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PART II/PARTIE II

REVISED REGULATIONS OF SASKATCHEWAN/ RÈGLEMENTS RÉVISÉS DE LA SASKATCHEWAN

TABLE OF CONTENTS/TABLE DES MATIÈRES

E-0.2 Reg 27/ E-0.2 Règl 27	<i>The Registered Independent Schools Regulations/ Règlement sur les écoles indépendantes inscrites</i>	384/385
F-13.21 Reg 1	<i>The Film and Video Classification Regulations, 2018.....</i>	426
SR 34/2018	<i>The Vehicle Impoundment (Public Order) Amendment Regulations, 2018.....</i>	437
SR 35/3018	<i>The Rental Housing Supplement Amendment Regulations, 2018.....</i>	440
SR 36/2018	<i>The Disability Housing Supplement Amendment Regulations, 2018.....</i>	446

Revised Regulations of Saskatchewan 2018/ Règlements Révisés de la Saskatchewan 2018

April 6, 2018

<i>The Mines Regulations, 2018</i>	S-15.1 Reg 8
<i>The Child Care Amendment Regulations, 2018/Règlement modificatif de 2018 sur les garderies d'enfants</i>	SR 21/2018/ RS 21/2018
<i>The Fisheries Amendment Regulations, 2018</i>	SR 22/2018
<i>The Wildfire Amendment Regulations, 2018</i>	SR 23/2018
<i>The Wildlife Habitat and Ecological Lands Designation Amendment Regulations, 2018 (No. 2)</i>	SR 24/2018

April 13, 2018

<i>The Used Light Vehicles (Provincial Sales Tax) Exemption and Remission Repeal Regulations</i>	SR 25/2018
<i>The Energy-efficient Household Appliances and Residential Heating Systems (Provincial Sales Tax) Remission and Exemption Repeal Regulations</i>	SR 26/2018

April 27, 2018

<i>The 2018 Farm and Ranch Water Infrastructure Program Regulations</i>	F-8.001 Reg 48
<i>The Water Power Rental Regulations, 2018</i>	W-6 Reg 4
<i>The School Division Administration Amendment Regulations, 2018</i>	SR 27/2018
<i>The Summary Offences Procedure Amendment Regulations, 2018</i>	SR 28/2018

May 4, 2018

<i>The Wildlife Amendment Regulations, 2018</i>	SR 29/2018
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May 11, 2018

<i>The Health Professions Training Bursary Amendment Regulations, 2018</i>	SR 30/2018
<i>The Saskatchewan Assured Income for Disability (Exemptions) Amendment Regulations, 2018</i>	SR 31/2018
<i>The Saskatchewan Assistance (Exemptions) Amendment Regulations, 2018</i>	SR 32/2018
<i>The Transitional Employment Allowance (Exemptions) Amendment Regulations, 2018</i>	SR 33/2018

May 18, 2018

<i>The Registered Independent Schools Regulations/</i>	E-0.2 Reg 27/
<i>Règlement sur les écoles indépendantes inscrites</i>	E-0.2 Règl 27
<i>The Film and Video Classification Regulations, 2018</i>	F-13.21 Reg 1
<i>The Vehicle Impoundment (Public Order) Amendment Regulations, 2018</i>	SR 34/2018
<i>The Rental Housing Supplement Amendment Regulations, 2018</i>	SR 35/3018
<i>The Disability Housing Supplement Amendment Regulations, 2018</i>	SR 36/2018

CHAPTER E-0.2 REG 27

The Education Act, 1995

CHAPITRE E-0.2 RÈGL. 27

Loi de 1995 sur l'éducation

CHAPTER E-0.2 REG 27*The Education Act, 1995*

Section 370

Order in Council 234/2018, dated May 9, 2018

(Filed May 10, 2018)

PART 1**Preliminary Matters****Title**

1 These regulations may be cited as *The Registered Independent Schools Regulations*.

Definitions

2 In these regulations:

“**accredited teacher**” means an independent school teacher who holds a certificate of accreditation issued pursuant to section 20; (« *enseignant agréé* »)

“**Act**” means *The Education Act, 1995*; (« *Loi* »)

“**alternative independent school**” means a registered independent school that is designated as an alternative independent school pursuant to section 9; (« *école indépendante alternative* »)

“**approved**” means approved by the minister; (« *approuvé* »)

“**associate school**” means a registered independent school that has an agreement with a board of education or the conseil scolaire to operate in association with the board of education or conseil scolaire; (« *école associée* »)

“**board**” means the board of an independent school; (« *conseil* »)

“**business day**” means a day other than a Saturday, Sunday or holiday; (« *jour ouvrable* »)

“**certificate of qualification**” means a valid certificate of qualification issued pursuant to Part 4; (« *certificat de qualification* »)

“**certificate of registration**” means a valid certificate of registration:

(a) issued pursuant to section 6; or

(b) deemed to have been issued pursuant to section 7 or 8; (« *certificat d'inscription* »)

“**course**” means a course of study; (« *cours* »)

“**director**” means a person appointed as director pursuant to section 15; (« *directeur administratif* »)

“**goals of education for Saskatchewan**” means the official goals of education prepared and published by the minister pursuant to clause 3(2)(d) of the Act; (« *buts de l'éducation pour la Saskatchewan* »)

CHAPITRE E-0.2 RÈGL. 27*Loi de 1995 sur l'éducation*

Article 370

Décret 234/2018, en date du 9 mai 2018

(Déposé le 10 mai 2018)

PARTIE 1

Dispositions liminaires**Titre**

- 1** *Règlement sur les écoles indépendantes inscrites.*

Définitions

- 2** Les définitions qui suivent s'appliquent au présent règlement.

« **approuvé** » Se dit d'une approbation émanant du ministre. ("*approved*")

« **buts de l'éducation pour la Saskatchewan** » Buts officiels de l'éducation élaborés et publiés par le ministre en application de l'alinéa 3(2)d) de la Loi. ("*goals of education for Saskatchewan*")

« **certificat de qualification** » Certificat en cours de validité délivré en vertu de la partie 4. ("*certificate of qualification*")

« **certificat d'inscription** » Certificat en cours de validité qui, selon le cas :

- a) est délivré en vertu de l'article 6;
- b) est réputé délivré en vertu des articles 7 ou 8. ("*certificate of registration*")

« **conseil** » Le conseil d'une école indépendante. ("*board*")

« **cours** » Cours scolaire. ("*course*")

« **directeur administratif** » Personne nommée à ce poste en application de l'article 15. ("*director*")

« **directeur d'école** » Personne nommée à ce poste en application de l'article 16. ("*principal*")

« **école associée** » École indépendante inscrite qui, par accord avec une commission scolaire ou le conseil scolaire, est exploitée en association avec cette commission scolaire ou le conseil scolaire. ("*associate school*")

« **école indépendante alternative** » École désignée comme telle en vertu de l'article 9. ("*alternative independent school*")

« **école indépendante inscrite** » Selon le cas :

- a) école indépendante détentrice d'un certificat d'inscription;
- b) école associée ou école secondaire historique réputée détenir un certificat d'inscription. ("*registered independent school*")

“historical high school” means a registered independent school that is listed as a historical high school in section 8; (« *école secondaire historique* »)

“independent school teacher” means a person employed by the board of a registered independent school in accordance with these regulations to teach in the registered independent school; (« *enseignant d’école indépendante* »)

“letter of eligibility” means a valid letter of eligibility issued pursuant to section 18; (« *lettre d’admissibilité* »)

“ministry” means the ministry over which the minister presides; (« *ministère* »)

“principal” means a person appointed as principal pursuant to section 16; (« *directeur d’école* »)

“program” means a program of study; (« *programme* »)

“pupil with intensive needs” means a pupil who has been assessed as having a capacity to learn that is compromised by a cognitive, social-emotional, behavioural or physical condition; (« *élève à besoins particuliers* »)

“qualified independent school” means a registered independent school that holds a certificate of qualification; (« *école indépendante qualifiée* »)

“registered independent school” means:

- (a) an independent school that holds a certificate of registration; or
- (b) an associate school or historical high school that is deemed to hold a certificate of registration; (« *école indépendante inscrite* »)

“registered teacher” means a registered teacher as defined in *The Registered Teachers Act*; (« *enseignant inscrit* »)

“religiously-based registered independent school” means a registered independent school that:

- (a) is owned or operated by a non-profit corporation; and
- (b) has, as its primary objective, the advancement of education from a religiously-based philosophical perspective. (« *école indépendante inscrite confessionnelle* »)

Registration required

3(1) No independent school shall operate in Saskatchewan without holding a certificate of registration.

(2) An independent school that offers programs and courses at more than one location in Saskatchewan must hold a separate certificate of registration for each location.

« **école indépendante inscrite confessionnelle** » École indépendante inscrite qui, à la fois :

- a) appartient à une société sans but lucratif ou est exploitée par elle;
- b) a comme objectif principal la promotion de l'éducation dans une perspective philosophique fondée sur la religion. (*“religiously-based registered independent school”*)

« **école indépendante qualifiée** » École indépendante inscrite qui détient un certificat de qualification. (*“qualified independent school”*)

« **école secondaire historique** » École indépendante inscrite figurant parmi les écoles secondaires historiques énumérées à l'article 8. (*“historical high school”*)

« **élève à besoins particuliers** » Élève qui, au terme d'une évaluation, est jugé avoir des aptitudes d'apprentissage affaiblies à cause d'un problème cognitif, socio-émotionnel, comportemental ou physique. (*“pupil with intensive needs”*)

« **enseignant agréé** » Enseignant d'école indépendante titulaire d'un certificat d'agrément délivré en vertu de l'article 20. (*“accredited teacher”*)

« **enseignant d'école indépendante** » Personne employée par le conseil d'une école indépendante inscrite, conformément au présent règlement, pour enseigner dans cette école. (*“independent school teacher”*)

« **enseignant inscrit** » S'entend au sens de la définition de *“registered teacher”* dans la loi intitulée *The Registered Teachers Act*. (*“registered teacher”*)

« **jour ouvrable** » Tout jour autre qu'un samedi, un dimanche ou un jour férié. (*“business day”*)

« **lettre d'admissibilité** » Lettre en cours de validité délivrée en vertu de l'article 18. (*“letter of eligibility”*)

« **Loi** » La *Loi de 1995 sur l'éducation*. (*“Act”*)

« **ministère** » Celui que dirige le ministre. (*“ministry”*)

« **programme** » Programme d'études. (*“program”*)

Inscription obligatoire

3(1) L'exploitation d'une école indépendante en Saskatchewan exige la détention d'un certificat d'inscription.

(2) Toute école indépendante qui offre des programmes et des cours à plus d'un endroit en Saskatchewan doit détenir un certificat d'inscription distinct pour chacun des endroits.

Catégories d'écoles indépendantes inscrites

4 Sont constituées les catégories d'écoles indépendantes inscrites suivantes :

- a) les écoles indépendantes inscrites;
- b) les écoles associées;

Categories of independent schools

4 The following categories of registered independent schools are established:

- (a) registered independent schools;
- (b) associate schools;
- (c) historical high schools;
- (d) alternative independent schools;
- (e) qualified independent schools.

PART 2**Registration of Independent Schools****Application for registration**

5(1) An applicant may apply to the minister for a certificate of registration with respect to an independent school that:

- (a) is owned or operated by a corporation:
 - (i) that is incorporated or continued in Saskatchewan; and
 - (ii) that has a physical presence in Saskatchewan evidenced by the following:
 - (A) a school administration office located in Saskatchewan;
 - (B) a Saskatchewan postal address; and
 - (C) a Saskatchewan telephone number;
- (b) has a board that:
 - (i) exercises powers similar to those of a board of education; and
 - (ii) comprises a minimum of 3 adults representing 3 separate households;
- (c) subject to subsection (4), for the start of the next academic year, has enrolled at least 7 persons to attend the school:
 - (i) who have attained the age of 6 years but have not yet attained the age of 22 years;
 - (ii) who are from at least 3 separate households; and
 - (iii) the majority of whom are enrolled at a grade level higher than kindergarten;
- (d) meets all applicable fire, health and safety standards in relation to its school facilities located in Saskatchewan;
- (e) has goals of education that are, in the opinion of the minister, not inconsistent with the goals of education for Saskatchewan;

- c) les écoles secondaires historiques;
- d) les écoles indépendantes alternatives;
- e) les écoles indépendantes qualifiées.

PARTIE 2

Inscription des écoles indépendantes

Demande d'inscription

5(1) Le ministre peut être saisi d'une demande de certificat d'inscription à l'égard d'une école indépendante qui répond aux conditions suivantes :

- a) la personne morale à qui elle appartient ou qui l'exploite réunit les conditions suivantes :
 - (i) elle est constituée ou prorogée en Saskatchewan,
 - (ii) sa présence physique en Saskatchewan est attestée par le fait qu'elle y possède, à la fois :
 - (A) un bureau d'administration scolaire,
 - (B) une adresse postale,
 - (C) un numéro de téléphone;
- b) elle est pourvue d'un conseil qui, à la fois :
 - (i) exerce des pouvoirs semblables à ceux d'une commission scolaire,
 - (ii) est composé d'au moins 3 adultes représentant 3 ménages distincts;
- c) sous réserve du paragraphe (4), elle a inscrit, pour le début de la prochaine année d'enseignement, au moins 7 personnes satisfaisant aux critères suivants :
 - (i) avoir 6 ans révolus sans avoir atteint l'âge de 22 ans,
 - (ii) provenir d'au moins 3 ménages distincts,
 - (iii) entrer, pour la plupart d'entre elles, à un niveau scolaire supérieur à la maternelle;
- d) elle satisfait à toutes les normes applicables en matière de prévention des incendies, de santé et de sécurité en ce qui concerne ses installations scolaires situées en Saskatchewan;
- e) ses buts en matière d'éducation ne sont pas incompatibles, de l'avis du ministre, avec les buts de l'éducation pour la Saskatchewan;
- f) de l'avis du ministre, son nom :
 - (i) est distinct de celui des autres établissements d'enseignement,
 - (ii) évoque le niveau de programmation pédagogique qu'elle offre ou qu'elle se propose d'offrir,

- (f) has a name that, in the opinion of the minister:
 - (i) is distinct from the names of other existing educational institutions;
 - (ii) reflects the level of educational programming offered or proposed to be offered by the independent school; and
 - (iii) does not inaccurately reflect the location or geographical area to be served by the independent school;
 - (g) is not owned or operated by, or for the benefit of pupils from, an Indian band within the meaning of the *Indian Act* (Canada); and
 - (h) did not hold a certificate of registration that was suspended or cancelled within the 24 months preceding the date of application.
- (2) An application for a certificate of registration pursuant to this section must:
- (a) be in the form required by the minister;
 - (b) be submitted to the minister on or before the January 31 preceding the start of the academic year for which the certificate of registration is sought; and
 - (c) include the following information with respect to the independent school:
 - (i) the school's name;
 - (ii) the school's location;
 - (iii) the location of the school administration office, if different from the school's location;
 - (iv) the name of the owner of the school;
 - (v) if the operator of the school is not the owner, the operator's name;
 - (vi) the name of the chairperson of the board;
 - (vii) the name of the director of the school;
 - (viii) if the principal of the school is not the director, the principal's name; and
 - (ix) any other information that the minister may request respecting its educational activities and educational operations.
- (3) An independent school that intends to offer programs and courses at more than one location in Saskatchewan must submit a separate application for each location.
- (4) A registered independent school that, as at August 31, 2018, held a valid certificate of registration issued pursuant to *The Independent Schools Regulations* must:
- (a) subject to clause (b), for each academic year, enrol persons to attend the school who:
 - (i) have attained the age of 6 years but have not yet attained the age of 22 years;

- (iii) n'évoque pas improprement son territoire ou sa région géographique de service;
 - g) elle n'appartient pas à une bande indienne au sens de la *Loi sur les Indiens* (Canada), ni n'est exploitée par une telle bande indienne ou au profit d'élèves provenant d'une telle bande indienne;
 - h) elle n'a pas détenu de certificat d'inscription ayant fait l'objet d'une suspension ou d'une annulation dans les 24 mois précédant la date de la demande.
- (2) La demande de certificat d'inscription présentée en vertu du présent article doit :
- a) être rédigée en la forme prescrite par le ministre;
 - b) être remise au ministre au plus tard le 31 janvier précédant le début de l'année d'enseignement pour laquelle le certificat d'inscription est demandé;
 - c) comprendre les renseignements suivants concernant l'école indépendante :
 - (i) le nom de l'école,
 - (ii) le lieu où elle se trouve,
 - (iii) l'emplacement du bureau d'administration scolaire, si celui-ci diffère du lieu de l'école,
 - (iv) le nom du propriétaire de l'école,
 - (v) si l'exploitant de l'école n'en est pas le propriétaire, le nom de l'exploitant,
 - (vi) le nom du président du conseil,
 - (vii) le nom du directeur administratif,
 - (viii) si le directeur d'école n'est pas le directeur administratif, le nom du directeur d'école,
 - (ix) tout autre renseignement que demande le ministre en ce qui concerne les activités éducatives et le fonctionnement pédagogique de l'école.
- (3) Toute école indépendante qui offre des programmes et des cours à plus d'un endroit en Saskatchewan doit faire une demande distincte pour chacun des endroits.
- (4) Toute école indépendante inscrite qui, au 31 août 2018, détenait un certificat d'inscription en cours de validité délivré en vertu du règlement intitulé *The Independent Schools Regulations* est tenue :
- a) sous réserve de l'alinéa b), d'inscrire, pour chaque année d'enseignement, des personnes satisfaisant aux critères suivants :
 - (i) avoir 6 ans révolus sans avoir atteint l'âge de 22 ans,
 - (ii) provenir d'au moins 2 ménages distincts,

- (ii) are from at least 2 separate households; and
- (iii) are enrolled at a grade level higher than kindergarten; and
- (b) comply with clause (1)(c) for the academic year commencing in September 2022 and for each subsequent academic year.

Certificate of registration

6(1) On receipt of an application pursuant to section 5, the minister may issue a certificate of registration to the applicant, on any terms and conditions the minister considers advisable, if the minister is satisfied that:

- (a) the independent school meets the qualifications for registration set out in section 5; and
 - (b) the application is complete.
- (2) The minister shall consider each application made pursuant to section 5 in accordance with the principles of:
- (a) freedom of conscience and religion in education; and
 - (b) fundamental justice.
- (3) The minister may issue a certificate of registration before the date on which the independent school commences operations:
- (a) if the minister is satisfied that the independent school otherwise meets the qualifications for registration set out in section 5; and
 - (b) the independent school provides the minister with a written notice of intent to comply with these regulations on commencing operations.
- (4) The minister may issue a certificate of registration mentioned in subsection (3) that:
- (a) is conditional on the independent school commencing operations on September 1 of that year;
 - (b) is conditional on the independent school complying with these regulations on commencing operations; and
 - (c) has an effective date of September 1 of that year.
- (5) A certificate of registration authorizes the independent school to offer programs and courses at the location set out in the certificate of registration, in accordance with the terms and conditions pursuant to which the certificate of registration is issued.
- (6) No independent school shall offer programs and courses at a location not set out in the certificate of registration.

- (iii) entrer à un niveau scolaire supérieur à la maternelle;
- b) de se conformer à l'alinéa (1)c) à partir de l'année d'enseignement commençant en septembre 2022.

Certificat d'inscription

6(1) Saisi de la demande visée à l'article 5, le ministre peut délivrer à l'auteur de la demande un certificat d'inscription aux conditions qu'il estime indiquées, s'il est convaincu de ce qui suit :

- a) l'école indépendante satisfait aux conditions d'inscription énumérées à l'article 5;
 - b) la demande est complète.
- (2) Le ministre examine chaque demande présentée en vertu de l'article 5 en tenant compte des principes suivants :
- a) la liberté de conscience et de religion en éducation;
 - b) la justice fondamentale.
- (3) Le ministre peut délivrer un certificat d'inscription avant la date d'ouverture de l'école indépendante si les conditions suivantes sont réunies :
- a) il constate que l'école indépendante répond aux conditions d'inscription énoncées à l'article 5;
 - b) l'école indépendante avise le ministre par écrit de son intention de se conformer au présent règlement dès son ouverture.
- (4) Le ministre peut assujettir le certificat d'inscription visé au paragraphe (3) au régime suivant :
- a) l'école indépendante devra ouvrir le 1^{er} septembre de l'année en cours;
 - b) l'école indépendante devra se conformer au présent règlement dès son ouverture;
 - c) le certificat prendra effet le 1^{er} septembre de l'année en cours.
- (5) Le certificat d'inscription autorise l'école indépendante à offrir des programmes et des cours à l'endroit indiqué dans le certificat d'inscription et aux conditions rattachées à la délivrance du certificat d'inscription.
- (6) Il est interdit à une école indépendante d'offrir des programmes et des cours à un endroit non indiqué dans le certificat d'inscription.

PART 3
**Associate Schools, Historical High Schools
and Alternative Independent Schools**

Associate schools

7(1) Every associate school, during the term of its agreement with a board of education or the conseil scolaire to operate in association with that board of education or the conseil scolaire:

- (a) is deemed to hold a certificate of registration; and
 - (b) subject to subsection (2), is subject to the provisions of these regulations as if the associate school had been issued a certificate of registration.
- (2) Sections 15, 22, 23 and 24 do not apply to associate schools.
- (3) At the request of the minister, an associate school shall promptly provide the minister with a copy of its agreement with the board of education or the conseil scolaire.
- (4) If the agreement mentioned in subsection (1) is amended or terminated, the associate school shall immediately:
- (a) give the minister written notice of that fact; and
 - (b) supply the minister with any information respecting the agreement or its amendment or termination that the minister may request.

Historical high schools

8 Each of the following historical high schools is a registered independent school, is deemed to hold a certificate of registration on the day on which these regulations come into force, and is subject to the provisions of these regulations as if it had been issued a certificate of registration pursuant to these regulations:

- (a) Athol Murray College of Notre Dame;
- (b) Briercrest Christian Academy;
- (c) Luther College (High School);
- (d) Lutheran Collegiate Bible Institute;
- (e) Rosthern Junior College.

Alternative independent schools

9(1) A registered independent school may apply to the minister to be designated as an alternative independent school if the registered independent school:

- (a) conforms to provincial curriculum policy, as determined by the minister, with respect to alternative education;
- (b) provides approved programs and approved courses in accordance with provincial curriculum policy, as determined by the minister;
- (c) in employing independent school teachers, employs only registered teachers;

PARTIE 3
**Écoles associées, écoles secondaires historiques
et écoles indépendantes alternatives**

Écoles associées

7(1) Pendant la durée de son accord d'exploitation en association avec une commission scolaire ou le conseil scolaire, l'école associée :

- a) est réputée détenir un certificat d'inscription;
- b) est, sous réserve du paragraphe (2), assujettie aux dispositions du présent règlement au même titre que si un certificat d'inscription lui avait été délivré.

(2) Les articles 15, 22, 23 et 24 ne s'appliquent pas aux écoles associées.

(3) L'école associée remet sans tarder au ministre, sur demande, copie de son accord avec la commission scolaire ou le conseil scolaire.

(4) Si l'accord visé au paragraphe (1) est modifié ou s'il prend fin, l'école associée doit, sans tarder :

- a) en aviser le ministre par écrit;
- b) fournir au ministre les renseignements qu'il demande concernant l'accord ou la modification ou l'extinction de l'accord.

Écoles secondaires historiques

8 Chacune des écoles historiques suivantes est une école indépendante inscrite, est réputée détenir un certificat d'inscription à la date d'entrée en vigueur du présent règlement et est assujettie aux dispositions du présent règlement au même titre que si un certificat d'inscription lui avait été délivré :

- a) Athol Murray College of Notre Dame;
- b) Briercrest Christian Academy;
- c) Luther College (High School);
- d) Lutheran Collegiate Bible Institute;
- e) Rosthern Junior College.

Écoles indépendantes alternatives

9(1) Une école indépendante inscrite qui satisfait aux conditions suivantes peut demander au ministre de lui donner la désignation d'école indépendante alternative :

- a) elle respecte la politique provinciale relative au programme d'études établie par le ministre, en ce qui concerne l'éducation alternative;
- b) elle offre des programmes approuvés et des cours approuvés, conformément à la politique provinciale relative au programme d'études établie par le ministre;
- c) les enseignants d'école indépendante qu'elle emploie sont tous des enseignants inscrits;

- (d) is or has agreed to be supervised by:
 - (i) the ministry; or
 - (ii) an approved person;
 - (e) in the opinion of the minister, subscribes to the goals of education for Saskatchewan;
 - (f) accepts or proposes to accept as pupils those who are placed by:
 - (i) boards of education or the conseil scolaire;
 - (ii) boards of registered independent schools;
 - (iii) the Ministry of Social Services;
 - (iv) the Ministry of Justice;
 - (v) Indigenous Services Canada; or
 - (vi) with the approval of the minister, the pupil's parent or guardian; and
 - (g) offers or proposes to offer to pupils with intensive needs programs and courses that, in the opinion of the minister, are qualitatively different from regular programs and courses.
- (2) The minister may designate a registered independent school as an alternative independent school, on any terms and conditions the minister considers advisable, if the minister is satisfied that the registered independent school meets the qualifications for designation as set out in subsection (1).

PART 4

Qualified Independent Schools

Application for certification

10(1) A registered independent school may apply to the minister for a certificate of qualification as a qualified independent school if the registered independent school:

- (a) has lawfully operated as a registered independent school for at least 2 consecutive years immediately before making its application for a certificate of qualification;
- (b) is owned or operated by a non-profit corporation that is incorporated or continued in Saskatchewan;
- (c) notwithstanding subsection 30(3), conforms to provincial curriculum policy, as determined by the minister;
- (d) provides approved programs and approved courses in accordance with the provincial curriculum policy, as determined by the minister;
- (e) in employing independent school teachers, employs only registered teachers who hold a valid Professional A Teacher's Certificate issued pursuant to *The Registered Teachers Act*;

- d) elle est, ou accepte d'être, supervisée par :
 - (i) soit le ministère,
 - (ii) soit une personne approuvée;
 - e) de l'avis du ministre, elle souscrit aux buts de l'éducation pour la Saskatchewan;
 - f) elle accueille ou entend accueillir les élèves placés, selon le cas :
 - (i) par des commissions scolaires ou le conseil scolaire,
 - (ii) par des conseils d'écoles indépendantes inscrites,
 - (iii) par le ministère des Services sociaux,
 - (iv) par le ministère de la Justice,
 - (v) par Services aux Autochtones Canada,
 - (vi) avec l'accord du ministre, par le père, la mère ou le tuteur de l'élève;
 - g) elle offre ou entend offrir aux élèves à besoins particuliers des programmes et des cours qui sont, de l'avis du ministre, qualitativement différents des programmes et cours ordinaires.
- (2) Le ministre peut donner à une école indépendante inscrite la désignation d'école indépendante alternative aux conditions qu'il estime indiquées, s'il constate qu'elle satisfait aux conditions énoncées au paragraphe (1).

PARTIE 4

Écoles indépendantes qualifiées

Demande de certificat

10(1) Une école indépendante inscrite peut présenter au ministre une demande de certificat attestant son statut d'école indépendante qualifiée, si elle satisfait aux conditions suivantes :

- a) elle a été exploitée légalement comme école indépendante inscrite depuis au moins 2 ans au moment de présenter sa demande;
- b) elle appartient à une société sans but lucratif qui est constituée ou prorogée en Saskatchewan, ou est exploitée par elle;
- c) malgré le paragraphe 30(3), elle respecte la politique provinciale relative au programme d'études établie par le ministre;
- d) elle offre des programmes approuvés et des cours approuvés, conformément à la politique provinciale relative au programme d'études établie par le ministre;
- e) les enseignants d'école indépendante qu'elle emploie sont tous des enseignants inscrits titulaires d'un brevet d'enseignement professionnel A en cours de validité, délivré en vertu de la loi intitulée *The Registered Teachers Act*;

- (f) agrees to submit annual financial statements to the minister, in the form and within the period required by the minister;
 - (g) keeps a full and accurate record of the proceedings, transactions and financial affairs of the registered independent school;
 - (h) prepares or causes to be prepared any reports and returns concerning statistical data, budgetary information and the operation of the registered independent school that may be required from time to time by the minister;
 - (i) agrees to be supervised and inspected by ministry officials;
 - (j) complies with ministry policies and directives;
 - (k) in the opinion of the minister, subscribes to the goals of education for Saskatchewan; and
 - (l) does not have an associate school agreement with a board of education or the conseil scolaire.
- (2) An application for a certificate of qualification pursuant to this section must:
- (a) be in the form required by the minister; and
 - (b) include any information that the minister may request to consider the application.

Certificate of qualification

11(1) On receipt of an application pursuant to section 10, the minister may issue a certificate of qualification to the registered independent school if the minister is satisfied that:

- (a) the registered independent school meets the qualifications for certification set out in subsection 10(1); and
 - (b) the application is complete.
- (2) The minister may issue a certificate of qualification on any terms and conditions that the minister considers advisable.
- (3) A certificate of qualification certifies the registered independent school named in the certificate to be a qualified independent school in accordance with the terms and conditions of the certificate.
- (4) Qualified independent schools are eligible for operating grants pursuant to Part 4 of *The Education Funding Regulations, 2018*.

- f) elle accepte de remettre des états financiers annuels au ministre, en la forme et dans les délais qu'il prescrit;
 - g) elle tient des dossiers complets et fidèles de ses délibérations, de ses activités et de ses opérations financières;
 - h) elle prépare ou fait préparer les rapports statistiques, budgétaires et opérationnels sur son exploitation que le ministre peut demander;
 - i) elle accepte d'être supervisée et inspectée par les fonctionnaires du ministère;
 - j) elle se conforme aux politiques et aux directives du ministère;
 - k) de l'avis du ministre, elle souscrit aux buts de l'éducation pour la Saskatchewan;
 - l) elle n'a pas d'accord de fonctionnement comme école associée avec une commission scolaire ou le conseil scolaire.
- (2) La demande de certificat de qualification présentée en vertu du présent article doit :
- a) être rédigée en la forme prescrite par le ministre;
 - b) comprendre tout renseignement que demande le ministre.

Certificat de qualification

11(1) Saisi de la demande visée à l'article 10, le ministre peut délivrer un certificat de qualification à l'école indépendante inscrite s'il constate que les conditions suivantes sont réunies :

- a) l'école indépendante inscrite satisfait aux conditions de qualification énumérées au paragraphe 10(1);
 - b) la demande est complète.
- (2) Le ministre peut assortir le certificat de qualification des conditions qu'il estime indiquées.
- (3) Le certificat de qualification atteste que l'école indépendante inscrite y nommée est une école indépendante qualifiée, conformément aux conditions du certificat.
- (4) Les écoles indépendantes qualifiées sont admissibles aux subventions de fonctionnement prévues à la partie 4 du *Règlement de 2018 sur le financement de l'éducation*.

PART 5
**Rejection of Application or
Suspension or Cancellation of Certificate**

Interpretation of Part

12 In this Part, “**certificate**” means, as the case requires:

- (a) a certificate of registration; or
- (b) a certificate of qualification.

Rejection of application

13 If the minister rejects an application for a certificate, the minister shall provide the applicant with:

- (a) written notice of the rejection; and
- (b) written reasons for the rejection.

Suspension or cancellation of certificate

14(1) The minister may suspend or cancel a certificate if the minister is satisfied that:

- (a) the independent school named in the certificate:
 - (i) obtained the certificate through providing false or misleading information to the minister;
 - (ii) has contravened the Act or these regulations;
 - (iii) has breached a term or condition of its certificate; or
 - (iv) has ceased to meet the qualifications for the certificate; or
- (b) the suspension or cancellation of the certificate is necessary in the public interest.

(2) The minister shall not suspend or cancel a certificate without giving the holder of the certificate an opportunity to be heard.

(3) Notwithstanding subsection (2), if the minister considers it necessary in the public interest, the minister may immediately suspend or cancel a certificate but shall give the holder of the certificate an opportunity to be heard within 10 business days after the suspension or cancellation.

(4) If the minister suspends or cancels a certificate, the minister shall immediately provide the independent school with:

- (a) written notice of the suspension or cancellation; and
- (b) written reasons for the suspension or cancellation.

PARTIE 5
**Rejet d'une demande ou
suspension ou annulation d'un certificat**

Définition

12 Dans la présente partie, « **certificat** » s'entend, selon le cas :

- a) d'un certificat d'inscription;
- b) d'un certificat de qualification.

Rejet d'une demande

13 Lorsqu'il rejette une demande de certificat, le ministre remet à l'auteur de la demande :

- a) un avis écrit du rejet;
- b) les motifs écrits du rejet.

Suspension ou annulation d'un certificat

14(1) Le ministre peut suspendre ou annuler un certificat s'il constate l'un des cas suivants :

- a) l'école indépendante y nommée, selon le cas :
 - (i) a obtenu le certificat en fournissant au ministre des renseignements faux ou trompeurs,
 - (ii) a contrevenu à la Loi ou au présent règlement,
 - (iii) a enfreint une modalité ou une condition du certificat,
 - (iv) ne satisfait plus aux conditions de qualification du certificat;
- b) la suspension ou l'annulation du certificat est commandée par l'intérêt public.

(2) Le ministre ne peut suspendre ou annuler un certificat sans donner à sa détentrice la possibilité de se faire entendre.

(3) Malgré le paragraphe (2), s'il estime que l'intérêt public le commande, le ministre peut procéder immédiatement à la suspension ou à l'annulation du certificat, mais il doit alors donner à sa détentrice la possibilité de se faire entendre dans les 10 jours ouvrables suivant la suspension ou l'annulation.

(4) Lorsqu'il suspend ou annule un certificat, le ministre remet sans délai à l'école indépendante :

- a) un avis écrit de la suspension ou de l'annulation;
- b) les motifs écrits de la suspension ou de l'annulation.

PART 6
School Staff

Director

- 15(1)** The board of a registered independent school, other than an associate school, shall appoint a director for the registered independent school.
- (2) The director shall be designated as the chief executive officer of the registered independent school.
- (3) The board may appoint the principal of the registered independent school as the director of the registered independent school.
- (4) The board shall determine the powers and duties of the director.
- (5) The director shall:
- (a) comply with the duties determined by the board;
 - (b) be responsible for preparing and transmitting to the ministry any reports and returns that:
 - (i) the minister may request; and
 - (ii) relate to the registered independent school's educational activities and educational operations;
 - (c) be responsible for ensuring that the registered independent school is conducted in accordance with the Act, these regulations and the policies of the board; and
 - (d) be responsible for the general management of the registered independent school and its staff.

Principal

- 16(1)** The board of a registered independent school shall appoint a registered teacher as the principal of the registered independent school.
- (2) Notwithstanding the generality of subsection (1), the principal of each of the following registered independent schools must hold a valid Professional A Teacher's Certificate issued pursuant to *The Registered Teachers Act*:
- (a) an associate school;
 - (b) a historical high school;
 - (c) an alternative independent school;
 - (d) a qualified independent school.
- (3) Section 175 of *The Education Act, 1995* applies, with any necessary modification, to the office and duties of the principal of a registered independent school.

PARTIE 6
Personnel de l'école

Directeur administratif

- 15(1)** Le conseil de chaque école indépendante inscrite, exception faite des écoles associées, en nomme le directeur administratif.
- (2) Le directeur administratif est le premier dirigeant de l'école indépendante inscrite.
- (3) Le conseil peut confier la charge de directeur administratif au directeur d'école de l'école indépendante inscrite.
- (4) Le conseil fixe les pouvoirs et fonctions du directeur administratif.
- (5) Le directeur administratif :
- a) remplit les fonctions qui lui sont confiées par le conseil;
 - b) est responsable de la préparation et de la transmission au ministère des rapports qui, à la fois :
 - (i) sont demandés par le ministre,
 - (ii) concernent les activités éducatives de l'école indépendante inscrite et son fonctionnement pédagogique;
 - c) est chargé de veiller à ce que l'école indépendante inscrite soit gérée en conformité avec la Loi, le présent règlement et les principes directeurs du conseil;
 - d) est responsable de la gestion générale de l'école indépendante inscrite et de son personnel.

Directeur d'école

- 16(1)** Le conseil de l'école indépendante inscrite nomme, parmi les enseignants inscrits, le directeur d'école de l'école indépendante inscrite.
- (2) Malgré le paragraphe (1), les écoles indépendantes inscrites des catégories suivantes sont pourvues d'un directeur d'école titulaire d'un brevet d'enseignement professionnel A délivré en vertu de la loi intitulée *The Registered Teachers Act* :
- a) l'école associée;
 - b) l'école secondaire historique;
 - c) l'école indépendante alternative;
 - d) l'école indépendante qualifiée.
- (3) L'article 175 de la *Loi de 1995 sur l'éducation* s'applique, avec les adaptations nécessaires, à la charge et aux fonctions du directeur d'école d'une école indépendante inscrite.

Teaching qualifications

17(1) The board of a registered independent school shall only employ as independent school teachers those persons who hold a valid:

- (a) Professional A Teacher's Certificate issued pursuant to *The Registered Teachers Act*;
 - (b) Probationary B teaching certificate issued by the Saskatchewan Professional Teachers Regulatory Board;
 - (c) temporary teaching permit issued by the Saskatchewan Professional Teachers Regulatory Board; or
 - (d) letter of eligibility, in the case of a religiously-based registered independent school.
- (2) The board may restrict employment of independent school teachers to those who share the faith and practice of the owner or operator of the registered independent school.

Letter of eligibility

18(1) The board of a religiously-based registered independent school may apply to the minister, in the form required by the minister, for the issuance of a letter of eligibility to a person who is 18 years of age or older and whom the board proposes to employ or retain to teach.

(2) On receipt of an application pursuant to subsection (1), the minister may issue a letter of eligibility to the person named in the application.

(3) A letter of eligibility:

- (a) authorizes the person named in the letter to teach in the religiously-based registered independent school at the location set out in the letter;
 - (b) is valid for 5 academic years or for any shorter period that the minister may determine, as long as the person named in the letter is continuously employed or retained by the board to teach in the religiously-based registered independent school at the location set out in the letter;
 - (c) is not transferrable to any other location or school; and
 - (d) is subject to any other terms and conditions that the minister considers appropriate.
- (4) The minister may refuse to issue a letter of eligibility to a person who:
- (a) has had a teacher's certificate suspended or cancelled by a Canadian education authority; or
 - (b) has been convicted under the *Criminal Code* of a sexual offence or an offence involving a minor.
- (5) If the minister rejects an application for a letter of eligibility, the minister shall provide the board with:
- (a) written notice of the rejection; and
 - (b) written reasons for the rejection.

Normes de compétence des enseignants

17(1) Le conseil d'une école indépendante inscrite n'emploie comme enseignants d'école indépendante que les personnes qui détiennent au moins une des attestations suivantes en cours de validité :

- a) un brevet d'enseignement professionnel A délivré en vertu de la loi intitulée *The Registered Teachers Act*;
 - b) un brevet d'enseignement probatoire B délivré par la commission appelée Saskatchewan Professional Teachers Regulatory Board;
 - c) un permis d'enseignement temporaire délivré par la commission appelée Saskatchewan Professional Teachers Regulatory Board;
 - d) une lettre d'admissibilité, s'il s'agit d'une école indépendante inscrite confessionnelle.
- (2) Le conseil peut limiter l'engagement des enseignants d'école indépendante aux personnes qui partagent les croyances et pratiques religieuses du propriétaire ou de l'exploitant de l'école indépendante inscrite.

Lettre d'admissibilité

18(1) Le conseil d'une école indépendante inscrite confessionnelle peut s'adresser au ministre, en la forme prescrite par ce dernier, pour lui demander de délivrer une lettre d'admissibilité à la personne d'au moins 18 ans que le conseil entend engager ou retenir à titre d'enseignant.

(2) Saisi de la demande visée au paragraphe (1), le ministre peut délivrer une lettre d'admissibilité à la personne nommée dans la demande.

(3) La lettre d'admissibilité comporte les modalités suivantes :

- a) elle autorise la personne y nommée à enseigner dans l'école indépendante inscrite confessionnelle à l'endroit y indiqué;
- b) elle est valide pour 5 années d'enseignement ou pour la période plus courte fixée par le ministre, à condition que le mandat de la personne y nommée d'enseigner dans l'école indépendante inscrite confessionnelle à l'endroit y indiqué se poursuive sans interruption;
- c) elle n'est pas transférable à un autre endroit ou à une autre école;
- d) elle est sujette à toute condition que le ministre juge indiquée.

(4) Le ministre peut refuser de délivrer une lettre d'admissibilité aux personnes suivantes :

- a) une personne dont le brevet d'enseignement a été suspendu ou annulé par une autorité responsable de l'éducation au Canada;
- b) une personne qui a été déclarée coupable d'une infraction sexuelle ou d'une infraction à l'endroit d'un mineur sous le régime du *Code criminel*.

(5) Lorsqu'il rejette une demande de lettre d'admissibilité, le ministre remet au conseil :

- a) un avis écrit du rejet;
- b) les motifs écrits du rejet.

Suspension or cancellation of letter

19(1) The minister may suspend or cancel a letter of eligibility if the minister is satisfied that:

- (a) the holder of the letter:
 - (i) obtained the letter by providing the minister with false or misleading information;
 - (ii) has contravened the Act or these regulations;
 - (iii) has breached a term or condition of the letter; or
 - (iv) has ceased to meet the qualifications for the letter; or
 - (b) the suspension or cancellation of the holder's letter of eligibility is necessary in the public interest.
- (2) The minister shall not suspend or cancel a letter of eligibility without giving the holder of the letter an opportunity to be heard.
- (3) Notwithstanding subsection (2), if the minister considers it necessary in the public interest, the minister may immediately suspend or cancel a letter of eligibility but shall give the holder of the letter an opportunity to be heard within 10 business days after the suspension or cancellation.
- (4) If the minister suspends or cancels a letter of eligibility, the minister shall immediately provide the holder of the letter and the applicable board with:
- (a) written notice of the suspension or cancellation; and
 - (b) written reasons for the suspension or cancellation.

Teacher accreditation

20(1) An independent school teacher may apply to the minister, in the form required by the minister, to become an accredited teacher.

(2) On receipt of an application pursuant to subsection (1), the minister may issue a certificate of accreditation if:

- (a) the independent school teacher has taught in the registered independent school:
 - (i) for at least 1 academic year; and
 - (ii) in the subject area for which accreditation is sought;
- (b) the independent school teacher meets the requirements for accreditation established by the ministry and set out in the ministry's policy statement on accreditation; and
- (c) the independent school teacher is under the supervision of:
 - (i) the ministry; or
 - (ii) an approved person.

Suspension ou annulation de la lettre

19(1) Le ministre peut suspendre ou annuler une lettre d'admissibilité s'il constate l'un des cas suivants :

- a) le détenteur de la lettre, selon le cas :
 - (i) a obtenu la lettre en fournissant au ministre des renseignements faux ou trompeurs,
 - (ii) a contrevenu à la Loi ou au présent règlement,
 - (iii) a enfreint une modalité ou une condition de la lettre,
 - (iv) ne satisfait plus aux conditions de qualification pour l'obtention de la lettre;
 - b) la suspension ou l'annulation de la lettre d'admissibilité est commandée par l'intérêt public.
- (2) Le ministre ne peut suspendre ou annuler une lettre d'admissibilité sans donner à son détenteur la possibilité de se faire entendre.
- (3) Malgré le paragraphe (2), s'il estime que l'intérêt public le commande, le ministre peut procéder immédiatement à la suspension ou à l'annulation de la lettre d'admissibilité, mais il doit alors donner à son détenteur la possibilité de se faire entendre dans les 10 jours ouvrables suivant la suspension ou l'annulation.
- (4) Lorsqu'il suspend ou annule une lettre d'admissibilité, le ministre remet sans délai au détenteur de la lettre et au conseil intéressé :
- a) un avis écrit de la suspension ou de l'annulation;
 - b) les motifs écrits de la suspension ou de l'annulation.

Agrément des enseignants

20(1) Un enseignant d'école indépendante peut présenter une demande au ministre, en la forme prescrite par ce dernier, en vue d'obtenir la désignation d'enseignant agréé.

(2) Saisi de la demande visée au paragraphe (1), le ministre peut délivrer un certificat d'agrément si les conditions suivantes sont réunies :

- a) l'enseignant d'école indépendante a enseigné dans l'école indépendante inscrite :
 - (i) pendant au moins une année d'enseignement,
 - (ii) la matière pour laquelle l'agrément est demandé;
- b) l'enseignant d'école indépendante remplit les conditions de l'agrément fixées dans l'énoncé de politique du ministère sur l'agrément;
- c) l'enseignant d'école indépendante est supervisé par :
 - (i) soit le ministère,
 - (ii) soit une personne approuvée.

PART 7
Supervision and Inspection

Supervision

21(1) At the expense of the ministry, the minister shall cause to be supervised any registered independent school that requests supervision.

(2) The minister may appoint, designate, employ or approve as supervisors of registered independent schools only persons who meet the qualifications of director prescribed in section 17 of *The Education Regulations, 2015*.

(3) Supervision of a registered independent school by the ministry:

- (a) is an ongoing process aimed at improving instruction in the school; and
- (b) includes:
 - (i) inspection;
 - (ii) reviewing educational programming with, and enhancing the performance of, independent school teachers; and
 - (iii) an appreciation and recognition of the distinct philosophical orientation of each registered independent school.

(4) Supervision of a registered independent school by the ministry does not include supervision of the registered independent school's responsibility for:

- (a) the recruitment and dismissal of independent school teachers; or
- (b) the selection of the registered independent school's programs and courses.

Duties of minister

22(1) In this section, "**registered independent school**" does not include an associate school.

(2) The minister shall:

- (a) inform, in any manner the minister considers appropriate, registered independent schools of changes in curriculum policy and of curriculum development in Saskatchewan;
- (b) invite registered independent schools to participate in in-service training programs that relate to the implementation of new programs and courses and that are provided in accordance with clause 3(2)(f) of the Act;
- (c) ensure that the attendance provisions of the Act are met by pupils enrolled in registered independent schools.

Inspection

23(1) The minister shall cause all registered independent schools, other than associate schools, to be inspected.

(2) The minister may appoint, designate, employ or approve as inspectors of registered independent schools only persons who meet the qualifications of director prescribed in section 17 of *The Education Regulations, 2015*.

PARTIE 7

Supervision et inspection

Supervision

21(1) Aux frais du ministère, le ministre fait superviser au besoin toute école indépendante inscrite.

(2) Le ministre ne peut nommer, désigner, engager ou approuver à titre de superviseurs d'écoles indépendantes inscrites que les personnes qui remplissent les conditions de compétence d'un directeur énoncées à l'article 17 du règlement intitulé *The Education Regulations, 2015*.

(3) La supervision par le ministère d'une école indépendante inscrite :

- a) est un processus continu visant l'amélioration de l'enseignement à l'école;
- b) comprend les éléments suivants :
 - (i) l'inspection,
 - (ii) le fait de revoir la programmation pédagogique avec les enseignants d'école indépendante et d'améliorer la prestation de leurs services,
 - (iii) l'appréciation et la reconnaissance de l'orientation philosophique distincte de chaque école indépendante inscrite.

(4) La supervision par le ministère d'une école indépendante inscrite ne s'étend pas à la supervision de la responsabilité de l'école en ce qui concerne :

- a) le recrutement et le renvoi des enseignants d'école indépendante;
- b) le choix de ses programmes et de ses cours.

Obligations du ministre

22(1) Au présent article, « **école indépendante inscrite** » ne s'entend pas de l'école associée.

(2) Le ministre est tenu :

- a) d'informer les écoles indépendantes inscrites, par tout moyen qu'il estime indiqué, des changements apportés aux directives pédagogiques et des développements relatifs au programme d'études en Saskatchewan;
- b) d'inviter les écoles indépendantes inscrites à participer à des programmes de formation internes liés à la mise en œuvre de nouveaux programmes et cours et offerts en conformité avec l'alinéa 3(2)f) de la Loi;
- c) de veiller à ce que les dispositions de la Loi en matière de fréquentation scolaire soient respectées par les élèves des écoles indépendantes inscrites.

Inspection

23(1) Le ministre fait inspecter toutes les écoles indépendantes inscrites, à l'exception des écoles associées.

(2) Le ministre ne peut nommer, désigner, engager ou approuver à titre d'inspecteurs d'écoles indépendantes inscrites que les personnes qui remplissent les conditions de compétence d'un directeur énoncées à l'article 17 du règlement intitulé *The Education Regulations, 2015*.

- (3) Inspection of a registered independent school by the ministry:
- (a) includes:
 - (i) examining and inspecting the financial condition or the administrative condition of the school or any other matter relating to the management, administration or operation of the school;
 - (ii) checking compliance with the Act, these regulations and the criteria for registration on an ongoing and collaborative basis with the school;
 - (iii) observing any aspect of the educational activities and educational operations in the school to protect the societal interest of educating the pupils in the school; and
 - (iv) an appreciation and recognition of the distinct philosophical orientation of each registered independent school; and
 - (b) may include non-directive and unobtrusive supervision of the educational operations of the school.
- (4) Inspection of a registered independent school by the ministry does not include inspection of the school's responsibility for:
- (a) the recruitment and dismissal of independent school teachers; or
 - (b) the selection of the school's programs and courses.

School to permit inspection and provide records

24 In accordance with section 358 of the Act and these regulations, every registered independent school, other than an associate school, shall:

- (a) permit inspection by the ministry, at all reasonable times, of:
 - (i) the school's facilities;
 - (ii) the conduct of the school's educational activities and educational operations; and
 - (iii) all records in the possession or under the control of the registered independent school that relate to the activities and functioning of the registered independent school;
- (b) submit an annual return, on the form provided by the minister, within the period required by the minister; and
- (c) promptly provide to the minister copies of any records or any information that:
 - (i) are requested by the minister; and
 - (ii) relate to the activities and functioning of the registered independent school.

- (3) L'inspection par le ministère d'une école indépendante inscrite :
- a) comprend les éléments suivants :
 - (i) l'examen et l'inspection de la situation financière ou administrative de l'école ou de toute autre matière relative à la gestion, à l'administration ou à l'exploitation de l'école,
 - (ii) le contrôle de l'observation de la Loi, du présent règlement et des critères d'inscription, effectué de façon régulière et dans un esprit de collaboration avec l'école,
 - (iii) l'observation des activités éducatives et du fonctionnement pédagogique de l'école sous tous leurs aspects pour veiller à ce que l'intérêt de la société dans l'éducation des élèves à cette école soit protégé,
 - (iv) l'appréciation et la reconnaissance de l'orientation philosophique distincte de chaque école indépendante inscrite;
 - b) peut comprendre une supervision non directive et discrète du fonctionnement pédagogique de l'école.
- (4) L'inspection par le ministère d'une école indépendante inscrite ne s'étend pas à l'inspection de la responsabilité de l'école en ce qui concerne :
- a) le recrutement et le renvoi des enseignants d'école indépendante;
 - b) le choix de ses programmes et de ses cours.

Accès des inspecteurs aux écoles et aux dossiers

24 Conformément à l'article 358 de la Loi et au présent règlement, les écoles indépendantes inscrites, à l'exception des écoles associées, sont tenues aux obligations suivantes :

- a) permettre l'inspection par le ministère, à tout moment raisonnable, de ce qui suit :
 - (i) les installations de l'école,
 - (ii) le déroulement des activités éducatives de l'école et de son fonctionnement pédagogique,
 - (iii) tous les dossiers qui sont en la possession ou sous la responsabilité de l'école et qui concernent ses activités et son fonctionnement;
- b) remettre un rapport annuel, à l'aide du formulaire fourni par le ministre, dans le délai qu'il fixe;
- c) fournir sans tarder au ministre les copies de dossier ou les renseignements qui, à la fois :
 - (i) sont demandés par le ministre,
 - (ii) concernent les activités et le fonctionnement de l'école.

PART 8
Administration

Academic year and hours

25(1) Every registered independent school shall have:

- (a) an academic year that, in the opinion of the minister, is consistent with section 163 of the Act and section 28 of *The Education Regulations, 2015*; and
 - (b) hours of instruction that, in the opinion of the minister, are consistent with the Act and *The Education Regulations, 2015*.
- (2) The board of a registered independent school has the same powers as those of a board of education pursuant to section 163 of the Act.

Goals of education

- 26(1)** Each registered independent school has the freedom to add to the goals of education for Saskatchewan and to define responsibility for their achievement among the school, the home, the church and the community.
- (2) Subject only to such reasonable limits prescribed by law that can be demonstrably justified in a free and democratic society, clause 5(1)(e) is not intended to diminish or infringe on the religious conscience of the owner or operator of any registered independent school.

Approved program participation

27 A registered independent school may participate in approved programs for the education and training of teachers.

Grades of instruction

- 28(1)** Unless the minister determines otherwise, every registered independent school, in each academic year, must provide, and have pupils enrolled in, at least 3 different grades of instruction, not including kindergarten.
- (2) Notwithstanding subsection (1), the rate of progress of any pupil or of any group of pupils in completing the work of any grade may be accelerated or decelerated, in the discretion of the independent school teacher but subject to the policies of the registered independent school.

Classification of pupils

- 29(1)** Pupils are to be classified according to the grade of the level in which they are enrolled so that:
- (a) those enrolled in the Elementary Level are to be classified as engaged in studies of Grade 1, 2, 3, 4 or 5 of that Level;
 - (b) those enrolled in the Middle Level are to be classified as engaged in studies of Grade 6, 7, 8 or 9 of that Level; and
 - (c) those enrolled in the Secondary Level are to be classified as engaged in studies of Grade 10, 11 or 12 of that Level.
- (2) Notwithstanding subsection (1), the director may authorize any variations in the classification of pupils as the director considers necessary in the circumstances.

PARTIE 8 Administration

Année et heures d'enseignement

25(1) Chaque école indépendante inscrite doit avoir :

- a) une année d'enseignement qui, de l'avis du ministre, est conforme à l'article 163 de la Loi et à l'article 28 du règlement intitulé *The Education Regulations, 2015*;
- b) des heures d'enseignement qui, de l'avis du ministre, sont conformes à la Loi et au règlement intitulé *The Education Regulations, 2015*.

(2) Le conseil d'une école indépendante inscrite jouit des mêmes pouvoirs que ceux conférés à une commission scolaire par l'article 163 de la Loi.

Buts de l'éducation

26(1) Toute école indépendante inscrite est libre d'ajouter aux buts de l'éducation pour la Saskatchewan et de répartir la responsabilité de leur réalisation parmi l'école, la maison, l'Église et la communauté.

(2) Sous réserve de toute règle de droit appliquée dans des limites qui sont raisonnables et dont la justification peut se démontrer dans le cadre d'une société libre et démocratique, l'alinéa 5(1)e) n'a pas pour objet de rabaisser ou de heurter la conscience religieuse du propriétaire ou de l'exploitant de l'école indépendante inscrite.

Participation aux programmes approuvés

27 Une école indépendante inscrite peut participer aux programmes approuvés en matière de formation professionnelle des enseignants.

Années d'études

28(1) Sauf décision contraire du ministre, chaque école indépendante inscrite est tenue d'offrir, chaque année d'enseignement, au moins 3 différents niveaux d'années d'études, sans compter la maternelle, et d'avoir des élèves inscrits à chacun de ces niveaux.

(2) Malgré le paragraphe (1), la vitesse à laquelle un élève ou un groupe d'élèves s'acquitte de la charge d'une année d'études peut être freinée ou accélérée à l'appréciation de l'enseignant d'école indépendante, sous réserve toutefois des principes directeurs de l'école indépendante inscrite.

Classement des élèves

29(1) Les élèves sont classés comme suit en fonction de leur inscription :

- a) les élèves du niveau élémentaire sont ceux des 1^{re}, 2^e, 3^e, 4^e et 5^e années;
- b) les élèves du niveau intermédiaire sont ceux des 6^e, 7^e, 8^e et 9^e années;
- c) les élèves du niveau secondaire sont ceux des 10^e, 11^e et 12^e années.

(2) Par dérogation au paragraphe (1), le directeur administratif peut autoriser des écarts dans le classement des élèves compte tenu des circonstances.

Instruction

30(1) Each registered independent school shall provide instruction in the required areas of study, as determined by the minister.

(2) The instruction mentioned in subsection (1) must be:

- (a) appropriate for the age and ability of the pupils;
- (b) comparable in quality to that of schools administered by a board of education or the conseil scolaire; and
- (c) consistent with generally accepted teaching principles with respect to academic content and teaching methods.

(3) The board of a registered independent school may authorize and approve its own programs and courses in the required areas of study.

(4) An independent school teacher must be physically present in Saskatchewan when providing instruction to pupils of the registered independent school.

Approval of courses and programs

31(1) In this section:

“locally developed course” means a course that is:

- (a) developed by a board of education, the conseil scolaire or the board of a registered independent school; and
- (b) approved by the minister; (« *cours élaboré localement* »)

“modified course” means a course that is:

- (a) developed by the ministry and modified by a board of education, the conseil scolaire or the board of a registered independent school; and
- (b) approved by the minister. (« *cours modifié* »)

(2) The board of a registered independent school may submit to the minister for approval:

- (a) programs at the elementary and middle levels; and
- (b) programs at the secondary level that include:
 - (i) locally developed courses;
 - (ii) modified courses;
 - (iii) regular courses originating from registered independent schools that:
 - (A) reflect the religious or philosophical base of the registered independent school; and
 - (B) are academically equivalent to provincially developed courses designated 10, 20 or 30.

(3) A regular course originating from a registered independent school and approved by the minister qualifies pupils for secondary level credits on the same basis as provincially developed courses designated 10, 20 and 30.

Enseignement

30(1) Les écoles indépendantes inscrites fournissent un enseignement dans les matières obligatoires, suivant les prescriptions du ministre.

(2) L'enseignement mentionné au paragraphe (1) doit :

- a) être approprié en fonction de l'âge et des capacités des élèves;
- b) être de qualité comparable à celle de l'enseignement dispensé dans les écoles administrées par une commission scolaire ou le conseil scolaire;
- c) être conforme aux principes d'enseignement généralement reconnus du point de vue du contenu pédagogique et des méthodes d'enseignement.

(3) Le conseil d'une école indépendante inscrite peut autoriser et approuver ses propres programmes et cours dans les matières obligatoires.

(4) Tout enseignant d'école indépendante doit être présent en personne en Saskatchewan lorsqu'il dispense l'enseignement aux élèves de l'école indépendante inscrite.

Approbation des cours et des programmes

31(1) Les définitions qui suivent s'appliquent au présent article.

« **cours élaboré localement** » Cours qui, à la fois :

- a) est élaboré par une commission scolaire, le conseil scolaire ou le conseil d'une école indépendante inscrite;
- b) reçoit l'approbation du ministre. ("*locally developed course*")

« **cours modifié** » Cours qui, à la fois :

- a) est élaboré par le ministère, puis modifié par une commission scolaire, le conseil scolaire ou le conseil d'une école indépendante inscrite;
- b) reçoit l'approbation du ministre. ("*modified course*")

(2) Le conseil d'une école indépendante inscrite peut soumettre à l'approbation du ministre :

- a) des programmes des niveaux élémentaire et intermédiaire;
- b) des programmes du niveau secondaire, dont :
 - (i) des cours élaborés localement,
 - (ii) des cours modifiés,
 - (iii) des cours ordinaires provenant d'écoles indépendantes inscrites qui, à la fois :
 - (A) reflètent les assises religieuses ou philosophiques de l'école indépendante inscrite,
 - (B) sont pédagogiquement équivalents aux cours élaborés à l'échelle provinciale portant la désignation 10, 20 ou 30.

(3) Tout cours ordinaire provenant d'une école indépendante inscrite et approuvé par le ministre rend les élèves admissibles à des crédits de niveau secondaire, au même titre que les cours élaborés à l'échelle provinciale portant la désignation 10, 20 ou 30.

Language of instruction

32(1) Subject to subsection (2), English is the language of instruction in a registered independent school.

(2) A language other than English may be the principal language of instruction in a registered independent school if:

- (a) the board passes a resolution declaring that language to be the principal language of instruction in the school; and
- (b) the minister gives written approval to that resolution.

Religious instruction

33(1) If authorized by the board of a registered independent school, non-credit religious instruction may be given for a period not exceeding 2.5 hours per week within the regular hours of instruction pursuant to clause 25(1)(b).

(2) If a board passes a resolution in accordance with subsection 32(2), the religious instruction mentioned in subsection (1) may be given in a language other than English.

(3) Notwithstanding any other provision of these regulations, non-credit religious instruction mentioned in subsection (1) may be provided by any person who meets the qualifications prescribed by the board.

Eligibility for credit

34 Without restricting the eligibility of a pupil to obtain secondary level credits in accordance with *The Education Regulations, 2015*, a pupil enrolled in a course in a registered independent school is eligible for secondary level credit in the course if:

- (a) the registered independent school has been lawfully in operation for at least one full academic year, unless this requirement is waived by the minister;
- (b) the minister has approved the course;
- (c) the teacher of the course:
 - (i) is a registered teacher; and
 - (ii) is physically present in the classroom with the pupils when instructing or supervising the instruction of the course; and
- (d) the instruction is under the supervision of:
 - (i) the ministry; or
 - (ii) an approved person.

Pupil records

35(1) In this section, “**registered independent school**” includes a former independent school that:

- (a) held a certificate of registration at any time within the 15 years before the date of a request for access to its pupil records pursuant to this section but has closed; and
- (b) has informed the minister pursuant to subsection 39(4) that it has retained its pupil records.

Langue d'enseignement

32(1) Sous réserve du paragraphe (2), l'anglais est la langue d'enseignement dans une école indépendante inscrite.

(2) Une langue autre que l'anglais peut être la première langue d'enseignement dans une école indépendante inscrite, si les conditions suivantes sont réunies :

- a) le conseil décide par résolution de faire de cette langue la première langue d'enseignement à l'école;
- b) le ministre approuve cette résolution par écrit.

Enseignement religieux

33(1) Sur autorisation du conseil d'une école indépendante inscrite, un enseignement religieux sans crédit d'une durée maximale de 2,5 heures par semaine peut être dispensé dans le cadre des heures ordinaires d'enseignement prévues à l'alinéa 25(1)b).

(2) Si le conseil adopte la résolution mentionnée au paragraphe 32(2), l'enseignement religieux visé au paragraphe (1) peut être donné dans une langue autre que l'anglais.

(3) Malgré toute autre disposition du présent règlement, l'enseignement religieux sans crédit mentionné au paragraphe (1) peut être dispensé par toute personne qui satisfait aux normes de compétence que fixe le conseil.

Admissibilité à des crédits

34 Sans qu'il soit porté atteinte à son admissibilité à des crédits de niveau secondaire que prévoit le règlement intitulé *The Education Regulations, 2015*, l'élève inscrit à un cours donné dans une école indépendante inscrite est admissible à des crédits de niveau secondaire dans le cours si les conditions suivantes sont réunies :

- a) l'école indépendante inscrite a été exploitée légalement depuis au moins une année d'enseignement révolue, sauf dispense du ministre;
- b) le ministre a approuvé le cours;
- c) l'enseignant du cours remplit les conditions suivantes :
 - (i) il s'agit d'un enseignant inscrit,
 - (ii) il est physiquement présent dans la salle de classe avec les élèves pendant qu'il enseigne ou qu'il supervise l'enseignement du cours;
- d) l'enseignement est supervisé par :
 - (i) soit le ministre,
 - (ii) soit une personne approuvée.

Dossiers scolaires

35(1) Au présent article, « **école indépendante inscrite** » s'entend en outre d'une ancienne école indépendante qui, à la fois :

- a) quoique fermée, a détenu un certificat d'inscription pendant un moment dans les 15 ans précédant la date d'une demande d'accès à ses dossiers scolaires présentée en vertu du présent article;
- b) a informé le ministre conformément au paragraphe 39(4) qu'elle a conservé ses dossiers scolaires.

- (2) Every registered independent school shall:
- (a) maintain for each enrolled pupil a record indicating:
 - (i) the pupil's name and any other names by which the pupil is known;
 - (ii) the pupil's address and telephone number;
 - (iii) the pupil's sex and date of birth;
 - (iv) the name, address and telephone number of the pupil's parent or guardian;
 - (v) the pupil's citizenship; and
 - (vi) if a pupil is not entitled to remain permanently in Canada, the type of visa held by the pupil and its expiry date; and
 - (b) maintain records of pupil enrolment and attendance in a form acceptable to the minister.
- (3) Subject to subsection (4), each registered independent school shall keep confidential all records relating to a pupil.
- (4) Subject to subsection (5), each registered independent school shall grant access to records relating to a pupil to:
- (a) subject to clause (c), the pupil to whom the records relate and whose parent or guardian is in attendance when access is granted;
 - (b) the pupil's parent or guardian if the pupil to whom the records relate is not living independently of the parent or guardian;
 - (c) the pupil to whom the records relate if the pupil is:
 - (i) 16 or 17 years of age and living independently of his or her parents or guardian; or
 - (ii) 18 years of age or older;
 - (d) an official of the ministry duly authorized by the minister to have access;
 - (e) a person who is authorized by law to have access to the records;
 - (f) a school or a registered independent school if:
 - (i) in the case of pupil mentioned in clause (c), the pupil authorizes access to or the provision of information from the pupil's records; or
 - (ii) in the case of a pupil mentioned in clause (b), the parent or guardian authorizes access to or the provision of information from the pupil's records.
- (5) The board of a registered independent school may pass a resolution prescribing the conditions, including the hours and manner of inspection, under which the access mentioned in subsection (4) is to be granted.

- (2) L'école indépendante inscrite doit :
- a) tenir, pour chaque élève inscrit, un dossier contenant les renseignements suivants :
 - (i) son nom et tout autre nom sous lequel il est connu,
 - (ii) son adresse et son numéro de téléphone,
 - (iii) son sexe et sa date de naissance,
 - (iv) les nom, adresse et numéro de téléphone de son père, de sa mère ou de son tuteur,
 - (v) sa citoyenneté,
 - (vi) s'il n'est pas autorisé à demeurer de façon permanente au Canada, le type de visa qu'il détient et la date d'expiration du visa;
 - b) tenir des registres de l'effectif et des présences dans une forme que le ministre juge acceptable.
- (3) Sous réserve du paragraphe (4), les écoles indépendantes inscrites doivent préserver la confidentialité de tous les dossiers scolaires.
- (4) Sous réserve du paragraphe (5), chaque école indépendante inscrite doit permettre à ceux qui suivent d'avoir accès aux dossiers scolaires pertinents :
- a) sous réserve de l'alinéa c), l'élève qui fait l'objet des dossiers, en présence de son père, de sa mère ou de son tuteur;
 - b) le père, la mère ou le tuteur de l'élève qui fait l'objet des dossiers, si ce dernier ne vit pas de façon indépendante du père, de la mère ou du tuteur;
 - c) l'élève qui fait l'objet des dossiers et qui, selon le cas :
 - (i) est âgé de 16 ou 17 ans et vit de façon indépendante de son père, de sa mère ou de son tuteur,
 - (ii) est âgé d'au moins 18 ans;
 - d) un fonctionnaire du ministère, autorisé par le ministre à avoir cet accès;
 - e) toute personne autorisée par la loi à avoir accès à ces dossiers;
 - f) une école ou une école indépendante inscrite, aux conditions suivantes :
 - (i) s'agissant d'un élève visé à l'alinéa c), celui-ci autorise l'accès aux dossiers le concernant ou consent à la communication de renseignements qui s'y trouvent,
 - (ii) s'agissant d'un élève visé à l'alinéa b), son père, sa mère ou son tuteur autorise l'accès aux dossiers concernant l'élève ou consent à la communication de renseignements qui s'y trouvent.
- (5) Le conseil d'une école indépendante inscrite peut par résolution fixer les modalités de l'accès prévu au paragraphe (4), en ce qui concerne notamment les heures et le mode de consultation.

Restrictive enrolment policy

36 The board of a registered independent school may follow a restrictive policy with respect to enrolment on the basis of sex, creed, religion, disability or educational philosophy if the school:

- (a) enrolls pupils of a particular sex, creed, religion or educational philosophy, exclusively;
- (b) in the case of religion:
 - (i) is operated by a religious order or society; and
 - (ii) has, as its primary objective, the advancement of education from a religiously-based philosophical perspective; or
- (c) enrolls pupils who have a disability.

Discipline

37 In accordance with subsection 152(1.1) of the Act, the use of any of the following forms of discipline on a pupil attending a registered independent school is prohibited:

- (a) a strap, cane or other physical object;
- (b) a hand or foot used in a manner meant to punish.

Prohibition

38(1) No person other than a registered independent school may refer to itself or advertise itself as a registered independent school.

(2) Subject to subsection (3), no person purporting to provide its pupils of compulsory school age with an exemption from attendance at a school pursuant to clause 157(1)(b) of the Act shall operate an independent school without being a registered independent school.

(3) No person who has applied to the minister for registration pursuant to section 5 is liable to prosecution pursuant to subsection (2) of this section for the period during which the minister considers the application and until the minister:

- (a) issues a certificate of registration; or
- (b) responds in writing pursuant to subsection 13(1).

(4) No person other than an alternative independent school shall refer to itself or advertise itself as an alternative independent school.

School closure or discontinuance of grade

39(1) Subject to subsections (2) to (5), the board of a registered independent school may:

- (a) close the school; or
- (b) discontinue one or more of the grades taught in the school.

Politique d'inscription restrictive

36 Le conseil d'une école indépendante inscrite peut appliquer une politique d'inscription restrictive en fonction du sexe, de la foi, de la religion, de l'incapacité ou de la philosophie pédagogique dans les cas suivants :

- a) les inscriptions sont limitées aux élèves d'un certain sexe, d'une certaine foi ou d'une certaine religion ou à ceux qui adhèrent à une certaine philosophie pédagogique;
- b) s'agissant de la religion, l'école satisfait aux critères suivants :
 - (i) elle est exploitée par un ordre religieux ou une société religieuse,
 - (ii) elle a comme objectif principal la promotion de l'éducation dans une perspective philosophique fondée sur la religion;
- c) les inscriptions visent des élèves frappés d'une incapacité.

Discipline

37 Conformément au paragraphe 152(1.1) de la Loi, il est interdit d'avoir recours aux moyens de discipline suivants à l'endroit d'un élève qui fréquente une école indépendante inscrite :

- a) une lanière, une badine ou un autre objet;
- b) une main ou un pied utilisés de manière à punir.

Interdictions

38(1) Seules les écoles indépendantes inscrites peuvent s'identifier comme telles ou faire de la publicité en ce sens.

(2) Sous réserve du paragraphe (3), il est interdit, dans le but de permettre à un élève d'âge scolaire d'être excusé de l'obligation de fréquenter l'école en vertu de l'alinéa 157(1)b) de la Loi, d'exploiter une école indépendante qui n'est pas une école indépendante inscrite.

(3) Aucune poursuite ne peut être intentée pour infraction au paragraphe (2) à une personne qui a saisi le ministre d'une demande d'inscription en vertu de l'article 5 pendant que le ministre examine la demande et tant que le ministre n'a pas encore pris une des mesures suivantes :

- a) délivrer un certificat d'inscription;
- b) répondre par écrit conformément au paragraphe 13(1).

(4) Seules les écoles indépendantes alternatives peuvent s'identifier comme telles ou faire de la publicité en ce sens.

Fermeture d'école ou cessation d'année d'étude

39(1) Sous réserve des paragraphes (2) à (5), le conseil d'une école indépendante inscrite peut :

- a) fermer l'école;
- b) cesser d'y offrir une ou plusieurs années d'études.

(2) If a board proposes to close the school or discontinue one or more grades taught in the school pursuant to subsection (1), the director shall:

- (a) notify, in writing:
 - (i) the minister;
 - (ii) the director for the school division in which the registered independent school is situated; and
 - (iii) in the case of:
 - (A) closure of the school, the parent or guardian of each pupil enrolled in the school;
 - (B) discontinuance of a grade, the parent or guardian of each pupil enrolled in that grade of the school proposed to be discontinued; and
- (b) consult with the parents or guardians mentioned in subclause (a)(iii) with respect to educational services for the pupils.

(3) The board may not close the school or discontinue any grade pursuant to subsection (1) less than 30 days after the date on which the minister and the director for the school division receive notice pursuant to subsection (2).

(4) If a board closes the school or discontinues any grade, the board shall send a written notice to the minister:

- (a) confirming the closure or discontinuance; and
- (b) in the case of closure, informing the minister that the owner or operator of the registered independent school:
 - (i) proposes to retain the pupil records required pursuant to section 35; or
 - (ii) requests the minister to provide for retention of the pupil records mentioned in subclause (i).

(5) On receipt of a written notice confirming closure of a registered independent school pursuant to subsection (4), the minister:

- (a) shall cancel the school's certificate of registration, and section 14 does not apply to that cancellation; and
- (b) if the minister is requested to provide for retention of pupil records pursuant to subclause (4)(b)(ii), shall cause the records to be placed for safekeeping with:
 - (i) the ministry;
 - (ii) another registered independent school; or
 - (iii) any other person, authority or body that the minister considers appropriate.

(2) Lorsqu'un conseil entend fermer l'école ou cesser d'y offrir une ou plusieurs années d'études en vertu du paragraphe (1), le directeur administratif :

a) en avise par écrit :

(i) le ministre,

(ii) le directeur de la division scolaire dans laquelle se trouve l'école indépendante inscrite,

(iii) selon le cas :

(A) s'agissant d'une fermeture d'école, le père, la mère ou le tuteur de chaque élève inscrit à l'école,

(B) s'agissant de la cessation d'une année d'études, le père, la mère ou le tuteur de chaque élève inscrit à ce niveau scolaire;

b) consulte les parents ou tuteurs mentionnés au sous-alinéa a)(iii) au sujet des services d'éducation pour les élèves visés.

(3) Un conseil ne peut fermer l'école ou cesser d'y offrir une ou plusieurs années d'études en vertu du paragraphe (1) moins de 30 jours après la date à laquelle le ministre et le directeur de la division scolaire ont reçu l'avis prévu au paragraphe (2).

(4) Le conseil qui ferme l'école ou cesse d'y offrir une ou plusieurs années d'études envoie au ministre un avis écrit :

a) confirmant la fermeture ou la cessation;

b) dans le cas d'une fermeture, l'informant que le propriétaire ou l'exploitant de l'école indépendante inscrite souhaite :

(i) soit conserver les dossiers scolaires régis par l'article 35,

(ii) soit confier au ministre la conservation de ces dossiers.

(5) Sur réception de l'avis écrit de fermeture prévu au paragraphe (4), le ministre :

a) annule le certificat d'inscription de l'école, l'article 14 ne s'appliquant pas à cette annulation;

b) si la conservation des dossiers scolaires lui est confiée conformément au sous-alinéa (4)b)(ii), fait conserver les dossiers :

(i) soit par le ministère,

(ii) soit par une autre école indépendante inscrite,

(iii) soit par quelque autre personne, autorité ou organisme qu'il juge indiqué.

PART 9

Repeal, Transitional and Coming into Force**RRS c E-0.1 Reg 11 repealed**

40 *The Independent Schools Regulations* are repealed.

Transitional

41 Every certificate of registration and certificate of qualification that was issued or deemed to have been issued pursuant to *The Independent Schools Regulations* and that was in force on the day before these regulations came into force is continued as, and may be dealt with as, a certificate of registration or as a certificate of qualification, as the case requires, issued pursuant to these regulations.

Coming into force

42(1) Subject to subsection (2), these regulations come into force on September 1, 2018.

(2) If these regulations are filed with the Registrar of Regulations after September 1, 2018, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

PARTIE 9

Abrogation, disposition transitoire et entrée en vigueur**Abrogation de RRS c E-0.1 Règl 11**

40 Le règlement intitulé *The Independent Schools Regulations* est abrogé.

Disposition transitoire

41 Les certificats d'inscription et les certificats de qualification qui ont été délivrés ou qui étaient réputés avoir été délivrés en vertu du règlement intitulé *The Independent Schools Regulations* et qui étaient en vigueur la veille de l'entrée en vigueur du présent règlement sont prorogés en tant que certificats d'inscription ou certificats de qualification, selon le cas, délivrés sous le régime du présent règlement et doivent être traités ainsi.

Entrée en vigueur

42(1) Sous réserve du paragraphe (2), le présent règlement entre en vigueur le 1^{er} septembre 2018.

(2) Le présent règlement entre en vigueur le jour de son dépôt auprès du registraire des règlements, si ce dépôt intervient après le 1^{er} septembre 2018.

CHAPTER F-13.21 REG 1*The Film and Video Classification Act, 2016*

Section 21

Order in Council 235/2018, dated May 9, 2018

(Filed May 10, 2018)

Title

1 These regulations may be cited as *The Film and Video Classification Regulations, 2018*.

Definitions

2(1) In these regulations:

“**Act**” means *The Film and Video Classification Act, 2016*;

“**appeal**” means an appeal pursuant to section 12 of the Act;

“**explicit sexual scene**” means a scene in a film that depicts sexual activity, the occurrence of which is actually visible to the viewer;

“**registrant**” means a person registered pursuant to section 3;

“**sexual activity**” means a real or simulated act of:

- (a) intercourse or masturbation;
- (b) genital-genital, genital-anal, oral-genital or oral-anal connection between human beings or between human beings and animals and anal or genital connection between human beings and objects;

“**sexually suggestive scene**” means a scene in a film that depicts:

- (a) sexual activity other than an explicit sexual scene; or
- (b) sexual activity that is not actually visible to the viewer, but the scene and the context in which it appears are intended to suggest that sexual activity is or may be occurring.

(2) For the purposes of the Act and these regulations, “**advertising**” includes catalogues, order forms and other printed and non-printed promotional materials circulated between wholesale and retail distributors, exhibitors and the public, and retail distributors and the public.

(3) A wholesale distributor as defined in section 2 of the Act includes the studio that produced the film, the owner and any other person or group responsible for the release and distribution of the film.

Registration

3(1) Every applicant for registration shall apply to the director in the form provided by the director and shall provide:

- (a) the name of a contact person for the applicant;
- (b) a business phone number for the applicant;
- (c) the applicant’s mailing address for correspondence;
- (d) an email address to which notices and other documents required to be delivered or sent to the applicant may be sent;
- (e) the type of business conducted by the applicant in Saskatchewan;

- (f) the category of film product to be exhibited or distributed by the applicant;
 - (g) the name under which the applicant is incorporated, continued or registered pursuant to *The Business Corporations Act* or *The Business Names Registration Act*, as the case may be;
 - (h) the location of each of the business premises in Saskatchewan where the applicant proposes to carry on business;
 - (i) the name of the person signing the form and his or her relation to the applicant; and
 - (j) a criminal record check:
 - (i) subject to subclause (ii), if required by the director;
 - (ii) in all cases in which the applicant intends to distribute or exhibit a film classified as Adult.
- (2) If the applicant:
- (a) is a partnership, the applicant must provide the names of each partner responsible for the operations of the applicant in Saskatchewan;
 - (b) is a corporation, the applicant must provide the names of the directors responsible for the operations of the applicant in Saskatchewan.
- (3) If the director requires a criminal record check pursuant to clause (1)(j), the applicant must provide:
- (a) if the applicant is a sole proprietor, a criminal record check for the sole proprietor;
 - (b) if the applicant is a partnership, a criminal record check for each partner responsible for the operations of the applicant in Saskatchewan;
 - (c) if the applicant is a corporation, a criminal record check for each director responsible for the operations of the applicant in Saskatchewan.
- (4) The director may require an applicant to verify, by affidavit or otherwise, any information or material submitted to the director pursuant to this section.

Change in information

- 4(1) A registration is not transferable.
- (2) A registrant shall notify the director in writing of a change, either before or within 7 days after its occurrence, in any of the following:
- (a) the address for service of the registrant;
 - (b) the name under which the registrant is incorporated, continued or registered pursuant to *The Business Corporations Act* or *The Business Names Registration Act*, as the case may be;
 - (c) the location of any business premises of the registrant;
 - (d) the registrant's inventory caused by adding the category of films classified as Adult to the inventory or by removing that category of films from the inventory.

Annual return

- 5(1) Every registrant must submit to the director an annual return on or before the anniversary date of the issuance of the registrant's registration in accordance with this section.
- (2) The annual return mentioned in subsection (1) must, with respect to the previous year:
- (a) report any change in the information required to be provided to the director pursuant to subsection 4(2) that has not already been reported;
 - (b) include a declaration that the registrant has complied with the Act and these regulations during the period since the previous annual return;
 - (c) include confirmation, verified by the declaration mentioned in clause (b), that the information in the annual return is true; and
 - (d) include any other information required by the director.
- (3) A declaration mentioned in clause (2)(b) must be completed:
- (a) in the case of a registrant that is a sole proprietor, by the sole proprietor;
 - (b) in the case of a registrant that is a partnership, by any partner;
 - (c) in the case of a registrant that is a corporation, by a director of the corporation.

Deemed registration

- 6 Notwithstanding section 3, a wholesale distributor is deemed to be registered pursuant to the Act if:
- (a) the wholesale distributor is licensed or registered by a classification body in another jurisdiction to distribute films; and
 - (b) an agreement has been made pursuant to section 20 of the Act with the classification body mentioned in clause (a) to license or register that wholesale distributor on behalf of Saskatchewan.

Wholesale distributor licensed in British Columbia

- 7(1) Subject to section 8, if an agreement pursuant to section 20 of the Act is in effect with British Columbia to license persons distributing film in Saskatchewan, every wholesale distributor who distributes or intends to distribute film in Saskatchewan shall obtain a licence in British Columbia pursuant to the *Motion Picture Act* (British Columbia).
- (2) If an agreement pursuant to section 20 of the Act is in effect with British Columbia, a wholesale distributor is deemed to be registered pursuant to the Act if the wholesale distributor:
- (a) has provided to British Columbia an address for service in Saskatchewan;
 - (b) is licensed in British Columbia pursuant to subsection (1); and
 - (c) files with the director a copy of the licence obtained pursuant to subsection (1).

(3) If an agreement pursuant to section 20 of the Act expires without renewal or is terminated, the director shall send a written notice to each wholesale distributor mentioned in subsection (2):

- (a) of the expiry or termination date of the agreement; and
- (b) of the requirement of the wholesale distributor to register pursuant to section 9 of the Act within 6 months after the date of receipt of the written notice.

(4) The registration of a wholesale distributor is deemed to continue for 6 months from the date after receipt of the written notice sent pursuant to subsection (3).

(5) For the purposes of subsections (3) and (4), a written notice to the wholesale distributor may be sent by ordinary mail to the address for service in Saskatchewan.

(6) A written notice sent by ordinary mail is deemed to have been received on the seventh day following the date of its mailing unless the wholesale distributor to whom it was mailed establishes that, through no fault of his or her own, the wholesale distributor did not receive the written notice or received the written notice at a later date.

(7) If an agreement pursuant to section 20 of the Act is in effect with British Columbia, a wholesale distributor shall provide to each of its sales representatives who distributes film in Saskatchewan an identification card if required to do so by British Columbia.

Additional rules re distribution

8(1) Any person who does not intend to distribute or exhibit a film outside Saskatchewan may:

- (a) register pursuant to section 3; and
- (b) subject to subsection (3), have the film:
 - (i) approved pursuant to section 3 of the Act; and
 - (ii) classified pursuant to section 4 of the Act.

(2) A wholesale distributor who distributes film in Saskatchewan that has already been classified in accordance with the Act and these regulations is not required to obtain a licence in British Columbia.

(3) If an agreement pursuant to section 20 of the Act is in effect with British Columbia, the director may, if he or she considers it appropriate, require any person to have any film approved and classified in British Columbia for the purpose of distribution in Saskatchewan.

Fee for classification

9 Subject to section 13, the fee payable:

- (a) for the classification of film for exhibition is \$440 per title;
- (b) for classification by documentation is \$50 per title.

Approval

10(1) Subject to subsection (3), a film is exempt from subsection 3(1) of the Act unless the film contains any of the following elements:

- (a) the coercing, through the use of threat or physical force or by other means, of a person to engage in a sexual activity, if the sexual activity that was coerced is depicted in explicit sexual scenes; or
 - (b) a person who is or who appears to be under the age of 18 or who is intended to represent a person under that age who appears:
 - (i) nude or partially nude in a sexually suggestive context; or
 - (ii) in a scene of explicit sexual activity.
- (2) If a film contains any of the elements listed in clause (1)(a) or (b), the director:
- (a) shall consider the character and content of the film in its entirety and consider the presence of a scene mentioned in those clauses in the whole context of the film in which it appears;
 - (b) shall consider the extent to which the film:
 - (i) degrades or denies human dignity;
 - (ii) exploits individuals by portraying them in a manner that denies their essential worth and dignity as human beings; and
 - (iii) may stimulate illegal conduct;
 - (c) shall consider whether the theme, subject-matter or plot of the film is artistic, historical, political, educational or scientific; and
 - (d) may approve or disapprove the film in its entirety or require the removal of any portion of the film.
- (3) All other provisions of the Act and these regulations continue to apply to a film that is exempt pursuant to subsection (1) as if the film had been approved pursuant to section 3 of the Act.

Classification of film

11(1) Subject to subsection (8), in exercising the director's authority pursuant to section 4 of the Act to classify a film, the director, taking into consideration the criteria prescribed in this section, shall classify a film into one of the following categories:

- (a) General (G);
- (b) Parental Guidance (PG);
- (c) 14A;
- (d) 18A;
- (e) Restricted (R);
- (f) Adult (A).

(2) A film is to be classified as General if the content is considered by the director to be suitable for viewing by persons of all ages.

(3) A film is to be classified as Parental Guidance if the themes or content of the film may not, in the opinion of the director, be suitable for all children.

(4) A film is to be classified as 14A if the film, in the opinion of the director, is suitable for viewing by persons 14 years of age or older but not for children under 14 years of age unless accompanied by an adult as the film contains any of the following:

- (a) violence;
- (b) coarse language;
- (c) sexually suggestive scenes.

(5) A film is to be classified as 18A if the film, in the opinion of the director, is suitable for viewing by persons over 18 years of age but not for persons under 18 years of age unless accompanied by an adult because the film contains any of the following:

- (a) explicit violence;
- (b) frequent coarse language;
- (c) horror;
- (d) sexual activity.

(6) A film is to be classified as Restricted if the film, in the opinion of the director, is not suitable for viewing by persons under 18 years of age because the film contains frequent use of any of the following:

- (a) brutal or graphic violence;
- (b) intense horror;
- (c) explicit sexual scenes;
- (d) other disturbing content.

(7) A film is to be classified as Adult if the film, in the opinion of the director, is not suitable for viewing by persons under 18 years of age because the film consists of any of the following:

- (a) predominantly explicit sexual scenes;
- (b) scenes of brutality or torture, maiming or dismemberment of persons or animals that are portrayed in a realistic and explicit manner.

(8) If the director requires the exhibitor, retail distributor or wholesale distributor mentioned in clause 3(1)(b) of the Act to remove a portion of a film that has been disapproved by the director in accordance with section 3 of the Act and section 10 of these regulations, the director shall exercise his or her authority to classify a film pursuant to section 4 of the Act and subsections (1) to (7) based on the contents of the film after the portion has been removed.

Permitted age

12 For the purposes of the definition of “permitted age” in section 2 of the Act, the permitted age for the viewing, purchasing, renting, leasing or exchanging of a film:

- (a) that is classified as 14A is 14 years, unless accompanied by an adult;
- (b) that is classified as 18A is 18 years, unless accompanied by an adult;
- (c) that is classified as Restricted is 18 years; or
- (d) that is classified as Adult is 18 years.

Approval of films pursuant to agreement with British Columbia

13(1) If an agreement pursuant to section 20 of the Act is in effect with British Columbia for the purpose of approving and classifying films intended for exhibition or distribution in Saskatchewan, a film is deemed to be approved and classified pursuant to the Act and these regulations if:

- (a) the film has been approved or classified in accordance with the agreement; and
- (b) except in the case of a film classified as Adult that is not intended for exhibition in Saskatchewan, the classification fee prescribed in section 9 has been paid to British Columbia.

(2) If an agreement mentioned in subsection (1) is no longer in effect, a film that has been approved or classified during the term of the agreement is deemed to be approved or classified pursuant to the Act and these regulations.

Deemed classification

14(1) Subject to subsection (2), a film that is offered for sale, rent, lease or exchange by a retail distributor is deemed to be classified pursuant to the Act and these regulations if it bears evidence of having been classified through:

- (a) the Motion Picture Association of America;
- (b) the British Board of Film Classification; or
- (c) a body that classifies, reviews or otherwise approves films and that is established pursuant to the legislation of another province or territory of Canada.

(2) Subsection (1) does not apply to a film classified as Adult unless it has been approved in accordance with an agreement pursuant to section 20 of the Act.

Film information sources

15 For the purposes of clauses 3(3)(b), 4(2)(b), 4(4)(a) and 5(2)(b) of the Act, the Motion Picture Association of America and the British Board of Film Classification are prescribed as review bodies whose approvals or classifications of films may be used by the director.

Other information sources

16 For the purposes of clauses 3(3)(c) and 4(2)(c) of the Act, the director may base his or her approval or classification of a film on information that the director is satisfied is accurate and unbiased and that is obtained from film reports, consumer reports, journals or other information sources reporting on the film’s content.

No admittance to minors

17(1) A retail distributor who offers for sale, rent, lease or exchange only films classified as Adult shall display in a conspicuous manner at all entrances to his or her business premises a sign reading “No admittance to persons under age 18” and shall not admit a person under 18 years of age to the business premises.

(2) A retail distributor who offers for sale, rent, lease or exchange films classified as Adult in addition to films in other classifications shall offer the Adult films in such a manner that:

- (a) all advertising material on the business premises for films classified as Adult and the films themselves are physically segregated from persons under 18 years of age in a manner that is acceptable to the director;
- (b) a person under 18 years of age is not admitted into the segregated area; and
- (c) a sign mentioned in subsection (1) is displayed at every entrance to the segregated area.

Public library exemption

18 The Act and these regulations do not apply to any film owned, sponsored, exhibited or distributed by a library that is part of the provincial public library system within the meaning of *The Public Libraries Act, 1996*, if the film is designed for educational purposes.

Advertising

19(1) In exercising his or her authority pursuant to section 5 of the Act to approve, restrict or prohibit advertising, the manner of advertising or the manner of display, the director shall consider whether the advertisement or display:

- (a) contains the classification information, and any additional information, required pursuant to clause 5(1)(b) of the Act and pursuant to these regulations;
- (b) makes the required classification information clearly apparent to those who may view, purchase, rent, lease or exchange films; and
- (c) contains material, an image or content of a nature that, were it contained in a film, would preclude access by persons of a certain age according to the classification requirements of these regulations.

(2) No advertisement for a film classified as Adult shall be placed, posted or exhibited on the business premises of a retail distributor who offers for sale, rent, lease or exchange only films classified as Adult so that the advertisement is visible to members of the public from outside the premises of the retail distributor.

(3) No advertisement for a film classified as Adult shall be placed, posted or exhibited on the business premises of a retail distributor who offers for sale, rent, lease or exchange films classified as Adult in addition to films with other classifications so that the advertisement or a film classified as Adult is visible to customers in that part of the premises where films with other classifications are offered for sale, rent, lease or exchange.

Employees under age 18

20(1) A registrant who exhibits, sells, rents, leases or exchanges films classified as Adult shall not permit an employee under 18 years of age to handle or have access to films classified as Adult.

(2) An exhibitor who exhibits films shall not permit an employee under 18 years of age to view a film classified as Restricted or Adult.

Display of films for sale or rent

21(1) Without limiting the generality of these regulations and clause 5(1)(b) of the Act:

(a) a retail distributor shall ensure that every film offered for sale, rent, lease or exchange, other than a film classified as Adult or a film that is exempt pursuant to the Act or these regulations, bears evidence on the cassette, its jacket or its sleeve that:

- (i) the film is approved pursuant to the Act and these regulations;
- (ii) the film meets any requirements of the director; and
- (iii) the film has been classified in accordance with the following:
 - (A) General – G in a green circle;
 - (B) Parental Guidance – PG in a blue square;
 - (C) 14A – 14A in a yellow triangle;
 - (D) 18A – 18A in an orange triangle;
 - (E) Restricted – R in a red octagon; and

(b) an exhibitor shall ensure that the classification of every film being exhibited is displayed in a manner that is acceptable to the director.

(2) Every film intended for exhibition or distribution in Saskatchewan that is classified as Adult is subject to the following conditions:

- (a) the film must have been approved as an Adult film pursuant to the *Motion Picture Act* (British Columbia);
- (b) the classification fee prescribed pursuant to section 9 must have been paid to British Columbia, other than with respect to films classified as Adult that are not for exhibition in theatres; and
- (c) each copy of the film must have affixed to it a decal in accordance with the regulations made pursuant to the *Motion Picture Act* (British Columbia) that is issued on the payment of the fee mentioned in clause (b).

Appeal

22 The chairperson of the authority shall specify which member or members of the authority shall constitute a panel to hear an appeal.

Commencement of appeal

23(1) A person who wishes to appeal a decision of the director shall commence an appeal by delivering a written notice of the appeal to the chairperson of the authority.

- (2) If the person who submitted a film for approval or classification is appealing a decision of the director with respect to disapproval of the film, a requirement to remove a portion of the film, or classification of the film, that person shall include with his or her notice of appeal a fee of \$500.

Procedure on appeal

24(1) If a person appealing a decision pursuant to clause 12(2)(a) or (c) of the Act is the person who submitted the film for classification, that person shall:

- (a) at his or her own expense, provide premises in Saskatchewan acceptable to the authority at which to hold the appeal; and
 - (b) at his or her own expense, provide the equipment and resources necessary for the authority to view the film.
- (2) The authority shall:
- (a) in the case of a person mentioned in subsection (1), set the time and date for hearing the appeal at the premises provided by the person appealing the director's decision; or
 - (b) in the case of any other appellant, set the time, date and place for the hearing.
- (3) The authority may adjourn the hearing from time to time as it considers appropriate.
- (4) If a person other than the person who submitted the film for classification commences an appeal with respect to that film, the authority shall notify the person who submitted the film for classification of the time, date and place set for hearing the appeal.
- (5) The authority may require the person who commences an appeal mentioned in subsection (4) to provide a copy of the film to the authority.
- (6) The rules of evidence do not apply to an appeal before the authority.
- (7) Any person who commences an appeal may, at his or her own expense, be represented by an agent or counsel.
- (8) Subject to subsection (9), the authority shall hear the appeal in public.
- (9) If the appeal being heard is an appeal from a decision to disapprove a film, require the removal of a portion of a film or classify a film, the authority shall view the film and that viewing is to be closed to the public.

Duties of authority

25 The authority shall:

- (a) hear all evidence introduced by the person bringing the appeal that the authority considers relevant to the appeal; and
- (b) in hearing an appeal with respect to the disapproval of the film, requirement to remove a portion of the film or classification of the film, follow the criteria set out in sections 3 and 4 of the Act and sections 10 and 11 of these regulations.

Powers of authority

26(1) The authority may:

- (a) determine an appeal without hearing evidence other than evidence introduced by the person bringing the appeal; and
 - (b) when making its decision with respect to an appeal, accept or reject any evidence introduced.
- (2) Without limiting the generality of subsection (1), in an appeal with respect to the disapproval of the film, requirement to remove a portion of the film, or classification of the film, when considering the criteria mentioned in sections 10 and 11, the authority may:
- (a) reject the evidence submitted with respect to any of those criteria and consider, based on its own opinion, whether a specific criterion is applicable in the circumstances; or
 - (b) if no evidence has been submitted with respect to any of those criteria, consider, based on its own opinion, whether a specific criterion is applicable in the circumstances.

Decision

27 A decision of the authority must:

- (a) be in writing;
- (b) state the reasons for the decision;
- (c) be sent to the appellant; and
- (d) be made available to any person on request.

Criteria for director exemption

28 In exercising the director's authority pursuant to clause 14(6)(c) of the Act to exempt advertising, persons, classes of persons, films or classes of films from all or any provisions of the Act or these regulations, the director shall consider:

- (a) whether the general public or only a specific group is invited to attend the exhibition or distribution;
- (b) whether people invited to attend are otherwise warned about the content of the film being exhibited or distributed; and
- (c) whether, given the group invited and the nature of the film being exhibited or distributed, approval by the director, classification information and restricted access are necessary.

RRS c F-13.2 Reg 2 repealed

29 *The Film and Video Classification Regulations, 1997* are repealed.

Coming into force

30(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Film and Video Classification Act, 2016* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Film and Video Classification Act, 2016* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 34/2018*The Traffic Safety Act*

Section 287

Order in Council 236/2018, dated May 9, 2018

(Filed May 10, 2018)

Title

1 These regulations may be cited as *The Vehicle Impoundment (Public Order) Amendment Regulations, 2018*.

RRS c T-18.1 Reg 4 amended

2 *The Vehicle Impoundment (Public Order) Regulations, 2007* are amended in the manner set forth in these regulations.

Section 3 amended

3 Section 3 is amended:

(a) by renumbering it as subsection 3(1); and

(b) by adding the following subsection after subsection (1):

“(2) The original copy of Form A is to include all required information, but copies provided to other persons may contain fields that are blacked out”.

Section 5 amended

4(1) Subsection 5(1) is amended by striking out “*The Vehicle Impoundment (Unauthorized Driver) Regulations, 2006*” and substituting “*The Vehicle Impoundment (General) Regulations, 2014*”.

(2) Subsection 5(2) is amended by striking out “*The Vehicle Impoundment (Unauthorized Driver) Regulations, 2006*” and substituting “*The Vehicle Impoundment (General) Regulations, 2014*”.

5 Form A of the Appendix is repealed and the following substituted:

Form A

Fax – To Designated Official

CONDITIONS

The vehicle will be impounded regardless of who owns the vehicle. Once the vehicle is impounded the licence plates on the vehicle cannot be cancelled or transferred to another vehicle.

APPLICATION FOR RELEASE FROM IMPOUNDMENT

- A. The owner can apply to the Designated Official for release of the vehicle from impoundment. Applications for release can be obtained from the police officer who seized the vehicle, from the Designated Official or from any office of the Provincial Court of Saskatchewan. The vehicle may be released, on payment of the \$50 application fee, in the following situations:
1. The Designated Official is satisfied that every person who was in the motor vehicle at the time it was seized and whom the peace officer seizing the motor vehicle had reasonable grounds to believe committed a proscribed offence, has enrolled in an approved prostitution offender program.
 2. Money or security equal to the value of the vehicle has been deposited with the Designated Official.
 3. The application is made by a person who registered a security interest against the vehicle before it was seized.
 4. The Designated Official is satisfied that the vehicle was stolen.
 5. The Designated Official is satisfied that the vehicle was seized in error.
 6. The Designated Official is satisfied that no person who was in the motor vehicle at the time it was seized will be charged with a proscribed offence arising out of the circumstances leading to the seizure.
- B. The owner (or other person affected by the impoundment) can also apply to the court for release of the vehicle from impoundment. Application for release of a vehicle can be filed at the Provincial Court House nearest to the location where the vehicle was seized, upon payment of the \$100 application fee and presentation of this notice of seizure. A hearing will be set up within ten business days. Results of the hearing – whether or not the vehicle will be released – will be provided by telephone. The vehicle may be released in the following situations:
1. The driver was in possession of the vehicle without the owner's knowledge and consent.
 2. The owner could not have reasonably known that the vehicle was being driven in the course of committing an offence under section 211, 213, 286.1, 286.2 and 286.3.
 3. The continued impoundment would pose a serious threat to the health of any person.
 4. The continued impoundment would cause extreme hardship for person(s) other than a person who was in the vehicle when it was seized.
 5. There are other grounds justifying release and it is not contrary to the public interest to release the vehicle.

RELEASE COST

If release is granted, the owner must obtain a Certificate Authorizing Release. The \$50 release fee may be paid at any office of the Provincial Court of Saskatchewan by certified cheque, money order or cash. Payments may also be made by debit card, MasterCard or Visa at some offices of the Provincial Court of Saskatchewan. The garage keeper where the vehicle is impounded will be authorized to release the vehicle on receiving from the Designated Official a Certificate Authorizing Release. All towing and storage costs must be paid to the garage keeper before the vehicle can be released.

For more information, please call (306) 787-9713.

UNDER THE TRAFFIC SAFETY ACT, SECTION 187(2) – NO PERSON SHALL REMOVE THE LICENCE PLATES FROM A MOTOR VEHICLE, OR ATTEMPT TO TRANSFER THE LICENCE PLATES, OR TRANSFER THE OWNERSHIP, OR TRANSFER OR CANCEL THE REGISTRATION OF A MOTOR VEHICLE SEIZED AND IMPOUNDED OR IMMOBILIZED.

UNDER THE TRAFFIC SAFETY ACT, SECTION 187(3) – NO PERSON SHALL REMOVE PERSONAL PROPERTY THAT IS ATTACHED TO A MOTOR VEHICLE OR THAT IS CONNECTED WITH THE OPERATION OF A MOTOR VEHICLE THAT HAS BEEN SEIZED AND IMPOUNDED OR IMMOBILIZED, OTHER THAN CHILD RESTRAINT SYSTEMS, INFANT RESTRAINT SYSTEMS, BOOSTER CUSHIONS AND DEVICES FOR THE USE OF THE HANDICAPPED.

NOTE

The original copy of this form is to include all required information, but copies provided to other persons may contain fields that are blacked out.

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Coming into force

- 6 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 35/2018*The Saskatchewan Assistance Act*

Section 14

Order in Council 237/2018, dated May 9, 2018

(Filed May 10, 2018)

Title

1 These regulations may be cited as *The Rental Housing Supplement Amendment Regulations, 2018*.

RRS c S-8 Reg 7 amended

2 *The Rental Housing Supplement Regulations* are amended in the manner set forth in these regulations.

Section 2 amended

3 Subsection 2(1) is amended:

(a) by repealing clause (b);

(b) by repealing clause (n) and substituting the following:

“(n) ‘**family income**’ is the total of all amounts that would be taxable as income pursuant to the *Income Tax Act* (Canada) and that, subject to sections 32 to 34, are received by the client and the spouse, if any, of the client in a month”;

(c) in subclause (t)(i) by striking out “applicant or client or spouse of the applicant or client” and substituting “client or spouse of the client”;

(d) by repealing clause (v) and substituting the following:

“(v) ‘**preceding taxation year**’ means the taxation year ended immediately preceding the beginning of the program year in which the income of a client or the spouse of a client is being calculated”;

(e) in clause (y) by striking out “an applicant or client to the eligible income of the applicant or client” and substituting “a client to the eligible income of the client”;

(f) by adding the following clause after clause (bb):

“(bb.1) ‘**SAID**’ means assistance granted pursuant to *The Saskatchewan Assured Income for Disability Regulations, 2012*”;

(g) in clause (cc) by striking out “The Saskatchewan Assistance Regulations, being Saskatchewan Regulations 78/66” and substituting “The Saskatchewan Assistance Regulations, 2014”;

(h) in clause (dd) by striking out “The Department of Health Act” and substituting “The Health Administration Act”;

(i) in clause (ff) by striking out “The Transitional Employment Allowance Regulations” and substituting “The Transitional Employment Allowance Regulations, 2005”; and

(j) by repealing clause (gg).

Section 4 amended**4 Subsection 4(1) is amended:**

(a) **in clause (a) by adding “, as that section existed on the day before the coming into force of *The Rental Housing Supplement Amendment Regulations, 2018*” after “in accordance with section 6”; and**

(b) **in clause (b) by adding “, as that section existed on the day before the coming into force of *The Rental Housing Supplement Amendment Regulations, 2018*” after “in accordance with section 7”.**

New section 5**5 Section 5 is repealed and the following substituted:****“Composition of family units****5 A family unit consists of:**

- (a) an individual who is a client and who has been assigned a health services number by the Ministry of Health;
- (b) the spouse, if any, of the client; and
- (c) the children of the client or of the spouse of the client, including any children to whom the client or the spouse of the client stands in the place of a parent”.

Section 6 amended**6 Subsection 6(3) is amended:**

(a) **in the portion preceding clause (a) by striking out “an applicant to be” and substituting “a client to remain”;**

(b) **by repealing clause (a);**

(c) **by repealing subclause (d)(ii) and substituting the following:**

“(ii) the category into which the client is placed, in relation to the location of the rented accommodation occupied by the family unit as its primary residence”;

(d) **by repealing subclause (e)(ii) and substituting the following:**

“(ii) the category into which the client is placed, in relation to the location of the rented accommodation occupied by the family unit as its primary residence”; and

(e) **in the portion of clause (f) preceding subclause (i) by striking out “an applicant” and substituting “a client”.**

Section 7 amended

7 Subclause 7(4)(a)(i) is amended by striking out “*The Correctional Services Act*” and substituting “*The Correctional Services Act, 2012*”.

Section 8 amended

8 Subclause 8(2)(a)(i) is amended by striking out “an approved home” and substituting “a mental health approved home”.

New section 9**9 Section 9 is repealed and the following substituted:****“Levels of rent**

9(1) For the purposes of the program, the following levels of rent are established:

- (a) level 1 (warm);
- (b) level 2 (cold).

(2) For the purposes of determining the minimum qualifying rent that a client is to be considered as paying, the client’s rent is to be determined based on the following variables:

- (a) the composition of the client’s family unit;
- (b) the category into which the client has been placed, in relation to the location of the rented accommodation occupied by the client’s family unit as its primary residence.

(3) A client whose rent includes heating costs is paying a level 1 (warm) rent if the monthly amount of the rent being paid is equal to or greater than the minimum qualifying rent determined by the minister pursuant to clause 6(3)(d), as that clause existed on the day before the coming into force of *The Rental Housing Supplement Amendment Regulations, 2018*, based on the variables applicable to the client.

(4) A client whose rent does not include heating costs is paying a level 2 (cold) rent if the monthly amount of the rent being paid is equal to or greater than the minimum qualifying rent determined by the minister pursuant to clause 6(3)(d), as that clause existed on the day before the coming into force of *The Rental Housing Supplement Amendment Regulations, 2018*, based on the variables applicable to the client”.

Section 10 amended**10 Section 10 is amended:**

(a) by striking out “applicant or” wherever it appears in each of the following provisions:

- (i) the description of the variable EI;
- (ii) the description of the variable CPP;

(b) by repealing the description of the variable WC and substituting the following:

“WC is the total of all amounts received by the client and the spouse, if any, of the client in the previous month as benefits pursuant to *The Workers’ Compensation Act, 2013* or similar legislation in another jurisdiction”; and

(c) by striking out “applicant or” wherever it appears in each of the following provisions:

- (i) the description of the variable OAS;
- (ii) the description of the variable SIP;
- (iii) the description of the variable M.

Section 11 amended

11(1) Subsection 11(2) is amended in the description of the variable A by adding “SAID,” after “receiving”.

(2) Subsection 11(4) is amended in the portion preceding clause (a) by striking out “SAP or TEA, the amount of the client’s maximum RHS benefit is to be reduced by the amount of the SAP/TEA” and substituting “SAID, SAP or TEA, the amount of the client’s maximum RHS benefit is to be reduced by the amount of the SAID/SAP/TEA”.

Sections 12 to 15 repealed

12 Sections 12 to 15 are repealed.

Section 16 amended

13(1) Subsection 16(1) is repealed.

(2) Subsection 16(2) is amended by striking out “After an initial determination of eligibility, the eligibility of a family unit to receive” and substituting “The eligibility of a family unit to continue to receive”.

Section 17 amended

14(1) Subsection 17(1) is amended:

(a) in clause (a) by striking out “Department” and substituting “Ministry”;

(b) in clause (c) by striking out “*The Workers’ Compensation Act, 1979*” and substituting “*The Workers’ Compensation Act, 2013*”; and

(c) by repealing clause (f) and substituting the following:

“(f) an employer of a client or of a spouse of a client”.

(2) Subsection 17(2) is repealed and the following substituted:

“(2) If there are discrepancies between the information provided by a client and the information in the records of an information holder, the eligibility of the client to continue receiving the RHS benefit and the amount of the client’s RHS benefit will be determined on the basis of the information in the records of the information holder until the information holder has corrected that information at the request of the client”.

Section 18 amended

15 Section 18 is amended by adding “received before the coming into force of *The Rental Housing Supplement Amendment Regulations, 2018*” after “application”.

New section 19

16 Section 19 is repealed and the following substituted:

“Inquiries and reporting

19 A client requesting information about his or her file, reporting monthly income pursuant to section 20, reporting changes pursuant to subsection 21(1) or (2) or making a quarterly report pursuant to section 22 must do so:

(a) by telephone; or

(b) in writing”.

Section 21 amended

17(1) Subsection 21(1) is amended by striking out “department” and substituting “ministry”.

(2) Subsection 21(2) is amended:

(a) in clause (a) in the portion preceding subclause (i) by striking out “department” and substituting “ministry”; and

(b) in clause (b) by striking out “Department” and substituting “Ministry”.

(3) Subsection 21(3) is repealed and the following substituted:

“(3) If a client reports a change in the composition of the family unit that involves the addition of a spouse or a change of spouse, the client must provide confirmation of information respecting the spouse and the spouse’s consent:

(a) to the disclosure to the ministry of personal information with respect to the family unit in the records of government ministries and agencies and other bodies for the purpose of determining the eligibility of the family unit to continue receiving the RHS benefit and the amount of the RHS benefit to which the family unit may be entitled;

(b) to the use of the social insurance number and health services number of the spouse for the purpose of determining the eligibility of the family unit to continue receiving the RHS benefit and the amount of the RHS benefit to which the family unit may be entitled; and

(c) to an inspection by a representative of the ministry of the accommodation described in the application as the primary residence of the client’s family unit or any other accommodation subsequently reported to the ministry as the primary residence of the family unit to verify any information respecting the accommodation that is necessary to determine the eligibility of the family unit to continue receiving the RHS benefit and the amount of the RHS benefit to which the family unit may be entitled”.

Section 22 amended

18 Subsection 22(3) is amended by striking out “department” and substituting “ministry”.

Section 24 amended

19 Clause 24(1)(b) is amended by striking out “department” and substituting “ministry”.

Section 25 amended

20(1) Subsection 25(3) is amended by striking out “department or received by the department from the Department of Health” and substituting “ministry or received by the ministry from the Ministry of Health”.

(2) Subsection 25(4) is amended:

(a) in clause (a) by striking out “department” and substituting “ministry”; and

(b) by repealing clause (b) and substituting the following:

“(b) the program manager or the program manager’s designate is satisfied that the underpayment is the result of an error made by an individual who applied for the RHS benefit before the coming into force of *The Rental Housing Supplement Amendment Regulations, 2018* or client as a result of difficulty in providing information and, in the opinion of the program manager or the program manager’s designate, it would be inappropriate not to make a payment with respect to the underpayment”.

Section 26 amended

21 Section 26 is amended by striking out “an applicant or client” and substituting “a client”.

Section 28 amended

22 Subclause 28(c)(v) is amended by striking out “department” and substituting “ministry”.

Section 30 amended

23 Subsection 30(1) is repealed and the following substituted:

“(1) Subject to subsection (2), if a client’s entitlement to receive payments of the RHS benefit is terminated, no further payments of the RHS benefit will be made to the client unless, on an appeal pursuant to section 38 or 40, it is determined that the client is eligible to receive the RHS benefit”.

New section 30.1

24 The following section is added after section 30:

“Waiver of eligibility requirements in exceptional circumstances

30.1 Notwithstanding any other provision of these regulations, the program manager may waive the application of section 28 if, in the opinion of the program manager, one or more of the following applies:

- (a) there are compassionate, compelling or medical grounds to justify the waiver;
- (b) any non-compliance mentioned in that section:
 - (i) is with respect to a minor detail; or
 - (ii) is due to a circumstance beyond the control of the client and could not have been avoided by the exercise of due care;
- (c) it is not contrary to the public interest to provide the waiver”.

Section 31 repealed

25 Section 31 is repealed.

Section 36 amended

26 Subsection 36(2) is repealed and the following substituted:

“(2) A program manager shall advise an individual who applied for the RHS benefit before the coming into force of *The Rental Housing Supplement Amendment Regulations, 2018*, orally or by providing the individual with a brochure, of the individual’s right to appeal a decision with respect to an assessment of the individual’s eligibility”.

Section 37 amended

27 Subsection 37(4) is repealed and the following substituted:

“(4) An appeal may be commenced with respect to the assessment of eligibility by an individual who applied for the RHS benefit before the coming into force of *The Rental Housing Supplement Amendment Regulations, 2018* or by a person with authority pursuant to an Act or a court order to act on behalf that individual”.

Section 39 amended

28 Subsection 39(2) is amended by striking out “department” and substituting “ministry”.

Section 40 amended

29(1) Subsection 40(1) is amended by striking out “department” and substituting “ministry”.

(2) Subsection 40(2) is amended by striking out “department” and substituting “ministry”.

Section 41 amended

30 Subsection 41(2) is amended by striking out “whose application for the RHS benefit was refused” and substituting “who applied for the RHS benefit before the coming into force of *The Rental Housing Supplement Amendment Regulations, 2018* and whose application was refused”.

Coming into force

31(1) Subject to subsection (2), these regulations come into force on July 1, 2018.

(2) If these regulations are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 36/2018

The Saskatchewan Assistance Act

Section 14

Order in Council 238/2018, dated May 9, 2018

(Filed May 10, 2018)

Title

1 These regulations may be cited as *The Disability Housing Supplement Amendment Regulations, 2018*.

RRS c S-8 Reg 8 amended

2 *The Disability Housing Supplement Regulations* are amended in the manner set forth in these regulations.

Section 2 amended

3 Subsection 2(1) is amended:

(a) by repealing clause (d);

(b) by repealing clause (s) and substituting the following:

“(s) ‘**family income**’ is the total of all amounts that would be taxable as income pursuant to the *Income Tax Act* (Canada) and that, subject to sections 36 to 38, are received by the client and the spouse, if any, of the client in a month”;

(c) **in subclause (y)(i) by striking out** “applicant or client or spouse of the applicant or client” **and substituting** “client or spouse of the client”;

(d) **by repealing clause (cc) and substituting the following:**

“(cc) **‘preceding taxation year’** means the taxation year ended immediately preceding the beginning of the program year in which the income of a client or the spouse of a client is being calculated”;

(e) **in clause (hh) by striking out** “an applicant or client to the eligible income of the applicant or client” **and substituting** “a client to the eligible income of the client”;

(f) **by adding the following clause after clause (jj):**

“(jj.1) **‘SAID’** means assistance granted pursuant to *The Saskatchewan Assured Income for Disability Regulations, 2012*”;

(g) **in clause (kk) by striking out** “The Saskatchewan Assistance Regulations, being Saskatchewan Regulations 78/66” **and substituting** “*The Saskatchewan Assistance Regulations, 2014*”;

(h) **in clause (ll) by striking out** “*The Department of Health Act*” **and substituting** “*The Health Administration Act*”;

(i) **in clause (nn) by striking out** “*The Transitional Employment Allowance Regulations*” **and substituting** “*The Transitional Employment Allowance Regulations, 2005*”; **and**

(j) **by repealing clause (oo).**

Section 4 amended

4 Clause 4(1)(a) is amended:

(a) **in subclause (i) by adding** “, as that section existed on the day before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2018*” **after** “in accordance with section 6”; **and**

(b) **in subclause (ii) by adding** “, as that section existed on the day before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2018*” **after** “in accordance with section 7”.

Section 5 amended

5 Subsection 5(1) is repealed and the following substituted:

“(1) A family unit consists of:

(a) an individual who is a client and who has been assigned a health services number by the Ministry of Health;

(b) the spouse, if any, of the client; and

(c) the children, if any, of the client or of the spouse of the client, including any children to whom the client or the spouse of the client stands in the place of a parent”.

Section 7 amended**6 Subsection 7(3) is amended:**

- (a) **in the portion preceding clause (a) by striking out “an applicant to be” and substituting “a client to remain”;**
- (b) **by repealing clause (a);**
- (c) **by repealing subclause (d)(ii) and substituting the following:**
 - “(ii) the category into which the client is placed, in relation to the location of the rented accommodation occupied by the family unit as its primary residence”;
- (d) **by repealing subclause (e)(ii) and substituting the following:**
 - “(ii) the category into which the client is placed, in relation to the location of the rented accommodation occupied by the family unit as its primary residence”;
- (e) **by repealing subclause (f)(ii) and substituting the following:**
 - “(ii) the category into which the client is placed, in relation to the location of the rented accommodation occupied by the family unit as its primary residence”;
- (f) **by repealing subclause (g)(ii) and substituting the following:**
 - “(ii) the category into which the client is placed, in relation to the location of the rented accommodation occupied by the family unit as its primary residence”; **and**
- (g) **in the portion of clause (h) preceding subclause (i) by striking out “an applicant” and substituting “a client”.**

Section 8 amended

- 7 Subclause 8(4)(a)(i) is amended by striking out “*The Correctional Services Act*” and substituting “*The Correctional Services Act, 2012*”.**

Section 10 amended

- 8 Subclause 10(2)(a)(i) is amended by striking out “an approved home” and substituting “a mental health approved home”.**

New section 11**9 Section 11 is repealed and the following substituted:****“Levels of rent**

- 11(1) For the purposes of the program, the following levels of rent are established:**

- (a) level 1 (warm);
- (b) level 2 (cold).

- (2) For the purposes of determining the minimum qualifying rent that a client is to be considered as paying, the client’s rent is to be determined based on the following variables:

- (a) the composition of the client’s family unit;
- (b) the category into which the client has been placed, in relation to the location of the rented accommodation occupied by the client’s family unit as its primary residence.

(3) For the purposes of the accessibility support supplement, a client whose rent includes heating costs is paying a level 1 (warm) rent if the monthly amount of the rent being paid is equal to or greater than the minimum qualifying rent determined by the minister pursuant to clause 7(3)(d) based on the variables applicable to the client.

(4) For the purposes of the accessibility support supplement, a client whose rent does not include heating costs is paying a level 2 (cold) rent if the monthly amount of the rent being paid is equal to or greater than the minimum qualifying rent determined by the minister pursuant to clause 7(3)(d) based on the variables applicable to the client.

(5) For the purposes of the physical support supplement, a client whose rent includes heating costs is paying a level 1 (warm) rent if the monthly amount of the rent being paid is equal to or greater than the minimum qualifying rent determined by the minister pursuant to clause 7(3)(e) based on the variables applicable to the client.

(6) For the purposes of the physical support supplement, a client whose rent does not include heating costs is paying a level 2 (cold) rent if the monthly amount of the rent being paid is equal to or greater than the minimum qualifying rent determined by the minister pursuant to clause 7(3)(e) based on the variables applicable to the client”.

Section 12 amended

10 Section 12 is amended:

(a) by striking out “applicant or” wherever it appears in each of the following provisions:

- (i) the description of the variable EI;**
- (ii) the description of the variable CPP;**

(b) by repealing the description of the variable WC and substituting the following:

“WC is the total of all amounts received by the client and the spouse, if any, of the client in the previous month as benefits pursuant to *The Workers’ Compensation Act, 2013* or similar legislation of another jurisdiction”; **and**

(c) by striking out “applicant or” wherever it appears in each of the following provisions:

- (i) the description of the variable OAS;**
- (ii) the description of the variable SIP;**
- (iii) the description of the variable M.**

Section 15 amended

11(1) Subsection 15(2) is amended in the description of the variable A by adding “SAID,” after “receiving”.

(2) Subsection 15(4) is amended by striking out “SAP or TEA, the amount of the eligible family unit’s maximum DHS benefit is to be reduced by the amount of the SAP/TEA” and substituting “SAID, SAP or TEA, the amount of the eligible family unit’s maximum DHS benefit is to be reduced by the amount of the SAID/SAP/TEA”.

Sections 16 to 19 repealed

12 Sections 16 to 19 are repealed.

Section 20 amended

13(1) Subsection 20(1) is repealed.

(2) Subsection 20(2) is amended by striking out “After an initial determination of eligibility, the eligibility of a family unit to receive” and substituting “The eligibility of a family unit to continue to receive”.

Section 21 amended

14(1) Subsection 21(1) is amended:

(a) in clause (a) by striking out “Department” and substituting “Ministry”;

(b) in clause (c) by striking out “*The Workers’ Compensation Act, 1979*” and substituting “*The Workers’ Compensation Act, 2013*”; and

(c) by repealing clause (f) and substituting the following:

“(f) an employer of a client or of a spouse of a client”.

(2) Subsection 21(2) is repealed and the following substituted:

“(2) If there are discrepancies between the information provided by a client and the information in the records of an information holder, the eligibility of the client to continue receiving the DHS benefit and the amount of the client’s DHS benefit will be determined on the basis of the information in the records of the information holder until the information holder has corrected that information at the request of the client”.

Section 22 amended

15 Section 22 is amended by adding “received before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2018*” after “application”.

New section 23

16 Section 23 is repealed and the following substituted:

“Inquiries and reporting

23 A client requesting information about his or her file, reporting monthly income pursuant to section 24, reporting changes pursuant to subsection 25(1) or (2) or making a quarterly report pursuant to section 26 must do so:

(a) by telephone; or

(b) in writing”.

Section 25 amended

17(1) Subsection 25(1) is amended by striking out “department” and substituting “ministry”.

(2) Subsection 25(2) is amended:

(a) in the portion of clause (a) preceding subclause (i) by striking out “department” and substituting “ministry”; and

(b) in clause (b) by striking out “Department” and substituting “Ministry”.

(3) Subsection 25(3) is repealed and the following substituted:

“(3) If a client reports a change in the composition of the family unit that involves the addition of a spouse or a change of spouse, the client must provide confirmation of information respecting the spouse and the spouse’s consent:

(a) to the disclosure to the ministry of personal information with respect to the family unit in the records of government ministries and agencies and other bodies for the purpose of determining the eligibility of the family unit to continue receiving the DHS benefit and the amount of the DHS benefit to which the family unit may be entitled;

(b) to the use of the social insurance number and health services number of the spouse for the purpose of determining the eligibility of the family unit to continue receiving the DHS benefit and the amount of the DHS benefit to which the family unit may be entitled; and

(c) to an inspection by a representative of the ministry of the accommodation described in the application as the primary residence of the client’s family unit or any other accommodation subsequently reported to the ministry as the primary residence of the family unit to verify any information respecting the accommodation that is necessary to determine the eligibility of the family unit to continue receiving the DHS benefit and the amount of the DHS benefit to which the family unit may be entitled”.

Section 26 amended

18 Subsection 26(3) is amended by striking out “department” and substituting “ministry”.

Section 28 amended

19 Clause 28(1)(b) is amended by striking out “department” and substituting “ministry”.

Section 29 amended

20(1) Subsection 29(3) is amended by striking out “department or received by the department from the Department of Health” and substituting “ministry or received by the ministry from the Ministry of Health”.

(2) Subsection 29(4) is amended:

(a) in clause (a) by striking out “department” and substituting “ministry”; and

(b) by repealing clause (b) and substituting the following:

“(b) the program manager or the program manager’s designate is satisfied that the underpayment is the result of an error made by an individual who applied for the DHS benefit before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2018* or client as a result of difficulty in providing information and, in the opinion of the program manager or the program manager’s designate, it would be inappropriate not to make a payment with respect to the underpayment”.

Section 30 amended

21 Section 30 is amended by striking out “an applicant or client” and substituting “a client”.

Section 32 amended

22 Subclause 32(c)(v) is amended by striking out “department” and substituting “ministry”.

Section 34 amended

23 Subsection 34(1) is repealed and the following substituted:

“(1) Subject to subsection (2), if a client’s entitlement to receive payments of the DHS benefit is terminated, no further payments of the DHS benefit will be made to the client unless, on an appeal pursuant to section 42 or 44, it is determined that the client is eligible to receive the DHS benefit”.

New section 34.1

24 The following section is added after section 34:

“Waiver of eligibility requirements in exceptional circumstances

34.1 Notwithstanding any other provision of these regulations, the program manager may waive the application of section 32 if, in the opinion of the program manager, one or more of the following applies:

- (a) there are compassionate, compelling or medical grounds to justify the waiver;
- (b) any non-compliance mentioned in that section:
 - (i) is with respect to a minor detail; or
 - (ii) is due to a circumstance beyond the control of the client and could not have been avoided by the exercise of due care;
- (c) it is not contrary to the public interest to provide the waiver”.

Section 35 repealed

25 Section 35 is repealed.

Section 40 amended

26 Subsection 40(2) is repealed and the following substituted:

“(2) A program manager shall advise an individual who applied for the DHS benefit before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2018*, orally or by providing the individual with a brochure, of the individual’s right to appeal a decision with respect to an assessment of the individual’s eligibility”.

Section 41 amended**27 Subsection 41(4) is repealed and the following substituted:**

“(4) An appeal may be commenced with respect to the assessment of eligibility by an individual who applied for the DHS benefit before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2018* or by a person with authority pursuant to an Act or a court order to act on behalf of that individual”.

Section 43 amended**28 Subsection 43(2) is amended by striking out “department” and substituting “ministry”.****Section 44 amended****29(1) Subsection 44(1) is amended by striking out “department” and substituting “ministry”.****(2) Subsection 44(2) is amended by striking out “department” and substituting “ministry”.****Section 45 amended****30 Subsection 45(2) is amended by striking out “whose application for the DHS benefit was refused” and substituting “who applied for the DHS benefit before the coming into force of *The Disability Housing Supplement Amendment Regulations, 2018* and whose application was refused”.****Coming into force****31(1) Subject to subsection (2), these regulations come into force on July 1, 2018.**

(2) If these regulations are filed with the Registrar of Regulations after July 1, 2018, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

