

BILL

No. 144

An Act to amend *The Litter Control Act*

(Assented to)

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 Litter Control Amendment Act, 2010*.

R.S.S. 1978, c.L-22 amended

2 *The Litter Control Act* is amended in the manner set forth in this Act.

Section 14.1 amended

3 **Clause 14.1(f) is repealed and the following substituted:**

“(f) **‘purchaser’** means a person who purchases a designated container containing a beverage:

- (i) for use of the designated container by that person;
- (ii) for use of the designated container by another person at the first person’s expense; or
- (iii) on behalf of, or as agent for, a principal for use of the designated container by the principal or by another person at the principal’s expense”.

New sections 14.82 and 14.821

4 **Section 14.82 is repealed and the following substituted:**

“Environmental handling charge and refundable deposit

14.82(1) Subject to subsection (2), every purchaser in Saskatchewan who purchases a beverage in a designated container shall pay respecting the designated container:

- (a) an environmental handling charge of:
 - (i) with respect to a designated container that is a metal can, 5¢;
 - (ii) with respect to a designated container that is a plastic bottle, 6¢;
 - (iii) with respect to a designated container that is a non-refillable glass bottle, 7¢;
 - (iv) with respect to a designated container that is a multi-material, shelf stable container, 3¢; or
 - (v) with respect to a designated container that is a paper-based polycoat gable top container, 3¢; and
- (b) a refundable deposit of 5¢.

(2) The Lieutenant Governor in Council may, by regulation, increase or decrease the amount payable pursuant to clause (1)(b) respecting any designated container or any class or classes of designated containers.

“No refund of environmental handling charges

14.821(1) In this section:

(a) **‘Crown agent’** means any present or former member of the Executive Council, any present or former legislative secretary as defined in *The Government Organization Act*, the ministry over which the minister presides and any present or former director, officer, agent or employee of the Crown or the ministry;

(b) **‘former provisions’** means the provisions of this Act as they read before the enactment of *The Litter Control Amendment Act, 2010*.

(2) Notwithstanding any other Act or law, a person who, on or after April 1, 1998 and before the day on which this section comes into force, paid to the Crown in right of Saskatchewan money as an environmental handling charge imposed pursuant to the former provisions is not entitled to a refund of the money so paid.

(3) No action or proceeding lies or shall be instituted or continued against the Crown or a Crown agent to recover moneys mentioned in subsection (2), and no action or proceeding lies or shall be instituted or continued against the Crown or a Crown agent based on any cause of action arising from, resulting from, or incidental to the enactment or application of any provision of this Act or the regulations or *The Litter Control Amendment Act, 2010*.

(4) Every cause of action against the Crown or a Crown agent arising from, resulting from, or incidental to anything mentioned in subsection (3) is extinguished.

(5) The moneys mentioned in subsection (2) shall be applied against and in satisfaction of the environmental handling charge imposed pursuant to section 14.82 that is imposed retroactively on the person who is obligated to pay the money to the Crown in right of Saskatchewan.

(6) Notwithstanding the enactment of *The Litter Control Amendment Act, 2010* or any other Act or law, all regulations made on or after April 1, 1998 pursuant to the provisions of this Act, as those provisions read before the enactment of *The Litter Control Amendment Act, 2010*, for the purpose of increasing or decreasing the amount of the environmental handling charge payable pursuant to clause 14.82(1)(a), or the amount of the refundable deposit payable pursuant to clause 14.82(1)(b), with respect to any designated container or any class or classes of designated containers are confirmed and declared valid”.

Section 22 amended

5 Clause 22(1)(t) is repealed and the following substituted:

“(t) increasing or decreasing the amount of the refundable deposit imposed by section 14.82 with respect to any designated container or class or classes of designated containers”.

Coming into force

6 This Act comes into force on assent but is retroactive and is deemed to have been in force on and from April 1, 1998.

FOURTH SESSION

Twenty-sixth Legislature

SASKATCHEWAN

B I L L

No. 144

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Received and read the

First time - May 6, 2010

Reinstated November 3, 2010

Second time

Third time

And passed

Honourable Dustin Duncan
