

The 2018 Farm and Ranch Water Infrastructure Program Regulations

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Chapter F-8.001 Reg 48 (effective April 19, 2018; expires March 31, 2025) as amended by Saskatchewan Regulations 104/2020, 68/2021 and 80/2021.

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 F-8.001 REG 48
The Farm Financial Stability Act

Title

1 These regulations may be cited as *The 2018 Farm and Ranch Water Infrastructure Program Regulations*

Definitions and interpretation

2(1) In these regulations:

“account” means the 2018 Farm and Ranch Water Infrastructure Program Account established pursuant to section 4;

“Act” means *The Farm Financial Stability Act*;

“agricultural producer” means any person who:

- (a) is engaged in the production of an agricultural commodity in Saskatchewan; and
- (b) if the person is the owner or operator of an intensive livestock operation, has an approved plan;

“approval to construct” means written approval obtained from the Water Security Agency pursuant to section 62 of *The Water Security Agency Act* before construction commences on a project;

“approved plan” means a plan as defined in *The Agricultural Operations Act* that is approved by the minister pursuant to that Act;

“approved project” means an eligible project that has been approved by the minister pursuant to section 11;

“community water development” means the development or improvement of a secure and sustainable water supply for public use, including use by agricultural producers;

“community water development project” means a special project for community water development undertaken by an eligible applicant that is a rural municipality or an Indian band;

“eligible applicant” means an applicant who meets the requirements of section 6;

“eligible expenditures” means the expenditures that the minister may approve as eligible expenditures pursuant to section 12;

“eligible project” means a project that meets the requirements of section 7;

“Indian band” means a band as defined in the *Indian Act* (Canada), and includes the council of a band;

“intensive livestock operation” means an intensive livestock operation as defined in *The Agricultural Operations Act*;

“irrigation development project” means, subject to subsection (2), an irrigation project undertaken by an eligible applicant to develop new irrigation acres;

“irrigation district” means an irrigation district as defined in *The Irrigation Act, 2019*;

“irrigation environment project” means an irrigation project undertaken by an eligible applicant to improve irrigation efficiency and planning;

“irrigation project” means:

- (a) an irrigation development project; or
- (b) an irrigation environment project;

“irrigation replacement fund” means an irrigation replacement fund established by an irrigation district pursuant to section 4-1 of *The Irrigation Act, 2019*;

“irrigation works management plan” means an irrigation works management plan established by an irrigation district pursuant to section 4-1 of *The Irrigation Act, 2019*;

“irrigator” means a person who:

- (a) owns or controls land that receives an allocation of water from the Water Security Agency; or
- (b) has a water service agreement with an irrigation district for irrigation purposes;

“other governmental assistance” means any rebates, grants or other financial assistance, including in-kind contributions, received from the Government of Canada, the Government of Saskatchewan or any municipal government respecting eligible expenditures for an eligible project;

“person” includes a partnership, association, Indian band or other organization;

“pre-approval project” means an eligible project listed in subsection 8(2) that is eligible for a program payment on completion of the project if the minister approves the project;

“program” means the 2018 Farm and Ranch Water Infrastructure Program established pursuant to section 3;

“program payment” means a payment made to an eligible applicant pursuant to section 14;

“program year” means the period commencing on April 1 in one year and ending on March 31 of the following year;

“rebate project” means an eligible project listed in subsection 8(1) that is eligible for a program payment on completion of the project;

“secure and sustainable water supply” means the supply of a long-term source of water and includes supply by means of dugouts, pipelines and wells;

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“special project” means a project undertaken by an eligible applicant for one of the purposes mentioned in clause 7(1)(e);

“storage tank” means a tank with a capacity of at least 3 700 litres that is used as a secure water supply;

“value-added agricultural business” means a business engaged in processing primary agricultural commodities;

“Water Security Agency” means the Water Security Agency continued pursuant to subsection 3(1) of *The Water Security Agency Act*;

“water service agreement” means a water service agreement as defined in *The Irrigation Act, 2019*.

(2) For the purposes of the definition of “irrigation development project”, an irrigation development project must:

- (a) increase irrigation capacity by a minimum of 10 acres; or
- (b) be otherwise approved by the minister.

11 Sep 2020 SR 104/2020 s3.

Program established

3(1) The 2018 Farm and Ranch Water Infrastructure Program is established.

(2) The purpose of the program is to provide program payments to eligible applicants who dedicate those program payments:

- (a) to developing a secure and sustainable water supply in Saskatchewan;
- (b) to increasing irrigation capacity in Saskatchewan; or
- (c) to improving energy and water efficiency for existing irrigation infrastructure.

27 Apr 2018 cF-8.001 Reg 48 s3; 11 Sep 2020 SR 104/2020 s4.

Account established

4(1) Pursuant to clause 24(2)(a) of the Act, the 2018 Farm and Ranch Water Infrastructure Program Account is established in the fund.

(2) The Minister of Finance is authorized to deposit into the account:

- (a) all contributions from the Government of Canada that are directed to the account for the purposes of the program pursuant to an agreement made pursuant to subsection 22(2) of the Act; and
- (b) from moneys appropriated by the Legislature, all contributions of the Government of Saskatchewan to the program pursuant to an agreement made pursuant to subsection 22(2) of the Act.

(3) The account consists of:

- (a) all contributions mentioned in clause (2)(a);
- (b) all moneys appropriated by the Legislature:
 - (i) for the purposes of the program; or
 - (ii) for any other farm income stabilization purpose, if the Minister of Finance designates that those moneys are to be paid into the account;

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- (c) all earnings on investments of moneys in the account; and
- (d) all other moneys received in the account for the purposes of the program.
- (4) All program payments are to be paid from the account.
- (5) Any surplus remaining in the account when the program is completed is to be returned to the Government of Canada and the Government of Saskatchewan in proportion to each government's contribution to the account.
- (6) The fiscal year of the account is the program year.

27 Apr 2018 cF-8.001 Reg 48 s4.

Minister to administer account and program

- 5(1) The minister shall administer the account and the program.
- (2) For the purpose of administering the account and the program, the minister may:
 - (a) exercise the powers given to the minister pursuant to the Act; and
 - (b) do any other thing that the minister considers necessary to administer the account or the program.
- (3) Without limiting the generality of subsection (2), for the purpose of administering the account or the program, the minister may:
 - (a) enter into any agreement that the minister considers advisable with any person, agency, organization, association, institution or body;
 - (b) undertake research, conduct studies and provide information to agricultural producers, eligible applicants or persons who, in the minister's opinion, may become eligible applicants in relation to eligible projects or the program;
 - (c) use any moneys received in the account:
 - (i) to pay for the administration of the account and the program; and
 - (ii) to make program payments;
 - (d) invest any moneys in the account that are not presently required for the purposes of the program in any securities or class of securities authorized pursuant to *The Financial Administration Act, 1993* for the investment of moneys in the general revenue fund; and
 - (e) dispose of any investment made pursuant to clause (d), subject to the terms of the investment, in any manner, on any terms and in any amount that the minister considers expedient.

27 Apr 2018 cF-8.001 Reg 48 s5.

Eligible applicants

6 A person is eligible to apply to the program with respect to an eligible project if the person meets the following eligibility requirements:

- (a) in the case of an individual, the individual is a Saskatchewan resident who is at least 18 years of age;
- (b) in the case of a corporation or partnership, the corporation or partnership has its head office in Saskatchewan or carries on business in Saskatchewan;
- (c) in the case of an Indian band:
 - (i) the Indian band has reserve land in Saskatchewan; and
 - (ii) the land on which the project is to be undertaken is in Saskatchewan and is controlled by the Indian band;
- (d) in the case of an individual, a partnership, or a corporation that is not an irrigation district:
 - (i) the person filed or will file an income tax return respecting farm income in Saskatchewan for the year preceding the year for which an application is made, or for the year for which an application is made, that shows or will show to the satisfaction of the minister that the person derived at least \$50,000 gross farm income in Saskatchewan; or
 - (ii) in the year in which the application is made, the person operates a value-added agricultural business that earns, or will earn to the satisfaction of the minister, at least \$50,000 gross farm income derived from processing primary agricultural commodities in Saskatchewan;
- (e) the person owns land or has the right to use land in Saskatchewan and, if the person does not own the agricultural land on which the project is to be undertaken, the person provides evidence satisfactory to the minister that the person has the consent of the landowner to carry out the acts required for the completion of the project;
- (f) in the case of a rural municipality, the project is supported by a resolution approved by the council of the rural municipality;
- (g) **Repealed.** 4 Jne 2021 SR 68/2021 s3.
- (h) in the case of an irrigator who is applying with respect to an irrigation environment project, the irrigator has:
 - (i) a water rights file number with the Water Security Agency; or
 - (ii) a water service agreement with an irrigation district to supply water to the project;
- (i) in the case of an irrigation district that is applying with respect to an irrigation project, the board of the irrigation district in which the project is located:
 - (i) has and maintains an irrigation replacement fund on behalf of the irrigation district it represents; and
 - (ii) has an irrigation works management plan that is approved by the minister.

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Eligible projects

7(1) For the purposes of these regulations, an eligible project is a project that meets the following requirements:

- (a) the project is located in Saskatchewan;
- (b) the project is undertaken by an eligible applicant;
- (c) the project is substantially for environmental, agricultural or value-added agricultural purposes;
- (d) the project is one of the following types of projects and involves the development or improvement of a secure and sustainable water supply for the eligible applicant:
 - (i) a dugout project;
 - (ii) a pipeline project;
 - (iii) a well project;
 - (iv) a well decommissioning project;
 - (v) a special project;
 - (vi) an irrigation project;
- (e) in the case of a special project, the project is undertaken for one of the following purposes:
 - (i) as a community water development project;
 - (ii) to connect to an existing non-potable water utility;
 - (iii) to construct a water development project for a value-added agricultural business;
 - (iv) to develop or improve a secure and sustainable water supply that, in the minister's opinion, advances the agricultural and environmental priorities of the Government of Saskatchewan;
- (f) the project is commenced on or after October 1, 2017;
- (g) the project is completed by the requisite completion date, as set by the minister for that type of project;
- (h) an application for the project is received by the minister by the requisite application date, as set by the minister for that type of project;
- (i) a claim for a program payment for the project is received by the minister by the requisite claim date, as set by the minister for that type of project;
- (j) the project complies with the other requirements of these regulations; and
- (k) the minister determines the project to be an eligible project.

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(2) The minister may deem a project that is not completed by the requisite date set pursuant to clause (1)(g) to be an eligible project, and the minister may accept an application or a claim for a project after the requisite date set pursuant to clause (1)(h) or (i), if the minister is satisfied that:

- (a) the eligible applicant has provided a reasonable explanation for, as the case may be:
 - (i) failing to complete the project by the requisite date; or
 - (ii) failing to submit an application or a claim for the project by the requisite date;
- (b) the project satisfies all other applicable requirements set out in subsection (1); and
- (c) it is not contrary to the public interest to do so.

11 Sep 2020 SR 104/2020 s5.

Eligibility for program payments

8(1) The following eligible rebate projects are eligible for program payments on completion of the project:

- (a) a dugout project;
- (b) a pipeline project;
- (c) a well project.

(2) The following eligible pre-approval projects are eligible for program payments on completion of the project if the minister approves the project:

- (a) a well decommissioning project;
- (b) a special project;
- (c) an irrigation project.

11 Sep 2020 SR 104/2020 s5.

Application

9(1) An eligible applicant who wishes to receive a program payment for an eligible project must:

- (a) apply to the minister by providing to the minister, by the date required pursuant to these regulations, a completed application on a form supplied by the minister; and
- (b) provide to the minister any additional information that the minister may reasonably require to determine that the applicant is an eligible applicant or that a project is an eligible project.

(2) In the case of an application with respect to a rebate project, the eligible applicant must provide the minister with copies of paid invoices for eligible expenses with the application.

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(3) In the case of an application with respect to a pre-approval project that is a well decommissioning project or a special project, the eligible applicant must provide the minister with the following:

- (a) details of the proposed project;
- (b) an estimate of the cost of eligible expenses.

(4) In the case of an application respecting a pre-approval project that is an irrigation project, the eligible applicant must provide the minister with the following:

- (a) either:
 - (i) if the project is located within an irrigation district, an approved water service agreement with the irrigation district; or
 - (ii) if the project is not located within an irrigation district, an approval to construct;
- (b) details of the proposed project;
- (c) a plan for irrigation development;
- (d) an estimate of the increased irrigation capacity the project will provide;
- (e) an estimate of the costs of the proposed project.

(5) No eligible applicant shall supply any false or misleading information to the minister on any application form or in response to any request for information from the minister.

(6) An eligible applicant shall provide the minister with any changes to the information on the applicant's application form as soon as is practicable after that information has changed.

(7) Only one application may be submitted for each eligible project.

11 Sep 2020 SR 104/2020 s5.

10 Repealed. 11 Sep 2020 SR 104/2020 s6.

Approval of application

11 Subject to section 16, on receipt of an application made by an eligible applicant, the minister may approve the application with respect to the eligible project if the minister is satisfied that:

- (a) the applicant is an eligible applicant;
- (b) the project is an eligible project;
- (c) the eligible applicant has complied with these regulations;
- (d) there are sufficient moneys in the account to fund the application; and
- (e) the project is in the public interest.

27 Apr 2018 cF-8.001 Reg 48 s11; 11 Sep 2020
SR 104/2020 s7.

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Eligible expenditures

12(1) Subject to subsection (3) and sections 14 and 16, the minister may approve any of the following expenditures as eligible expenditures if the minister is satisfied that those expenditures were incurred by an eligible applicant for an eligible project:

- (a) for a dugout project, pipeline project or well project, the purchase cost of capital items and construction costs related to the development of a secure and sustainable water supply;
- (b) for a well decommissioning project, costs related to decommissioning the well, including sealing and capping a water well;
- (c) for a special project:
 - (i) if the special project is a community water development project:
 - (A) the purchase cost of capital items, including pumps, pipes necessary for constructing a water loading site, storage tanks and power loading equipment;
 - (B) construction costs, including costs related to drilling wells, purchasing and installing screening, installing power and constructing buildings; and
 - (C) costs related to site excavation and preparation, including road construction costs or costs to improve access;
 - (ii) if the special project is a connection to an existing non-potable water utility, costs related to connecting to an existing deep buried pipeline, including any hook-up or subscription costs; and
 - (iii) any other costs related to a special project that are approved by the minister;
- (d) for an irrigation development project, the purchase cost of capital items and construction costs incurred exclusively for the development of irrigation infrastructure for the purpose of creating secure and sustainable irrigation capacity;
- (e) for an irrigation environment project, the purchase cost of capital items and construction costs incurred exclusively for the conversion of existing irrigation infrastructure to new irrigation infrastructure designed to improve the efficiency of energy and water use on a farm;
- (f) costs of services provided for the purposes of the approved irrigation project, including costs associated with groundwater exploration, fees paid for consultations that the minister is satisfied are reasonable, and fees associated with the filing of applications and registrations, incurred exclusively for the purpose of creating secure and sustainable irrigation capacity;
- (g) any other costs that the minister is satisfied are specifically required for the execution of the approved project.

(2) **Repealed.** 11 Sep 2020 SR 104/2020 s8.

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- (3) The following are not eligible to be approved as eligible expenditures:
- (a) costs related to the installation of power, other than in the case of a special project or an irrigation project;
 - (b) taxes;
 - (c) costs related to the acquisition of real property;
 - (d) costs of capital items that the minister is satisfied are not specifically required for the execution of the eligible project;
 - (e) financing costs, interest, bank or legal fees;
 - (f) non-permanent fencing or structures to exclude livestock;
 - (g) any other expenditures that the minister determines are ineligible.

27 Apr 2018 cF-8.001 Reg 48 s12; 11 Sep 2020
SR 104/2020 s8.

Claim for program payments

13(1) To make a claim for a program payment, an eligible applicant must submit the following to the minister by the date required pursuant to these regulations:

- (a) a request for a program payment in a form provided by the minister for all eligible expenditures that have been paid for the eligible project;
 - (b) copies of all receipts, invoices, bills or other documents, in a form satisfactory to the minister, with respect to the eligible expenditures that state:
 - (i) the date the expenditure was incurred;
 - (ii) the name of the supplier or contractor;
 - (iii) the amount of taxes paid;
 - (iv) a detailed description of the expenditure; and
 - (v) information that identifies the applicant and the eligible project;
 - (c) evidence satisfactory to the minister that the eligible applicant's eligible project meets or will meet the requirements for water development projects of:
 - (i) the Water Security Agency;
 - (ii) the Ministry of Environment; and
 - (iii) in the case of an irrigation development project, *The Water Security Agency Act* and *The Irrigation Act, 2019*;
 - (d) a declaration satisfactory to the minister setting out any other governmental assistance received by the eligible applicant with respect to the eligible project.
- (2) The minister may require an eligible applicant to supply the minister with any additional information that the minister may reasonably require to evaluate the claim or to ensure compliance with these regulations, including any or all of the following:
- (a) original receipts;

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- (b) proof of payment for costs claimed;
 - (c) photos of the eligible project, when completed.
- (3) An eligible applicant shall provide the minister with any changes to the information on any claim form as soon as is practicable after that information changes.
- (4) An eligible applicant shall allow the minister or any person designated by the minister to inspect:
- (a) the eligible project that is the subject of the application, when completed; and
 - (b) any records, whether or not at the same location as the eligible project mentioned in clause (a), that the minister considers necessary or relevant to evaluate the claim or ensure compliance with these regulations.

27 Apr 2018 cF-8.001 Reg 48 s13 11 Sep 2020
SR 104/2020 s9; 4 Jne 2021 SR 68/2021 s4.

Program payments

14(1) For the purposes of this section, “**related to**” means, with respect to an eligible applicant, to be:

- (a) an affiliate or a subsidiary, within the meaning of *The Business Corporations Act*, of the eligible applicant;
 - (b) another person who, within the meaning of *The Business Corporations Act*, controls the eligible applicant;
 - (c) a partner of the eligible applicant;
 - (d) a trust or estate in which the eligible applicant has a substantial beneficial interest or with respect to which the eligible applicant serves as a trustee or in a similar capacity;
 - (e) a spouse of the eligible applicant; or
 - (f) a relative of the eligible applicant or of the spouse of the eligible applicant if that relative has the same residence as the eligible applicant.
- (2) If the minister is satisfied that an eligible applicant has complied with these regulations and has provided the minister with any information that the minister may reasonably require, the minister may make a program payment to the eligible applicant in accordance with this section respecting the eligible project that is the subject of the application.
- (3) The minister may impose any terms and conditions that the minister considers appropriate on a program payment.
- (4) An eligible applicant shall comply with any terms and conditions imposed by the minister on a program payment.
- (5) For rebate projects:
- (a) the amount of the program payment that may be paid to an eligible applicant is not to exceed 50% of the eligible expenditures for the project, less any other governmental assistance; and

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- (b) the maximum amount of all program payments that may be paid to an eligible applicant and to persons related to the eligible applicant for all approved rebate projects undertaken by the eligible applicant or persons related to the eligible applicant is \$50,000.
- (5.1) Notwithstanding subsection (5), for the 2021-2022 program year, program payments that may be paid to an eligible applicant that is a livestock producer and to persons related to the eligible applicant for all approved rebate projects undertaken by the eligible applicant or person related to the eligible applicant are to be paid in accordance with the following rules:
 - (a) for the first \$50,000 of eligible expenditures for the project, the program payment is not to exceed 50% of those eligible expenditures, less any other governmental assistance;
 - (b) for any amount of eligible expenditures for the project in excess of \$50,000, the program payment is not to exceed 70% of those eligible expenditures, less any other governmental assistance;
 - (c) the maximum amount of all program payments that may be paid to that eligible applicant and to persons related to the eligible applicant for all approved rebate projects is \$150,000.
- (6) For well decommissioning projects, the amount of the program payment that may be paid to an eligible applicant is not to exceed 90% of the eligible expenditures for the project, less any other governmental assistance, to a maximum payment of \$10,000 per project.
- (7) For special projects:
 - (a) the amount of the program payment that may be paid to an eligible applicant is not to exceed 50% of the eligible expenditures for the project, less any other governmental assistance; and
 - (b) the maximum amount of all program payments that may be paid to an eligible applicant and to persons related to the eligible applicant for all approved special projects undertaken by the eligible applicant or persons related to the eligible applicant is \$150,000.
- (8) For irrigation development projects:
 - (a) the amount of the program payment that may be paid to an eligible applicant is:
 - (i) not to exceed the lesser of:
 - (A) two-thirds of the eligible expenditures for the project, less any other governmental assistance; and
 - (B) \$1,320 per irrigable acre developed; or
 - (ii) any other amount approved by the minister;
 - (b) subject to clause (c) and subsection (10), the maximum amount of all program payments that may be paid to an eligible applicant and to persons related to the eligible applicant for all approved irrigation development projects undertaken by the eligible applicant or persons related to the eligible applicant is \$300,000; and

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- (c) if the eligible applicant satisfies the minister, given the nature of the irrigation development project, including consideration of the date of pre-approval, the date of construction or any other factor the minister considers appropriate, that it is appropriate to do so, the minister may approve a maximum amount of \$500,000 be paid to the applicant, in which case the maximum amount set out in clause (b) does not apply.
- (9) For irrigation environment projects:
- (a) the amount of the program payment that may be paid to an eligible applicant is:
- (i) not to exceed 30% of the eligible expenditures for the project, less any other governmental assistance; or
- (ii) any other amount that is approved by the minister; and
- (b) subject to subsection (10), the maximum amount of all program payments that may be paid to an eligible applicant and to persons related to the eligible applicant for all approved irrigation environment projects undertaken by the eligible applicant or persons related to the eligible applicant is \$50,000.
- (10) For approved irrigation projects, if the eligible applicant is an irrigation district and if the minister considers it appropriate to do so given the nature of the irrigation project, the minister may approve a maximum amount that may be paid to the irrigation district that is greater than the maximum amount set out in clause (8)(b), (c) or (9)(b), in which case the maximum amount set out in clause (8)(b), (c) or (9)(b) does not apply.
- (11) If an eligible applicant fails to comply with these regulations, the minister may deny the claim for a program payment.
- (12) If the minister denies a claim for a program payment, the minister shall notify the applicant in writing.

11 Sep 2020 SR 104/2020 s10; 4 Jne 2021 SR
68/2021 s5; 23 Jly 2021 SR 80/2021 s2.

Overpayments

15(1) The minister may declare any program payment made to an eligible applicant to be an overpayment if the minister is satisfied that:

- (a) the applicant has knowingly made a false or misleading statement with respect to a material fact on any form or in any information or document provided to the minister pursuant to these regulations;
- (b) the applicant has knowingly omitted to make a statement or to provide any information or document if the omission results in a statement with respect to a material fact being misleading; or
- (c) the applicant has failed to comply with these regulations.

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(2) If the minister declares a program payment to be an overpayment, the amount of the overpayment is deemed to be a debt due and owing to the Government of Saskatchewan and may be recovered from the eligible applicant in any manner authorized pursuant to *The Financial Administration Act, 1993* or in any other manner authorized by law.

27 Apr 2018 cF-8.001 Reg 48 s15.

Termination of approvals

16(1) Notwithstanding any other provision of these regulations, if the minister determines that moneys in the account have been fully allocated to approved projects:

- (a) the minister may refuse to approve any application of an eligible applicant that is received by the minister after the date of that determination; and
 - (b) an eligible applicant mentioned in clause (a) is not eligible to receive any program payment in that program year with respect to that application.
- (2) If the minister makes a determination pursuant to subsection (1), the minister may cause the effective date of the determination:
- (a) to be posted on the website of the ministry over which the minister presides; and
 - (b) to be made public in any other manner that the minister considers appropriate.
- (3) The effective date of the determination may be an earlier date than the date on which the minister makes public the effective date of the determination.

27 Apr 2018 cF-8.001 Reg 48 s16.

Coming into force

- 17(1)** These regulations come into force on the day on which they are filed with the Registrar of Regulations.
- (2) These regulations expire on March 31, 2025.

27 Apr 2018 cF-8.001 Reg 48 s17.