

# *The Sheep Development Plan Regulations, 1996*

*being*

Chapter A-15.2 Reg 3 (effective April 24, 1996) as amended  
by Saskatchewan Regulations 17/2006.

## **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 A-15.2 REG 3

### *The Agri-Food Act*

#### TITLE AND INTERPRETATION

##### Title

- 1 These regulations may be cited as *The Sheep Development Plan Regulations, 1996*.

##### Interpretation

- 2 In these regulations:

- (a) **“Act”** means *The Agri-Food Act, 2004*;
- (b) **“board”** means the Sheep Development Board continued pursuant to subsection 7(1);
- (c) **“dealer”** means a person who buys or sells sheep, or who offers to buy or sell sheep, on his or her own account or on account of some other person, either directly from producers or from others having sheep for sale, regardless of the use to which the sheep are to be put, but does not include a Saskatchewan farmer or rancher who purchases sheep required for the development or maintenance of his or her farm or ranch, where the majority of those sheep are not sold within 30 days of purchase;
- (d) **Repealed.** 17 Mar 2006 SR 17/2006 s3.
- (d.1) **“lamb”** means a lamb, from birth to first set of adult teeth, of any variety, grade or class and includes:
  - (i) a live lamb;
  - (ii) a lamb carcass; and
  - (iii) a part of a lamb carcass;
- (e) **“plan”** means the Sheep Development Plan continued pursuant to section 3;
- (f) **“processing”** means changing the nature, size, quality or condition of sheep by mechanical or other means and includes slaughter;
- (g) **“processor”** means any person engaged in the business of processing sheep products within Saskatchewan;
- (h) **“producer”** means:
  - (i) a person engaged in the production or marketing of sheep other than as a dealer or processor and includes the employer of that person;

**A-15.2 REG 3****SHEEP DEVELOPMENT PLAN**

- (ii) a person who is entitled under any lease or agreement to a share of the sheep raised by a person mentioned in subclause (i) or the proceeds from the sale of those sheep; or
- (iii) a person who takes possession of any sheep pursuant to any form of security or legal proceedings for a debt;
- (i) **“registered dealer”** means a dealer who is registered with the board pursuant to section 19 and whose registration is in good standing;
- (j) **Repealed.** 17 Mar 2006 SR 17/2006 s3.
- (k) **“registered producer”** means a producer who is registered with the board pursuant to section 18 and whose registration is in good standing;
- (l) **“sheep”** means a sheep of any variety, grade or class and includes:
  - (i) a live sheep;
  - (ii) a sheep carcass;
  - (iii) a part of a sheep carcass; and
  - (iv) a lamb.

3 May 1996 cA-15.2 Reg 3 s2; 17 Mar 2006 SR 17/2006 s3.

**PLAN****Plan continued**

- 3(1)** The Saskatchewan Sheep Development Plan is continued.
- (2)** The plan continues until these regulations are repealed.
- (3)** On the disestablishment of the plan, any assets of the board remaining after all of the liabilities of the board have been settled are to be distributed to a research institute that, in the opinion of the board, will use those assets to contribute to the development of the sheep industry in Saskatchewan.

3 May 1996 cA-15.2 Reg 3 s3.

**Application**

- 4** Subject to these regulations, the plan and the orders of the board made pursuant to the plan apply to:
  - (a) all of Saskatchewan; and
  - (b) all persons engaged in the production or marketing of sheep in Saskatchewan.

3 May 1996 cA-15.2 Reg 3 s4.

- 5 Repealed.** 17 Mar 2006 SR 17/2006 s4.

**Purpose**

**6(1)** The general purpose of the plan is to establish a system to provide for the orderly and effective development of the Saskatchewan sheep industry.

(2) Without limiting the generality of subsection (1), the specific purposes of the plan are:

- (a) to co-ordinate and inform sheep producers on matters relating to the production and marketing of sheep and sheep products;
- (b) to promote harmony and communication between producers in the sheep industry;
- (c) to develop the potential of the sheep industry through extension and development of the marketing and promotion of sheep products; and
- (d) to ensure the provision of services required to promote the profitable marketing of sheep products.

3 May 1996 cA-15.2 Reg 3 s6.

**BOARD****Administration**

**7(1)** The Sheep Development Board is continued as a development board pursuant to the Act.

(2) The board shall administer the plan.

(3) The board consists of five directors elected in accordance with sections 23 to 29 and one individual who is not a producer who may be appointed by the board for a term determined by the board.

(4) On the coming into force of these regulations, the board is to consist of the directors of the board who held office pursuant to *The Sheep Development Plan Regulations* on the day before these regulations came into force, who continue to hold office as if they had been elected pursuant to these regulations until their successors are elected pursuant to these regulations.

3 May 1996 cA-15.2 Reg 3 s7; 17 Mar 2006 SR 17/2006 s5.

**Powers of board**

**8(1)** Subject to the other provisions of these regulations, the board may exercise the following powers that are set out in subsection 8(1) of the Act:

- (a) the power to carry out educational, research and developmental programs related to sheep production and marketing;
- (b) the power to require any or all persons engaged in the production, marketing or production and marketing of sheep to register with the board;
- (c) the power to set and collect registration fees and charges for services rendered by the board from any person engaged in the production, marketing or production and marketing of sheep;

- (d) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of sheep;
- (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of sheep for the purpose of setting and collecting the fees, charges or levies mentioned in clauses (c) and (d);
- (f) the power to set and collect penalties from any person who:
  - (i) is engaged in the production, marketing or production and marketing of sheep; and
  - (ii) contravenes an order of the board;
- (g) the power to recover any unpaid fees, charges, levies or penalties mentioned in clause (c), (d) or (f) by an action in a court of competent jurisdiction;
- (h) the power to require any person engaged in the production, marketing or production and marketing of sheep to furnish the board with any information or records relating to that production or marketing that the board considers necessary;
- (i) the power to market, grade or insure sheep, either as principal or agent;
- (j) the power to:
  - (i) employ any officers and employees that it considers necessary to administer the plan; and
  - (ii) determine the duties, conditions of employment and remuneration of its officers and employees;
- (k) the power to establish or support a group insurance plan, a pension plan, or any other employee benefit programs for its officers and employees mentioned in clause (j) and their dependants;
- (l) the power to use any moneys received by the board to carry out the purposes of the plan and to pay the expenses of the board;
- (m) the power to borrow, raise or secure the payment of moneys in any manner that the board considers appropriate for the purpose of administering the plan;
- (n) the power to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange or other negotiable or transferable instruments;
- (o) subject to subsection (1.1), the power to make grants or loans to any person, organization, agency, institution or body within or outside Saskatchewan, for the purposes of the plan;
- (p) subject to subsection (1.1), the power to give financial guarantees respecting the indebtedness of any person if the board considers it necessary or advisable for the purposes of the plan;
- (q) the power to purchase, take on lease or exchange or otherwise acquire real and personal property related to the business of the board, and to insure, sell or otherwise dispose of any of its property;

- (r) the power to grant a mortgage or security interest in any of the board's real or personal property;
  - (s) subject to section 35 of the Act, the power to enter into any agreement with any person, agency, organization, institution or body within or outside Saskatchewan for any purpose related to the exercise of any of the powers or the carrying out of any of the duties of the board in relation to the plan;
  - (t) the power to:
    - (i) require any person who owes money to a producer with respect to the sale by the producer of sheep to pay the money to the board; and
    - (ii) distribute the money paid to the board pursuant to subclause (i), in the manner determined by the board, to the producer to whom the money is owing;
  - (u) the power to:
    - (i) purchase or acquire by any other means, in the open market or otherwise, any securities of any corporation; and
    - (ii) hold membership in any corporation;
  - (v) the power to:
    - (i) hold, sell, transfer, or otherwise deal with any of the securities mentioned in clause (u); and
    - (ii) exercise any rights, including the right to vote, as:
      - (A) an owner of the securities mentioned in clause (u); or
      - (B) a member;
  - (w) the power to register a business name pursuant to *The Business Names Registration Act*;
  - (x) the power to prescribe the manner in which remuneration and reimbursement for expenses of the members of the board are to be determined and paid.
- (1.1) Neither the sum of the loans nor the sum of the financial guarantees mentioned in clauses (1)(o) and (p) shall exceed 10% each of the board's current assets as reported in the audited financial statement in the board's most recent annual report at the time the loan or financial guarantee is made or given.
- (2) The board does not have the power to regulate the quantity of sheep or sheep products produced or marketed by a producer.
- (3) **Repealed.** 17 Mar 2006 SR 17/2006 s6.

**A-15.2 REG 3****SHEEP DEVELOPMENT PLAN****Books and records**

**9(1)** The board shall maintain any books and records that may be required for the administration of the plan and keep those books and records open for inspection by the council at any reasonable time.

(2) The board shall maintain a head office in Saskatchewan.

(3) The board shall prepare an annual report containing:

(a) a copy of the audited financial statement of the board for its previous fiscal year;

(b) a description of:

(i) the state of the industry; and

(ii) the activities of the board for its previous fiscal year; and

(c) a list of the names and addresses of the directors of the board.

(4) **Repealed.** 17 Mar 2006 SR 17/2006 s7.

(5) The board shall make the annual report available at the next annual general meeting and, on request, to any registered producer or any sheep buyer.

3 May 1996 cA-15.2 Reg 3 s9; 17 Mar 2006 SR 17/2006 s7.

**Auditor**

**10(1)** The registered producers shall appoint an auditor for the board at the annual general meeting or at any special general meeting of the registered producers.

(2) The auditor shall audit the books and records of the board.

3 May 1996 cA-15.2 Reg 3 s10.

**Committees**

**11(1)** The board may appoint any advisory committee that it considers necessary or desirable for the proper operation of the plan.

(2) The members of a committee appointed pursuant to this section are entitled to any remuneration and reimbursement for expenses that the board may determine.

3 May 1996 cA-15.2 Reg 3 s11.

**Chairpersons**

**12(1)** The board shall elect a chairperson and a vice-chairperson from among the directors at their first meeting after new directors have been elected at an election other than a by-election.

(2) The chairperson and the vice-chairperson hold office at the pleasure of the board.

(3) The chairperson or, in his or her absence, the vice-chairperson shall preside over all meetings of the board.

(4) The remuneration to be paid to the members of the board is to be fixed by the registered producers at their annual general meeting.

3 May 1996 cA-15.2 Reg 3 s12.

**Quorum**

**13** A majority of the directors of the board constitutes a quorum for the transaction of business at a meeting, and a decision of a majority of those comprising the quorum is a decision of the board.

3 May 1996 cA-15.2 Reg 3 s13.

**Fiscal year**

**14** The fiscal year of the board is the period commencing on October 1 in one year and ending on September 30 in the following year.

17 Mar 2006 SR 17/2006 s8.

## MEETINGS

**Annual general meeting**

**15(1)** The board shall hold an annual general meeting commencing no later than 11 weeks after the first day of the fiscal year.

(2) The board shall notify all registered producers of the date, time, location and agenda of an annual general meeting by ordinary mail at least 14 days before the date of the meeting.

(3) The quorum at an annual general meeting is 10 registered producers.

(4) The board shall prepare and submit to the annual general meeting:

- (a) the proposed budget for the next fiscal year;
- (b) an annual report for the previous fiscal year; and
- (c) an outline of programs and activities proposed for the next fiscal year.

3 May 1996 cA-15.2 Reg 3 s15.

**Special general meetings**

**16(1)** The board:

(a) may call a special general meeting of registered producers at any time; and

(b) shall call a special general meeting on the written request of the council or 10 or more registered producers.

(2) The board shall notify all registered producers of the date, time, location and purpose of a special general meeting by ordinary mail at least 14 days before the date of the meeting.

(3) The quorum at a special general meeting is 10 registered producers.

3 May 1996 cA-15.2 Reg 3 s16.

**A-15.2 REG 3****SHEEP DEVELOPMENT PLAN****Regional meetings**

**17(1)** The board may, at any time, call a meeting of the registered producers in a region mentioned in section 24 for the purpose of discussing any business placed on the agenda by the board.

(2) The board shall give reasonable notice of a meeting held pursuant to this section to the registered producers in the region.

3 May 1996 cA-15.2 Reg 3 s17.

**REGISTRATION****Registration of producers**

**18(1)** Every producer who is identified by the board as having produced or sold sheep in the previous 24 months, as evidenced by submission of the check-off to the board, shall submit annually the registration form required by the board.

(2) The board shall keep and maintain at its head office a register containing the name, address and registration number of each registered producer.

3 May 1996 cA-15.2 Reg 3 s18; 17 Mar 2006  
SR 17/2006 s9.

**Registration of dealers**

**19(1)** Every dealer shall register with the board at the time and in the manner determined by the board.

(2) The board shall keep and maintain at its head office a register containing the name, address and registration number of each registered dealer.

3 May 1996 cA-15.2 Reg 3 s19.

**20 Repealed.** 17 Mar 2006 SR 17/2006 s10.

**Cancellation or suspension of registration**

**21(1)** The board may cancel or suspend the registration of any registered producer or registered dealer who:

- (a) in the opinion of the board, was not entitled to be registered; or
- (b) fails to comply with:
  - (i) the Act;
  - (ii) these regulations;
  - (iii) an order of the board; or
  - (iv) any terms and conditions of the registration.

(2) The board shall provide written notice of the intention to cancel or suspend a registration not less than four weeks prior to the date of the proposed cancellation or suspension.

(3) The notice mentioned in subsection (2) is to be served personally or by registered mail.

- (4) Where the service mentioned in subsection (3) is effected by registered mail, it is deemed to have been served on the third day after the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of his or her own, he or she did not receive the notice or that he or she received it at a later date.
- (5) A registered producer or dealer who objects to the cancellation or suspension of his or her registration by the board may inform the board of the grounds for the objection and request an opportunity to be heard.
- (6) Where a person makes a request pursuant to subsection (5), the board shall give that person the opportunity to be heard.
- (7) On completion of the hearing mentioned in subsection (6), the board shall:
- (a) confirm the cancellation or suspension; or
  - (b) order the reinstatement of the registration.
- (8) The board shall inform the registered producer or dealer of its decision made pursuant to subsection (7) within 14 days of the date of the decision.

3 May 1996 cA-15.2 Reg 3 s21; 17 Mar 2006  
SR 17/2006 s11.

## BOARD ORDERS

### Orders of board

- 22**(1) The chairperson or, in his or her absence, the vice-chairperson shall sign every order issued by the board.
- (2) The board shall, at its head office:
- (a) number consecutively all orders that have been approved by the council pursuant to section 12 of the Act or made by the council pursuant to section 22 of the Act; and
  - (b) retain the orders mentioned in subsection (1) and make them available for inspection by any producer or person engaged in the production, marketing or production and marketing of sheep.
- (3) All board orders submitted to council for approval are to be accompanied by an information sheet detailing the reason for the order and the expected impact of the order on the sheep industry.
- (4) All orders of the board are to be:
- (a) published in the Gazette and any other media the board considers necessary; and
  - (b) reviewed and consolidated annually by the board.
- (5) **Repealed.** 17 Mar 2006 SR 17/2006 s12.

3 May 1996 cA-15.2 Reg 3 s22; 17 Mar 2006  
SR 17/2006 s12.

## ELECTIONS

**Eligibility to vote**

**23(1)** Every registered producer is eligible to vote for any purpose pursuant to the plan and to hold any office on the board.

(2) A registered producer who is a corporation, co-operative, partnership, association, society or person carrying on business under a corporate name, trade name, farm name or other designation is entitled to vote or to hold office:

(a) only through a designated representative appointed in writing; and

(b) only where notice of that appointment is filed with the board at the time of registration.

(3) Except as provided in subsection (2), voting by proxy is prohibited.

(4) Each registered producer is entitled to one vote.

3 May 1996 cA-15.2 Reg 3 s23.

**Regions**

**24(1)** For the purposes of electing the directors of the board, Saskatchewan is divided into five regions.

(1.1) The board shall, by board order, determine the specifications of the regions and provide a map of the regions.

(1.2) Before it makes an order pursuant to subsection (1.1), the board shall consider the number of producers in each region and the production numbers in each region.

(2) One director is to be elected from each region.

(3) Every registered producer is eligible to vote for the election of a director to represent the region in which that producer carries on his or her main sheep-feeding activity.

(4) Notwithstanding that a producer may have production facilities in more than one region, no producer is entitled to vote in any election for a director of the board in more than one region.

(5) Where more than one area in different regions may be considered as the area in which a registered producer carries on his or her main sheep-feeding activity, the registered producer shall elect the region in which he or she will vote before the first election in which he or she votes.

3 May 1996 cA-15.2 Reg 3 s24; 17 Mar 2006  
SR 17/2006 s13.

**Term of office, vacancy**

**25(1)** A director of the board holds office for a term of two years from the date he or she takes office.

(2) Subject to subsection (3), a director is eligible for re-election after the end of his or her term.

(3) Where a director has completed three consecutive terms, the director is not eligible for re-election until one year has passed after the completion of the director's third consecutive term.

(4) The office of a director becomes vacant if the director:

(a) ceases to qualify as a registered producer in the region he or she represents;

(b) resigns from office;

(c) is absent from two consecutive meetings of the board without being excused by a resolution of the board; or

(d) fails to fulfil his or her duties as established by the board and approved by the council.

(5) Where the office of a director becomes vacant, the remaining directors may:

(a) appoint a registered producer from that director's region to fill the vacancy until the next election; or

(b) require that a by-election be conducted for that region.

3 May 1996 cA-15.2 Reg 3 s25; 17 Mar 2006  
SR 17/2006 s14.

**Regional elections**

**26(1)** The board shall:

(a) arrange for the conduct of regional elections;

(b) fix a date for receiving nominations; and

(c) at least 30 days before the date mentioned in clause (b), send to each registered producer in the region where the election is being held a notice:

(i) stating that nominations are being accepted for election to the board of directors; and

(ii) giving the date fixed for receiving nominations.

(2) The board shall appoint a returning officer and a scrutineer.

(3) Any registered producer may be nominated for election as a director of the board representing one of the regions mentioned in section 24 if the producer is entitled to vote in that region pursuant to section 24.

- (4) Nominations of a candidate for election as a director to represent a region:
  - (a) are to be in writing, in a form prescribed by the board;
  - (b) may be made by any two registered producers who reside within that region; and
  - (c) are to be delivered to the returning officer not later than the date fixed for receiving nominations.

3 May 1996 cA-15.2 Reg 3 s26.

**Conduct of elections**

- 27(1) Where no one is nominated for any position to be filled by election, the board may appoint a person to hold that position.
- (2) Where only one nomination is made for any position to be filled by election, the nominee is elected by acclamation.
- (3) Where more than one nomination is made for any position to be filled by election, the board shall fix a date for a regional election, which shall be no later than eight weeks after the last day of the previous fiscal year, and, at least 21 days before that date, shall post to each registered producer in the region:
  - (a) a ballot;
  - (b) a biography of each candidate;
  - (c) a plain envelope; and
  - (d) a notice of the time by which and place to which the ballot is to be returned.
- (4) All voting is to be by ballot, and the ballot, sealed in the plain envelope provided, is to be returned to the returning officer, in person or by mail, on or before the time and date fixed for the election.
- (5) The ballot of a registered producer who votes for more than one candidate is not valid.
- (6) The returning officer shall declare the candidate receiving the most votes in each region to be the director of the board representing that region.
- (7) Ties between candidates are to be decided by the drawing of lots.
- (8) The results of each election are to be announced by the returning officer at the next annual general meeting.
- (9) A director takes office on January 1 following the announcement by the returning officer mentioned in subsection (8).

3 May 1996 cA-15.2 Reg 3 s27; 17 Mar 2006  
SR 17/2006 s15.

**Invalidity of election**

**28(1)** In the event of an invalid election, the council will appoint a registered producer from the region where the invalid election took place to act as director for that region until the time that a valid election takes place.

(2) A registered producer is deemed to have received any notice or nomination paper that is posted to the producer at his or her last address registered with the board, and the failure of any registered producer to receive that notice or nomination paper does not invalidate an election.

3 May 1996 cA-15.2 Reg 3 s28.

**Records to be retained**

**29** The board shall not destroy any records connected with any election until 90 days have elapsed after the date of the election.

3 May 1996 cA-15.2 Reg 3 s29.

**REPEAL AND COMING INTO FORCE****R.R.S. c.N-3 Reg 3 repealed**

**30** *The Sheep Development Plan Regulations* are repealed.

3 May 1996 cA-15.2 Reg 3 s30.

**APPENDIX**

**Repealed.** 17 Mar 2006 SR 17/2006 s16.

