

# Information Bulletin

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PST-63

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## THE PROVINCIAL SALES TAX ACT

### SALES TO FIRST NATIONS INDIVIDUALS AND ORGANIZATIONS

This bulletin has been prepared to help you apply, collect or administer the Provincial Sales Tax (PST). It is a general guide and not a substitute for the legislation.

*Changes to this bulletin are indicated by a bar (|) in the left margin.*

The contents of this bulletin are presented under the following sections:

- A. General Information
- B. Sales and Leases of Goods to Indians, Indian Bands and Band-Empowered Entities
- C. Services Provided to Indians, Indian Bands and Band-Empowered Entities
- D. Insurance Contracts
- E. Band-Empowered Entities
- F. Tribal Councils
- G. Indian Businesses
- H. Partnerships
- I. Urban Reserves
- J. Saskatchewan eTax Services (SETS)

#### **A. GENERAL INFORMATION**

First Nations individuals and bands are referred to as “Indians” and “Indian bands” in this bulletin as those are the terms used in the *Indian Act* (Canada), which establishes the tax exemptions for First Nations people and organizations. For the purposes of administering the PST, an Indian is a person who falls within the legal definition of an “Indian” under the *Indian Act* (Canada) and who is in possession of a Certificate of Indian Status identification card issued by the federal government. These cards are numbered and contain a photograph, name and the Indian band or registry number of the card holder. Métis, Inuit or First Nations people from the United States do not meet the definition of an Indian under Canadian legislation.

Land that qualifies as reserve land under the *Indian Act* (Canada) includes designated reserve land. This also includes designated urban reserves.

Under the *Indian Act* (Canada) Indians and Indian bands are exempt from provincial taxation on tangible personal property situated on reserve or designated reserve land.

Since a corporation is a legal entity that is separate and distinct from its shareholders, most corporations do not qualify for the PST exemption. The exceptions relate to non-commercial

band-empowered entities and corporations that act as the general partner on behalf of certain Indian-owned Limited Partnerships.

A joint purchase between a status Indian and non-status individual is subject to tax. See section H for further information.

**B. SALES AND LEASES OF GOODS TO INDIANS, INDIAN BANDS AND BAND-EMPOWERED ENTITIES**

A vendor is not required to collect PST on the sale or lease of tangible personal property to an Indian, Indian band or non-commercial band-empowered entity provided the goods are delivered to a reserve by the vendor. The customer must present their Certificate of Indian Status identification card issued under the *Indian Act* (Canada) and the complete 10-digit card number must be recorded on the sales invoice. The vendor must retain documentation to support the exemption. If the card number is less than 10-digits, the number and the band name must be recorded. The vendor is required to maintain proof of delivery such as a waybill, freight bill or postal receipt.

The exemption applies to Indians whether or not they reside on a reserve providing the vendor ships the goods to a reserve. If the customer takes possession of the goods off-reserve, tax must be collected in all cases.

**C. SERVICES PROVIDED TO INDIANS, INDIAN BANDS AND BAND-EMPOWERED ENTITIES**

When services are provided to an Indian, Indian band or non-commercial band-empowered entity, the tax status depends on the nature of the service provided. Professional services are generally exempt if the service relates to an activity or location on a reserve. Repair services are only exempt from tax when the service is performed on a reserve. For further information please see Information Bulletin, [PST-57, Repair and Installation Services](#). Services to real property that are performed on a reserve are also exempt from tax when invoiced to a Status Indian, Indian band or non-commercial band-empowered entity. For further information please see Information Bulletin, [PST-12, Services to Real Property](#).

Legal services that relate to an activity or real property located on a reserve or that relate to treaty or land claim issues are not subject to tax. For further information please see Information Bulletin, [PST-64, Lawyers](#). The service does not have to be performed on a reserve.

Accounting services related to on-reserve activities are not subject to tax. For further information please see Information Bulletin, [PST-62, Accounting Services](#). The service does not have to be performed on a reserve.

Engineering services with respect to a facility or project on a reserve are not subject to tax. For further information please see Information Bulletin, [PST-65, Engineering, Geoscience and Architecture](#). The service does not have to be performed on a reserve.

Telecommunication services, such as cable television services and telephone services, are exempt from tax provided the services are delivered to a location on a reserve. For further information please see Information Bulletin, [PST-8, Telecommunication Services](#).

Telecommunication services provided off-reserve to an Indian, Indian band or band-empowered entity, are subject to tax.

**D. INSURANCE CONTRACTS**

Contracts of insurance purchased by Status Indians, Indian bands or non-commercial band-empowered entities pertaining wholly to their property situated on a reserve as defined in the *Indian Act* (Canada), or for risks, perils or events that relate wholly to an activity or location on a reserve are exempt from PST.

Contracts of insurance in respect of a Status Indian who is ordinarily resident on a reserve are also exempt from PST.

Proration will be necessary when the above insurance pertains to subject matter that is both on-reserve and off-reserve.

For further reference please see Information Bulletin, [PST-73, Insurance Contracts](#).

**E. BAND-EMPOWERED ENTITIES**

Band-empowered entities including corporations and other organizations are entitled to the same exemption as Indian bands providing they meet the following requirements:

- The band-empowered entity is formed for the sole purpose of non-commercial activities related to band administration or for providing on-reserve services, including health centers, churches and schools;
- The band-empowered entity is comprised solely of Indians and/or Indian bands; and,
- The expenses are incurred on a reserve.

Vendors should obtain the following certification on invoices for exempt sales to band-empowered entities:

“This is to certify that these goods or services are being purchased by (name of band-empowered entity) on (name of reserve) for band management activities and are exempt from tax.”

\_\_\_\_\_  
Signature of Authorized Official

**F. TRIBAL COUNCILS**

A tribal council is a grouping of two or more Indian bands with a common interest that have joined together to provide advisory or program services for their members. Some tribal councils become incorporated; however, many remain unincorporated. Purchases by incorporated tribal councils are subject to tax in all cases while purchases by unincorporated tribal councils are exempt from tax. To qualify for the exemption, the goods must either be purchased on a reserve or delivered to a reserve by the vendor.

## G. INDIAN BUSINESSES

Unincorporated businesses located on a reserve and owned by individual Indians or an Indian band are not required to pay the tax on goods or services purchased for business use provided the goods or services are billed to an Indian or Indian band and are delivered to a reserve by the vendor.

Unincorporated businesses located off the reserve and owned by an Indian or Indian band are required to pay the tax on purchases of goods and services for business use.

Incorporated Indian businesses, whether located on or off reserve, are required to pay the tax on purchases of goods and services for business use with the exception of limited partnerships that qualify as outlined below.

## H. PARTNERSHIPS

### General Partnerships

A general partnership is treated in the same manner as Indians and Indian bands. That is, where all members of the partnership consist of Indians and/or Indian bands, the sales tax exemption flows through to the partnership. In cases where one or more of the partners do not qualify for an exemption (i.e. non-Indian or corporation) purchases made by the partnership do not qualify for the tax exemption.

### Limited Partnerships

Although limited partnerships include an incorporated partner as the operating or general partner, and corporations are not legally entitled to the tax exemptions established by the *Indian Act* (Canada), an exemption is allowed on purchases made by certain Indian-owned limited partnerships providing they meet the following requirements:

- All limited partners are Indians, Indian bands or unincorporated tribal councils;
- Any incorporated general partner, established for the purpose of carrying on the business of the limited partnership, is wholly owned and controlled by the Indian limited partners and has less than a 5 per cent equity interest in the limited partnership; and,
- The limited partnership does not engage in commercial activities off of a reserve and complies with all other requirements relating to the tax exemptions under the *Indian Act* (Canada).

## I. URBAN RESERVES

An urban reserve is land that has received official Indian reserve status from the federal government and is located within an urban municipality.

A vendor located on an urban reserve is not required to collect tax on goods sold to an Indian, Indian band or non-commercial band-empowered entity when the goods are picked up by the customer on the urban reserve. Sales made on an urban reserve to all other customers are subject to tax.

**J. SASKATCHEWAN eTAX SERVICES (SETS)**

Finance has made it possible to report and remit tax electronically through a secure, fast, easy and convenient online self-service portal. Several services are currently available to businesses through SETS:

- Register for secure, self-managed access to all your tax accounts.
- Apply for a new tax account.
- File and pay returns and amend previously filed returns.
- Make payments on account, including post-dated payments.
- View account balance and statement information.
- Authorize employees or accountants to file on your behalf.
- Receive notifications by email when a tax return should be filed. This replaces the paper forms usually sent in the mail.
- Submit a service request to update the mailing address or add a new business location.
- Submit a service request to receive tax information, interpretations or rulings related to your specific business activities.
- View and download up-to-date tax information promptly.
- Subscribe to receive email notifications when new and revised tax publications are available.

**FOR FURTHER INFORMATION**

Write: Ministry of Finance  
Revenue Division  
PO Box 200  
REGINA SK S4P 2Z6

Telephone: Toll Free 1-800-667-6102  
Regina 306-787-6645

Email: [sasktaxinfo@gov.sk.ca](mailto:sasktaxinfo@gov.sk.ca)

Internet: Tax bulletins, forms and information are available at [www.sets.saskatchewan.ca/taxinfo](http://www.sets.saskatchewan.ca/taxinfo).

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