

# *The Saskatchewan Advantage Grant for Education Savings (SAGES) Act*

*being*

Chapter S-5.1 of *The Statutes of Saskatchewan, 2012* (effective January 1, 2013) as amended by the *Statutes of Saskatchewan, 2018, c.34*.

## **NOTE:**

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER S-5.1

### An Act respecting a Saskatchewan Advantage Grant for Education Savings

#### Short title

1 This Act may be cited as *The Saskatchewan Advantage Grant for Education Savings (SAGES) Act*.

#### Interpretation

2(1) In this Act:

- (a) “**eligible beneficiary**” means a beneficiary under a registered education savings plan who is a resident of Saskatchewan at the time an eligible contribution is made to the registered education savings plan;
- (b) “**eligible contribution**”, subject to section 2.1, means a contribution to a registered education savings plan made with respect to an eligible beneficiary during the period commencing on January 1, 2013 and ending on December 31 of the year in which the eligible beneficiary attains 17 years of age;
- (c) “**grant**” means a Saskatchewan Advantage Grant for Education Savings paid pursuant to section 3;
- (d) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (e) “**resident of Saskatchewan**” means a person:
  - (i) who is lawfully entitled to be or to remain in Canada; and
  - (ii) who makes his or her home, and is ordinarily present, in Saskatchewan.

(2) Unless a contrary intention appears in this Act or the regulations, an expression used in this Act that is defined in section 146.1 of the *Income Tax Act* (Canada) has the same meaning in this Act as it has for the purposes of that section.

2012, c.S-5.1, s.2; 2018, c.34, s.3.

#### Suspension of grant payments

2.1(1) In this section:

- “**RESP**” means a registered education savings plan;
- “**suspension period**” means the period during which grant payments under this Act are suspended pursuant to this section;
- “**trustee**” means a trustee under an RESP.

(2) This section applies notwithstanding any other provision of this Act or any provision of the regulations made pursuant to section 7.

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(3) Grant payments under this Act are suspended as of January 1, 2018 until the Legislative Assembly makes other provision with respect to this section and the suspension imposed pursuant to this section.

(4) No grant shall be paid by the minister during the suspension period unless, in the case of an eligible contribution to an RESP made on or before December 31, 2017:

(a) the subscriber under the RESP submits a grant application to the trustee on or before December 31, 2017; and

(b) the trustee submits the grant application received pursuant to clause (a) to the minister on or before January 5, 2018.

(5) Further with respect to the suspension imposed pursuant to this section:

(a) no contribution to an RESP that is made during the suspension period is an eligible contribution;

(b) no grant shall be paid by the minister with respect to any contribution to an RESP that is made during the suspension period; and

(c) no unused grant room shall accumulate under an RESP for or in relation to the suspension period.

(6) The Lieutenant Governor in Council may make regulations respecting any matter or thing that the Lieutenant Governor in Council considers necessary to carry out the purpose and intent of this section.

(7) A regulation made pursuant to subsection (6) may be made retroactive to a day not earlier than January 1, 2018.

(8) No action or proceeding based on any claim for loss or damage resulting from the suspension imposed pursuant to this section lies or shall be commenced against the minister, the Government of Saskatchewan, or any employee or agent of the Government of Saskatchewan.

2018, c.34, s.4.

**Grant**

**3** Subject to this Act and the regulations, on application to the minister pursuant to section 4, the minister shall pay, out of moneys appropriated by the Legislature for the purpose, a grant, in the amounts and manner prescribed in the regulations, into a registered education savings plan with respect to every eligible contribution that is made to the registered education savings plan with respect to an eligible beneficiary.

2012, c.S-5.1, s.3.

**Application**

**4** An application for a grant must be made in the form and manner approved by the minister and contain the information prescribed in the regulations.

2012, c.S-5.1, s.4.

**Overpayment**

5(1) If a grant, or any part of a grant, to which a beneficiary is not entitled is paid into a registered education savings plan, the amount or the excess amount, as the case may be, of the grant is deemed to be an overpayment.

(2) The overpayment mentioned in subsection (1) is a debt due to the Crown in right of Saskatchewan and may be recovered in any manner authorized pursuant to *The Financial Administration Act, 1993* or in any other manner authorized by law.

2012, c.S-5.1, s.5.

**Agreements**

6(1) Subject to subsection (2), the minister may enter into agreements with the Government of Canada or its agencies or with any other person, agency, organization, association, enterprise, institution or body within or outside Saskatchewan:

- (a) respecting any matter relating to the administration or operation of this Act, including any matter relating to the payment of a grant; or
- (b) providing for any matter for which no provision is made elsewhere in this Act or the regulations that the minister considers necessary to carry out the purpose and intent of this Act.

(2) An agreement contemplated by subsection (1) shall not be entered into unless the financial arrangements have been approved by the Minister of Finance, the transfer of personal information arrangements have been approved by the ministers responsible for the ministries or agencies that hold the personal information and the terms of the agreement have been approved by the Lieutenant Governor in Council.

2012, c.S-5.1, s.6.

**Regulations**

7(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) respecting applications for grants and the information to be included in an application;
- (c) respecting the circumstances pursuant to which and the conditions on which a grant is to be paid;
- (d) respecting the calculation of a grant;
- (e) respecting the manner in which a grant is to be paid;
- (f) governing or prohibiting the sharing of grants, and the earnings generated on them;
- (g) respecting the circumstances pursuant to which, and the manner in which, all or part of a grant paid pursuant to this Act is to be repaid to the minister;
- (h) establishing the manner of determining the portion, if any, of an educational assistance payment made under a registered education savings plan that is attributable to a grant;

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- (i) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;
  - (j) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (2) A regulation made pursuant to this section may be made retroactive to a day not earlier than January 1, 2013.
- (3) The Lieutenant Governor in Council may, in the regulations, delegate any of the powers set out in clauses (1)(a) to (i) to the minister or to a person specified in an agreement made pursuant to section 6.

2012, c.S-5.1, s.7.

**Coming into force**

- 8** This Act comes into force on proclamation but is retroactive and is deemed to have been in force on and from January 1, 2013.

2012, c.S-5.1, s.8.