

# *The Graduate Tax Exemption Act*

*Repealed*

by [Chapter G-5.11 of \*The Statutes of Saskatchewan, 2008\*](#)  
(effective May 14, 2008).

*Formerly*

[Chapter G-5.2 of \*The Statutes of Saskatchewan, 2007\*](#)  
(effective January 1, 2007).

## **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 G-5.2

### An Act respecting a Graduate Tax Exemption and repealing *The Post-Secondary Graduate Tax Credit Act*

#### Short title

1 This Act may be cited as *The Graduate Tax Exemption Act*.

#### Interpretation

2 In this Act:

- (a) **“eligible program”** means a program of post-secondary studies that:
  - (i) requires at least six months of full-time study or is recognized by the minister as requiring the equivalent of six months of full-time study; and
  - (ii) is prescribed in the regulations or is recognized by the minister in accordance with any criteria that may be prescribed in the regulations;
- (b) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (c) **“prescribed”** means prescribed in the regulations;
- (d) **“qualified individual”** means an individual who:
  - (i) has graduated from an eligible program in a taxation year; and
  - (ii) has not previously been allowed a tax exemption amount pursuant to section 4 with respect to any other eligible program;
- (e) **“tax exemption amount”** means a graduate tax exemption amount allowed pursuant to section 4;
- (f) **“taxation year”** means the 2006 taxation year or a subsequent taxation year.

2007, c.G-5.2, s.2.

#### Application for tax exemption amount

3(1) A qualified individual who wishes to obtain a tax exemption amount may apply to the minister in a manner acceptable to the minister and within the prescribed period.

(2) A qualified individual who applies in accordance with subsection (1) shall provide to the minister:

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- (a) proof satisfactory to the minister that the qualified individual has graduated from an eligible program;
- (b) the prescribed information; and
- (c) any other information that the minister may require.

2007, c.G-5.2, s.3.

**Allowing of tax exemption amount**

4(1) If the minister is satisfied that an individual is a qualified individual who graduated from an eligible program in the 2006 taxation year, the minister may allow the qualified individual a graduate tax exemption amount of \$10,000 for the 2007 taxation year and for each of the three subsequent taxation years.

(2) If the minister is satisfied that an individual is a qualified individual who graduated from an eligible program in the 2007 taxation year or a subsequent taxation year, the minister may allow the qualified individual a graduate tax exemption amount of \$10,000 for the taxation year in which the qualified individual graduated from the eligible program and for each of the four subsequent taxation years.

(3) Where the minister allows a tax exemption amount with respect to a taxation year to a qualified individual pursuant to subsection (1) or (2), the minister shall issue a form that certifies the following:

- (a) the name and social insurance number of the qualified individual;
- (b) the taxation year in which the qualified individual graduated from the eligible program;
- (c) the entitlement of the qualified individual to the tax exemption amount for that taxation year;
- (d) the tax exemption amount that is allowed to the qualified individual for that taxation year;
- (e) a statement informing the qualified individual to whom the certificate is issued how he or she may use the form to claim a tax credit with respect to his or her tax exemption amount;
- (f) any other prescribed information.

2007, c.G-5.2, s.4.

**Claiming tax credit re tax exemption amount**

5(1) Subject to subsection (2), a qualified individual who is allowed a tax exemption amount for a taxation year pursuant to section 4 is entitled to claim a tax credit with respect to the tax exemption amount in accordance with section 19.1 of *The Income Tax Act, 2000*.

(2) Where a qualified individual claims a tax exemption amount for a taxation year for the purposes of a tax credit pursuant to section 19.1 of *The Income Tax Act, 2000*, the qualified individual's annual return required pursuant to *The Income Tax Act, 2000* for the taxation year is to be accompanied by the form certified by the minister and issued to the qualified individual pursuant to subsection 4(3) for the tax exemption amount with respect to that taxation year.

2007, c.G-5.2, s.5.

**Recovery of tax credit re ineligible tax exemption amount**

6(1) Where an individual obtains a tax credit pursuant to section 19.1 of *The Income Tax Act, 2000* with respect to a tax exemption amount to which he or she was not entitled, the amount of the tax credit is a debt due to the Crown in right of Saskatchewan and may be recovered by filing with the Court of Queen's Bench, at any judicial centre, a certificate of the Minister of Finance certifying the amount of the tax credit, together with interest at the rate prescribed in the regulations to the date of the certificate.

(2) A certificate filed pursuant to subsection (1) has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount specified in the certificate, together with any reasonable costs and charges with respect to its filing.

2007, c.G-5.2, 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) prescribing programs of post-secondary studies as eligible programs and prescribing criteria that the minister must follow in recognizing a program of post-secondary studies as an eligible program;
- (c) for the purposes of section 3, respecting the manner in which an application is to be made, prescribing the period within which an application may be made and prescribing information to be provided with an application;
- (d) prescribing additional information that must be set out in a certificate issued pursuant to subsection 4(3);
- (e) prescribing any rate of interest that is to be prescribed and the method by which it is to be calculated;

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(f) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;

(g) respecting any other matter 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, 2007.

2007, c.G-5.2, s.7.

**S.S. 2000, c.P-16.2 repealed**

**8** *The Post-Secondary Graduate Tax Credit Act* is repealed.

2007, c.G-5.2, s.8.

**Transitional**

**9(1)** Notwithstanding the repeal of *The Post-Secondary Graduate Tax Credit Act*, clause 30(1)(b) of *The Income Tax Act, 2000* continues to apply to the unused portion of a tax credit allowed to an individual pursuant to *The Post-Secondary Graduate Tax Credit Act*.

(2) Notwithstanding the repeal of *The Post-Secondary Graduate Tax Credit Act*, where an individual has obtained a tax credit pursuant to that Act to which he or she was not entitled:

(a) section 6 of that Act continues to apply to the recovery of the amount of that tax credit from the individual; and

(b) for the purposes of clause (a), the interest rate prescribed in the regulations made pursuant to that Act continues to apply.

2007, c.G-5.2, s.9.

**Coming into force**

**10** This Act comes into force on assent but is retroactive and is deemed to have been in force on and from January 1, 2007.

2007, c.G-5.2, s.10.