

The Crop Insurance Act

being



Chapter C-47.2 of the *Statutes of Saskatchewan, 1983-84* (effective July 1, 1984) as amended by the *Statutes of Saskatchewan, 1984-85-86, c.60; 1986-87-88, c.27; 1989-90, c.15; 1990-91, c.A-14.2; 1991, c.T-1.1; 1992, c.P-6.001 and 51; 1993, c.47; 1995, c.6; 1996, c.25; 1998, c.P-42.1; and 2003, c.21.*

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 C-47.2

An Act respecting Crop Insurance

Short title

- 1 This Act may be cited as *The Crop Insurance Act*.

Interpretation

- 2 In this Act:

- (a) **“actual yield”** means the yield of a crop insured under a contract of crop insurance as that yield is determined by the board in the manner prescribed in the regulations;
- (b) **“board”** means the board of directors of the corporation;
- (b.1) **“cause of action”** means any claim, cause of action, suit, debt, account, demand, claim for damage, loss, cost, expense or interest, of any nature, whether arising in or imposed by law, equity, statute or otherwise and includes any judgment or order of a court;
- (b.2) **“contract of crop insurance”** means, subject to section 13.1, a contract of crop insurance mentioned and described in section 13 including, subject to subsection 13(4.7), a contract of crop insurance that is part of the combination of a revenue insurance contract and a contract of crop insurance;
- (c) **“corporation”** means the Saskatchewan Crop Insurance Corporation continued pursuant to section 3;
- (d) **“crop insurance”** means:
 - (i) insurance against loss of an insured crop caused by drought, flood, hail, wind, frost, lightning, excessive rain, snow, hurricane, tornado, wildlife, accidental fire, insect infestation, plant disease or any other peril designated in the regulations; and
 - (ii) insurance against the occurrence or non-occurrence of any climatic event designated in the regulations that has the potential to cause loss to an insurable crop;
- (d.1) **“crop year”** means the period commencing on August 1 in one year and ending on July 31 in the following year;
- (e) **“Crown”** means Her Majesty in right of Saskatchewan;
- (e.1) **“Crown agent”** means any present or former member of the Executive Council, any present or former legislative secretary as defined in *The Government Organization Act*, the corporation or any present or former director, officer, agent or employee of the Crown or the corporation;

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(e.2) “**estimated yield**” means estimated yield as determined by the corporation using:

- (i) remote sensing technology; or
- (ii) any other method;

(f) “**fund**” means the Saskatchewan Crop Insurance Fund continued pursuant to section 11;

(f.1) “**GRIP agreement**” means the GRIP agreement as defined in *The Agricultural Safety Net Act*;

(g) “**insurable crop**” means wheat, oats, barley or any other agricultural crop designated in the regulations as an insurable crop;

(h) “**insurable person**” means the operator of a farm, as defined in the regulations, who has an insurable interest in an insurable crop on that farm and includes a producer, as defined in *The Agricultural Safety Net Act*;

(i) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(j) “**revenue insurance contract**” means a revenue insurance contract within the meaning of *The Agricultural Safety Net Act*;

(k) “**1991-92 crop year**” means the period commencing on August 1, 1991 and ending on July 31, 1992;

(l) “**1992-93 crop year**” means the period commencing on August 1, 1992 and ending on July 31, 1993.

1983-84, c.C-47.2, s.2; 1984-85-86, c.60, s.2;
1992, c.51, s.14; 2003, c.21, s.3.

Corporation continued

3(1) The Saskatchewan Crop Insurance Corporation, as presently established pursuant to *The Crown Corporations Act, 1978*, is continued.

(2) The corporation is to consist of those persons appointed by the Lieutenant Governor in Council.

(3) The persons appointed to constitute the Saskatchewan Crop Insurance Board pursuant to section 3 of *The Saskatchewan Crop Insurance Act* on the day before the coming into force of this Act constitute the corporation until new appointments are made pursuant to subsection (2).

1983-84, c.C-47.2, s.3; 1993, c.47, s.3.

Responsible to minister

4 The corporation is responsible to the minister for the performance of its duties and the exercise of its powers pursuant to this Act.

1983-84, c.C-47.2, s.4.

Corporation agent of Crown

5(1) The corporation is for all its purposes an agent of the Crown, and its power pursuant to this Act or *The Agricultural Safety Net Act* may be exercised only as an agent of the Crown.

(2) All property of the corporation, both real and personal, all moneys acquired, administered, possessed or received from any source and all profits earned by the corporation are the property of the Crown and are, for all purposes, including taxation of whatever nature or description, deemed to be the property of the Crown.

1983-84, c.C-47.2, s.5; 1992, c.51, s.15.

Capacity to contract

6(1) The corporation has capacity to contract and to sue and be sued in its corporate name in respect of any right or obligation acquired or incurred by it on behalf of the Crown as if the right or obligation had been acquired or incurred on its own behalf and in respect of any liabilities in tort to the extent to which the Crown is subject by reason of *The Proceedings against the Crown Act*.

(2) The corporation may, on behalf of the Crown, contract in its corporate name without specific reference to the Crown.

1983-84, c.C-47.2, s.6.

Head office

7 The head office of the corporation is to be situated at any place within Saskatchewan that may be designated by the board.

1983-84, c.C-47.2, s.7.

Board of directors

8(1) The board of directors of the corporation consists of those persons who are appointed to constitute the corporation pursuant to section 3.

(2) The Lieutenant Governor in Council may designate one of the members of the board as chairman and one other member as vice-chairman.

(3) In the absence of the chairman, or when the position of chairman is vacant, the vice-chairman has authority to act in his place.

(4) The board shall manage the affairs and business of the corporation.

(5) Two members of the board constitutes a quorum.

1983-84, c.C-47.2, s.8; 1993, c.47, s.4.

Staff

9(1) Notwithstanding *The Public Service Act, 1998* or any other Act or law, the corporation may:

(a) employ any officers or other employees that it considers necessary for the conduct of its operations; and

(b) determine their respective duties and powers, their conditions of employment and their remuneration, which is to be paid by the corporation.

- (2) The corporation has control and supervision over its officers and employees.

1983-84, c.C-47.2, s.9; 1998, c.P-42.1, s.42.

Superannuation

10 The corporation may enter into agreements with the Crown Investments Corporation of Saskatchewan to establish and support for the benefit of its officers and employees and their dependants:

- (a) a group insurance plan or arrangement;
- (b) subject to *The Pension Benefits Act, 1992*, a pension fund or other pension or superannuation plan or arrangement.

1983-84, c.C-47.2, s.10; 1992, c.P-6.001, s.75.

Fund continued

11(1) The Saskatchewan Crop Insurance Fund is continued.

- (2) The corporation shall administer the fund.
- (3) All moneys paid by the minister pursuant to subsection (4), all premiums received in respect of contracts of crop insurance and all other moneys received by the corporation for the purposes of this Act are to be credited to the fund.
- (4) In any fiscal year where moneys have been appropriated by the Legislature for the purpose, the minister may:
 - (a) pay to the corporation an amount determined by the minister, having regard to the amount of premiums paid by insured persons in the fiscal year, the needs of the corporation, and the appropriate share of the costs of providing crop insurance, or any program of crop insurance, to be paid by the Government of Saskatchewan;
 - (b) make grants to the corporation for the payment of the administration costs of the corporation;
 - (c) make grants to the corporation for the payment of the financing costs of the corporation;
 - (d) make grants to the corporation for the purpose of making up any difference between the amount in the fund and the amount necessary to meet all indemnity payments for the year; and
 - (e) subject to any terms and conditions that may be prescribed in the regulations, make grants to the corporation for any purposes that may be determined by the minister.
- (5) The corporation may:
 - (a) invest any part of the moneys in the fund in any security or class of securities authorized for the investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*;
 - (b) dispose of any investment made pursuant to clause (a) in any manner, on any terms and in any amount that it considers expedient.

1983-84, c.C-47.2, s.11; 1989-90, c.15, s.5; 1995, c.6, s.3; 1996, c.25, s.2.

Powers of corporation

12(1) The corporation may, subject to the other provisions of this Act and to the regulations, engage in the business of crop insurance.

(2) Without limiting the generality of subsection (1), the corporation may:

- (a) if, in the opinion of the board, sufficient actuarial data is available, insure insurable persons under any plans of crop insurance prescribed by the corporation;
- (b) fix any rates for premiums for insurance that the corporation considers sufficient to cover claims arising from a contract of crop insurance, having regard to the payments provided for in subsection 11(4), and provide as expeditiously as possible a reasonable reserve against unforeseen losses;
- (c) allow any discounts of premiums and assess any surcharge and interest charges with respect to premiums that may be considered necessary by the corporation;
- (d) attach terms and conditions to the payment of premiums and determine the manner of their collection;
- (e) enter into a contract of crop insurance with an insurable person providing for insurance against loss of insured crops or against the occurrence or non-occurrence of an insurable climatic event and to adjust and pay claims for losses in accordance with the regulations;
- (f) determine the indemnity payable with respect to, as the case requires:
 - (i) the actual yield of an insured crop;
 - (ii) the estimated yield; or
 - (iii) the occurrence or non-occurrence of an insurable climatic event;
- (g) conduct research, surveys and investigations relating to crop insurance and assemble data for the purpose of establishing a sound actuarial basis for crop insurance;
- (h) refuse to issue a contract of crop insurance to an insurable person on any grounds that it considers appropriate;
- (h.1) make any determinations, including the determination of any rules, procedures, formulae or calculations, that:
 - (i) are not set out in a contract of crop insurance, this Act or the regulations; and
 - (ii) in the opinion of the corporation, are necessary to engage in the business of crop insurance;
- (h.2) charge any administrative fee to a person that, in the opinion of the board, is necessary to defray the cost of the corporation's services;
- (h.3) for any purpose related to the exercise of any powers of the corporation or the carrying out of any of the corporation's responsibilities or functions, enter into agreements with any person, agency, organization, association, enterprise, institution or body within or outside the Province of Saskatchewan, including any department or agency of the Government of Saskatchewan;

- (i) do any other act or thing that is incidental or conducive to the exercise of its powers and functions and the conduct of its affairs and business.

1983-84, c.C-47.2, s.12; 1992, c.51, s.16; 2003, c.21, s.4.

Contracts of crop insurance

13(1) An insurable person who desires to obtain crop insurance pursuant to this Act shall apply to the corporation for the insurance in the form provided by the corporation.

(2) On acceptance of the application by the corporation, the corporation shall issue a contract of crop insurance to the insured.

(3) A contract of crop insurance entered into by the corporation is a continuous one and, subject to payment of the appropriate premium, is deemed to be in force from year to year unless terminated by either party's giving notice in writing to the other party in accordance with the contract.

(4) Subject to section (4.1), all contracts of crop insurance are required to be in the form and to contain any terms and conditions prescribed in the regulations.

(4.1) Subject to section 13.1, a contract of crop insurance issued pursuant to subsection (2) as it applies with respect to the 1991-92 crop year or any subsequent crop year, is deemed to contain only the terms and conditions prescribed in the regulations.

(4.2) A contract of crop insurance is deemed to be the entire and only contract with respect to the rights and obligations of any insurable person with respect to crop insurance obtained pursuant to this Act.

(4.3) Subject to the other provisions of this Act and the regulations, all rights and obligations of an insurable person with respect to crop insurance obtained pursuant to this Act shall be determined only by this Act, the regulations and the contract of crop insurance.

(4.4) No contract of crop insurance may be amended other than by a regulation amending the form and the terms and conditions of the contract of crop insurance as prescribed in the regulations.

(4.5) No amendment to a contract of crop insurance is effective unless the amendment is made in accordance with subsection (4.4).

(4.6) Every amendment to the form and the terms and conditions of the contract of crop insurance that is made in accordance with subsection (4.4):

- (a) is deemed to be an amendment to every contract of crop insurance;
- (b) is effective on and from the day on which the regulation amending the contract comes into force or is deemed to have been in force; and
- (c) subject to section 17 of the contract of crop insurance, is binding on all parties to every contract of crop insurance without further formality.

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(4.7) Notwithstanding subsection 13.2(1), where a producer enters into the combination of a revenue insurance contract and a contract of crop insurance, the contract of crop insurance is subject to any provision of the GRIP agreement and any terms and conditions of the revenue insurance contract that modify, vary, qualify or amend the contract of crop insurance.

(5) A contract of crop insurance entered into pursuant to this Act is not a contract of insurance within the meaning of *The Saskatchewan Insurance Act* and, except as otherwise expressly provided in this Act, that Act does not apply to the administration of this Act.

(6) **Repealed.** 1992, c.51, s.17.

1983-84, c.C-47.2, s.13; 1990-91, c.A-14.2, s.13;
1992, c.51, s.17; 1995, c.6, s.4.

Notice provision of certain contracts of crop insurance void

13.1 Notwithstanding any other provision of this Act or the regulations, subsection 17(2) of every contract of crop insurance, as that subsection applies with respect to the 1991-92 crop year or the 1992-93 crop year, being the provision stating that any changes in the contract with respect to any crop shall be mailed to the insured not later than March 15 of the year for which the changes are to be in effect and that those changes are deemed to be part of the contract on and after April 1 of that year, is void and of no effect and is deemed to have always been void and of no effect.

1992, c.51, s.18.

Certain actions and rights extinguished

13.2(1) No action or proceeding lies or shall be instituted or continued against the Crown or a Crown agent based on any cause of action arising from, resulting from, or incidental to:

- (a) any amendment to a contract of crop insurance;
- (b) any term, condition, warranty, contract, promise, inducement, enticement, representation or other understanding that is collateral to or modifies, varies, qualifies or amends in any way a contract of crop insurance;
- (c) any failure or alleged failure to comply with the notice provision mentioned in section 13.1; or
- (d) the enactment or application of any provision of this Act or the regulations or *The Farm Income Insurance Legislation Amendment Act, 1992*.

(2) Every cause of action against the Crown or a Crown agent arising from, resulting from, or incidental to anything mentioned in subsection (1) is extinguished.

(3) In any action or proceeding against the Crown or a Crown agent, with respect to a contract of crop insurance, as it applies with respect to the 1991-92 crop year or the 1992-93 crop year, a court shall not consider any principle of law or in equity that would require adequate, reasonable or any notice with respect to any amendments or changes to the contract to be provided by the corporation to any party to the contract.

1992, c.51, s.18.

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14 Subject to the approval of the Lieutenant Governor in Council, the corporation may reinsure the whole or any portion of the risk under its contracts of crop insurance with any other insurer, and Part XV of *The Saskatchewan Insurance Act* respecting reinsurance applies *mutatis mutandis*.

1983-84, c.C-47.2, s.14.

Arbitration

15 Disputes arising out of the adjustment of losses are to be settled by arbitration in the manner and according to the procedure for appointing arbitrators and conducting and carrying out arbitration proceedings prescribed in the regulations.

1983-84, c.C-47.2, s.15.

Grants

16(1) The corporation may make grants to persons suffering non-insurable grain crop losses arising from damage caused by migratory waterfowl.

(2) Where moneys have been appropriated by the Legislature for the purposes of subsection (1), the minister may make grants to the Canada — Saskatchewan Waterfowl Crop Damage Compensation Fund Program administered by the corporation.

1983-84, c.C-47.2, s.16; 1995, c.6, s.5.

Immunity from liability

17 No member of the board and no employee of the corporation is personally liable for any loss or damage suffered by any person by reason of anything in good faith done or omitted to be done in pursuance or purported pursuance of this Act or the regulations.

1983-84, c.C-47.2, s.17.

Municipal licence fees not applicable

18 A person who, for or on behalf of the board, solicits or takes applications for crop insurance pursuant to this Act, collects premiums for crop insurance or does any other thing that the corporation considers necessary with respect to the carrying out of a crop insurance plan pursuant to this Act is exempt from the payment of any licence fee imposed by a municipal corporation in Saskatchewan for the transaction of the business of insurance.

1983-84, c.C-47.2, s.18.

Fiscal year

19 The fiscal year of the corporation is the period commencing on April 1 in one year and ending on March 31 in the next year.

1983-84, c.C-47.2, s.19.

Audit

20 The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall:

- (a) annually; and
 - (b) at any other time that the Lieutenant Governor in Council may require;
- audit the accounts and financial statements of the corporation and of the fund.

1986-87-88, c.27, s.3.

Annual report

21(1) The corporation shall, in accordance with *The Tabling of Documents Act*, prepare and submit to the minister:

- (a) a report of the corporation on its business for each fiscal year; and
- (b) a financial statement showing the business of the corporation for each fiscal year in any form that may be required by the Treasury Board.

(1.1) In each fiscal year, the corporation, in accordance with *The Tabling of Documents Act, 1991*, shall prepare and submit to the minister:

- (a) a report on the activities of the fund for the preceding fiscal year; and
- (b) a financial statement showing the business of the fund for the preceding fiscal year.

(1.2) The financial statement mentioned in clause (1.1)(b) is to be in the form required by Treasury Board.

(2) The minister shall, in accordance with *The Tabling of Documents Act*, lay before the Legislative Assembly each report and statement received by him pursuant to this section.

1983-84, c.C-47.2, s.21; 1991, c.T-1.1, s.12.

Regulations

22(1) For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) respecting any matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (b) prescribing the form and the terms and conditions of every contract of crop insurance or any category of contracts of crop insurance;
- (c) amending the form and the terms and conditions of every contract of crop insurance or any category of contracts of crop insurance;
- (d) for the purposes of any regulation made pursuant to this section, delegating to the corporation the function of making any determinations, including the determination of any rules, procedures, formulae or calculations, with respect to crop insurance;

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- (e) adopting, as amended from time to time or otherwise, all or any portion of any contract, to which the Government of Saskatchewan and the Government of Canada are parties, that:
 - (i) has been entered into and is in effect at the time this clause comes into force; or
 - (ii) is entered into after this clause comes into force;
 - (f) respecting any matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent and purposes of this Act.
- (2) Any regulation made pursuant to subsection (1) that is necessary as a result of or is consequential to an amendment to the GRIP agreement may be made retroactive to a day not earlier than the day on which the amendment to the GRIP agreement is stated, by the terms of the amendment to the GRIP agreement, to be effective.
- (3) Notwithstanding subsection (2), any regulation that is made on or before December 31, 1992 pursuant to subsection (1) may be made retroactive to a day not earlier than January 1, 1991.

1992, c.51, s.19.

Transitional

23(1) All the property, rights and obligations of the Saskatchewan Crop Insurance Board that existed immediately prior to the coming into force of this Act are vested in the corporation, and any legal proceedings or actions that have or might have been commenced by or against the Saskatchewan Crop Insurance Board prior to the coming into force of this Act are to be continued or commenced by or against the corporation pursuant to this Act.

(2) Any agreement made pursuant to *The Saskatchewan Crop Insurance Act* is deemed to be an agreement made pursuant to this Act by the corporation.

1983-84, c.C-47.2, s.23.

R.S.S. 1978, c.S-12 repealed

24 *The Saskatchewan Crop Insurance Act* is repealed.

1983-84, c.C-47.2, s.24.