

The Sale of Training Courses Act

Repealed

by [Chapter 15, 2006 *The Statutes of Saskatchewan*](#)
(effective October 15, 2007).

Formerly

[Chapter S-3 of *The Revised Statutes of Saskatchewan, 1978*](#)
(effective February 26, 1979) as amended by [The Revised
Statutes of Saskatchewan, 1978 \(Supplement\), c.62](#); and the
[Statutes of Saskatchewan, 1988-89, c.20](#); [1993, c.55](#);
and [2000, c.53](#).

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 S-3

An Act respecting the Sale of Training Courses

SHORT TITLE

Short title

1 This Act may be cited as *The Sale of Training Courses Act*.

INTERPRETATION

Interpretation

2(1) In this Act:

- (a) **“licence”** means a valid and subsisting licence under this Act;
- (b) **“minister”** means the member of the Executive Council to whom for the time being is assigned the administration of this Act;
- (c) **“purchaser”** means the purchaser of a training course;
- (d) **“registrar”** means the member of the public service designated by the minister as the registrar for the purposes of this Act;
- (e) **“salesman”** means a person who sells or offers for sale training courses on behalf of a person engaged in the business of providing training courses;
- (f) **“training contract”** means an agreement between a person engaged in the business of providing a training course and a purchaser under which the person undertakes to provide a training course to the purchaser or to a person designated by the purchaser;
- (g) **“training course”** means any course of study or instruction and, for greater certainty but without limiting the generality of the foregoing, includes a course of study or instruction in dancing, health-improvement or self-defence or any course of study or instruction commonly known as a charm or modelling course; but does not include any course of study or instruction provided by:
 - (i) The University of Saskatchewan;
 - (i.1) The University of Regina;
 - (i.2) the Saskatchewan Institute of Applied Science and Technology;
 - (ii) a secondary education institution maintained under and in accordance with *The Secondary Education Act*;

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(iii) a school administered by a board of education or a conseil scolaire pursuant to *The Education Act* or by the board of a regional college established or continued pursuant to *The Regional Colleges Act*;

(iv) a vocational education committee established under *The Vocational Education Act* or any former *Vocational Education Act*; or

(v) a department of the Government of Canada or Saskatchewan or an aviation club operated under the auspices or supervision of such a department.

(2) This Act does not apply to any course of study or instruction of a trade, as defined in *The Trade Schools Regulation Act*, provided by a trade school in respect of which that Act applies.

R.S.S. 1978, c.S-3, s.2; 1978 c.62 (Supp.), s.3;
1988-89, c.20, s.4; 1993, c.55, s.186.

LICENCES**Carrying on business without licence prohibited**

3 No person shall:

(a) engage in the business of providing training courses unless he is the holder of a licence under this Act authorizing him to do so;

(b) act as a salesman unless he is the holder of a salesman's licence under this Act.

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

Holding out as engaged in business prohibited

4 No person shall hold himself out as engaged in the business of providing training courses or as a salesman unless he is the holder of a licence under this Act.

R.S.S. 1978, c.S-3, s.4.

Limitation on carrying on business

5 No person who is engaged in the business of providing training courses shall sell or offer for sale a training course other than the training course specified in his licence.

R.S.S. 1978, c.S-3, s.5.

Application for licence

6(1) Every application for a licence shall be made to the registrar upon a form provided by him and shall be accompanied by the fee prescribed by the regulations.

(2) Every applicant for a licence may be required by the registrar to verify by affidavit or otherwise the statements made by him in the application.

(3) Every applicant for a licence to engage in the business of providing training courses shall file with the registrar as part of the application two copies of each form of contract that the applicant proposes to use when entering into a training contract.

R.S.S. 1978, c.S-3, s.6.

Address for service

7(1) Every applicant for a licence shall state in his application for the licence an address for service in Saskatchewan, and, subject to subsection (2), any notice to be served on him under this Act or the regulations shall for all purposes be sufficiently served if it is served personally or is personally delivered at or sent by registered mail to that address.

(2) Where a licensee has pursuant to subsection (3) notified the registrar in writing of a change of address for service, any notice under this Act or the regulations shall be sufficiently served if it is served personally or is personally delivered at or sent by registered mail to the latest address for service of the licensee.

(3) Every licensee shall, within ten days after a change in his address for service, notify the registrar in writing of his new address for service.

(4) Where a notice is sent to a licensee by registered mail, the notice shall be deemed to have been served on the licensee on the second day after the date of the postmaster's receipt for the envelope containing the notice.

R.S.S. 1978, c.S-3, s.7.

Licence of firm

8(1) In this section “**firm**” means:

(a) a person who is a sole proprietor of a business and who uses as his business name a name other than his own or uses his own name with the addition of some other word or phrase; or

(b) persons who are associated as partners in a business;

and the name in which the firm carries on business is called the firm name.

(2) A firm may apply for and obtain a licence to engage in the business of providing training courses in the firm name.

(3) No firm shall engage in such business under a name other than the name shown in its licence.

(4) Every firm shall in its application for a licence state the firm name, and if a sole proprietor, the name of the sole proprietor or, if a partnership, the names of the partners.

(5) The licence, if granted to the firm, shall be deemed to be issued in the name of the sole proprietor, or in the names of the partners, as the case may be, as the person or persons carrying on business in the firm name.

(6) Any change in the membership of a firm or in the name of a firm shall be deemed to create a new firm and to terminate any existing licence.

R.S.S. 1978, c.S-3, s.8.

Contents of application for licence of salesman

9(1) Every application for a licence as a salesman shall be accompanied by a statement in writing from the person licensed to engage in the business of providing training courses for whom the applicant intends to act as salesman stating that the applicant, if granted a licence, is authorized to act as a salesman representing that person.

(2) A licence issued to a salesman shall indicate thereon the name of the person who furnished the statement required under subsection (1) and on whose behalf the salesman is authorized to act as a salesman.

R.S.S. 1978, c.S-3, s.9.

Salesman deemed to act for person specified in licence

10 A salesman who is the holder of a licence is deemed to be authorized by the person engaged in the business of providing training courses specified in the licence to act for or on behalf of that person.

R.S.S. 1978, c.S-3, s.10.

Notification to registrar of cessation of representation

11 When a salesman ceases to represent a person engaged in the business of providing training courses the person shall forthwith give notice in writing to the registrar that the salesman has ceased to represent him and the receipt of such notice by the registrar shall operate as a termination of the licence of the salesman.

R.S.S. 1978, c.S-3, s.11.

Transfer of licence prohibited

12 The transfer of the licence of a salesman from one person to another is prohibited.

R.S.S. 1978, c.S-3, s.12.

New licence as salesman required for appointment, etc.

13 Where a salesman whose licence is terminated pursuant to section 11 is appointed or reappointed as a salesman, the salesman shall make a new application to the registrar for a licence.

R.S.S. 1978, c.S-3, s.13.

Granting or refusing a licence

14 The Registrar may:

- (a) grant a licence where, in his opinion, the applicant is suitable to be licenced and the proposed licensing is not for any reason objectionable;
- (b) refuse to grant a licence if after investigation he is of the opinion that the applicant should not be granted a licence.

R.S.S. 1978, c.S-3, s.14.

Licence may be subject to terms, etc.

15(1) The registrar may grant a licence subject to such terms, conditions and restrictions as he considers necessary.

- (2) Where a licence has been granted, the registrar may, by notice to the licensee:
- (a) make the licence subject to such terms, conditions and restrictions; or
 - (b) vary, add to or revoke any terms, conditions and restrictions to which the licence is subject;

as the registrar considers necessary.

- (3) Every licensee shall comply with the terms, conditions and restrictions to which his licence is subject.

R.S.S. 1978, c.S-3, s.15.

Expiry date of licence

- 16** Unless previously cancelled, every licence expires five years from the day on which it was issued.

R.S.S. 1978, c.62 (Supp.), s.4.

Suspension or cancellation of licence

- 17(1)** The registrar may suspend or cancel a licence upon any ground on which he might have refused to grant the licence or where he is satisfied that the licensee:

- (a) has violated any provision of this Act or has failed to comply with any of the terms, conditions or restrictions to which his licence is subject;
 - (b) has made a material mis-statement in the application for his licence or in any of the information or material submitted by him to the registrar pursuant to a request of the registrar under section 18;
 - (c) has been guilty of any misrepresentation, fraud, or dishonesty; or
 - (d) has demonstrated his incompetency, unfitness or untrustworthiness to carry on the business in respect of which his licence was granted.
- (2) Where a licence is suspended or cancelled under subsection (1), the suspension or cancellation is effective on the day on which the notice thereof is served on the licensee.
- (3) Where a bond filed under this Act by a person engaged in the business of providing training courses is terminated, the licence of the person is automatically suspended and shall remain so suspended until the person files with the registrar a new bond in the amount and form required.

R.S.S. 1978, c.S-3, s.17.

Registrar may require further information

- 18** The registrar may at any time require further information or material to be submitted by an applicant for a licence or by a licensee within a specified time and may require verification by affidavit or otherwise of any information or material so submitted or previously submitted.

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

Request for hearing

19(1) An applicant for a licence or a licensee who is dissatisfied with a decision of the registrar under this Act may, within thirty days after the date of the decision, apply in writing to the registrar for a hearing and thereupon the registrar shall fix a date for the hearing which, unless otherwise agreed, shall be held not later than seven days after the date of the receipt of the application for the hearing.

(2) The registrar shall in writing within ten days of the conclusion of the hearing render a decision giving the reasons therefor and he shall thereupon send a copy of the decision and reasons by registered mail to the applicant or licensee forthwith.

(3) The applicant or licensee may in any hearing before the registrar be represented by counsel.

(4) For the purpose of holding a hearing the registrar:

- (a) may require and may take and receive affidavits, statutory declarations and depositions;
- (b) may examine witnesses upon oath and may administer the oath;
- (c) has the same power that any court has in civil cases to:
 - (i) summon persons to attend as witnesses and to give evidence;
 - (ii) enforce the attendance of witnesses; and
 - (iii) compel witnesses to produce books, documents and things.

R.S.S. 1978, c.S-3, s.19.

BOND

Registrar may require bond

20(1) The registrar may require any applicant for a licence or any licensee to furnish him within a specified time with a bond in such form and amount as he may prescribe.

(2) Notwithstanding that Her Majesty in right of Saskatchewan has not suffered any loss or damages, every bond delivered to the registrar under subsection (1) shall be construed as being a penal bond, and where any such bond is forfeited pursuant to subsection (3) the amount due and owing as a debt to Her Majesty in right of Saskatchewan by the person bound thereby shall be determined as if Her Majesty suffered such loss or damages as would entitle Her Majesty to be indemnified to the maximum amount of liability prescribed by the bond.

(3) Every bond furnished under subsection (1) shall be forfeited where:

- (a) the person in respect of whose conduct the bond has been conditioned or salesman of that person has been convicted of an offence:
 - (i) under this Act;
 - (ii) involving fraud or theft or conspiracy to commit an offence involving fraud or theft under the *Criminal Code*;

(b) final judgment in respect of a claim arising out of a training contract has been given against the person in respect of whose conduct the bond is conditioned or against any salesman of that person;

(c) the person in respect of whose conduct the bond is conditioned commits an act of bankruptcy, whether or not proceedings have been taken under the *Bankruptcy Act* (Canada); or

(d) a decision has been rendered by the registrar in writing stating in effect that after consideration and investigation of a complaint he is satisfied that the person in respect of whose conduct the bond is conditioned or any salesman of that person:

(i) has violated a provision of this Act or has failed to comply with any of the terms, conditions or restrictions to which his licence is subject or is in breach of a contract; and

(ii) has departed from Saskatchewan, or being out of Saskatchewan remains out of Saskatchewan, or departs from his dwelling house or otherwise absents himself, or in the case of a corporation, the name thereof has been struck off the register of companies;

and such conviction, judgment, order or decision has become final by reason of lapse of time or having been confirmed by the highest court to which any appeal may be taken.

(4) Where a bond that is secured by the deposit with the registrar of collateral security is forfeited under subsection (3), the registrar may sell the collateral security at the current market price.

(5) The registrar may pay any money recovered under a forfeited bond or realized from the sale of any collateral security to:

(a) the local registrar of the Court of Queen's Bench in trust for those persons who may become judgment creditors of the person named in the bond for claims arising out of training contracts on any terms the registrar considers appropriate;

(b) any trustee, custodian, interim receiver, receiver or liquidator of the person named in the bond on any terms the registrar considers appropriate; or

(c) any person that the registrar considers entitled to the money for a claim arising out of a training contract with the person named in the bond or any salesman of that person.

(6) The registrar shall pay any money not paid pursuant to subsection (5) to the surety or obligor under the bond after the payment of any expenditures incurred by the registrar in connection with the forfeiture of the bond and the determination and settlement of valid claims.

CANCELLATION OF TRAINING CONTRACTS

Circumstances under which contract may be cancelled

21(1) A training contract is cancelled:

- (a) where the purchaser serves a notice of cancellation on the person with whom he entered into the contract within fourteen days after the day on which the purchaser entered into the contract;
 - (b) where:
 - (i) the person engaged in the business of providing training courses or the salesman of that person with whom the purchaser entered into the contract was not licensed under this Act at the time that the purchaser entered into the contract; or
 - (ii) the person engaged in the business of providing training courses or the salesman of that person with whom the purchaser entered into the contract has in respect of that contract failed to comply with any provision of this Act or of the regulations or with any term, condition or restriction to which his licence is subject;
 and a written notice of cancellation is served by the purchaser on the person within one year after the day on which the purchaser entered into the contract; or
 - (c) where:
 - (i) the training course to be provided under the contract has not been completed by the person who is to be provided the course; and
 - (ii) the contract has not been cancelled under clause (a) or (b); and
 - (iii) a written notice of cancellation is served by the purchaser on the person with whom he entered into the contract within five years after the day on which the purchaser entered into the contract.
- (2) A notice under subsection (1) may be served personally or be personally delivered at or sent by registered mail or telegram to the latest address known to the purchaser of the person to be served.
- (3) A notice sent by registered mail under this section shall be deemed to have been served on the date of the postmaster's receipt for the envelope containing the notice.
- (4) A notice sent by telegram under this section shall be deemed to have been served on the date of the receipt of the notice by the telegraph company.
- (5) A notice served under this section shall have effect if, however expressed, it indicates the intention of the purchaser to terminate, cancel or withdraw from the contract.
- (6) Where a training contract is cancelled under subsection (1), the person engaged in the business of providing training courses who entered into the contract with the purchaser shall, within fifteen days after the day on which the notice of cancellation thereof has been served on the person refund to the purchaser:

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- (a) in the case of a cancellation under clause (a) or (b) of subsection (1), all moneys received by the person under the contract;
 - (b) in the case of a cancellation under clause (c) of subsection (1), all moneys received by the person under the contract in excess of the amount earned by that person.
- (7) For the purposes of clause (b) of subsection (6) the amount earned by the person engaged in the business of providing training courses shall be determined in the manner prescribed by the regulations.

R.S.S. 1978, c.S-3, s.21.

APPEAL FROM REGISTRAR'S DECISION

Appeal to judge of Court of Queen's Bench

22(1) A person who is dissatisfied with a decision of the registrar under section 19 may, within thirty days from the date of the decision, appeal to a judge of the Court of Queen's Bench who may upon hearing the appeal by order do any one or more of the following things:

- (a) dismiss the appeal;
 - (b) allow the appeal;
 - (c) allow the appeal subject to terms and conditions;
 - (d) vary the decision appealed against;
 - (e) refer the matter back to the registrar for further consideration and decision;
 - (f) award costs of the appeal;
 - (g) make such other order as to him seems just.
- (2) The appeal shall be by notice of motion and a copy thereof shall be served on the registrar not less than ten days before the day on which the motion is returnable.
- (3) There shall be no further appeal.

R.S.S. 1978, c.S-3, s.22.

FORMS AND RECORDS

Certain requirements respecting form of training contract

23(1) No person shall use a form of training contract in the course of his business of providing training courses unless:

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- (a) the form of contract bears an endorsement by the registrar to the effect that the form of contract has been approved by him for such use by the person;
 - (b) the endorsement approving of such use was made by the registrar on a date that is within thirteen months of the date of the use of the form of contract; and
 - (c) there is clearly and conspicuously printed on the face of the form of contract:
 - (i) the name and address of the person engaged in the business of providing training courses; and
 - (ii) the following statement:
 “You may cancel this contract at any time within fourteen days after you signed it by serving us with notice to that effect. The notice may be served personally or may be delivered at or sent by registered mail or telegram to our address. In the case of service by registered mail, the day on which the notice was served will be the date of the postmaster’s receipt for the envelope containing the notice”.
- (2) The registrar may approve a form of contract for use by a person in the course of his business of providing training courses where the form of contract contains a variation in the wording of the statement set out in clause (c) of subsection (1) if, in the opinion of the registrar, the statement adequately discloses the right of a purchaser to cancel the contract within fourteen days after the execution thereof and the manner in which he may do so.
- (3) The registrar may refuse to approve any form of training contract that is, in his opinion, for any reason objectionable.
- (4) Where the registrar refuses to approve a form of training contract, he shall, on being so requested, specify the reasons therefor.

R.S.S. 1978, c.S-3, s.23; R.S.S. 1978, c.62
(Supp.), s.5.

Records to be kept

24 Every person who is licensed under this Act to engage in the business of providing training courses shall keep proper records and books of account showing moneys received and moneys paid out, including a receipt book, ledgers and journals or equivalent machine accounting records.

R.S.S. 1978, c.S-3, s.24.

REGULATION OF BUSINESS PRACTICES**Purchaser to receive copy of executed contract**

25 Every person engaged in the business of providing training courses or salesman who enters into a training contract shall, immediately upon the execution by the purchaser of the contract, deliver to the purchaser a true copy thereof.

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R.S.S. 1978, c.S-3, s.25.

No contract to provide for commencement of course after certain period

26(1) No person engaged in the business of providing training courses shall enter into a contract pursuant to which the training course is to commence on a date that is more than three months after the date of the signing of the contract by the purchaser.

(2) Subsection (1) does not apply where the amount paid or payable by the purchaser before the commencement date of the training course is \$25 or less and interest on the unpaid balance does not commence until the commencement date of the course.

R.S.S. 1978, c.S-3, s.26.

Prohibition respecting employment, etc., of unlicensed persons

27 No person engaged in the business of providing training courses or salesman shall engage, employ, appoint, authorize or permit any other person to do any of the things in respect of which a licence is required under this Act unless such other person holds a licence under this Act.

R.S.S. 1978, c.S-3, s.27.

Certain inducements prohibited

28 No person engaged in the business of providing training courses or salesman shall either verbally or in writing promise or guarantee a position of employment, or the obtaining of a position of employment, to any person for the purpose of inducing the person to enter into a training contract or make any misleading statements to any person with respect to earnings after completion of a training course.

R.S.S. 1978, c.S-3, s.28.

Advertisement to identify certain persons

29(1) No person engaged in the business of providing training courses shall advertise his business in any manner without clearly identifying himself.

(2) No person engaged in the business of providing training courses shall advertise with respect to a salesman acting for him without clearly identifying the person for whom the salesman is acting.

R.S.S. 1978, c.S-3, s.29.

No person to publish advertisement respecting unlicensed persons

30 No person shall publish an advertisement offering training courses to be provided by a person who is not licensed as required under this Act.

R.S.S. 1978, c.S-3, s.30.

Certain representations, etc., prohibited

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31 No person shall in any manner represent or hold himself out as being licensed or bonded under this Act or as offering a training course that has in any way been passed upon by the government or any department or agency thereof.

R.S.S. 1978, c.S-3, s.31.

Licence to be produced on request

32 A person who is required to be licensed under this Act shall produce his licence for inspection when requested to do so by any person whom he has solicited or by a police officer.

R.S.S. 1978, c.S-3, s.32.

Action by unlicensed persons prohibited

33 No action shall be brought against a purchaser for the enforcement of a training contract unless the person with whom the purchaser entered into the contract and the salesman, if any, who acted on behalf of that person, were licensed under this Act at the time that the purchaser entered into the contract.

R.S.S. 1978, c.S-3, s.33.

MISCELLANEOUS**Certificate of registrar *prima facie* evidence**

34 A certificate stating that:

- (a) a person named in the certificate was or was not licensed at a particular time under this Act;
- (b) the licence of a person was suspended, cancelled or reinstated at a particular time;

purporting to be signed by the registrar is, without proof of office or signature of the registrar, admissible in evidence as *prima facie* evidence of the facts stated in the certificate.

R.S.S. 1978, c.S-3, s.34.

Agreements to waive Act, etc., invalid

35 Every agreement or bargain, verbal or written, express or implied, that any of the provisions of this Act or the regulations do not apply or that any benefit or remedy provided by those provisions are not available, or that in any way limits or abrogates or in effect limits, modifies or abrogates any such benefit or remedy, is invalid, and moneys paid under or by reason of any such agreement or bargain are recoverable in any court of competent jurisdiction.

R.S.S. 1978, c.S-3, s.35.

Regulations

36 The Lieutenant Governor in Council may make regulations:

- (a) prescribing requirements respecting applicants for licences;
- (b) prescribing the fees payable for licences;

- (c) prescribing the manner in which the amount earned by a person engaged in the business of providing training courses shall be determined for the purpose of subsection (6) of section 21;
- (d) exempting any person or class of persons or any course of study or instruction or any class of courses of study or instruction from this Act or any of the provisions of this Act;
- (e) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

R.S.S. 1978, c.S-3, s.36.

OFFENCES AND PENALTIES

Offences

37 A person who:

- (a) does anything that is prohibited by this Act; or
- (b) omits to do anything that is required by this Act or the regulations to be done;

is guilty of an offence against this Act.

R.S.S. 1978, c.S-3, s.37.

Penalty

38(1) A person who is guilty of an offence against this Act is liable on summary conviction to a fine of not less than \$25 or more than \$500 for the first offence and not less than \$50 or more than \$1,000 for a second or subsequent offence; and in case of either a first, second or subsequent offence, either in default of payment of any fine imposed or in addition to such fine, is liable to imprisonment for a term of not less than seven days or more than thirty days.

(2) Notwithstanding subsection (1), where the person convicted of an offence against this Act is a corporation the maximum penalty may be increased to an amount not exceeding \$5,000.

R.S.S. 1978, c.S-3, s.38.

Limitation of prosecution

39 No prosecution for an offence against this Act shall be commenced after two years from the date of the alleged offence.

R.S.S. 1978, c.S-3, s.39.

