

The Saskatchewan Value-added Agriculture Incentive Regulations

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[Chapter S-35.001 Reg 1](#) (effective September 20, 2018).

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.

Table of Contents

1	Title	5	Interest rate re recovery of overpayment or tax credit to which eligible applicant not entitled
2	Definitions	6	Service of notice or documents
3	Capital expenditures	7	Coming into force
4	Review of application		

CHAPTER S-35.001 REG 1

The Saskatchewan Value-added Agriculture Incentive Act

Title

- 1 These regulations may be cited as *The Saskatchewan Value-added Agriculture Incentive Regulations*.

Definitions

- 2 In these regulations:

“**Act**” means *The Saskatchewan Value-added Agriculture Incentive Act*;

“**new capital expenditures**” means expenditures described in section 3;

“**qualified person**” means an auditor, engineer or real estate appraiser who is a member in good standing of a professional association recognized by the minister.

21 Sep 2018 cS-35-001 Reg 1 s2.

Capital expenditures

3(1) For the purposes of section 6 of the Act, “**new capital expenditures**” means expenditures made by an applicant with respect to the arm’s length acquisition of any real property and depreciable property that is to be used in Saskatchewan primarily for eligible value-added agriculture activity, and includes:

- (a) subject to clause (k), the land on which the eligible value-added activity takes place;
- (b) the capitalized costs of qualified professional services associated with the new capital expenditures; and
- (c) the capitalized costs of installation of the depreciable property or of a capital lease;

but does not include expenditures with respect to the following:

- (d) automobiles and automotive equipment, including powered industrial lift trucks;
- (e) office equipment;
- (f) furnishings;
- (g) portable tools, machinery and equipment;

SASKATCHEWAN VALUE-ADDED
AGRICULTURE INCENTIVE

S-35.001 REG 1

- (h) power operated movable equipment for excavating, moving, placing or compacting earth, rock, concrete or asphalt;
 - (i) intellectual property;
 - (j) non-capital lease costs;
 - (k) in the case of the acquisition of land mentioned in clause (a), any excess land, as determined by a qualified person, that the applicant may be able to re-sell, offer for lease or develop for a purpose unrelated to the existing facility or new facility that is the subject of the application.
- (2) In determining the amount of an applicant's capital expenditures for the purposes of subsection 6(4) of the Act, the minister shall use the lesser of the applicant's actual costs and the fair market value of the property acquired or services rendered.
- (3) For the purpose of subsection (2), the applicant must provide evidence satisfactory to the minister with respect to its actual costs.
- (4) For the purposes of this section, **"fair market value"** means the fair market value as determined by the minister based on the report of a qualified person or another person who is satisfactory to the minister.

21 Sep 2018 cS-35-001 Reg 1 s3.

Review of application

- 4(1) For the purposes of clause 6(1)(a) of the Act, in the case where a new facility is constructed or an existing facility is expanded solely for the purpose of carrying on all or any of the following activities with respect to a raw or primary agricultural product or any agricultural by-product or waste, that activity is not an eligible value-added agriculture activity:
- (a) cleaning;
 - (b) bagging;
 - (c) handling;
 - (d) storage.
- (2) For the purposes of clause 6(1)(b) of the Act, the applicant must satisfy the minister that it has made at least \$10,000,000 in new capital expenditures.

21 Sep 2018 cS-35-001 Reg 1 s4.

Interest rate re recovery of overpayment or tax credit to which eligible applicant not entitled

- 5(1) For the purposes of clause 20(1)(c) of the Act, the rate of interest per annum with respect to the recovery of an SVAI tax credit claimed by an eligible applicant to which that eligible applicant was not entitled is the rate equal to the sum of:
- (a) the prime lending rate of the bank holding the general revenue fund as determined and adjusted in accordance with this section; and
 - (b) 3%.

SASKATCHEWAN VALUE-ADDED
AGRICULTURE INCENTIVE

S-35.001 REG 1

(2) The interest rate set out in this section is to be determined on June 15 and December 15 in each year and:

- (a) the interest rate as determined on June 15 applies to interest on the amount of the tax credit mentioned in the certificate filed pursuant to clause 20(1)(c) of the Act accruing from July 1; and
- (b) the interest rate as determined on December 15 applies to interest on the amount of the tax credit mentioned in the certificate filed pursuant to clause 20(1)(c) of the Act accruing from January 1 of the following year.

21 Sep 2018 cS-35-001 Reg 1 s5.

Service of notice or documents

6 In addition to the methods mentioned in subsection 23(1) of the Act, any notice, decision or other document required to be given or served may be served:

- (a) by email to the last email address provided to the minister by the person to be served; or
- (b) by any other manner of electronic submission that is satisfactory to the minister.

21 Sep 2018 cS-35-001 Reg 1 s6.

Coming into force

7(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Saskatchewan Value-added Agriculture Incentive Act* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Saskatchewan Value-added Agriculture Incentive Act* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

21 Sep 2018 cS-35-001 Reg 1 s7.

