

1992

## CHAPTER 38

An Act to amend *The Revenue and Financial Services Act*

(Assented to July 31, 1992)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 **This Act may be cited as *The Revenue and Financial Services Amendment Act, 1992*.**

S.S. 1983, c.R-22.01 amended

2 *The Revenue and Financial Services Act* is amended in the manner set forth in this Act.

Section 2 amended

3 **Clause 2(c) is repealed and the following clause substituted:**

“(c) ‘**comptroller**’ means the Provincial Comptroller appointed pursuant to section 24”.

New section 13

4 **Section 13 is repealed and the following substituted:**

Board

“13(1) The Board of Revenue Commissioners is continued as a body corporate consisting of the persons mentioned in subsection (2).

(2) Those persons who are appointed as full-time members of the Saskatchewan Municipal Board pursuant to *The Municipal Board Act* are members of the Board of Revenue Commissioners while they hold office as members of the Saskatchewan Municipal Board.

(3) The person appointed as chairman of the Saskatchewan Municipal Board pursuant to *The Municipal Board Act* holds office as chairperson of the Board of Revenue Commissioners while that person holds office as chairman of the Saskatchewan Municipal Board”.

New section 15

5 **Section 15 is repealed and the following substituted:**

Quorum

“15 Two members of the board constitute a quorum of the board for the purposes of hearing and determining appeals”.

Section 24 amended

6 **Subsection 24(1) is amended by striking out “Comptroller” and substituting “Provincial Comptroller”.**

Section 27 amended

7 **Section 27 is amended:**

(a) **by striking out “submitted to the comptroller” in clause (1)(a) and substituting “made available to the comptroller at the request of the comptroller”; and**

(b) **by repealing subsection (2) and substituting the following:**

“(2) The comptroller shall reject a requisition where the payment would result in an expenditure in excess of the appropriation.

“(2.1) The comptroller shall establish those procedures the comptroller considers necessary to be satisfied that a payment is a lawful or proper charge against an appropriation.

“(2.2) The comptroller may apply the procedures mentioned in subsection (2.1) either before or after the payment has been made.

"(2.3) The comptroller may issue any directives he or she considers appropriate where the comptroller determines that a payment is not a lawful or proper charge against an appropriation"; and

**(c) by repealing clauses (4)(a) and (b) and substituting the following:**

"(a) rejects a requisition;

"(b) disallows an item in an account; or

"(c) has determined that a payment is not a lawful or proper charge against an appropriation".

Section 29 repealed

**8 Section 29 is repealed.**

Section 49 amended

**9 Section 49 is amended:**

**(a) in subsection (2), by striking out "Subject to subsection (3), any" and substituting "Any"; and**

**(b) by repealing subsection (3).**

New section 49.1

**10 The following section is added after section 49:**

Deductions for bad debts

"49.1(1) This section applies to a tax or class of taxes prescribed in the regulations as a tax or class of taxes for which a deduction may be made pursuant to this section.

(2) A collector may make a deduction in accordance with subsection (3) if:

(a) the collector:

(i) makes a sale of taxable goods or taxable services to a taxpayer on or after January 1, 1991; and

(ii) reports and remits to the minister the tax required to be levied and collected pursuant to a revenue Act with respect to the sale;

(b) the taxpayer subsequently fails to pay to the collector the consideration and tax payable with respect to the sale; and

(c) the collector writes off as a bad debt the amount owing by the defaulting taxpayer from the collector's books of account.

(3) Subject to any terms and conditions prescribed in the regulations, a collector described in subsection (2) may deduct an amount, as determined in the manner prescribed in the regulations, from the amount of tax to be paid or remitted to the minister with respect to:

(a) the reporting period in which the bad debt is written off the collector's books of account; or

(b) a reporting period that commences within four years of the end of the reporting period mentioned in clause (a).

(4) Every collector who recovers all or part of a bad debt with respect to which the collector has made a deduction pursuant to subsection (3) shall add an amount, as determined in the manner prescribed in the regulations, to the tax to be paid or remitted to the minister with respect to the reporting period in which the collector recovers all or part of the bad debt".

Section 56 amended

**11(1) Subsections 56(3) and (4) are repealed and the following substituted:**

"(3) No refund is payable where the fact of the overpayment did not come to the knowledge of the minister:

(a) in the case of tax payable pursuant to *The Corporation Capital Tax Act*, within five years from the date on which the tax was paid;

(b) in the case of tax payable pursuant to any other revenue Act, within four years from the date on which the overpayment occurred.

"(4) No action may be brought to recover an overpayment after the expiration of:

(a) in the case of tax payable pursuant to *The Corporation Capital Tax Act*, five years from the date on which the tax was paid;

(b) in the case of tax payable pursuant to any other Act, four years from the date on which the overpayment occurred".

**(2) Clause 56(3)(a) is repealed and the following substituted:**

“(a) in the case of tax payable pursuant to *The Corporation Capital Tax Act*, within four years from the date on which the corporation is required to file a return pursuant to section 17 of that Act for the fiscal year in which the overpayment occurred”.

**(3) Clause 56(4)(a) is repealed and the following substituted:**

“(a) in the case of tax payable pursuant to *The Corporation Capital Tax Act*, within four years from the date on which the corporation is required to file a return pursuant to section 17 of that Act for the fiscal year in which the overpayment occurred”.

Section 85 amended

**12 The following clause is added after clause 85(1)(b):**

“(b.1) prescribing for the purposes of section 49.1:

- (i) the tax or class of taxes for which a deduction may be made;
- (ii) the manner of determining the amount of tax that may be deducted and that is to be added by a collector; and
- (iii) the terms and conditions of a deduction of tax”.

Coming into force

**13(1) Subject to subsections (2) and (3), this Act comes into force on the day of assent.**

**(2) Section 9 comes into force on the day of assent but is retroactive and is deemed to have been in force on and from April 1, 1991.**

**(3) Section 10, subsection 11(1) and section 12 come into force on the day of assent but are retroactive and are deemed to have been in force on and from January 1, 1991.**