which they are partners;
- (iii) a trust or estate in which that person has a substantial beneficial interest or in respect of which he serves as a trustee or in a similar capacity;
- (iv) a spouse or child of that person; and
- (v) a relative of that person or of his spouse if that relative has the same residence as that person;

(c) **“body corporate”** means any incorporated corporation, incorporated association, incorporated syndicate or other incorporated organization wheresoever incorporated;

- (d) **“corporation”** means the Potash Corporation of Saskatchewan;
- (e) **“mine”** includes any opening or excavation in, or working of, the ground for the purpose of searching for, winning, opening up, proving or storing underground any potash and also includes wells and pipelines used in connection therewith and also all roads, rights-of-way, works, equipment, engines, machinery, furnaces, plants, buildings and premises below or above ground belonging to or used in connection with the operations carried on, in and about the operation of mining or in and about a mine;
- (f) **“minerals”** includes potash;
- (g) **“mining”** includes any mode or method of working whereby the soil, earth or potash may be disturbed, removed, carted, carried, washed, dissolved, sifted, crushed, refined, processed or otherwise dealt with for the purpose of obtaining potash therefrom whether it may have been previously disturbed or not, and also includes the boring or drilling for any potash and the working of the ground for the storage of any potash;
- (h) **“mining property”** includes:
  - (i) the mine, minerals, mining rights, ditch, mill, mill site, tramways, transmission lines and water rights and all lands, buildings and equipment used, or capable of being used, for or in connection with the mining, refining, processing, production, transportation, storing or marketing of potash;
  - (ii) all rights acquired and powers exercised under any agreement, *The Mineral Resources Act* or *The Surface Rights Acquisition and Compensation Act*, relating to surface rights, roads and rights of way and sites; and
  - (iii) all property rights, easements and things belonging or appertaining to a mine or used or capable of being used in the working thereof or for, or in connection with, the mining, refining, processing, production, transportation, storing or marketing of potash;
- (i) **“mining rights”** means any right to explore for or to remove potash or to explore for and remove potash;
- (j) **“minister”** means the member of the Executive Council to whom for the time being is assigned the administration of this Act;
- (k) **“owner”** means a person who has, or immediately prior to the passing of a vesting order had, any right or title to, control over, possession of or interest in any asset, and without limiting the generality of the foregoing, includes:
  - (i) the persons listed in schedule I and their respective affiliates and associates;
  - (ii) a person to whom, subsequent to the twelfth day of November, 1975, a Saskatchewan asset or an interest therein is transferred or has been transferred from a person referred to in subclause (i) or from a person referred to in this subclause;

but does not include:

- (iii) a person, other than a person referred to in subclause (i) or (ii), whose Saskatchewan assets consist only of minerals or mining rights;
  - (iv) a secured creditor other than a person referred to in subclause (i) or (ii);
  - (l) **“potash”** means any non-viable substance formed by the processes of nature that contains the element potassium, and includes any substance found in association with, or produced or capable of being produced with or incidental to the mining of, such non-viable substance;
  - (m) **“Saskatchewan assets”** means assets situated, or deemed by law to be situated, in the province;
  - (n) **“secured creditor”** means a person who, immediately prior to the passing of a vesting order, was the holder by way of security only of any encumbrance, lien, charge, right, claim or interest whatsoever and whether legal, equitable, real or personal, in, on or against the assets expropriated by such vesting order;
  - (o) **“surface rights”** means the right to enter upon, work, condition, maintain, reclaim or restore the surface of land where the land has been or is being held incidental to or in connection with:
    - (i) mining;
    - (ii) the laying, construction, operation, maintenance or servicing of a pipe line, transmission line or other facility for mining, refining, producing, transporting, storing or marketing potash;
  - (p) **“vesting order”** means an order in council passed under subsection (2) or (3) of section 3.
- (2) A body corporate shall be deemed to be an affiliate of another body corporate if one of them is the subsidiary of the other or if both are subsidiaries of the same body corporate or if each of them is controlled by the same person.
- (3) A body corporate shall be deemed to be controlled by a person or by two or more bodies corporate if:
- (a) shares of the first-mentioned body corporate carrying more than fifty per cent of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of such person or by or for the benefit of such other bodies corporate; and
  - (b) the votes carried by such shares are sufficient, if exercised, to elect a majority of the board of directors of the first mentioned body corporate.
- (4) A body corporate shall be deemed to be a subsidiary of another body corporate if:
- (a) it is controlled by:
    - (i) that other; or
    - (ii) that other and one or more bodies corporate each of which is controlled by that other; or

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(iii) two or more bodies corporate each of which is controlled by that other; or

(b) it is a subsidiary of a body corporate that is that other's subsidiary.

R.S.S. 1978, c.P-18, s.2.

**Acquisition of assets**

3(1) The Lieutenant Governor in Council, on the recommendation of the minister, may from time to time, by order in council, authorize the corporation to acquire by purchase any assets.

(2) The Lieutenant Governor in Council, on the recommendation of the minister, may from time to time, by order in council, expropriate on behalf of the corporation all or any Saskatchewan assets of all owners or of such owner or owners as are designated in the order in council.

(3) Notwithstanding that the Lieutenant Governor in Council may have authorized the corporation to acquire by purchase any Saskatchewan assets of an owner, the Lieutenant Governor in Council may at any time thereafter and from time to time, by order in council, expropriate on behalf of the corporation such Saskatchewan assets or any of them.

R.S.S. 1978, c.P-18, s.3.

**Vesting of assets**

4 All right, title and interest in the assets expropriated by virtue of a vesting order vest in the corporation free and clear of all encumbrances, liens, charges, rights, claims or interests whatsoever and whether legal, equitable, real or personal, and without further act, conveyance or deed, for the use and benefit absolutely of the corporation, on the day on which the vesting order is passed.

R.S.S. 1978, c.P-18, s.4.

**Corporation to serve copy of vesting order**

5 As soon as practicable after the passing of a vesting order expropriating any Saskatchewan assets, the corporation shall serve on the person whom the corporation believes to be the owner of such assets and on all persons whom the corporation believes to have been, immediately prior to the expropriation, secured creditors with respect to such assets a copy of the vesting order certified by the Clerk of the Executive Council to be a true copy thereof, accompanied by a copy of this Act.

R.S.S. 1978, c.P-18, s.5.

**Corporation to file and register vesting order**

6(1) As soon as is practicable after the passing of a vesting order, the corporation shall:

(a) file a copy of the vesting order, certified by the Clerk of the Executive Council to be a true copy of the vesting order, in:

(i) the office of the registration clerk for the Province of Saskatchewan at Regina;

- (ii) the office of the Provincial Secretary; and
- (iii) the office of the Minister of Energy and Mines; and
- (b) apply to the Registrar of Titles in accordance with section 12 to:
  - (i) transfer title to the corporation; or
  - (ii) register an interest based on the vesting order in the name of the corporation.
- (2) An application pursuant to clause (1)(b) must be accompanied by a copy of the vesting order, certified by the Clerk of the Executive Council to be a true copy of the vesting order.

2000, c.L-5.1, s.415.

**7 Repealed.** 2000, c.L-5.1, s.416.

**Registration clerk to enter memorandum of vesting order, effect of**

8(1) Upon the filing of a vesting order in the office of the registration clerk for the Province of Saskatchewan at Regina pursuant to section 6, the registration clerk shall enter a memorandum of the vesting order in the register.

(2) Where a memorandum required by subsection (1) has been entered, no instrument dealing with any right, title or interest in or to the chattels or book debts to which the memorandum relates or dealing with any right, title or interest in any chattels or book debts of an owner to whom the memorandum relates shall be accepted for filing or filed in the office of the registration clerk without the consent in writing of the minister.

R.S.S. 1978, c.P-18, s.8.

**Provincial secretary to enter memorandum of vesting order, effect of**

9(1) Upon the filing of a vesting order in the office of the Provincial Secretary pursuant to section 6, the Provincial Secretary shall cause a memorandum of the vesting order to be entered in the register kept by him pursuant to section 7 of *The Corporation Securities Registration Act*.

(2) Where a memorandum required by subsection (1) has been entered, no instrument dealing with any right, title or interest in or to the chattels or book debts to which the memorandum relates or dealing with any right, title or interest in any chattels or book debts of an owner to whom the memorandum relates shall be accepted for registration or registered in the register mentioned in subsection (1) without the consent in writing of the minister.

R.S.S. 1978, c.P-18, s.9.

**Minister of Energy and Mines to enter memorandum of vesting order, effect of**

10(1) Upon the filing of a vesting order in the office of the Minister of Energy and Mines pursuant to section 6, the Minister of Energy and Mines shall cause a memorandum of the vesting order to be entered into the records of the department in which mineral dispositions from the Crown are entered.

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(2) Where a memorandum required by subsection (1) has been entered, no instrument dealing with any right, title or interest in minerals or mining rights to which the memorandum relates or dealing with any right, title or interest in or to any minerals or mining rights of an owner to whom the memorandum relates shall be accepted for entry or entered in the records mentioned in subsection (1) without the consent in writing of the minister.

R.S.S. 1978, c.P-18, s.10; 1982-83, c.1, s.9.

**Rectification of erroneous filing, etc.**

11(1) Notwithstanding anything in any other Act, any registration, filing or recording of an instrument in contravention of section 8, 9 or 10 is void and the appropriate official shall, on becoming aware of such registration, filing or recording, remove such registration, filing or recording and do such other acts or things as are necessary to rectify the registration, filing or recording.

(2) Where any registration, filing or recording is rectified under subsection (1), the official making the rectification shall serve notice thereof on any person who is, in his opinion, affected by the rectification.

R.S.S. 1978, c.P-18, s.11; 2000, c.L-5.1, s.417.

**Notification of expropriation**

12 The corporation shall serve a copy of the vesting order mentioned in section 6 on:

- (a) the person whom the corporation believes to be the owner of the expropriated land or interest; and
- (b) on all persons whom the corporation believes to have been secured creditors with respect to the expropriated land or interest.

2000, c.L-5.1, s.418.

**13 Repealed.** 2000, c.L-5.1, s.419.

**Act deemed instrument of conveyance**

14 A vesting order shall be and in all respects be treated for the purposes of the Land Titles Registry as a legal and valid grant, conveyance and transfer of the land and interest therein expropriated by virtue of the vesting order.

R.S.S. 1978, c.P-18, s.14; 2000, c.L-5.1, s.420.

**Corporation to notify Minister of Energy and Mines of description of certain interests**

15(1) The corporation shall, as soon as practicable after the passing of a vesting order expropriating any interest in any minerals or mining rights recorded in the records of the Department in which mineral dispositions from the Crown are entered, serve a notice on the Minister of Energy and Mines setting out a description of the interest with sufficient particularity to identify the interest for the purposes of section 16.



(2) The corporation shall serve a copy of a notice mentioned in subsection (1) on the person whom the corporation believes to be the owner from whom the interest was expropriated and upon each person who, immediately prior to the expropriation, was a secured creditor with respect to the interest expropriated and who was recorded in the records of the Department mentioned in subsection (1) as having been such a secured creditor.

R.S.S. 1978, c.P-18, s.15; 1982-83, c.1, s.9.

**Minister to cause recording of interests in name of corporation**

**16** The Minister of Energy and Mines shall, upon being served with a notice under subsection (1) of section 15, cause such changes to be made in the records mentioned in section 10 as are necessary to record the interest expropriated in the name of the corporation.

R.S.S. 1978, c.P-18, s.16; 1982-83, c.1, s.9.

**Rectification of errors, etc., in certain notices**

**17(1)** Where there is an omission, mis-statement or error in a notice served under section 15, the corporation may file a new notice replacing or amending the original notice.

(2) A new notice filed under subsection (1) replacing the original notice shall be deemed to replace the original notice and shall have effect as if it had been filed at the time the original notice was filed.

(3) Where a new notice is filed under subsection (1) amending the original notice, the original notice shall have effect as if it had been filed in the amended form.

R.S.S. 1978, c.P-18, s.17; 2000, c.L-5.1, s.421.

**Same**

**17.1(1)** Where there is an omission, mis-statement or error in a vesting order registered pursuant to section 6, the corporation may submit a new vesting order to the Land Titles Registry to replace or amend the original vesting order.

(2) A new vesting order submitted pursuant to subsection (1) is deemed to replace the original vesting order and has effect as if it had been submitted at the time the original vesting order was submitted.

(3) Where a vesting order is submitted pursuant to subsection (1) amending the original vesting order, the original vesting order has effect as if it had been submitted in the amended form.

2000, c.L-5.1, s.422.

**Owner to inform corporation of secured creditors of owner**

**18** An owner who is served with a copy of a vesting order under section 5 shall, within thirty days from the day on which the copy of the vesting order was served, serve a notice on the corporation setting out the names and addresses of all persons whom the owner believes to have been, immediately prior to the expropriation, secured creditors with respect to the assets expropriated by virtue of the vesting order together with a description of the respective interests of such secured creditors.

R.S.S. 1978, c.P-18, s.18.

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**19** The corporation shall, within thirty days after the passing of a vesting order, make an examination of the public records and files:

- (a) in the Land Titles Registry;
- (b) in the office of the registration clerk for the Province of Saskatchewan at Regina;
- (c) in the office of the Provincial Secretary;
- (d) in the Department of Energy and Mines;
- (e) in the office of the registrar of bankruptcy in the province; and
- (f) in the head office of the Bank of Canada in the province;

relating to the assets expropriated to ascertain the names and addresses of persons who appear from the records and files to be owners or secured creditors in respect of the assets expropriated.

R.S.S. 1978, c.P-18, s.19; 1982-83, c.1, s.9; 1984-85-86, c.16, s.24; 2000, c.L-5.1, s.423.

**Corporation to serve copies of vesting order on secured creditor it becomes aware of**

**20(1)** The corporation shall, within forty days after the expiration of the period mentioned in section 19, serve a copy of the vesting order, certified by the Clerk of the Executive Council to be a true copy thereof:

- (a) on each person other than the persons upon whom a copy of the vesting order has previously been served who appears from the records and files to be a secured creditor in respect of the assets expropriated; and
- (b) on each person named to the corporation pursuant to section 18 other than the person upon whom a copy of the vesting order has previously been served.

(2) A vesting order served pursuant to subsection (1) shall be accompanied by a copy of this Act.

R.S.S. 1978, c.P-18, s.20.

**Secured creditors to notify corporation of prior interest in assets expropriated**

**21(1)** A secured creditor upon whom a copy of a vesting order has been served shall, within twenty days after the day on which the copy was served, serve a notice on the corporation and the owner setting out the amount the secured creditor claims in respect of the interest the secured creditor had in the assets immediately prior to the time of expropriation.

(2) Where a secured creditor who is served with a copy of a vesting order fails to comply with subsection (1), the amount of the claim of such creditor for the interest the secured creditor had in the assets immediately prior to the time of expropriation shall be deemed, for the purposes of sections 26 and 27, to be the amount of principal and accrued but unpaid interest thereon, which the corporation believes to be owed by the owner to the secured creditor immediately prior to the time of the expropriation of the assets.

R.S.S. 1978, c.P-18, s.21.

**Corporation to supply information respecting claims of secured creditors**

**22** Upon request in writing by an owner or by a person who was, immediately prior to the expropriation, a secured creditor with respect to the assets expropriated, the corporation shall:

- (a) advise the person making the request of the name and address and nature of the claim of each secured creditor with respect to the assets expropriated then known to the corporation; and
- (b) advise the person making the request of the amount being claimed by secured creditors who served notice of their claims on the corporation pursuant to section 21.

R.S.S. 1978, c.P-18, s.22.

**Corporation to initiate negotiations respecting compensation payable**

**23** As soon as practicable after the passing of a vesting order, the corporation shall initiate negotiations with the owner with a view to reaching agreement on the amount of compensation payable for the assets expropriated.

R.S.S. 1978, c.P-18, s.23.

**Corporation to notify secured creditors of agreement respecting compensation**

**24** Where the corporation and the owner reach agreement respecting the amount of compensation payable by the corporation for the assets expropriated, the corporation shall, within ten days after the day on which the agreement was entered into, serve notice of the amount of compensation agreed upon on each secured creditor on whom a copy of the vesting order has been served by the corporation.

R.S.S. 1978, c.P-18, s.24.

**Corporation to pay compensation where agreement reached respecting payment**

**25** Where the corporation, the owner and the secured creditors on whom a copy of the vesting order has been served reach agreement respecting:

- (a) the amount of compensation payable by the corporation for the assets expropriated;
- (b) the person or persons to whom the compensation or a portion thereof is to be paid; and
- (c) the form that such payment is to take;

the corporation shall, subject to this Act, make payment of the compensation in accordance with the agreement.

R.S.S. 1978, c.P-18, s.25.

**Corporation to make payment in event of partial agreement**

**26** Where:

- (a) the corporation and the owner reach agreement respecting the amount of compensation payable by the corporation for the assets expropriated; and

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(b) the total amount of principal and accrued but unpaid interest thereon owing to the secured creditors on whom a copy of the vesting order has been served by the corporation does not exceed the amount of compensation agreed upon;

the corporation shall:

(c) with respect to claims made by secured creditors to which the owner agrees, pay, subject to this Act, the amount of such claims;

(d) with respect to claims made by secured creditors to which the owner does not agree, refer to a judge of the Court of Queen's Bench the determination of the amount of the compensation payable to such secured creditors and, subject to this Act, make payment of compensation in accordance with such determination; and

(e) pay, subject to this Act, the balance, if any, to the owner.

R.S.S. 1978, c.P-18, s.26.

**Corporation to apply to court for directors for payment of claims  
where claims exceed amount of compensation**

**27** Where:

(a) the corporation and the owner reach agreement respecting the amount of compensation payable by the corporation for the assets expropriated; and

(b) the total amount of principal and accrued but unpaid interest thereon owing to the secured creditors on whom a copy of the vesting order has been served by the corporation exceeds the amount of compensation agreed upon;

the corporation shall:

(c) where no secured creditor serves on the corporation, within thirty days after expiration of the period mentioned in section 24, notice that the secured creditor desires a board of arbitration to determine the compensation payable by the corporation for the assets expropriated, refer to a judge of the Court of Queen's Bench the distribution of the compensation agreed upon and shall, subject to this Act, make payment of compensation to the secured creditors as directed by the judge and make payment of the balance of the amount of compensation agreed upon, if any, to the owner;

(d) where a secured creditor serves on the corporation, within thirty days after expiration of the period mentioned in section 24, notice that the secured creditor desires the compensation payable by the corporation for the assets expropriated to be determined by a board of arbitration, proceed in accordance with subsection (2) of section 29.

R.S.S. 1978, c.P-18, s.27.

**Corporation may make certain payment to secured creditor**

**28** Where the owner and the corporation do not reach agreement respecting the amount of compensation to be paid by the corporation for the assets expropriated but the corporation is of opinion that a board of arbitration will determine the amount of compensation payable in an amount exceeding the principal and accrued but unpaid interest of the claims of secured creditors upon whom a copy of the vesting order was served, the corporation may pay, to a secured creditor upon whom a copy of the vesting order was served, an amount of compensation that the owner and the secured creditor agree upon.

R.S.S. 1978, c.P-18, s.28.

**Corporation on owner may require arbitration to determine compensation, initiation of appointment of members of arbitration board**

**29(1)** Where the corporation and the owner are unable to reach agreement respecting the amount of compensation payable by the corporation for the assets expropriated, either the corporation or the owner may, at any time after seventy-five days following the passing of the vesting order, serve notice on the other that the party serving the notice desires a board of arbitration to be appointed to determine the compensation payable by the corporation for the assets expropriated which notice shall advise of the name of the person the party serving the notice appoints to the board.

(2) Where the corporation is served with notice under clause (d) of section 27 from a secured creditor on whom a copy of a vesting order was served requesting that the compensation payable by the corporation for the assets expropriated be determined by a board of arbitration, the corporation shall serve notice on the owner that such compensation shall be determined by a board of arbitration which notice shall advise the owner of the name of the person the corporation appoints to the board.

R.S.S. 1978, c.P-18, s.29.

**Party served with notice of arbitration to appoint member of board**

**30** The owner or corporation on whom a notice under section 29 is served shall, within thirty days after the day on which the notice was served, serve a notice on the other party advising the other party of the name of the person the party serving the notice appoints to the board of arbitration.

R.S.S. 1978, c.P-18, s.30.

**Appointment of third member of board of arbitration**

**31(1)** The persons appointed to the board of arbitration under sections 29 and 30 shall, within thirty days after the day on which the notice under section 30 was served, or within such further period as may be agreed upon by the owner and the corporation, appoint a person as the third member of the board of arbitration and the third member so appointed shall be chairman of the board.

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(2) Where the persons appointed to the board of arbitration under sections 29 and 30 are unable to agree within the period mentioned in subsection (1), or within such further period as the corporation and the owner have agreed upon for the purpose, respecting the third person to be appointed to the board of arbitration, the Chief Justice of the Queen's Bench shall, upon being notified by the corporation or the owner of such inability, appoint a judge of the Court of Queen's Bench as the third member of the arbitration board and the judge so appointed shall be chairman of the board.

R.S.S. 1978, c.P-18, s.31.

**Appointment of member to board of arbitration where  
corporation or owner fails to make appointment**

**32(1)** Where the owner or the corporation on whom notice under section 29 is served fails to appoint a person to the board of arbitration within the period mentioned in section 30, the Chief Justice of the Queen's Bench, upon being notified of such failure by the party who served the notice under section 29, shall appoint a person as a member of the arbitration board.

(2) The members of the board of arbitration appointed under section 29 and subsection (1) of this section shall, within 30 days after the day on which the member appointed under subsection (1) was appointed, or within such further period as may be agreed upon by the owner and the corporation for the purpose, appoint the third member of the board of arbitration and the third person so appointed shall be chairman of the board.

(3) Where the members of the board of arbitration appointed under section 29 and subsection (1) of this section are unable to agree within the period mentioned in subsection (2), or within such further period as the corporation and the owner have agreed upon for the purpose, respecting the third person to be appointed to the board of arbitration, the Chief Justice of the Queen's Bench shall, upon being notified by the owner or the corporation of such inability, appoint a judge of the Court of Queen's Bench as the third member of the arbitration board and the judge so appointed shall be chairman of the board.

(4) Where the Chief Justice of the Queen's Bench appoints a person as a member of the arbitration board under subsection (1) the person appointed shall be deemed for the purposes of this Act to have been appointed by the owner or the corporation that failed to make such appointment.

(5) Where the Chief Justice of the Queen's Bench appoints a person under subsection (1) as a member of the board of arbitration, the Chief Justice shall notify the corporation and the owner of the appointment.

R.S.S. 1978, c.P-18, s.32; 1984-85-86, c.16, s.24.

**Vacancy in membership of board of arbitration, filling of**

**33(1)** If a person ceases to be a member of a board of arbitration by reason of resignation or otherwise, the party who appointed the person as a member of the board shall, within thirty days after the person ceases to be a member of the board, appoint another person as a member of the board of arbitration.

(2) Where a party required to appoint a person as a member of a board of arbitration to fill a vacancy in the board fails to make such appointment, the Chief Justice of the Queen's Bench, upon being advised of such failure by the corporation or the owner, shall appoint a person to fill the vacancy in the board.

(3) Where the chairman ceases to be a member of the board, the provisions of this Act respecting the appointment of the third member and chairman of a board of arbitration apply.

R.S.S. 1978, c.P-18, s.33.

**Decision of board of arbitration**

**34(1)** The decision of a majority of the members of a board of arbitration on any question or matter before the board is the decision of the board thereon.

(2) Where there is no majority decision of the board on any question or matter before the board, the decision of the chairman is the decision of the board thereon.

R.S.S. 1978, c.P-18, s.34.

**Board of arbitration may engage accountants, etc.**

**35** A board of arbitration may engage the services of such accountants, valuers, appraisers, technical advisers or other experts, and such clerical and stenographic staff, as it deems necessary, and also may engage the services of counsel as the board deems necessary for its purposes.

R.S.S. 1978, c.P-18, s.35.

**Board of arbitration may require evidence on oath**

**36** The board of arbitration may require any witness giving evidence before the board to give such evidence on oath and may administer an oath for such purpose.

R.S.S. 1978, c.P-18, s.36.

**Chairman to notify owner and corporation respecting board, etc.**

**37** The chairman of a board of arbitration shall, upon being appointed, serve notice of the appointment of the members of the board on the corporation and the owner.

R.S.S. 1978, c.P-18, s.37.

**Corporation to inform board of arbitration of secured creditors of owner**

**38** The corporation shall, upon being served with notice of the appointment of the members of the board of arbitration, supply the board with the names and addresses of all secured creditors on whom the corporation served a copy of the vesting order.

R.S.S. 1978, c.P-18, s.38.

**Notice to secured creditors respecting arbitration**

**39** The board of arbitration shall serve notice of the appointment of the arbitration board on all secured creditors of whom it is advised under section 38 and advise the secured creditors of their right to participate in the proceedings of the board in determining the amount of compensation payable by the corporation for the assets expropriated.

R.S.S. 1978, c.P-18, s.39.

**Board of arbitration to give notice of address of board**

**40** The board of arbitration shall advise the corporation, the owner and each secured creditor mentioned in section 39 of the address of the office of the board.

R.S.S. 1978, c.P-18, s.40.

**Secured creditors entitled to appear before board of arbitration**

**41(1)** A secured creditor who intends to participate in the proceedings before the board of arbitration shall, within ten days after the day on which he was served notice under section 39, serve the board with notice of his intention to participate.

(2) A secured creditor is not barred from participating in the proceedings before the board by reason of his failure to serve the board with notice of his intention but, subject to subsection (3), such secured creditor is not entitled to notice from the board of its proceedings.

(3) Where a secured creditor who has not served a notice of his intention to participate in the arbitration proceedings appears at any proceeding of the board and advises the board of his intention to participate, the secured creditor shall be given notice by the board of any subsequent proceedings of the board.

R.S.S. 1978, c.P-18, s.41.

**Parties may agree to arbitrate amount to be paid for assets to be purchased**

**42(1)** Where the corporation has agreed to purchase assets from an owner but has not agreed upon the amount to be paid for such assets, the corporation and the owner may submit to a board of arbitration the determination of the amount to be paid by the corporation, in which case the amount to be paid for the assets shall be determined by a board of arbitration appointed in the manner provided in this Act.

(2) Where a board of arbitration has been appointed under this Act to determine the compensation payable for assets expropriated under this Act, the owner of the assets expropriated and the corporation may agree to submit to the board of arbitration appointed for such purpose the determination of the amount to be paid for any other assets to be purchased by the corporation from the owner, and in such case the board of arbitration shall also determine the amount to be paid for the assets to be purchased by the corporation.

(3) The determination by a board of arbitration of the amount to be paid for assets purchased by the corporation from an owner is, subject to section 47, binding on the corporation and the owner.

R.S.S. 1978, c.P-18, s.42.



**Parties to serve notice of certain documents**

**43(1)** The corporation shall, within thirty-five days after the day on which the corporation is served with notice of the appointment of a board of arbitration, or within such further period of time as the board of arbitration may allow for the purpose, serve a notice on the board of arbitration listing all the documents on which the corporation intends to rely during the arbitration proceedings.

(2) Each party to the arbitration proceedings other than the corporation shall, within thirty-five days after the day on which the board of arbitration serves notice of its appointment on such party, or within such further period of time as the board of arbitration may allow for the purpose, serve notice on the board of arbitration listing all documents that are or at any time have been in the possession of the party and that are relevant to the claim being made by such party.

(3) Any party to the arbitration proceedings is entitled, at any time, by notice in writing served on a party who has filed with the board a notice of documents as required by subsection (1) or (2), to require the party to produce for the inspection of the party who is so entitled any or all of the documents set out in the notice and to permit the making of copies thereof.

(4) Where a party is served notice to produce any document, the party on whom the notice is served shall, at the time and place stated in the notice for such purpose, which shall be prescribed by the board of arbitration, produce, for the inspection of the party requiring the documents, the documents required and permit the party to whom the documents are produced, to make copies thereof.

(5) If a party who has been required to produce any documents for inspection refuses to produce any document as required or to allow copies to be made thereof, the party desiring production of the document may apply to a judge of the Court of Queen's Bench for an order requiring the other party to make production of the document requested or to allow the desired copies to be made.

(6) On an application for an order under subsection (5), the judge may examine the document for the purpose of deciding whether the person refusing to produce the document is justified in his refusal to produce the document.

(7) Any person who fails to comply with an order of a judge made on an application under subsection (5) shall be deemed guilty of contempt of court and proceedings may be taken forthwith to commit him for contempt.

(8) Any person who fails to comply with an order of a judge made under subsection (5) may be removed by the board of arbitration as a party to the arbitration proceedings until such time as the person complies with the order.

R.S.S. 1978, c.P-18, s.43.

**Board of arbitration may inspect land, etc.**

**44** Where a board of arbitration considers such inspection necessary or advisable for its purposes, the board may enter upon and inspect any land, place, building, works or other thing, comprising the assets expropriated by the corporation and in respect of which the board is appointed to determine the compensation payable.

R.S.S. 1978, c.P-18, s.44.

**Determination of amount of compensation payable by corporation**

45(1) Subject to this section, the compensation payable by the corporation for assets expropriated shall be an amount equal to the fair market value of the assets at the time of expropriation.

(2) Subject to this section, the fair market value of the assets expropriated is the amount that would have been paid for the assets if, at the time of expropriation, the assets had been sold free and clear of all encumbrances, liens, charges, rights, claims or interests whatsoever and whether legal, equitable, real or personal in the open market by a willing seller to a willing buyer.

(3) In determining the compensation payable, no account shall be taken of any anticipated or actual use of the assets by the corporation, or of any other assets previously acquired by the corporation or which the corporation may in the future acquire or of any rights, privileges, exemptions or immunities to which the corporation is or may become entitled.

(4) In determining the compensation payable, no account shall be taken of any value established or claimed to be established by or by reference to any transaction or agreement involving the sale, lease or other disposition of the assets where such transaction or agreement was entered into after the twelfth day of November, 1975.

(5) In determining the compensation payable, it shall be conclusively presumed:

(a) that legislation is in force in the province providing for a direct tax within the province in order facilitate the raising of a revenue for provincial purposes that, when applied to an owner or his assets, would exact from the owner an amount of tax equal to the amount of taxes, royalties and fees calculated in accordance with the provisions of:

(i) *The Mineral Taxation Act*, and all regulations passed pursuant thereto, including Saskatchewan Regulation 290/74, with the exception of sections 12, 13 and 14 thereof added by Saskatchewan Regulation 140/75; and

(ii) *The Mineral Resources Act*, and all regulations passed pursuant thereto, including Saskatchewan Regulation 95/72 as amended by Saskatchewan Regulation 232/73;

and that the owner would not be liable for any taxes, royalties or fees under the Acts and Regulations mentioned in subclauses (i) and (ii); and

(b) that taxes payable to the Government of Canada in any year are computed in accordance with Parts I and XVII of the *Income Tax Act* (Canada) and the regulations thereunder and the *Income Tax Application Rules, 1971*, as such Act, Regulations and Rules applied to a taxation year ending on the fifth day of May, 1974, and for the purposes of the computation it shall further be conclusively presumed that:

1 The owner has no income or loss except from the expropriated assets and is allowed no deductions in computing his income or loss except such deductions as may be reasonably regarded as wholly applicable to the expropriated assets;

- 2 All of the income of the owner is earned in the province;
  - 3 The only assets of the owner are the expropriated assets;
  - 4 The amount of tax determined pursuant to clause (a) is deductible in computing taxable income;
  - 5 No amount is deductible on account of depletion under section 65 of the *Income Tax Act* (Canada) or under the *Income Tax Application Rules, 1971*, in computing taxable income;
  - 6 No amount is deductible in computing taxable income on account of the owner's obligation to pay interest on borrowed money; and
- (c) that the taxes payable to the Government of Saskatchewan pursuant to *The Income Tax Act* or *The Income Tax Act, 2000* are equal to twelve-thirty-eighths of the taxes payable to the Government of Canada computed in accordance with clause (b); and
- (d) that the owner is not liable to repay any indebtedness, whether secured or unsecured, or to pay any interest thereon.
- (6) In determining the compensation payable, no allowance shall be made on account of the acquisition being compulsory.
- (7) In determining the compensation payable, no account shall be taken of any costs, expenses, losses or damages arising out of, incidental to, or attributable to, disturbance, severance, injurious affection or relocation.
- (8) In determining the compensation payable, no account shall be taken of any loss or damage to or diminution in value of any of the assets, business or undertaking of the owner not expropriated under this Act.

R.S.S. 1978, c.P-18, s.45; 2000, c.I-2.01, s.145.

**Compensation stands in place of assets and certain claims, etc.**

- 46(1) Subject to subsection (2), the amount of compensation awarded stands in the stead of the assets expropriated.
- (2) Any encumbrance, lien, charge, right, claim or interest whatsoever and whether legal, equitable, real or personal, held, immediately prior to the passing of the vesting order by virtue of which the assets were expropriated, by a secured creditor in, on or against the assets expropriated shall be deemed to be converted to a claim against the compensation payable by the corporation for the assets expropriated.

R.S.S. 1978, c.P-18, s.46.

**Appeal against amount determined by board of arbitration**

- 47(1) Where the corporation or the owner or a secured creditor who was a party to the arbitration is dissatisfied with the amount of compensation determined by the board of arbitration, or where the corporation or the owner is dissatisfied with the amount determined by a board of arbitration to be paid by the corporation for any assets to be purchased by the corporation from the owner, the dissatisfied party may, within thirty days, appeal against the amount determined on a question of law or fact or both to the Court of Appeal.

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(2) Upon an appeal under subsection (1), the Court of Appeal may affirm the amount of compensation as determined by the board of arbitration, alter the amount as so determined to such amount as the court considers the board ought to have awarded or refer the matter back to the board of arbitration with such directions to the board as the Court of Appeal considers necessary in the circumstances.

(3) Upon an appeal under subsection (1), the practice and procedure shall be, as nearly as may be, the same as upon an appeal from a decision of Her Majesty's Court of Queen's Bench for Saskatchewan to the Court of Appeal, subject to any general rules or orders from time to time made by the Court of Appeal.

R.S.S. 1978, c.P-18, s.47; 1979-80, c.92, s.73.

**Corporation to pay compensation according to agreement, to refer matter of distribution to judge where agreement not reached**

**48** Where the compensation payable by the corporation for assets expropriated from an owner has been determined by a board of arbitration and the total amount of principal and accrued but unpaid interest thereon owing to the secured creditors on whom a copy of the vesting order has been served by the corporation does not exceed the amount of compensation determined by the board of arbitration, the corporation shall:

- (a) with respect to claims made by secured creditors to which the owner agrees, pay, subject to this Act, the amount of such claims;
- (b) with respect to claims made by secured creditors to which the owner does not agree, refer to a judge of the Court of Queen's Bench the determination of the amount of the compensation payable to such secured creditors and, subject to this Act, make payment of compensation in accordance with such determination; and
- (c) pay, subject to this Act, the balance, if any, to the owner.

R.S.S. 1978, c.P-18, s.48.

**Same**

**49** Where:

- (a) the compensation payable by the corporation for assets expropriated from an owner has been determined by a board of arbitration; and
- (b) the total amount of principal and accrued but unpaid interest thereon owing to the secured creditors on whom a copy of the vesting order has been served by the corporation exceeds the amount of compensation determined by the board of arbitration;

the corporation shall:

- (c) where the owner and the secured creditors on whom a copy of the vesting order has been served agree on the distribution of compensation, pay, subject to this Act, compensation in accordance with such agreement;

(d) where the owner and the secured creditors on whom a copy of the vesting order was served do not agree, within forty-five days from the date on which the board of arbitration renders the award of compensation, respecting the distribution of compensation, refer to a judge of the Court of Queen's Bench the distribution of the compensation and, subject to this Act, make payment of compensation in accordance with such determination.

R.S.S. 1978, c.P-18, s.49.

**Determination of claim of secured creditor who was unaware of arbitration**

**50(1)** A secured creditor on whom a copy of a vesting order was not served and who was unaware of any arbitration proceedings to determine the compensation payable by the corporation for the assets expropriated may, at any time after such compensation has been determined and prior to the payment of the compensation, serve notice on the corporation specifying the interest the secured creditor had, immediately prior to the time of expropriation, in the assets expropriated and advise the corporation of the amount the secured creditor claims in respect of such interest.

(2) Where the principal and accrued but unpaid interest owing to the secured creditor who served the notice under subsection (1) together with the principal and accrued but unpaid interest owing to the secured creditors on whom a copy of the vesting order was served does not exceed the amount of the compensation determined by the board of arbitration, the corporation shall:

(a) where the owner agrees to the claim of the secured creditor who served the notice under subsection (1), pay, subject to this Act, the amount of the claim of such secured creditor;

(b) where the owner does not agree, within fifteen days from the day on which the corporation advised the owner of the claim of the secured creditor, respecting the claim of the secured creditor, refer the matter of the claim of the secured creditor to a judge of the Court of Queen's Bench for determination and pay, subject to this Act, any amount directed by the judge to be paid to such secured creditor.

(3) Where the principal and accrued but unpaid interest claimed by the secured creditor who served the notice under subsection (1) together with the principal and accrued but unpaid interest owing to the secured creditors upon whom a copy of a vesting order had been served exceeds the amount of compensation determined by the board of arbitration, the corporation shall:

(a) where the owner, the secured creditor who served the notice under subsection (1) and the secured creditors on whom a copy of the vesting order was served agree to the amount of compensation payable to the secured creditor who served the notice under subsection (1), pay, subject to this Act, the amount of compensation agreed upon;

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(b) where the owner, the secured creditor who served the notice under subsection (1) and the secured creditors on whom a copy of the vesting order was served do not agree, within fifteen days from the day on which the corporation advised the secured creditors of the claim of the secured creditor who served the notice under subsection (1), refer the matter of the claim of the secured creditor to a judge of the Court of Queen's Bench for determination and pay, subject to this Act, any amount directed by the judge to be paid to such secured creditor.

R.S.S. 1978, c.P-18, s.50.

**Distribution of compensation**

**51** Where the corporation refers the determination of distribution of compensation to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan pursuant to this Act, the judge may decide any issue raised by the referral or direct a trial of all or any of the issues raised by the referral.

1979-80, c.92, s.73.

**Appeal against decision of judge**

**52** Where an owner or a secured creditor is dissatisfied with a decision of a judge of the Court of Queen's Bench under this Act, the dissatisfied party may, within thirty days, appeal the decision to the Court of Appeal.

R.S.S. 1978, c.P-18, s.52.

**Corporation to pay compensation within certain period**

**53(1)** The corporation shall pay the compensation payable for the assets expropriated to the person or persons entitled thereto within ninety days:

- (a) after the day of an agreement between the owner, the corporation and any secured creditors where such an agreement has been entered into with respect to the compensation payable;
- (b) after the day on which the amount of compensation payable by the corporation is finally determined where no agreement as mentioned in clause (a) has been entered into.

(2) For the purposes of clause (b) of subsection (1), the amount of compensation shall be deemed to be finally determined when the amount, distribution or determination of the compensation has been decided by a board of arbitration, a judge or court and any appeal taken therefrom has been concluded or, if no appeal has been taken therefrom, the time limited for such an appeal has expired.

R.S.S. 1978, c.P-18, s.53.

**Payment of compensation in potash by agreement**

**54** A person entitled to compensation may agree with the corporation to accept refined potash towards satisfaction of a portion of the compensation and interest thereon payable to the person.

R.S.S. 1978, c.P-18, s.54.

**Corporation may elect to pay compensation in money or partly in money and partly in bonds, etc.**

**55(1)** Subject to subsection (2), where an amount of compensation is to be paid to the owner, or one or more owners or secured creditors the compensation may, at the election of the corporation, be paid to any one or more of them in money or partly in money and partly in bonds or other evidences of indebtedness issued by the corporation.

(2) Where the corporation elects to pay the amount of compensation to the owner, or one or more owners or secured creditors partly in money and partly in bonds or other evidences of indebtedness issued by the corporation, the amount paid in money shall not be less than thirty per cent of the compensation to which the person is entitled.

R.S.S. 1978, c.P-18, s.55.

**Interest payable on compensation**

**56(1)** The corporation shall pay interest, compounded annually, to each person to whom compensation is payable, on the amount to which the person is entitled as determined by agreement or arbitration, calculated at a rate equal to the prime lending rate charged from time to time by The Royal Bank of Canada from the day on which the assets in respect of which the compensation is payable vested in the corporation and ending on the day on which the compensation is paid.

(2) Interest payable pursuant to subsection (1) shall be paid at the same time as the compensation is paid.

R.S.S. 1978, c.P-18, s.56.

**Terms of bonds, etc., issued in partial payment of compensation**

**57** Where the corporation issues bonds or other evidences of indebtedness in payment of compensation, the bonds or other evidences of indebtedness shall:

- (a) be unconditionally guaranteed as to principal and interest by the province and shall be otherwise unsecured;
- (b) mature on a day determined by the corporation which shall not be later than ten years from the date on which the bonds are deemed to have been issued;
- (c) bear interest at a rate of interest equal to the prime lending rate charged by The Royal Bank of Canada as at the date the bonds are deemed to have been issued, or such higher rate of interest as the Lieutenant Governor in Council may determine, calculated from the date on which the bonds are deemed to have been issued;
- (d) be redeemable by the corporation at any time for an amount equal to the principal then outstanding thereon plus accrued but unpaid interest to the date of redemption;
- (e) be paid in equal semi-annual blended instalments of principal and interest amortized over the term of the bond;
- (f) be deemed to have been issued on the day on which the monetary portion of the compensation was paid.

R.S.S. 1978, c.P-18, s.57.

**Costs of arbitration**

**58(1)** The corporation and the owner shall each bear the costs of the person it has appointed to the board of arbitration and shall share equally the costs of the chairman and the professional personnel and staff, if any, of the board.

(2) Subject to subsection (1), each party to the arbitration shall bear its own costs of the arbitration.

R.S.S. 1978, c.P-18, s.58.

**Manner of effecting service of notice, proof of service**

**59(1)** A notice under this Act may be served on the corporation by:

- (a) personal service of the notice on the minister or on any officer of the corporation;
- (b) sending the notice to the corporation by registered mail addressed to the corporation at the address of the head office of the corporation; or
- (c) leaving the notice at the head office of the corporation.

(2) A notice under this Act may be served on an owner or a secured creditor by:

- (a) personal service of the notice on the owner or secured creditor or on any officer of the owner or secured creditor;
- (b) sending the notice to the owner or secured creditor by registered mail addressed to the owner or secured creditor at the registered office, or at the principal place of business, of the owner or secured creditor in the province; or
- (c) leaving the notice at the registered office, or at the principal place of business, of the owner or secured creditor in the province.

(3) Where the owner or secured creditor does not have a registered office or principal place of business in the province or where the location of the principal place of business in the province is not known, the owner or secured creditor may be served with notice by publishing the notice in:

- (a) one issue of *The Saskatchewan Gazette*;
- (b) one issue of a daily newspaper published in the city of Regina; and
- (c) one issue of a daily newspaper published in the city of Saskatoon.

(4) A notice under this Act may be served on a board of arbitration by:

- (a) personal service of the notice on the chairman of the board; or
- (b) sending the notice to the chairman of the board by registered mail addressed to the chairman at the address of the board.

(5) Service of a notice under this Act in a mode provided by clause (a) or (c) of subsection (1) or (2) or clause (a) of subsection (4) may be proved by affidavit of the person effecting such service and there shall be exhibited to the affidavit a copy or duplicate of the notice.



(6) Service of a notice under this Act by registered mail may be proved by affidavit of the person effecting such service and there shall be exhibited to the affidavit a copy or duplicate of the notice and the postmaster's receipt for the envelope containing the notice.

(7) A notice served on a person by registered mail shall be deemed to have been served on the person on the third day after the date of the postmaster's receipt for the envelope containing the notice.

R.S.S. 1978, c.P-18, s.59.

**Power to enter and examine property and documents, etc.**

**60** The corporation, at any time before or after the passing of a vesting order, by any officer or agent of the corporation authorized in writing by the corporation to do so, may enter into and upon any mine or mining property and:

- (a) survey and take such levels of land, and take such borings, take such samples, sink such trial pits, make such tests and examination of real or personal property;
- (b) make such inquiries or investigations and examine and make copies of any computer data, agreements, books or records, engineering drawings and sketches or other documents;

as the officer or agent considers necessary.

R.S.S. 1978, c.P-18, s.60.

**Power to enter on premises of owner and examine record, etc.**

**61(1)** Any officer or agent of the corporation authorized in writing by the corporation to do so may enter upon any unexpropriated premises in the province of an owner upon whom a vesting order has been served and make inquiries or investigations, and examine any computer data, agreements, books or records, engineering drawings and sketches or other documents on the premises, to determine the nature or whereabouts, or both, of any assets that have been expropriated from the owner under this Act.

(2) An officer or agent who examines any computer data or documents under subsection (1) may make copies thereof or take extracts therefrom, or both, and for such purposes may take possession thereof for such time and remove them to such place as is reasonably necessary for the desired copies to be made or the extracts taken.

(3) The officer or agent shall return any computer data or documents that he has taken possession of and removed under subsection (2) to the person entitled to their custody when the desired copies have been made or extracts taken.

R.S.S. 1978, c.P-18, s.61.

**Officer making inquiry may require production of records, etc.**

**62(1)** An officer or agent making an inquiry or investigation under section 60 or 61 may require the person having custody of any computer data or documents on the premises to produce them to the officer for the purposes of examination or the making of copies or the taking of extracts therefrom.

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(2) A person to whom a request has been made under subsection (1) shall produce the computer data or documents requested to the officer at the time and place specified by the officer.

R.S.S. 1978, c.P-18, s.62.

**Offences and penalties**

**63** Every person who obstructs or hinders an officer or agent while the officer or agent is making or attempting to make an inquiry or investigation under this Act or who refuses or neglects to produce any computer data or documents requested under this Act by the officer or agent or who obstructs or hinders an officer or agent of the corporation who is making or attempting to make an examination or survey as authorized by clause (a) of section 60 or is doing or attempting to do any other act or thing authorized under that clause is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 for each day or part of a day during which the offence continues or to imprisonment for a term not exceeding two years or to both such fine and imprisonment and in default of payment of any fine imposed is liable to imprisonment for a term not exceeding two years.

R.S.S. 1978, c.P-18, s.63.

**Warrant for possession**

**64** Where any person obstructs any officer or employee of the corporation in the exercise of the right of the corporation to possession of any assets expropriated under this Act, the corporation may apply to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan sitting at the judicial centre nearest to which the assets are situated for a warrant to issue to the sheriff directing the sheriff to assist an officer or employee of the corporation to take possession of the assets.

R.S.S. 1978, c.P-18, s.64; 1979-80, c.92, s.73.

**Correction of orders in council, effect of correction**

**65(1)** Where, in an order in council expropriating any Saskatchewan assets or authorizing the corporation to purchase any assets, there is an omission, mis-statement or error in the description of any assets or of the owner to whom the order in council relates but the omission, mis-statement or error is of such a nature that no reasonable doubt exists as to the description of the assets or the identity of the owner to whom the order in council was intended to relate, the Lieutenant Governor in Council may amend the order in council by including therein that which was omitted or by rectifying the mis-statement or error in the order in council, as the case requires.

(2) Where an order in council has been amended under subsection (1):

- (a) the order in council as amended shall be deemed for all the purposes of this Act to have been passed in the form as so amended; and
- (b) a copy of the amending order in council certified by the Clerk of the Executive Council to be a true copy thereof, shall be served by the corporation on all persons who have been or are to be served with a copy of the original order in council.

R.S.S. 1978, c.P-18, s.65.

**Failure to comply with Act does not invalidate vesting order, etc.**

**66** The failure to comply at any time in whole or in part with any provision of this Act shall not affect in any manner whatsoever the validity of any vesting order or the time at which any vesting order takes effect under this Act.

R.S.S. 1978, c.P-18, s.66.

**Act does not limit, etc., other powers of corporation**

**67** Nothing in this Act affects or limits the power the corporation has under any other Act.

R.S.S. 1978, c.P-18, s.67.

**Corporation may discharge obligations of owner toward employees, right to claim against owner**

**68(1)** Where the corporation believes that an owner whose assets are expropriated under this Act has not discharged his obligations, whether by contract or by law, to any employee of such owner who became an employee of the corporation as a result of an expropriation under this Act, the corporation may discharge such obligation and shall give notice of such discharge to the owner.

(2) The corporation may claim against the owner for any amount paid pursuant to subsection (1) plus interest, compounded annually and calculated at a rate equal to the prime lending rate charged by The Royal Bank of Canada on the date of discharge of the obligation, from the date of the discharge.

R.S.S. 1978, c.P-18, s. 68.

**Non-application of certain Acts**

**69(1)** *The Arbitration Act, 1992* does not apply to a board of arbitration appointed under this Act or to a determination of compensation by a board of arbitration so appointed.

(2) **Repealed.** 1992, c.43, s.3.

(3) *The Expropriation Procedure Act* does not apply to or in respect of:

- (a) the expropriation under this Act of any land or interest in land;
- (b) a board of arbitration appointed under this Act; and
- (c) any arbitration proceedings of a board of arbitration appointed under this Act.

(4) **Repealed.** 1989-90, c.54, s.5.

R.S.S. 1978, c.P-18, s. 69; 1989-90, c.54, s.5;  
1992, c.43, s.3; 1992, c.A-24.1, s.61.

**Rules of practice and procedure**

**70** Subject to sections 36 and 43, the Lieutenant Governor in Council may make rules of procedure and practice governing the hearings and proceedings before the board of arbitration and, without limiting the generality of the foregoing, may make rules:

- (a) relating to the method and form of initiating proceedings;
- (b) prescribing the procedure pursuant to which the parties to proceedings before the board shall give notice of the nature of the claims being made by such parties and the grounds upon which such claims are made;
- (c) relating to notice to admit facts;
- (d) prescribing the manner in which any party to proceedings before the board may require particulars respecting any matter raised by any other party to the proceedings and prescribing the manner in which particulars shall be supplied;
- (e) regulating the sittings of the board.

R.S.S. 1978, c.P-18, s.70.

**Crown bound**

**71** The Crown is bound by this Act.

R.S.S. 1978, c.P-18, s.71.

**SCHEDULE I**

APM Operators Ltd.;  
 Allan Potash Mines;  
 Swift Canadian Co., Limited;  
 Texasgulf Potash Company;  
 United States Borax & Chemical Corporation;  
 Amax Potash Limited;  
 Alwinsal Potash of Canada Limited;  
 Central Canada Potash Co. Limited;  
 Cominco Ltd.;  
 Duval Corporation of Canada;  
 Hudson Bay Mining and Smelting Co., Limited;  
 Ideal Basic Industries, Inc.;  
 International Minerals & Chemical Corporation (Canada) Limited;  
 PPG Industries Canada Ltd.—Industries PPG Canada Ltée.