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The Charitable Fund-raising Businesses Act

being

Chapter C-6.2 of *The Statutes of Saskatchewan, 2002*
(effective January 1, 2003) as amended by the *Statutes of
Saskatchewan, 2003, c.29*.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER C-6.2

An Act to regulate Charitable Fund-raising Businesses

PART I Preliminary Matters

Short title

1 This Act may be cited as *The Charitable Fund-raising Businesses Act*.

Interpretation

2 In this Act:

- (a) **“applicant”** means a fund-raising business that applies for a licence, or a renewal of a licence, pursuant to this Act;
- (b) **“charitable organization”** means a registered charity as defined in the *Income Tax Act (Canada)*;
- (c) **“charitable purpose”** means a philanthropic, benevolent, educational, health, humane, religious, cultural, artistic, athletic, conservation or recreational purpose;
- (d) **“contribution”** means:
 - (i) money, goods or services given to a charitable organization for a charitable purpose; or
 - (ii) a promise or pledge to give money, goods or services to a charitable organization for a charitable purpose;
- (e) **“court”** means the Court of Queen’s Bench;
- (f) **“fund-raising agreement”** means a fund-raising agreement that meets the requirements of section 26;
- (g) **“fund-raising business”** means a person that:
 - (i) for remuneration, manages or is responsible for a solicitation by or on behalf of a charitable organization; and
 - (ii) is not an employee of the charitable organization;

but does not include:

- (iii) an entity that provides consultation services or advice with respect to a solicitation but does not manage or have responsibility for the solicitation; or
- (iv) any other prescribed entity;

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- (h) **“licence”** means a licence issued pursuant to section 7;
- (i) **“licensee”** means a fund-raising business that holds a valid licence;
- (j) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (k) **“prescribed”** means prescribed in the regulations;
- (l) **“registrar”** means the person appointed as registrar of charities pursuant to section 4 and includes any deputy registrar appointed pursuant to that section;
- (m) **“representative”** means a person that, for remuneration, makes or manages a solicitation on behalf of a licensee;
- (n) **“solicitation”** means:
 - (i) a request made to a member of the general public who resides in Saskatchewan for a contribution in which it is stated or implied that all or a portion of the contribution will be used by a charitable organization for a charitable purpose; or
 - (ii) a request made to a member of the general public who resides in Saskatchewan for a contribution through the purchase of a good or service in which it is stated or implied that all or a portion of the purchase price will be used by a charitable organization for a charitable purpose.

2002, c.C-6.2, s.2.

Non-application of Act

3(1) In this section, **“lottery scheme”** means a lottery scheme that is authorized by section 207 of the *Criminal Code*.

(2) This Act does not apply to a solicitation made with respect to a lottery scheme that is lawfully conducted by a charitable organization.

(3) All or any provision of this Act does not apply:

- (a) to any prescribed person or any class of prescribed persons; or
- (b) in any prescribed circumstance.

2002, c.C-6.2, s.3.

Appointment of registrar of charities

4 The minister may appoint:

- (a) a person as registrar of charities for the purposes of this Act; and
- (b) one or more persons as deputy registrars.

2002, c.C-6.2, s.4.

PART II
Licensing of Fund-raising Businesses

Licence required

5 No person shall act as a fund-raising business without holding a licence pursuant to this Part.

2002, c.C-6.2, s.5.

Application for licence or renewal of licence

6 A fund-raising business that wishes to obtain or renew a licence shall:

- (a) apply to the registrar in the form provided by the registrar;
- (b) provide the registrar with:
 - (i) an address for service in Saskatchewan; and
 - (ii) any other information that the registrar may reasonably require;
- (c) submit to the registrar the prescribed application fee; and
- (d) comply with any other prescribed requirements.

2002, c.C-6.2, s.6.

Issuance or renewal of licence

7 The registrar may issue a licence to an applicant, or renew the licence of an applicant, if the registrar:

- (a) receives an application pursuant to section 6; and
- (b) is satisfied that the applicant has complied with this Act.

2002, c.C-6.2, s.7.

Refusal to issue or renew licence

8(1) Subject to section 16, on receipt of an application pursuant to section 6, the registrar may refuse to issue or renew a licence if the registrar has reasonable grounds to believe that:

- (a) based on the past conduct of the applicant, or any officers, directors or representatives of the applicant, the applicant will not carry on business with honesty and integrity and in accordance with this Act, the regulations or any term or condition of the licence;
- (b) the applicant has made a false or misleading statement, with respect to any matter that the registrar considers material, in an application pursuant to section 6 or in any of the information or material submitted to the registrar in support of an application;
- (b.1) the applicant has raised funds, or intends to raise funds, for a charitable organization that is named in a valid certificate signed pursuant to the *Charities Registration (Security Information) Act* (Canada); or
- (c) it is not in the public interest to issue or renew the licence.

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(2) For the purposes of clause (1)(b.1), a certificate is deemed to be valid pending the determination of:

- (a) a reference to the Federal Court pursuant to section 6 of the *Charities Registration (Security Information) Act* (Canada) with respect to the certificate; or
- (b) a review of the certificate pursuant to section 10 or 11 of the *Charities Registration (Security Information) Act* (Canada)

2002, c.C-6.2, s.8; 2003, c.29, s.2.

Suspension or cancellation of licence

9(1) Subject to section 16, the registrar may suspend or cancel a licence on any ground on which the registrar might have refused to issue or renew the licence pursuant to section 8.

(2) If the registrar considers it appropriate to do so, and on receipt of any prescribed reinstatement fee, the registrar may reinstate a licence that has been suspended.

2002, c.C-6.2, s.9.

Terms and conditions of a licence

10(1) On issuing, renewing or reinstating a licence, the registrar may include any terms and conditions that the registrar considers appropriate.

(2) Subject to section 16, at any time after a licence is issued, renewed or reinstated, the registrar may amend the terms and conditions of the licence.

2002, c.C-6.2, s.10.

Licence not transferable

11 A licence issued, renewed or reinstated pursuant to this Part is not transferable.

2002, c.C-6.2, s.11.

Expiry and renewal of licence

12 Unless renewed pursuant to section 7 or cancelled pursuant to section 9, a licence expires on the expiration of the prescribed period.

2002, c.C-6.2, s.12.

Financial security may be required

13(1) The registrar may require:

- (a) an applicant to file a bond with the registrar as part of the applicant's application;
- (b) a fund-raising business whose licence has been suspended to file a bond with the registrar prior to reinstatement of the licence; or
- (c) a licensee to file a bond with the registrar at any time during the term of a licence.

- (2) A bond required pursuant to subsection (1) must:
- (a) be in the amount and in the form that the registrar considers appropriate; and
 - (b) be issued by an insurer licensed pursuant to *The Saskatchewan Insurance Act* to transact guarantee insurance.
- (3) Notwithstanding that the Crown in right of Saskatchewan has not suffered any loss or damage:
- (a) every bond filed with the registrar pursuant to subsection (1) must be construed as being a penal bond; and
 - (b) if any bond is forfeited pursuant to subsection (4), the amount due and owing as a debt to the Crown in right of Saskatchewan by the person bound by the bond must be determined as if the Crown had suffered a loss or damage that would entitle the Crown to be indemnified to the maximum amount of liability set out in the bond.
- (4) Every bond filed with the registrar pursuant to subsection (1) is forfeited on the demand of the registrar if all or any of the following occurs and there is no further appeal or the time for an appeal has elapsed:
- (a) the person with respect to whose conduct the bond is conditioned or any agent of that person has been convicted of:
 - (i) an offence pursuant to this Act or the regulations; or
 - (ii) an offence involving fraud or theft or conspiracy to commit an offence involving fraud or theft pursuant to the *Criminal Code*;
 - (b) final judgment respecting a claim arising out of a fund-raising agreement has been given against the person with respect to whose conduct the bond is conditioned or against any agent of that person;
 - (c) the person with respect to whose conduct the bond is conditioned commits an act of bankruptcy, whether or not proceedings have been taken pursuant to the *Bankruptcy and Insolvency Act* (Canada);
 - (d) the registrar has issued a written decision stating in effect that, after consideration and investigation of a complaint, the registrar is satisfied that the person with respect to whose conduct the bond is conditioned or any agent of that person:
 - (i) has contravened a provision of this Act or the regulations, has failed to comply with any term or condition of a licence, or is in breach of a fund-raising agreement; and
 - (ii) either:
 - (A) has departed from Saskatchewan;
 - (B) is outside of Saskatchewan and remains outside of Saskatchewan;

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(C) has departed from the person's dwelling house or has otherwise absented himself or herself and reasonable efforts have failed to locate the person in Saskatchewan; or

(D) in the case of a corporation, the corporation's name has been struck off a register of companies.

(5) The registrar may, by order, direct that any moneys recovered pursuant to a forfeited bond be:

(a) paid over in accordance with and on the conditions set forth in the order:

(i) to the local registrar of the court in trust for any persons that may become judgment creditors of the person named in that bond for claims arising out of a fund-raising agreement; or

(ii) to any trustee, custodian, interim receiver, receiver or liquidator of the person named in the bond or his, her or its agent; or

(b) paid over to any persons that the registrar may determine to be entitled to them.

(6) Any moneys not paid over pursuant to an order of the registrar made pursuant to subsection (5) must, after the payment of any expenditures incurred by the registrar in connection with the forfeiture of the bond and the determination and settlement of valid claims, be refunded to the surety or obligor pursuant to the bond.

(7) Notwithstanding section 16, if a bond filed with the registrar pursuant to subsection (1) is no longer in effect, the licensee's licence is automatically suspended.

(8) If a licence is automatically suspended pursuant to subsection (7), the registrar shall, within 15 days, provide written notice to the licensee of the suspension.

2002, c.C-6.2, s.13.

Audit of licensees

14(1) For the purpose of verifying a licensee's continued eligibility for a licence, the registrar may, at any time:

(a) require the licensee to submit to the registrar any further information or material that the registrar may reasonably require; and

(b) require verification, by affidavit or otherwise, of any information or material submitted to the registrar pursuant to clause (a).

(2) No licensee who receives a request from the registrar pursuant to subsection (1) shall fail to comply with that request within the period specified by the registrar.

2002, c.C-6.2, s.14.

Licensee to notify registrar if circumstances change

15(1) Within 30 days after a prescribed change in circumstances, an applicant or licensee shall notify the registrar in writing.

(2) Subject to section 16, after receiving information that there has been a change in circumstances in accordance with subsection (1), the registrar may:

- (a) refuse to issue or renew a licence;
- (b) suspend or cancel a licence; or
- (c) amend the terms and conditions of a licence.

(3) Subject to section 16, if an applicant or licensee fails to comply with subsection (1), the registrar may:

- (a) refuse to issue or renew a licence;
- (b) suspend or cancel a licence; or
- (c) amend the terms and conditions of a licence.

2002, c.C-6.2, s.15.

Notification by registrar

16(1) The registrar shall not do any or all of the following without providing written notice to the applicant or licensee and giving the applicant or licensee an opportunity to make written representations:

- (a) refuse to issue or renew a licence;
- (b) suspend or cancel a licence;
- (c) amend the terms and conditions of a licence.

(2) Notwithstanding subsection (1), if the registrar considers that it is necessary and in the public interest to take immediate action, the registrar may immediately suspend or cancel a licence without providing written notice to the licensee and giving the licensee an opportunity to make written representations, but the registrar shall give the licensee an opportunity to make written representations within 15 days after the date on which the registrar suspends or cancels a licence.

(3) On receiving an applicant's or licensee's written representations pursuant to this section, the registrar shall, within a reasonable period:

- (a) consider the submissions and make a decision;
- (b) notify the applicant or licensee, in writing, of the registrar's decision;
- (c) provide written reasons for the registrar's decision; and
- (d) provide the applicant or licensee with information respecting the right of appeal pursuant to section 36.

2002, c.C-6.2, s.16.

PART III
Rules re Solicitations

Application of Part

17 This Part applies to the following solicitations:

- (a) a door-to-door solicitation;
- (b) a telephone solicitation;
- (c) a mail solicitation;
- (d) any other prescribed solicitation.

2002, c.C-6.2, s.17.

Information to be provided to registrar

18(1) No licensee shall commence a campaign of solicitation without providing the registrar with the prescribed information.

(2) The information mentioned in subsection (1) must be provided within the prescribed period.

2002, c.C-6.2, s.18.

Hours of solicitation

19 No charitable organization, licensee or representative shall make a telephone solicitation or a door-to-door solicitation except between the hours of 8:00 a.m. and 9:00 p.m.

2002, c.C-6.2, s.19.

Identification card

20(1) A licensee shall provide an identification card to each of its representatives who will be making a door-to-door solicitation.

(2) The identification card mentioned in subsection (1) must contain the following information:

- (a) the name of the representative of the licensee;
- (b) the name, address and telephone number of the licensee;
- (c) the number on the licensee's licence;
- (d) the signature of an officer of the licensee;
- (e) any other prescribed information.

(3) No representative of a licensee shall make a door-to-door solicitation unless that person displays in the prescribed manner the identification card provided by the licensee.

(4) If a person has been provided with an identification card in accordance with subsection (1), and subsequently that person is no longer authorized to act on behalf of the licensee, or the fund-raising business no longer holds a valid licence, that person shall promptly surrender the identification card to:

- (a) if the person is no longer authorized to act on behalf of the licensee, an officer of the licensee; or
- (b) if the fund-raising business no longer holds a valid licence, the registrar.

2002, c.C-6.2, s.20.

Disclosure of information

21 Prior to accepting a contribution, every licensee or representative shall provide the person who is being solicited with the following information in the prescribed manner and form:

- (a) the licensee's name, address and telephone number;
- (b) the number on the licensee's licence;
- (c) if a representative is involved in the campaign, the name of the licensee's representative;
- (d) the remuneration being paid to:
 - (i) the licensee; and
 - (ii) if a representative is involved in the campaign, the representative;
- (e) any information the registrar may reasonably require to be disclosed;
- (f) any other prescribed information.

2002, c.C-6.2, s.21.

Refrain from making solicitations

22 If a person requests a charitable organization, licensee or representative to refrain from making solicitations to that person, the charitable organization, licensee or representative shall immediately:

- (a) comply with the request; and
- (b) place that person's name on a list of persons who may not be solicited that is compiled by the charitable organization, licensee or representative, as the case may be.

2002, c.C-6.2, s.22.

PART IV
Documents and Information

Application of subsections 24(2) and 25(3)

23(1) In this section:

- (a) **“former licensee”** means a fund-raising business that was a licensee but that no longer holds a valid licence;
 - (b) **“former representative”** means a person that was a representative but that is no longer a representative.
- (2) Subsections 24(2) and 25(3) apply to a former licensee as if that former licensee still held a valid licence, and no former licensee shall fail to comply with those subsections.
- (3) Subsection 25(3) applies to a former representative as if that former representative was still a representative, and no former representative shall fail to comply with that subsection.

2002, c.C-6.2, s.24.

Duty to maintain records

24(1) A licensee shall ensure that the following records are made:

- (a) complete and accurate financial records of its operations in Saskatchewan that include the prescribed information;
 - (b) any other prescribed records.
- (2) A licensee shall maintain:
- (a) the records mentioned in clause (1)(a) for at least six years after the last solicitation; and
 - (b) the records mentioned in clause (1)(b) for the prescribed period.

2002, c.C-6.2, s.24.

Donor list

25(1) In this section, **“donor list”** means the list of names of those persons who have contributed to a particular charitable organization, and includes any other information that the charitable organization records respecting those persons.

(2) A donor list is the property of and under the control of the charitable organization that compiled the list, or on whose behalf it was compiled.

(3) If a donor list is held by a licensee or representative on behalf of a charitable organization:

- (a) the donor list is deemed to remain the property of and under the control of that charitable organization; and
- (b) the licensee or representative shall not use or in any way deal with the donor list, except with respect to a solicitation made on behalf of that charitable organization.

2002, c.C-6.2, s.25.

Fund-raising agreement

26(1) No licensee shall commence a campaign of solicitation unless the licensee has entered into a fund-raising agreement that meets the requirements of this section with the charitable organization on whose behalf solicitations are to be made.

(2) The fund-raising agreement mentioned in subsection (1):

- (a) must be in writing;
- (b) must include:
 - (i) all the terms and conditions between the parties respecting the fund-raising, including:
 - (A) the duties and responsibilities of both parties; and
 - (B) the manner in which the fund-raising agreement may be terminated;
 - (ii) an estimate of the amount of contributions to be received and an estimate of the expenses and costs of the fund-raising;
 - (iii) if the solicitations will involve selling goods or services, a description of the goods or services and the specific price for which the goods or services will be sold;
 - (iv) the address of:
 - (A) the charitable organization; and
 - (B) the licensee;
 - (v) the name and telephone number of the contact person for:
 - (A) the charitable organization; and
 - (B) the licensee; and
 - (vi) any other prescribed matter; and
- (c) must set out:
 - (i) the solicitation method or methods to be used;
 - (ii) the remuneration of the licensee, being either or a combination of the following:
 - (A) a specified amount of money;
 - (B) a specified percentage of gross contributions; and
 - (iii) the method by which the remuneration is to be paid.

(3) Every licensee that enters into a fund-raising agreement pursuant to subsection (1) shall provide a copy of that agreement to the registrar within the prescribed period prior to commencing a campaign of solicitation.

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Agreement contrary to public policy

27(1) In this section and section 28, “**agreement**” means an agreement between a charitable organization and a fund-raising business with respect to the management by the fund-raising business of a solicitation by or on behalf of the charitable organization, and includes a fund-raising agreement.

(2) A charitable organization that enters into, or has entered into, an agreement before or after the coming into force of this section may apply to the court to have the agreement declared void on the ground that it is contrary to public policy.

(3) In making a determination pursuant to subsection (2), the court shall take into account the provisions of this Act and the regulations.

2002, c.C-6.2, s.27.

Accounting

28(1) A fund-raising business, on receipt of a request from a charitable organization with which it has entered into an agreement, shall provide an accounting to that charitable organization.

(2) If the fund-raising business does not comply with subsection (1) within a reasonable time of the request, the charitable organization may request the registrar to direct the fund-raising business to provide an accounting.

(3) The registrar may direct the fund-raising business to provide an accounting and may direct the content and form of the accounting if:

- (a) on receipt of a request pursuant to subsection (2), the registrar considers it appropriate to do so; or
- (b) the registrar considers it to be necessary and in the public interest to do so.

(4) If the registrar does not direct the fund-raising business to provide an accounting pursuant to subsection (3), or the fund-raising business does not provide an accounting as directed by the registrar, the court may direct the fund-raising business to provide an accounting to the court or to the registrar on the application of:

- (a) the charitable organization; or
- (b) the registrar.

2002, c.C-6.2, s.28.

Annual financial statement by licensees

29 In each fiscal year, a licensee shall provide the registrar with a financial statement for the preceding fiscal year that:

- (a) includes the prescribed information; and
- (b) is delivered to the registrar within the prescribed period after the end of the fiscal year to which it relates.

2002, c.C-6.2, s.29.

PART V
Investigations

Interpretation of Part**30** In this Part:

- (a) **“record”** means a book, paper, document or thing, whether in electronic form or otherwise, that may contain information respecting the finances or business of a fund-raising business or representative;
- (b) **“registrar”** includes any person authorized by the registrar pursuant to subsection 31(1).

2002, c.C-6.2, s.30.

Investigation by registrar

31(1) The registrar may authorize any person that the registrar considers appropriate to conduct any audit, investigation or inquiry and to exercise any of the registrar’s powers pursuant to this Part.

(2) The registrar may conduct an audit, investigation or inquiry with respect to any matter that the registrar considers necessary respecting the administration of this Act or the regulations.

(3) For the purposes of an audit, investigation or inquiry pursuant to this section, the registrar may at any reasonable time, inquire into and examine:

- (a) the business affairs of the person being audited, investigated or inquired into;
- (b) any record of the person with respect to whom the audit, investigation or inquiry is being made and any payments to, by or on behalf of, in relation to or in connection with that person; and
- (c) any property or assets of, or things owned, acquired or alienated in whole or in part by, the person with respect to whom the audit, investigation or inquiry is being made or by any person acting on behalf of or as agent for that person.

2002, c.C-6.2, s.31.

Production of records

32 The registrar may, at any reasonable time, demand the production of and inspect any record of the person with respect to whom the audit, investigation or inquiry is being made, and any person who has the custody, possession or control of that record shall produce it and permit inspection of it by the registrar.

2002, c.C-6.2, s.32.

c. C-6.2**CHARITABLE FUND-RAISING BUSINESSES****Copies of records**

33(1) If a record has been examined pursuant to section 31 or inspected pursuant to section 32, the registrar may make copies of that record.

(2) A copy of a record certified by the registrar to be a copy made pursuant to this section:

(a) is admissible in evidence without proof of the office or signature of the person purporting to have signed the certificate; and

(b) has the same probative force as the original record.

(3) The registrar shall ensure that after copies of any records examined pursuant to this Part are made, the originals are promptly returned to:

(a) the place they were removed from; or

(b) any other place that may be agreed to by the registrar and the person who had the custody, possession or control of the record.

2002, c.C-6.2, s.33.

Warrant

34(1) If the registrar, pursuant to this Part, requires the production of any record and the person from whom the record is required refuses or neglects to produce that record, the registrar may apply *ex parte* to a justice of the peace or a judge of the provincial court for a warrant authorizing the registrar or a person named in the warrant to:

(a) enter and search any premises named in the warrant for the record that the person refused or neglected to produce; and

(b) seize and take possession of the record.

(2) A justice of the peace or judge of the provincial court, if satisfied on oath of the registrar that the registrar has required production of a record and the person from whom production was required has refused or neglected to produce that record, may issue the warrant.

2002, c.C-6.2, s.34.

Costs of investigation outside of Saskatchewan

35(1) If the registrar is required to conduct an audit, investigation or inquiry outside of Saskatchewan, the person with respect to whom the audit, investigation or inquiry is being made shall pay all of the reasonable costs associated with the audit, investigation or inquiry, including reasonable travel costs.

(2) No person with respect to whom an audit, investigation or inquiry is being made shall fail to pay an amount directed to be paid pursuant to subsection (1).

2002, c.C-6.2, s.35.

PART VI
Appeals

Appeal to court

36(1) A person who is the subject of a decision or order of the registrar may appeal the decision or order to the court.

(2) An appeal must be made within 30 days after a decision or order of the registrar.

(3) Notice of an appeal is to be served on the registrar and any other person that the court may order.

2002, c.C-6.2, s.36.

Documents to be filed with the court for purposes of appeal

37 On receipt of notice of an appeal pursuant to section 36, the registrar shall file with the court true copies of:

- (a) all documents and materials that were before the registrar when the registrar made his or her decision or order;
- (b) the registrar's decision or order; and
- (c) the registrar's written reasons for the decision or order.

2002, c.C-6.2, s.37.

Decision by court

38(1) On hearing an appeal pursuant to section 36, the court may:

- (a) dismiss the appeal;
- (b) allow the appeal;
- (c) allow the appeal subject to terms and conditions;
- (d) vary the decision or order of the registrar;
- (e) refer the matter to the registrar for:
 - (i) further consideration; and
 - (ii) a decision or order; or
- (f) make any other order that the court considers appropriate.

(2) The court may make any order as to costs on an appeal pursuant to section 36 that the court considers appropriate.

2002, c.C-6.2, s.38.

Appeal to Court of Appeal

39 The registrar or a person who is the subject of a registrar's decision or order may appeal a decision or order of the court to the Court of Appeal, on a question of law only, within 30 days after the decision or order of the court.

2002, c.C-6.2, s.39.

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Application for stay

40 The commencement of an appeal pursuant to section 36 or 39 does not stay the effect of the decision or order appealed from, unless a judge of the court or the Court of Appeal orders otherwise.

2002, c.C-6.2, s.40.

**PART VII
General**

Extra-provincial corporations

41 For the purposes of Part II of *The Business Corporations Act*, Part III of *The Non-profit Corporations Act, 1995* or Part XVIII of *The Co-operatives Act, 1996*, an extra-provincial corporation that acts in Saskatchewan as a fund-raising business is deemed to be carrying on business in Saskatchewan.

2002, c.C-6.2, s.41.

Information to be provided on request

42(1) Subject to the regulations, a charitable organization shall provide the following information, within a reasonable time, to any person who requests it:

- (a) a copy of the most recent financial statement of the charitable organization that includes the prescribed information;
 - (b) with respect to solicitations:
 - (i) subject to subsection (2), the portion of gross contributions received during the charitable organization's last fiscal year that was used directly for charitable purposes;
 - (ii) an estimate of the portion of gross contributions received in the current fiscal year that will be used directly for charitable purposes; and
 - (iii) reasonable details regarding where and how the contributions received as a result of the solicitations will be spent;
 - (c) with respect to a charitable organization that has its solicitations managed by a licensee, the information that the licensee is required to include on an identification card pursuant to clauses 20(2)(b) to (e);
 - (d) any other prescribed information.
- (2) A charitable organization that is in its first fiscal year is not required to provide the information mentioned in subclause (1)(b)(i).

2002, c.C-6.2, s.42.

Evidence

43(1) A certificate of the registrar certifying all or any of the following facts is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without proof of the office or signature of the person purporting to have signed the certificate:

- (a) that the fund-raising business named in the certificate was or was not licensed;
 - (b) that a licence was issued to a fund-raising business on a date set out in the certificate;
 - (c) that the licence issued to the fund-raising business was suspended or cancelled;
 - (d) that a licence issued to a fund-raising business was made subject to terms and conditions set out in the certificate.
- (2) Evidence of one transaction involving a fund-raising business, when that fund-raising business did not hold a valid licence pursuant to this Act at the time of the transaction, is admissible in evidence as proof, in the absence of evidence to the contrary, that the fund-raising business acted as a fund-raising business without a licence.

2002, c.C-6.2, s.43.

Disclosure by registrar

44 The registrar may disclose any information obtained pursuant to this Act or the regulations if, in the registrar's opinion, the disclosure is in the public interest.

2002, c.C-6.2, s.44.

Prohibitions

45(1) In this section:

- (a) **“associate”** means, with respect to a relationship with a licensee, an officer or director of a licensee, or the spouse of an officer or director of a licensee, as the case may be:
 - (i) a body corporate of which the licensee, officer, director or spouse beneficially owns, directly or indirectly, more than 10% of any class of voting equity securities of the body corporate that are outstanding at that time;
 - (ii) a shareholder of the licensee;
 - (iii) a partner, other than a limited partner, of the licensee, officer, director or spouse;
 - (iv) a trust or estate in which the licensee, officer, director or spouse has a beneficial interest or serves as a trustee or in a capacity similar to that of a trustee;
 - (v) any person who has the same residence as the licensee, officer, director or spouse; and

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- (vi) a former spouse, child, sibling, half-sibling, parent, grandparent, uncle, aunt, nephew or niece of an officer, director or spouse, as the case may be, and where applicable, including step-family relationships;
 - (b) **“interest”** means ownership or financial interest in a charitable organization and includes:
 - (i) an interest as a shareholder, member, director, officer or employee;
 - (ii) a security interest; and
 - (iii) any other interest that may give the holder of the interest influence over the conduct of the affairs of the charitable organization;
 - (c) **“spouse”** means the legally married spouse of a person, or a person with whom that person is cohabiting in a spousal relationship.
- (2) No person shall, for remuneration, make or manage a solicitation on behalf of a fund-raising business that is not a licensee.
- (3) No licensee shall manage or be responsible for a solicitation on behalf of a charitable organization in which:
- (a) that licensee, or an associate of that licensee, has an interest; or
 - (b) an officer or director of that licensee, the spouse of an officer or director of that licensee, or an associate of that officer, director or spouse, has an interest.
- (4) No person shall:
- (a) represent, directly or indirectly, that the licence issued to a fund-raising business constitutes an endorsement or an approval by the Government of Saskatchewan of that fund-raising business or of any charitable organization or charitable purpose;
 - (b) represent in a solicitation that an individual or corporation endorses or approves of a charitable organization or a charitable purpose unless that individual or corporation has given prior written consent for that purpose;
 - (c) unless the charitable organization has given prior written consent:
 - (i) represent that the person is soliciting contributions for a charitable organization; or
 - (ii) use any emblem or printed matter belonging to, associated with, or substantially similar to that of a charitable organization;
 - (d) represent that contributions will be provided to a charitable organization or used for a charitable purpose when the contributions are not being provided to a charitable organization or used for a charitable purpose; or
 - (e) make a false statement or material misrepresentation in a solicitation.

Offences and penalties

- 46(1)** No person shall fail to comply with any provision of this Act or the regulations.
- (2) No licensee shall fail to comply with the terms and conditions of a licence.
- (3) Every person who contravenes subsection (1) or (2) is guilty of an offence and liable on summary conviction:
- (a) for a first offence:
 - (i) in the case of an individual, to a fine not exceeding \$10,000, to imprisonment for a term not exceeding one year or to both; or
 - (ii) in the case of a corporation, to a fine not exceeding \$25,000;
 - (b) for a second or subsequent offence:
 - (i) in the case of an individual, to a fine not exceeding \$25,000, to imprisonment for a term not exceeding one year or to both; or
 - (ii) in the case of a corporation, to a fine not exceeding \$100,000.
- (4) If a corporation commits an offence pursuant to this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties mentioned in this section whether or not the corporation has been prosecuted or convicted.
- (5) No prosecution for a contravention of this Act or the regulations is to be commenced more than two years after the facts on which the alleged contravention is based first came to the knowledge of the registrar.

2002, c.C-6.2, s.46.

Immunity

- 47** No action or proceeding lies or shall be commenced against the registrar, or any other person acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by the registrar, or other person, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

2002, c.C-6.2, s.47.

Regulations

48 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 other entities for the purposes of subclause 2(g)(iv);
- (c) exempting any person or any class of persons from all or any provision of this Act, and prescribing any circumstance in which all or any provision of this Act does not apply;
- (d) prescribing the fees to be paid for the issuance of licences, the renewal of licences and the reinstatement of licences that have been suspended;
- (e) prescribing additional requirements to be met by a fund-raising business that applies for a licence, or a renewal of a licence, prior to the issuing or renewal of the licence;
- (f) prescribing the period after which a licence expires;
- (g) prescribing changes in circumstances for the purposes of section 15;
- (h) prescribing a type of solicitation to which Part III of this Act applies;
- (i) prescribing information to be provided to the registrar pursuant to section 18, including prescribing the period in which that information is to be provided;
- (j) prescribing additional information to be contained in an identification card, and the manner in which the identification card is to be displayed in a door-to-door solicitation;
- (k) prescribing information required to be provided when making a solicitation, and the manner and form in which information is to be provided pursuant to section 21;
- (l) prescribing information to be included in financial records pursuant to clause 24(1)(a);
- (m) requiring that certain records be kept and prescribing periods for keeping those records pursuant to section 24;
- (n) prescribing additional requirements that must be included in a fund-raising agreement pursuant to subclause 26(2)(b)(vi);
- (o) prescribing the period within which a copy of a fund-raising agreement must be provided to the registrar;
- (p) prescribing the information to be included in a financial statement required pursuant to section 29 and prescribing the period within which that information must be provided;

- (q) prescribing the information to be included in financial statements pursuant to clause 42(1)(a);
- (r) prescribing information required to be provided pursuant to clause 42(1)(d);
- (s) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (t) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

2002, c.C-6.2, s.48.

PART VIII Transitional and Coming into Force

Transitional

49 A person that is required to be licensed pursuant to this Act:

- (a) shall apply to the registrar for a licence within 90 days after the coming into force of this section; and
- (b) if an application has been made pursuant to clause (a), may carry on business without a licence until:
 - (i) the person is granted a licence pursuant to this Act; or
 - (ii) the person is notified by the registrar in writing that the application for a licence has been refused.

2002, c.C-6.2, s.49.

Coming into force

50 This Act comes into force on proclamation.

2002, c.C-6.2, s.50.

