

The Mineral Taxation Act, 1983

being

Chapter M-17.1 of the *Statutes of Saskatchewan, 1983-84* (effective January 1, 1984) as amended by the *Statutes of Saskatchewan, 1984-85-86, c.45; 1986-87-88, c.14; 1988-89, c.42; 1989-90, c.46; 1992, c.9; 1997, c.T-22.2; 1999, c.21; 2000, c.L-5.1 and 50; and 2004, c.L-16.1 and 2010, c.E-9.22.*

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 M-17.1

An Act to Provide for the Taxation of Minerals

PART I

Short Title and Interpretation

Short title

1 This Act may be cited as *The Mineral Taxation Act, 1983*.

Interpretation

2(1) In this Act:

- (a) **Repealed.** 2000, c.L-5.1, s.340.
- (b) **“Crown”** means Her Majesty in right of Saskatchewan;
- (c) **“department”** means the department over which the minister presides;
- (d) **“mineral”** means any non-viable substance formed by the processes of nature, irrespective of chemical or physical state and both before and after production, but does not include any water, agricultural soil, sand or gravel or any other prescribed substance;
 - (d.1) **“mineral commodity”** means a mineral commodity as defined in *The Land Titles Act, 2000*;
- (e) **“mineral production tax”** means any tax imposed by this Act on the production or sale or other disposition of a scheduled mineral;
- (f) **“mineral right”** means the right existing in the owner of a mineral title to produce any of the mineral commodities that:
 - (i) are named in the mineral title; and
 - (ii) are within, on or under the parcel of land for which the mineral title was issued;
- (g) **“mineral rights tax”** means any tax imposed by this Act on or in respect of a mineral right;
 - (g.1) **“mineral title”** means a mineral title issued pursuant to *The Land Titles Act, 2000*;
- (h) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (i) **“owner”** means the registered owner of a mineral title, and includes a person who is deemed to be an owner pursuant to section 8;
- (j) **“person”** includes a corporation, company, syndicate, trust, firm, partnership, co-owner or party, and includes the successors, heirs, executors, administrators or other legal representatives of any such person;

- (k) “**prescribed**” means prescribed in the regulations;
 - (l) “**Schedule**” means a schedule to this Act;
 - (m) “**scheduled mineral**” means any mineral in respect of which a Schedule to this Act is enacted;
 - (n) “**taxpayer**” means any person who is liable to pay any of the taxes imposed by this Act.
- (2) Any word or expression used in this Act but not defined in this Act may be defined in the regulations.
- (3) The use or consumption of a scheduled mineral by a person who is liable to pay the mineral production taxes imposed by this Act on the production or sale or other disposition of that scheduled mineral is deemed to be a sale or other disposition of that scheduled mineral.

1983-84, c.M-17.1, s.2; 1989-90, c.46, s.3; 2000, c.L-5.1, s.340.

References to other enactments

- 3**(1) Any reference in this Act or in the regulations to any other Act or to an enactment of the Parliament of Canada includes a reference to any regulations, orders or other statutory instruments made pursuant to the Act or enactment.
- (2) Any reference in this Act or in the regulations to any enactment of the Parliament of Canada is deemed to be a reference to the enactment as it existed on May 1, 1983.

1983-84, c.M-17.1, s.3.

PART II
Mineral Production Taxes

Mineral production taxes

- 4** A tax is hereby imposed on the production or sale or other disposition of each scheduled mineral produced in Saskatchewan.

1983-84, c.M-17.1, s.4; 1989-90, c.46, s.4.

Calculation and payment of taxes

- 5** The mineral production taxes imposed by this Act on the production or sale or other disposition of a scheduled mineral are to be levied, calculated and paid in the manner and at the times required by or under the Schedule enacted in respect of that scheduled mineral.

1983-84, c.M-17.1, s.5; 1989-90, c.46, s.5.

Matters to be provided for in Schedules

6 Without limiting the generality of section 5, the following matters in respect of the mineral production taxes imposed by this Act on the production or sale or other disposition of a scheduled mineral are to be provided for in the Schedule enacted in respect of that scheduled mineral:

- (a) the determination of the persons or classes of persons who are to be liable to pay or remit such taxes;
- (b) the basis of calculation of such taxes, including any allowances, credits or other deductions that may be made or taken in calculating or paying such taxes;
- (c) the times at which such taxes are to be levied, calculated and paid;
- (d) any requirements in respect of the administration or collection of such taxes to the extent not otherwise provided for in this Act; and
- (e) the authority to make any regulations necessary or advisable in respect of the levying, calculation, payment or remittance of such taxes to the extent not otherwise provided for in this Act.

1983-84, c.M-17.1, s.6; 1989-90, c.46, s.6.

PART III
Mineral Rights Tax
INTERPRETATION

Interpretation

7 In this Part:

- (a) “**Mineral Rights Tax Administrator**” means the officer of the department in charge of the administration of the mineral rights tax;
- (b) “**nominal section**” means 259 hectares or 640 acres, depending on which measurement is shown on the plan approved by the Controller of Surveys for that parcel of land.

1983-84, c.M-17.1, s.7; 2000, c.L-5.1,s.341.

Deemed owners

8(1) Subject to subsection (2), if:

- (a) any mineral right is sold under a bona fide agreement of sale under the terms of which the purchaser becomes liable for payment of any taxes imposed on or in respect of that mineral right after the date of execution of the agreement or after another date specified in the agreement; and
- (b) the vendor or the purchaser under that agreement, or any assignee or successor in interest of either of them, has given to the minister written notice of that agreement and of any assignment of that agreement;

the purchaser under that agreement or any assignee or successor in interest of the purchaser is deemed to be the owner of that mineral right on and from the date of execution of that agreement or on and from any other date that may be specified in the agreement with respect to the payment of the taxes mentioned in clause (a).

- (2) Subsection (1) does not apply to an agreement of sale if:
- (a) the vendor is the Director appointed under the *Veterans' Land Act* (Canada); and
 - (b) the purchaser is a veteran who is qualified to participate in the benefits of the *Veterans' Land Act* (Canada);

unless the agreement of sale is assigned by the purchaser to a person who is not qualified to participate in the benefits of the *Veterans' Land Act* (Canada), and, if the agreement is so assigned, the assignee is deemed to be the owner of the mineral right to which the agreement relates only on and from the date on which he actually becomes liable by virtue of the assignment for payment of the taxes mentioned in clause (1)(a).

1983-84, c.M-17.1, s.8.

Extent of ownership of mineral title

9(1) Subject to subsection (2), each owner of a mineral title is deemed to own an area equal to the area in the parcel of land for which the mineral title was issued, whether or not there are other mineral commodities in the same parcel of land existing by virtue of one or more other mineral titles.

(2) Each owner of an undivided fractional or percentage interest in a mineral title is deemed to own an area in the parcel of land for which the mineral title was issued that is proportionate to that person's fractional or percentage interest in the mineral title.

2000, c.L-5.1, s.342.

Determination of area of mineral titles

10 Unless the area of any mineral title is otherwise determined to the satisfaction of the minister, that area is determined as follows:

- (a) if the area of any mineral title is shown on the plan approved by the Controller of Surveys for that parcel of land in acres or hectares, the area of that mineral title is the number of nominal sections obtained when that area is divided by the area of a nominal section;
- (b) if the area of any mineral title is not described on a plan approved by the Controller of Surveys for that parcel of land, the area of that mineral title is deemed to be one eighth of a nominal section.

2000, c.L-5.1, s.342.

TAX

Mineral rights tax

11 Except as otherwise provided in this Part, every owner of a mineral right is liable for and shall pay in each year a tax in the amount of \$960 for each nominal section of the aggregate area of all mineral rights owned by him in the year, and a *pro rata* amount for any area of any mineral rights owned by him that is not a full nominal section.

1983-84, c.M-17.1, s.11; 1986-87-88, c.14, s.3;
1992, c.9, s.3.

Exemptions from tax

12 The mineral rights tax does not apply to any mineral right in any lands the surface of which is:

- (a) included in the right of way, station grounds, yards or terminals of any railway;
- (b) within the boundaries of any city, town or village; or
- (c) subdivided into lots intended for residential or business purposes, or both, or for a cemetery, and for which:
 - (i) the Controller of Surveys has approved a plan of subdivision; and
 - (ii) the Registrar of Titles has issued titles.

1983-84, c.M-17.1, s.12; 2000, c.L-5.1, s.343.

Small holdings by individuals

13(1) If an owner is an individual, the mineral rights tax imposed on him for any year applies only to the aggregate area of all mineral rights owned by him in the year that exceeds five nominal sections.

(2) For the purposes of subsection (1), the area of mineral rights held in trust for an individual by a corporation that:

- (a) holds a valid licence under *The Trust and Loan Corporations Act, 1997*; and
- (b) has delivered to the minister a certificate in the prescribed form identifying and describing the mineral rights held in trust by it and the individual for whom they are held in trust;

is to be included in determining the aggregate area of mineral rights owned by the individual.

1983-84, c.M-17.1, s.13; 1997, c.T-22.2, s.90.

Small holdings by agricultural corporations

13.1(1) Subject to subsection (2), if an owner is an agricultural corporation, the mineral rights tax imposed on it for any year applies only to the aggregate area of all mineral rights owned by it in the year that exceeds five nominal sections.

(2) An agricultural corporation shall follow any procedures and comply with any requirements that may be prescribed respecting qualifying for and claiming the exemption set out in subsection (1).

(3) The Lieutenant Governor in Council may make regulations:

- (a) defining any term that is used in this section but not defined in this Act;
- (b) governing the requirements which must be met and the procedure which must be followed to qualify for and claim an exemption described in subsection (1).

1986-87-88, c.14, s.4

Small amounts of tax

14 If the amount of the mineral rights tax imposed on an owner for any year would, but for this section, be less than \$100, the amount of that tax for that year is deemed to be nil.

1983-84, c.M-17.1, s.14; 1986-87-88, c.14, s.5.

GENERAL**Determination of liability to pay tax**

15(1) Subject to subsection (2), the liability of an owner to pay the mineral rights tax for any year is to be determined on May 1 in that year in accordance with the records of the department on that date.

(2) The liability of a person who becomes the owner of a mineral right after May 1 in any year in the circumstances mentioned in subsection 17(2) to pay the mineral rights tax for that year in respect of that mineral right is determined on the day on which he becomes the owner of that mineral right.

1983-84, c.M-17.1, s.15.

Manner and time of payment

16(1) Each owner who is liable to pay the mineral rights tax shall remit the mineral rights tax to the minister in the manner and at the times provided in this Act and in the regulations.

(2) Subject to subsection (3), each owner shall remit the mineral rights tax for which he is liable for any year to the minister on or before June 30 in the year.

(3) A person who becomes the owner of a mineral right after May 1 in any year in the circumstances mentioned in subsection 17(2) shall remit the mineral rights tax for which he is liable for that year in respect of that mineral right to the minister within 60 days after the day on which he becomes the owner of that mineral right.

1983-84, c.M-17.1, s.16.

Consequences of transfers of mineral rights holdings

17(1) If at any time on or after December 10, 1973:

- (a) the owner of a mineral right, other than an individual, transfers or agrees to transfer all or any part of that mineral right to an individual who becomes the owner of that mineral right as a result of the transfer or agreement; and
- (b) after the time when the transfer or agreement takes effect, no mineral rights tax is or will become payable by that individual with respect to the whole or any part of that mineral right as a result of the operation of section 13;

the transfer or agreement has no force or effect for the purposes of this Part unless, at the time at which the transfer or agreement takes effect:

- (c) the person transferring or agreeing to transfer and the transferee are, in the opinion of the minister, dealing at arms length; and
- (d) the person transferring or agreeing to transfer that mineral right:
 - (i) retains no interest in that mineral right by way of lease, *profit a prendre* or other similar interest;
 - (ii) retains no right, option or privilege to acquire or re-acquire that mineral right or any interest in that mineral right described in subclause (i); and
 - (iii) retains no right, option or privilege to require or direct that any interest in that mineral right be transferred or conveyed to any other person.

(2) If:

- (a) an individual who is the owner of a mineral right transfers or agrees to transfer all or any part of that mineral right to a person, other than an individual, who becomes the owner of that mineral right as a result of the transfer or agreement; and
- (b) before the time when the transfer or agreement takes effect, no mineral rights tax was payable by that individual with respect to any mineral right as a result of the operation of section 13;

the amount of the mineral rights tax payable with respect to that mineral right by the person who becomes the owner of the mineral right for the year in which he becomes the owner is that portion of the amount otherwise payable with respect to the mineral right for the year that is proportionate to the portion of the year during which he is the owner.

Arrears of taxes

18(1) If any mineral rights tax remains unpaid on May 31 in the year following the year in which the tax becomes due and payable, the Mineral Rights Tax Administrator shall, as soon as possible after that date:

- (a) obtain from the Registrar of Titles a certified copy of the mineral title for the mineral right with respect to which the default occurred;
 - (b) register an interest against the mineral title based on a warning of impending forfeiture of the owner's mineral right;
 - (c) send a notice, by registered mail, in accordance with subsection (2), to:
 - (i) the owner of the mineral right, at the address of the owner shown on the certified copy of the mineral title mentioned in clause (a); and
 - (ii) each person other than the owner who appears by the certified copy to have an interest in the mineral right.
- (2) The notice mentioned in clause (1)(c) must contain:
- (a) a description of the mineral right and the land within, on or under which the mineral right is situated;
 - (b) a statement of the amount of the arrears and of the costs of the forfeiture proceedings, which costs other than the cost of publication of a notice pursuant to subsection (5) are deemed to be \$6; and
 - (c) a statement that, unless the arrears, together with the costs mentioned in clause (b), are paid on or before the date set out in the notice, the mineral right will be forfeited to and become the property of the Crown.
- (3) For the purposes of clause (2)(c), the date set out in the notice may not be less than six months from the date of the mailing of the notice.
- (4) Notwithstanding clause (1)(c), if the address of the owner shown on the certified copy of the mineral title is, in the opinion of the Mineral Rights Tax Administrator, an address that is insufficient for the purpose of mailing to the owner the notice mentioned in that clause, the Mineral Rights Tax Administrator may, if he or she is aware of the mailing address of the owner, send the notice, by registered mail, to the owner at that mailing address.
- (5) If the whereabouts of the owner are unknown after all reasonable efforts have been made to ascertain his or her address, the Mineral Rights Tax Administrator shall cause the notice mentioned in clause (1)(c) to be published in two consecutive issues of each of two newspapers published in Saskatchewan and circulating in the area in which the mineral right mentioned in the notice is situated, and the publication of the notice in that manner is deemed to be sufficient service of the notice on the owner.
- (6) The costs of forfeiture proceedings mentioned in clause (2)(b) and the cost of publication of a notice in the newspaper pursuant to subsection (5) are added to and form part of the arrears.

- (7) If, on or before the date specified in the notice mentioned in this section, the amount of the arrears is paid in full, the Mineral Rights Tax Administrator shall apply to the Registrar of Titles to discharge any interest registered pursuant to clause (1)(b).
- (8) If the whole or any part of the arrears remains unpaid on the date set out in the notice mentioned in this section, the minister may apply to the Registrar of Titles for a transfer of title.
- (9) An application pursuant to subsection (8) must be accompanied by:
- (a) a copy of the notice mentioned in this section; and
 - (b) an affidavit or declaration by a person having knowledge of the facts, stating that:
 - (i) the notice was sent by registered mail to each person mentioned in clause (1)(c) in accordance with the requirements of this section; and
 - (ii) where required, the notice was published in accordance with subsection (5).
- (10) An affidavit or declaration pursuant to clause (9)(b) is deemed to be conclusive proof that the person named in it has been served with the notice or that the notice has been published in accordance with this section, as the case may be.
- (11) On receipt of an application by the minister that meets the requirements of this section, the Registrar of Titles shall issue a mineral title to the Crown for the parcel of land affected, clear of all registered interests.
- (12) Section 18 of *The Land Titles Act, 2000* does not apply to any mineral right in the parcel of land for which a mineral title is issued pursuant to subsection (11).
- (13) The notice required to be sent pursuant to this section is not invalidated:
- (a) by reason of the non-receipt of the notice by the person to whom it is addressed; or
 - (b) by reason of its publication in accordance with subsection (5) not having come to the attention of the owner.
- (14) The mineral title issued to the Crown pursuant to this section is final and binding and not open to question in any court.

2000, c.L-5.1, s.344.

Surrender of mineral right in payment of tax

19 If any mineral rights tax is not paid when due and if the mineral right is otherwise free and clear of charges and other encumbrances, the owner of that mineral right may, with the consent of the minister, transfer and surrender that mineral right to the Crown in full and final satisfaction of the amount of the unpaid mineral rights tax, and the minister may accept such transfer and surrender subject to any terms and conditions that he may consider appropriate to impose.

1983-84, c.M-17.1, s.19.

PART IV
Administration and Enforcement
 GENERAL

Books and records

20(1) Every taxpayer shall keep in Saskatchewan proper books and records, including any books, records, information and particulars that may be prescribed, with respect to his interest in all scheduled minerals and all mineral rights.

(2) Notwithstanding subsection (1), the minister may, on application by a taxpayer, permit books and records to be kept at a location outside Saskatchewan if the taxpayer undertakes to make those books and records available to the minister on terms and conditions satisfactory to the minister.

1983-84, c.M-17.1, s.20.

Returns

21(1) Except as otherwise provided in this Act or in the regulations, every taxpayer who remits an amount to the minister with respect to any of the taxes imposed by this Act shall remit that amount together with a return on a form supplied or approved by the department.

(2) The minister may demand in writing, from any taxpayer or from any other person believed to have knowledge relevant to the imposition, calculation or payment of any of the taxes imposed by this Act, that the taxpayer or other person make a return to the minister containing any information necessary to enable the minister to make a full and complete determination of the amount of any of the taxes imposed by this Act or of the liability of any person to pay any of the taxes imposed by this Act, and, on receipt of the demand, the taxpayer or other person shall immediately make and deliver the return to the minister.

(3) Nothing in this Act abrogates the privilege otherwise existing between a solicitor and his client.

1983-84, c.M-17.1, s.21; 1989-90, c.46, s.7.

Interest

22(1) Every taxpayer shall pay interest to the minister on any amount that is not paid or remitted as and when required by this Act or the regulations at the prescribed rate, calculated from the day on which that amount should have been paid or remitted to the day on which it is paid or remitted.

(2) Subject to section 22.1, the minister shall refund to a taxpayer who has remitted an amount to the minister on account of any of the taxes imposed by this Act that is in excess of the amount for which the taxpayer is liable under this Act in respect of those taxes and shall pay interest to the taxpayer on that excess amount at the prescribed rate, calculated from the day on which that excess amount was remitted to the day on which it is refunded.

1983-84, c.M-17.1, s.22; 1986-87-88, c.14, s.6.

Requests for refunds

22.1(1) A taxpayer who has remitted an amount to the minister on account of taxes imposed by this Act that is in excess of the amount for which he is liable under this Act shall apply for a refund of that excess amount within three years of the day on which he remits that amount to the minister.

(2) Notwithstanding *The Limitations Act*, no action shall be brought against Her Majesty in right of Saskatchewan, any member of the Executive Council or any officer or employee of Her Majesty in right of Saskatchewan by any taxpayer to recover any amount remitted by him to the minister on account of taxes imposed by this Act that is in excess of the amount for which he is liable under this Act after the expiration of three years from the day on which he remitted that excess amount to the minister.

1986-87-88, c.14, s.7; 2004, c.L-16.1, s.59.

Taxes, etc., debt due to Crown

23 Any amount required by or pursuant to this Act or the regulations to be paid or remitted to the minister is a debt due to the Crown and may be recovered in any manner provided for in this Act or the regulations.

1983-84, c.M-17.1, s.23.

Exercise of remedies

24 Each of the remedies and rights of action provided in this Act may be exercised in addition to any other remedy or right of action that may be exercised pursuant to this or any other Act.

1983-84, c.M-17.1, s.24.

Investigations

25(1) When it is considered by the minister to be necessary for the purposes of this Act, the minister or any officer of the department authorized by the minister to do so may at any time enter upon any premises for the purposes of making enquiries and obtaining information relating to the administration of this Act, and for any of those purposes he may use all machinery, equipment, appliances and things as he considers necessary or expedient, and is entitled:

(a) to be given free ingress and egress to, from and over all buildings and structures used in connection with the operation of any facility from, at or in which any scheduled minerals are produced, sold or otherwise disposed of, treated, processed or refined in any way, or any building or office, whether or not occupied by a taxpayer, at which any books or records pertaining to the production, sale or other disposition, treatment, processing or refining of any scheduled minerals are kept;

(b) to take from any facility mentioned in clause (a) any samples or specimens that he may consider necessary for the purpose of determining the quantity or quality of any scheduled minerals; and

(c) to be given full and complete access to all books of account, records, ledgers and other documents kept or used for or in connection with the work and business of any facility mentioned in clause (a) or with the sale or other disposition of any scheduled minerals, whether maintained in written, typewritten, printed or photographic film form or entered or recorded by any system of mechanical or electronic data processing or information storage, and may examine and take copies or extracts from those documents.

(2) Except insofar as it is necessary to do so for the purposes of this Act or any other Act administered by the department, no person shall communicate or disclose any confidential information acquired under this Act to anyone in such a manner that it is possible from any such communication or disclosure to relate the information to the taxpayer or other person from whom it was acquired.

1983-84, c.M-17.1, s.25; 1989-90, c.46, s.8.

Reciprocal agreements

25.1(1) The minister may enter into agreements on behalf of the Government of Saskatchewan with:

- (a) the Government of Canada; or
- (b) the government of any other province or territory of Canada;

respecting a reciprocal exchange of information relevant to the administration of this Act or similar legislation of a government mentioned in clause (a) or (b).

(2) Notwithstanding subsection 25(2) but subject to subsection (3), where the minister has entered into an agreement pursuant to subsection (1), the minister may:

- (a) authorize the release of any information or the contents of any record or return; or
- (b) allow inspection of or access to any information, record or return;

to any person employed by the government that has entered into the agreement with the minister.

(3) No release shall be authorized and no inspection or access shall be allowed pursuant to subsection (2) unless the government mentioned in that subsection:

- (a) agrees to communicate or make accessible to the minister on a reciprocal basis the information, records and returns obtained by that government for the purposes of any legislation mentioned in subsection (1); and
- (b) agrees that it will not use any information, records or returns communicated or made accessible by the minister for any purpose other than the administration and enforcement of any legislation mentioned in subsection (1) of that government.

1989-90, c.46, s.9.

Assessments

26(1) The minister may assess or from time to time reassess the amount of any taxes imposed by this Act, and of any interest, penalties or other amounts that may be payable pursuant to this Act in respect of those taxes:

- (a) within four years after the day on which those taxes became due and payable under this Act; or
- (b) at any time, if the taxpayer:
 - (i) has made any misrepresentation that is attributable to neglect, carelessness or wilful default or has committed any fraud in connection with the calculation or payment of those taxes; or
 - (ii) has filed with the minister a waiver in a form acceptable to the minister within four years after the day on which those taxes became due and payable under this Act.

(2) The minister shall send notice of any assessment or reassessment under subsection (1) to the taxpayer in the prescribed form, and any amount that is assessed or reassessed by the minister to be payable by the taxpayer is to be paid within 30 days after the mailing of the notice of assessment or reassessment, whether or not an appeal of the assessment or reassessment is taken.

(3) Liability for the taxes imposed by this Act, and for any interest, penalties or other amounts that may be payable pursuant to this Act in respect of those taxes, is not affected by an incorrect or incomplete assessment or reassessment under this section or by the fact that no assessment or reassessment has been made under this section.

1983-84, c.M-17.1, s.26; 1999, c.21, s.3.

Appeals

27(1) A taxpayer who objects to any assessment or reassessment, notice of which is sent to him under section 26, may appeal the assessment or reassessment within 90 days after the day on which the notice of the assessment or reassessment is mailed but shall, before and as a condition precedent to, commencing the appeal, pay to the minister the amount required to be paid as a result of the assessment or reassessment and may then commence the appeal by delivering to the Board of Revenue Commissioners, either personally or by registered mail, written notice of his appeal setting out the reasons for his objection to the assessment or reassessment and the allegations of fact and law on which he relies to support his objections to the assessment or reassessment.

(2) On an appeal under this section, the Board of Revenue Commissioners may confirm, reduce, increase or vary the assessment or reassessment, or may refer the matter back to the minister for further assessment or reassessment in accordance with this Act.

(3) Sections 21, 22 and 23 of *The Revenue and Financial Services Act* apply to appeals under this section.

(4) In any appeal by a taxpayer under this section, the onus of proof of the allegations of fact and law on which the taxpayer relies to support his objections to the assessment or reassessment is on the taxpayer.

(5) In any appeal under this section or in any action under this Act, any person or any officer, director or agent of any corporation, whether or not the person or corporation is a party to the appeal or to the action, may be examined on oath and shall make production on oath of any documents, records or things that may be in the possession or under the control of the person or corporation and may be required to attend for examination and to make production in the same manner as a party to an action in Her Majesty's Court of Queen's Bench for Saskatchewan may be required to attend for examination and to make production, but this subsection does not apply to the minister or to any officer or servant of the Crown.

1983-84, c.M-17.1, s.27; 1988-89, c.42, s.64.

PENALTIES

Penalties re returns, etc.

28(1) Subject to subsection (2), every person who:

(a) fails to deliver any return, notice or other document that he is required to deliver under this Act or the regulations is liable for and shall pay to the minister a penalty of:

(i) in the case of any return required by section 21, \$50 for each day after the day on which he was required to deliver the return;

(ii) in any other case, \$10 for each day after the day on which he was required to deliver the return, notice or other document;

(b) fails to complete any information required on any return, notice or other document that he is required to deliver pursuant to this Act or the regulations is liable for and shall pay to the minister a penalty of:

(i) in the case of any return required by section 21, \$50 for each day after the day on which he delivered the return until the day on which complete information is delivered to the minister;

(ii) in any other case, \$10 for each day after the day on which he delivered the return, notice or other document until the day on which complete information is delivered to the minister.

(2) The minister may waive any penalty imposed pursuant to subsection (1) or may fix a penalty at a lesser amount with respect to any particular failure.

1983-84, c.M-17.1, s.28.

Evasion of tax

29 Every person who wilfully attempts to evade payment of any of the taxes imposed by this Act is liable for and shall pay to the minister a penalty in an amount equal to 50% of the amount of the tax sought to be evaded or any lesser amount that the minister may demand.

1983-84, c.M-17.1, s.29.

Penalties cumulative

30 Except as otherwise expressly provided in this Act or the regulations, any penalty provided for in this Act may be imposed notwithstanding that some other penalty may also be imposed in the same or similar circumstances.

1983-84, c.M-17.1, s.30.

OFFENCES**General offence and penalty**

31 Subject to sections 32, 33 and 34, every person who knowingly contravenes any provision of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not less than \$100 nor more than \$5,000, to imprisonment for a term of not more than six months or to both such fine and imprisonment.

1983-84, c.M-17.1, s.31.

Offences re returns

32 Every person who knowingly fails to deliver any return, notice or other document that he is required to deliver pursuant to this Act or the regulations or who knowingly fails to complete any information required on any such return, notice or other document is guilty of an offence and, in addition to any penalty that may be imposed pursuant to section 28 or 29, liable on summary conviction:

(a) in the case of any return required by section 21, to a fine of not less than \$1,000 nor more than \$10,000, to imprisonment for a term of not more than six months or to both such fine and imprisonment;

(b) in any other case, to a fine of not less than \$100 nor more than \$5,000.

1983-84, c.M-17.1, s.32.

False statements

33 Every person who knowingly:

(a) makes or signs any false statement;

(b) furnishes any false or incorrect information to the minister or to any officer of the department with respect to any matter or thing with respect to which information is required under this Act; or

(c) keeps, causes or permits to be kept any false or incorrect books of account or other records regarding anything required under this Act;

is guilty of an offence and, in addition to any penalty otherwise provided for in this Act, liable on summary conviction to a fine of not less than \$1,000 nor more than \$10,000, to imprisonment for a term of not more than six months or to both such fine and imprisonment.

1983-84, c.M-17.1, s.33.

Evasion of tax

34 Every person who, in any manner whatever, wilfully attempts to evade payment of any of the taxes imposed by this Act, or who conspires with any other person to evade payment of any such taxes, is guilty of an offence and, in addition to any penalty that may be imposed pursuant to section 28 or 29, liable on summary conviction to a fine of not less than 25% nor more than 200% of the amount of tax sought to be evaded, to imprisonment for a term of not more than six months or to both such fine and imprisonment.

1983-84, c.M-17.1, s.34.

Liability of directors, etc.

35 If a corporation has committed an offence provided for in this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence and is liable on summary conviction to the punishment provided for the offence, whether or not the corporation has been prosecuted or convicted.

1983-84, c.M-17.1, s.35.

RECOVERY OF TAX

Taxes, etc., constitute lien

36(1) Notwithstanding *The Enforcement of Money Judgments Act* or any other Act, all taxes imposed by this Act, and all interest, penalties and other amounts payable pursuant to this Act in respect of those taxes, constitute a first lien, charge and encumbrance in favour of the Crown:

- (a) in the case of any mineral rights tax, on all mineral rights of which the taxpayer is an owner;
- (b) in the case of any mineral production taxes, on the interest of the taxpayer in any minerals and in any mineral rights, whether as owner or otherwise, and in any facility from, at or in which any minerals are produced, treated, processed or refined in any way;

in priority to every claim, privilege, lien or encumbrance of any other person, whether the right or title of the other person accrued before or accrues after the attaching of the first lien, charge and encumbrance.

(2) The priority of the first lien, charge and encumbrance described in subsection (1) is not lost or impaired by any neglect, omission or error of any official, officer or person, by want of registration or by the tender or acceptance of any partial payment of such amounts, and the first lien, charge and encumbrance may be realized by the seizure and sale of the whole or any parts of the estate to which it attaches to the extent necessary to satisfy the liability of the taxpayer under this Act.

1983-84, c.M-17.1, s.36.

Priority re amounts owed

36.1(1) In this section, ‘**enforcing judgment creditor**’ means enforcing judgment creditor as defined in *The Enforcement of Money Judgments Act*.

(2) Notwithstanding *The Enforcement of Money Judgments Act*, all amounts owed to the Crown with respect to taxes imposed by this Act, and all interest, penalties and other amounts payable pursuant to this Act with respect to those taxes:

- (a) have priority over the claims of all enforcing judgment creditors of the taxpayer, whether or not the Crown is also an enforcing judgment creditor with respect to those amounts; and
- (b) in the case of the assets of the taxpayer mentioned in section 36, also have the priority granted by that section.

2010, c.E-9.22, s.201.

Injunction

37 For the purpose of facilitating the recovery of any amount due and owing pursuant to this Act, or if the payment of any accrued or future amount appears to the minister to be in danger, the minister may apply *ex parte* to a judge of Her Majesty’s Court of Queen’s Bench for Saskatchewan for:

- (a) an injunction or an order in the nature of an injunction;
- (b) the appointment of a receiver with all necessary powers; or
- (c) any other relief or remedy that seems necessary or expedient for securing payment of the amount;

and the judge may grant an injunction or make any other order on any terms and conditions that he considers proper.

1983-84, c.M-17.1, s.37.

Production of documents, obstruction

38 If, contrary to this Act, any person refuses or neglects to permit the minister or any authorized officer of the department to examine, inspect or make copies of any books, records or documents mentioned in section 25 in the custody or under the control of that person, or if any person obstructs the minister or any officer of the department in the performance of any of his duties pursuant to this Act, the minister may apply *ex parte* to a judge of Her Majesty’s Court of Queen’s Bench for Saskatchewan, and the judge may order the production and delivery of any books, records or documents for inspection and copying or may enjoin that person from such obstruction.

1983-84, c.M-17.1, s.38.

Set-off of amounts payable by the Crown

39(1) If any amount due and owing pursuant to this Act is not paid when due, the minister may require the retention by way of deduction or set-off of any amount that he may specify out of any amount that is or may become payable by the Crown to the taxpayer or to any other person on behalf or for the benefit of the taxpayer.

(2) Subsection (1) does not apply to any amount payable to a taxpayer by a corporation that is declared by an Act to be an agent of the Crown.

1983-84, c.M-17.1, s.39.

Suit to recover taxes, etc.

40 If any amount due and owing pursuant to this Act is not paid, it may be recovered with costs from any person liable for its payment by an action to be tried in any court of competent jurisdiction.

1983-84, c.M-17.1, s.40.

**PART V
General**

Exemption from tax

41 The Lieutenant Governor in Council may make regulations exempting, in whole or in part and on any terms or conditions that he may impose:

- (a) any scheduled mineral or class of scheduled minerals from the imposition of any mineral production tax;
- (b) any mineral right or class of mineral rights from the imposition of any mineral rights tax;
- (c) a class of persons from liability to pay or remit any of the taxes imposed by this Act;

and may authorize a refund or partial refund of any taxes paid before the exemption is ordered.

1983-84, c.M-17.1, s.41.

Compromise of tax

42 If the Lieutenant Governor in Council considers it to be in the public interest not to demand payment of the whole of any amount payable pursuant to this Act, he may compromise and settle the matter by accepting any lesser amount that he considers proper and may authorize a refund or partial refund of any amount paid before the lesser amount is accepted.

1983-84, c.M-17.1, s.42.

Enlargement of time

43 The Lieutenant Governor in Council may make regulations enlarging the time for:

- (a) the payment of any amount payable pursuant to this Act;
- (b) doing any other act or thing required to be done pursuant to this Act;
- (c) filing or delivering any return, notice or other document, the filing or delivery of which is required or provided for in this Act.

1983-84, c.M-17.1, s.43.

Regulations

44 The Lieutenant Governor in Council may make regulations:

- (a) prescribing the form and contents of any return, notice or other document that is required by this Act to be filed or delivered;
- (b) requiring that any return, notice or other document that is required by this Act to be filed or delivered be made on a form supplied or approved by the department.

1989-90, c.46, s.10.

45 Repealed. 2000, c.50, s.15.

Regulations

46(1) For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make regulations:

- (a) prescribing any matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (b) respecting any other matter that he considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Notwithstanding any other Act or law, any regulation made pursuant to this Act may be made retroactive to a date not earlier than January 1, 1984, but no such regulation may be made retroactive to a date that is more than two years before the date on which it is made.

1983-84, c.M-17.1, s.46.

Transitional

47(1) Subject to subsection (2), the taxes payable pursuant to *The Mineral Taxation Act* do not apply to any mineral for any period after December 31, 1983.

(2) The taxes payable pursuant to section 3 of *The Mineral Taxation Act* continue to apply, until December 31, 1984, to any owner who is a party to a Potash Resource Payment Agreement approved and signed on behalf of the Crown pursuant to Order in Council 1788/79 in respect of any lands to which that agreement applies.

(3) An owner is not liable to pay any mineral rights tax under this Act to the extent that he continues to be liable to pay the tax imposed by section 3 of *The Mineral Taxation Act* by virtue of subsection (2).

1983-84, c.M-17.1, s.47.

FIRST SCHEDULE
Freehold Coal Production Tax
 INTERPRETATION

Interpretation

1(1) In this Schedule:

- (a) **“freehold coal”** means all coal that is produced from or allocated to any lands in Saskatchewan, other than any lands held under a disposition of Crown mineral lands under *The Crown Minerals Act*;
- (b) **“mine”** means any opening in or excavation of the ground in Saskatchewan from which coal is or is capable of being produced;
- (c) **“producer”**, when used with respect to a mine, means the person who has the right to produce coal from that mine, whether he does so himself or through any other person;
- (d) **“quarter”** means a calendar quarter ending on March 31, June 30, September 30 or December 31 in each year;
- (e) **“unit”** means a tonne of 1,000 kilograms.

(2) For the purposes of this Schedule:

- (a) related persons, as determined in accordance with the *Income Tax Act* (Canada), are deemed not to deal with each other at arm’s length; and
- (b) it is a question of fact whether persons not related to each other, as determined in accordance with the *Income Tax Act* (Canada), were at a particular time dealing with each other at arm’s length.

1983-84, c.M-17.1; 1984-85-86, c.45, s.7.

Average selling price

2 Except as otherwise approved by the minister, the average selling price of any freehold coal produced from a mine that is sold, used, consumed or otherwise disposed of in a quarter is, for the purposes of this Schedule, equivalent to the weighted average selling price of all coal produced from the mine that is sold by or on behalf of the producer during that quarter in arm’s length transactions, which weighted average selling price is calculated by multiplying the actual selling prices of all units of such coal so sold during the quarter by the respective number of units of such coal to which such actual selling prices were applied, and dividing the product so obtained by the total number of units of such coal so sold during the quarter.

1983-84, c.M-17.1.

Fair market value

3 Except as otherwise approved by the minister, the fair market value of any freehold coal produced from a mine that is sold, used, consumed or otherwise disposed of in a quarter is, for the purposes of this Schedule, equivalent to the weighted average selling price of all coal sold by or on behalf of all producers during that quarter in arm's length transactions, which weighted average selling price is calculated by multiplying the actual selling prices of all units of such coal so sold during the quarter by the respective number of units of such coal to which such actual selling prices were applied, and dividing the product so obtained by the total number of units of such coal so sold during the quarter.

1983-84, c.M-17.1.

Net value of freehold coal

4 For the purposes of this Schedule, the net value of the freehold coal produced from a mine that is sold, used, consumed or otherwise disposed of in a quarter is the amount by which the aggregate of:

- (a) the product obtained when the average selling price of all freehold coal produced from the mine that is sold during the quarter by or on behalf of the producer to a person with whom he was then dealing at arm's length is multiplied by the number of units of such freehold coal;
- (b) the product obtained when the greater of the average selling price and the fair market value of all freehold coal produced from the mine that is sold during the quarter by or on behalf of the producer to a person with whom he was then not dealing at arm's length is multiplied by the number of units of such freehold coal;
- (c) the product obtained when the greater of the average selling price and the fair market value of all freehold coal produced from the mine that is used or consumed during the quarter by the producer or by any other person at the direction or with the concurrence of the producer is multiplied by the number of units of such freehold coal; and
- (d) the product obtained when the greater of the average selling price and the fair market value of all freehold coal produced from the mine that is disposed of in any other manner during the quarter by or on behalf of the producer is multiplied by the number of units of such freehold coal;

exceeds the ex-mine cost allowance of the mine for that quarter.

1983-84, c.M-17.1.

Determination of ex-mine cost allowance

5 For the purposes of section 4, the ex-mine cost allowance of a mine for any quarter is the amount obtained by multiplying the number of units of freehold coal produced from the mine that are sold, used, consumed or otherwise disposed of during that quarter by the rate of ex-mine cost allowance approved by the minister for the mine for that quarter.

1983-84, c.M-17.1.

TAX

Application

6 The mineral production taxes imposed by this Act apply to the production of all freehold coal produced in Saskatchewan on or after January 1, 1984, and are to be levied, calculated and paid in the manner and at the times provided in this Schedule and in the regulations.

1983-84, c.M-17.1.

Calculation

7 The mineral production taxes imposed by this Act on the production of freehold coal are to be calculated for each quarter in respect of each mine by multiplying the net value of the freehold coal produced from the mine that is sold, used, consumed or otherwise disposed of in that quarter by the rates of tax prescribed for that quarter.

1983-84, c.M-17.1.

Time of payment

8 Each producer is liable for the mineral production taxes imposed by this Act on the production of freehold coal produced from the mine with respect to which he is a producer and shall pay those taxes within 30 days after the last day of the quarter for which they are calculated.

1983-84, c.M-17.1.

INFORMATION

Notification to minister re contracts

9(1) Every producer shall inform the minister in writing of:

- (a) the prices at which coal is to be sold or otherwise disposed of pursuant to; and
- (b) any other terms of;

any contract he has entered into for the sale or other disposition of any coal produced or to be produced from a mine:

- (c) if the contract is entered into prior to January 1, 1984, on or before March 30, 1984;
- (d) if the contract is entered into on or after January 1, 1984, within 60 days after entering into the contract.

(2) A producer shall, on demand of the minister, furnish to the minister a copy of any contract mentioned in subsection (1) that is in writing.

(3) A producer shall immediately inform the minister of any change in any of the terms of any contract mentioned in subsection (1) and, if the change is in writing, shall furnish a copy of the change to the minister on demand of the minister.

1983-84, c.M-17.1.

GENERAL

Deductions, etc., not permitted

10 Except as otherwise provided in this Schedule or in the regulations, no allowance, credit or other deduction may be made or taken in calculating or paying any taxes under this Schedule.

1983-84, c.M-17.1.

Reference to Schedule

11 This Schedule may be referred to for all purposes as *The Freehold Coal Production Tax Schedule*.

1983-84, c.M-17.1.

SECOND SCHEDULE
Sodium Chloride Production Tax
 SHORT TITLE AND INTERPRETATION

Short title of Schedule

1 This Schedule may be cited as *The Sodium Chloride Production Tax Schedule*.

1989-90, c.46, s.11.

Interpretation of Schedule

2 In this Schedule:

- (a) “**mine**” means any opening in or excavation of the ground in Saskatchewan from which sodium chloride is or is capable of being produced;
- (b) “**producer**” means a person who has the right to produce and sell or otherwise dispose of sodium chloride from a mine, whether that person does so himself or herself or through any other person;
- (c) “**quarter**” means a calendar quarter ending on March 31, June 30, September 30 or December 31 in each year;
- (d) “**unit**” means a tonne of 1000 kilograms.

1989-90, c.46, s.11.

TAX

Application

3 The mineral production taxes imposed by this Act:

- (a) apply to all sodium chloride that is:
 - (i) produced from any lands in Saskatchewan; and
 - (ii) sold or otherwise disposed of on or after July 1, 1988; and
- (b) are to be levied, calculated and paid in the manner and at the times provided in this Schedule and in the regulations.

1989-90, c.46, s.11.

Calculation

4 The mineral production taxes imposed by this Act on the sale or other disposition of sodium chloride are to be calculated for each quarter with respect to each mine by multiplying the quantity of dry sodium chloride produced from the mine measured in tonnes that is sold or otherwise disposed of in that quarter by the rates of tax prescribed for that quarter.

1989-90, c.46, s.11.

Determination by minister

5 The minister may determine any questions that arise from time to time in determining the amount of tax payable, including, without limiting the generality of the foregoing, the power to determine the quantity of dry sodium chloride produced, sold or otherwise disposed of during any period of time.

1989-90, c.46, s.11.

Time of payment

6 Each producer:

- (a) is liable for the mineral production taxes imposed by this Act on the sale or other disposition of sodium chloride produced from the mine with respect to which he or she is a producer; and
- (b) shall pay to the minister the taxes mentioned in clause (a) within the period prescribed in the regulations.

1989-90, c.46, s.11.

Taxes not paid until received

7 No taxes that are payable pursuant to this Schedule are paid until the amount that is required to be paid is received by the minister.

1989-90, c.46, s.11.

INFORMATION

Notification re contracts

8(1) Every producer shall inform the minister in writing of the quantity of sodium chloride sold or otherwise disposed of pursuant to, and any other terms of, any contract the producer has entered into for the sale or other disposition of any sodium chloride produced or to be produced from a mine:

- (a) if the contract is entered into prior to the day of assent, within 60 days of the day of assent; or
- (b) if the contract is entered into on or after the day of assent, within 60 days of entering into the contract.

(2) A producer shall, on the demand of the minister, provide a copy of any contract mentioned in subsection (1) that is in writing.

- (3) A producer shall:
- (a) immediately inform the minister of any change in any of the terms of any contract mentioned in subsection (1); and
 - (b) if the change is in writing, furnish a copy of the change to the minister on the demand of the minister.

1989-90, c.46, s.11.

GENERAL

Deductions, etc. not permitted

9 Except as otherwise provided in this Schedule or in the regulations, no allowance, credit or other deduction may be made or taken in calculating or paying any taxes pursuant to this Schedule.

1989-90, c.46, s.11.

THIRD SCHEDULE Potash Production Tax SHORT TITLE AND INTERPRETATION

Short title of Schedule

1 This Schedule may be cited as *The Potash Production Tax Schedule*.

1989-90, c.46, s.12.

Interpretation of Schedule

2 In this Schedule:

- (a) “**mine**” means any opening in or excavation of the ground in Saskatchewan from which potash is or is capable of being produced;
- (b) “**month**” means a calendar month;
- (c) “**potash**” means a non-viable substance that:
 - (i) is formed by the processes of nature; and
 - (ii) contains the element potassium;
- (d) “**producer**” means a person who has the right to produce and sell or otherwise dispose of potash from a mine, whether that person does so himself or herself or through any other person;
- (e) “**quarter**” means a calendar quarter ending on March 31, June 30, September 30 or December 31 in each year;
- (f) “**tonne**” means a metric tonne;
- (g) “**year**” means a calendar year.

1989-90, c.46, s.12.

TAX

Application

- 3(1)** The mineral production taxes imposed by this Act apply to all potash that:
- (a) subject to subsection 5(13), is produced from any lands in Saskatchewan and;
 - (b) is sold or otherwise disposed of on or after January 1, 1990.
- (2) Each producer is liable for the mineral production taxes imposed by this Act on the sale or other disposition of potash produced from the mine or mines with respect to which that person is a producer.
- (3) Every producer shall calculate and pay the mineral production taxes imposed by this Act in the manner and at the times provided in this Schedule and the regulations:
- (a) respecting potash sold or otherwise disposed of prior to January 1, 2002, on the basis of the total amount of potash sold or otherwise disposed of from each mine individually with respect to which that person is a producer; and
 - (b) respecting potash sold or otherwise disposed of on or after January 1, 2002, on the basis of the total amount of potash sold or otherwise disposed of from all of the mines collectively with respect to which that person is a producer.

1989-90, c.46, s.12; 1999, c.21, s.4.

Components of tax

- 4** The mineral production taxes imposed by this Act on the sale or other disposition of potash consist of:
- (a) a base payment calculated in accordance with section 5; and
 - (b) a profit tax calculated in accordance with section 6.

1989-90, c.46, s.12.

Base payment

- 5(1)** In this section:
- (a) **“P”** means the amount in dollars equal to the prescribed percentage of the producer’s profits for a year;
 - (b) **“Q”** means the quantity of potash, expressed in tonnes, that is sold or otherwise disposed of by the producer in a year;
 - (c) **“R”** means the rate of tax mentioned in subclause (2)(a)(i).
- (2) The base payment for a year is the amount equal to the difference between:
- (a) the product of:
 - (i) the rate of tax determined pursuant to subsection (3), (4) or (5); and
 - (ii) the quantity of potash sold or otherwise disposed of in that year, expressed in tonnes; and

- (b) the total of any applicable deductions, allowances and credits that are:
 - (i) prescribed; or
 - (ii) provided for in this Schedule.
- (3) Subject to subsections (4) and (5), for the purposes of calculating the base payment, the rate of tax is the rate, expressed in dollars per tonne of potash sold or otherwise disposed of, calculated in accordance with the following formula:

$$R = \frac{P}{Q} .$$
- (4) Where the rate of tax computed pursuant to subsection (3) is greater than the prescribed maximum rate of tax, the rate of tax to be used to calculate the base payment is the prescribed maximum rate of tax.
- (5) Where the rate of tax computed pursuant to subsection (3) is less than the prescribed minimum rate of tax, the rate of tax to be used to calculate the base payment is the prescribed minimum rate of tax.
- (6) Every producer that is liable to pay taxes pursuant to this Schedule shall pay to the minister an instalment of the base payment with respect to each month:
 - (a) not later than the last day of the month next following; and
 - (b) calculated in accordance with subsections (7) and (8).
- (7) For the purposes of calculating the rate of tax that is applicable to a monthly instalment, the producer shall, in each month, estimate the values of P and Q.
- (8) The monthly instalment for:
 - (a) the first month is one-twelfth of the base payment for the year;
 - (b) the second month is the difference between:
 - (i) two-twelfths of the base payment for the year; and
 - (ii) the amount paid pursuant to clause (a);
 - (c) the third month is the difference between:
 - (i) three-twelfths of the base payment for the year; and
 - (ii) the total of the amounts paid pursuant to clauses (a) and (b);
 - (d) the fourth month is the difference between:
 - (i) four-twelfths of the base payment for the year; and
 - (ii) the total of the amounts paid pursuant to clauses (a) to (c);
 - (e) the fifth month is the difference between:
 - (i) five-twelfths of the base payment for the year; and
 - (ii) the total of the amounts paid pursuant to clauses (a) to (d);

- (f) the sixth month is the difference between:
 - (i) six-twelfths of the base payment for the year; and
 - (ii) the total of the amounts paid pursuant to clauses (a) to (e);
 - (g) the seventh month is the difference between:
 - (i) seven-twelfths of the base payment for the year; and
 - (ii) the total of the amounts paid pursuant to clauses (a) to (f);
 - (h) the eighth month is the difference between:
 - (i) eight-twelfths of the base payment for the year; and
 - (ii) the total of the amounts paid pursuant to clauses (a) to (g);
 - (i) the ninth month is the difference between:
 - (i) nine-twelfths of the base payment for the year; and
 - (ii) the total of the amounts paid pursuant to clauses (a) to (h);
 - (j) the tenth month is the difference between:
 - (i) ten-twelfths of the base payment for the year; and
 - (ii) the total of the amounts paid pursuant to clauses (a) to (i);
 - (k) the eleventh month is the difference between:
 - (i) eleven-twelfths of the base payment for the year; and
 - (ii) the total of the amounts paid pursuant to clauses (a) to (j); and
 - (l) the twelfth month is the difference between:
 - (i) the base payment for the year; and
 - (ii) the total of the amounts paid pursuant to clauses (a) to (k).
- (9) **Repealed.** 1999, c.21, s.4.
- (10) After the last day of each year, every producer shall determine the amount of the base payment for the year using the actual amount of profits and the actual quantity of potash sold or otherwise disposed of during that year.
- (11) Unless the Act or the regulations provide otherwise, where the amount of the base payment determined pursuant to subsection (10) exceeds the total of the instalments paid pursuant to subsection (8), the producer shall pay to the minister the difference between those amounts within 90 days after the last day of the year.
- (12) Where the total of the instalments paid pursuant to subsection (8) exceeds the amount of the base payment determined pursuant to subsection (10), the minister shall refund to the producer the difference between those amounts within 30 days after receipt of the producer's final return for the year.
- (13) The base payment applies only to potash that is produced on or after January 1, 1990.

Profit tax

- 6(1)** The profit tax for a year is the amount equal to the difference between:
- (a) the total of the products of:
 - (i) profits for that year, determined in accordance with the regulations, within each profit bracket that is:
 - (A) prescribed pursuant to clause 11(c); and
 - (B) expressed in dollars per tonne of potash sold or otherwise disposed of; and
 - (ii) the rate of tax that is prescribed for each profit bracket; and
 - (b) the total of any applicable deductions, allowances and credits that are:
 - (i) prescribed; or
 - (ii) provided for in this Schedule.
- (2) Unless the Act or the regulations provide otherwise, on or before the last day of each quarter in any year, every producer shall:
- (a) estimate the producer's profits for that year; and
 - (b) pay to the minister an instalment of the profit tax with respect to that quarter, calculated in accordance with subsection (3).
- (3) The instalment of profit tax payable with respect to:
- (a) the first quarter in a year is 25% of the profit tax for the year, calculated on the estimate made in the first quarter of that year's profits;
 - (b) the second quarter in a year is the difference between:
 - (i) 50% of the profit tax for the year, calculated on the estimate made in the second quarter of that year's profits; and
 - (ii) the amount paid pursuant to clause (a);
 - (c) the third quarter in a year is the difference between:
 - (i) 75% of the profit tax for the year, calculated on the estimate made in the third quarter of that year's profits; and
 - (ii) the total of the amounts paid pursuant to clauses (a) and (b); and
 - (d) the fourth quarter in a year is the difference between:
 - (i) the profit tax for the year, calculated on the estimate made in the fourth quarter of that year's profits; and
 - (ii) the total of the amounts paid pursuant to clauses (a) to (c).
- (4) If the amount of an instalment calculated pursuant to clause (3)(b), (c) or (d) is a negative amount, the instalment payable for that quarter is zero.
- (5) After the last day of each year, every producer shall determine the amount of the profit tax payable for that year, based on the actual amount of profits for that year.

(6) Unless the Act or the regulations provide otherwise, where the amount of the profit tax determined pursuant to subsection (5) exceeds the total of the instalments paid pursuant to subsection (3), the producer shall pay to the minister the difference between those amounts within 90 days after the last day of the year.

(7) Where the total of the instalments paid pursuant to subsection (3) exceeds the amount of the profit tax determined pursuant to subsection (5), the minister shall refund to the producer the difference between those amounts within 30 days after receipt of the producer's final return for the year.

(8) In addition to any other amount that is payable pursuant to this section, every producer shall pay to the minister, within 90 days after the last day of the year, the sum of the following amounts:

(a) interest at the prescribed rate calculated in the prescribed manner for the prescribed period on the amount, if any, by which a prescribed percentage of the profit tax for the year exceeds the instalment paid pursuant to clause (3)(a);

(b) interest at the prescribed rate calculated in the prescribed manner for the prescribed period on the amount, if any, by which a prescribed percentage of the profit tax for the year exceeds the instalment paid pursuant to clause (3)(b);

(c) interest at the prescribed rate calculated in the prescribed manner for the prescribed period on the amount, if any, by which a prescribed percentage of the profit tax for the year exceeds the instalment paid pursuant to clause (3)(c); and

(d) interest at the prescribed rate calculated in the prescribed manner for the prescribed period on the amount, if any, by which a prescribed percentage of the profit tax for the year exceeds the instalment paid pursuant to clause (3)(d).

1989-90, c.46, s.12.

Return

7 Each producer who is liable to pay taxes pursuant to this Schedule shall, when paying those taxes, submit a return that:

(a) is in a form established by or acceptable to the minister; and

(b) contains the prescribed information.

1989-90, c.46, s.12.

Taxes not paid until received

8 No taxes that are payable pursuant to this Schedule are paid until the amount that is required to be paid is received by the minister.

1989-90, c.46, s.12.

Interest on overpayments

9(1) No interest is payable by the minister with respect to an overpayment of taxes by a producer unless the regulations require interest to be paid.

(2) If the regulations require interest to be paid with respect to an overpayment of taxes, interest at the prescribed rate is to be calculated in the prescribed manner and paid at the prescribed time.

1989-90, c.46, s.12.

GENERAL

Minister to determine questions

10 The minister may determine any questions that arise from time to time with respect to the amount of taxes payable by a producer, including, without limiting the generality of the foregoing, questions respecting:

- (a) the quantity of potash produced, sold or otherwise disposed of during any period of time;
- (b) the amount of any deduction, allowance or credit that may apply;
- (c) the value of potash sold or otherwise disposed of and any other element or factor in the determination of the amount of profits pursuant to the regulations.

1989-90, c.46, s.12.

Regulations

11 For the purpose of carrying out this Schedule according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word used in this Schedule but not defined in this Schedule;
- (b) for the purposes of calculating the base payment pursuant to section 5, prescribing and governing:
 - (i) a percentage of producers' profits to be used in determining the value of P as defined in clause 5(1)(a);
 - (ii) maximum and minimum rates of tax;
 - (iii) deductions, allowances or credits;
 - (iv) the manner of determining the quantity of potash sold or otherwise disposed of;
- (c) for the purposes of calculating the profit tax pursuant to section 6, prescribing and governing:
 - (i) rates of tax;
 - (ii) profit brackets;
 - (iii) deductions, allowances or credits;

- (iv) the manner in which profits are to be determined;
 - (v) the manner of determining the quantity and value of potash sold or otherwise disposed of;
 - (d) for the purposes of clauses 6(8)(a) to (d), prescribing and governing:
 - (i) rates of interest;
 - (ii) the manner of calculating interest;
 - (iii) the periods during which interest accrues;
 - (iv) percentages of profit tax;
 - (e) respecting the calculation of taxes;
 - (f) prescribing and governing the time and manner of payment of taxes;
 - (g) prescribing the information to be included in a return pursuant to section 7;
 - (h) requiring interest to be paid with respect to an overpayment of taxes, and prescribing and governing:
 - (i) the rate;
 - (ii) the manner of calculation; and
 - (iii) the time for payment;
- of that interest;
- (i) prescribing any matter or thing required or authorized by this Schedule to be prescribed in the regulations;
 - (j) respecting any other matter that the Lieutenant Governor considers necessary to carry out the intent of this Schedule.

1989-90, c.46, s.12.