

The Saskatchewan Hatchery Regulations, 1978

being

Saskatchewan Regulations 268/78 (effective August 1, 1978)
as amended by Saskatchewan Regulations 284/79 and 28/85;
and by the *Statutes of Saskatchewan*, 2000, c.50.

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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SCHEDULE

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SASKATCHEWAN REGULATIONS 268/78

The Animal Products Act

Title

- 1 These regulations may be cited as “The Saskatchewan Hatchery Regulations, 1978”.

Interpretations

- 2 In these regulations:

- (a) “**Act**” means *The Animal Products Act, 1978*;
- (b) “**branch**” means any stationary permanent place of business of a hatchery operator or brooder room operator in addition to the principal place of business of the hatchery operator or brooder room operator;
- (c) “**brooder room**” means one or more rooms equipped with brooding equipment in which chicks are held for sale or redistribution;
- (d) “**brooder room operator**” means a person who is in charge of a brooder room and includes the owner thereof;
- (e) “**chick**” means poultry under six weeks of age;
- (f) “**chick agent**” means a person who takes orders for chicks or who distributes or markets chicks but does not have brooding facilities;
- (g) “**clean**” means free from dirt, foreign odours, residue of egg and, where it pertains to packing material, is also dry, sound in construction and of sufficient strength to protect the eggs;
- (h) “**custom poultry processing station**” means a place where live poultry, the property of another, are killed, dressed or eviscerated for a consideration;
- (i) “**department**” means the Department of Agriculture for the province;
- (j) “**director**” means the Director of the Animal Industry Branch of the department;
- (k) “**fluff**” means chick down and dust found in a hatching machine following completion of a hatch of poultry;
- (l) “**hatchery**” means any place, building or premises equipped with an incubator capacity of one thousand or more eggs and used for incubation purposes;
- (m) “**hatching eggs**” or “**eggs**” means eggs intended for incubation for the purpose of producing chicks;
- (n) “**hatchery operator**” means a person who is in charge of a hatchery and includes the owners thereof;
- (o) “**hatchery supply flock**” means a flock of poultry;

- (i) approved as a supply flock by the department in accordance with The Saskatchewan Hatchery Supply Flock Policy; or
- (ii) designated as a hatchery supply flock in accordance with any act or regulations in any province of Canada or country in which the flock is located;
- (p) **“Hatchery Regulations”** means The Hatchery Regulations, as amended from time to time, respecting the production and marketing of chicks, as established under The Livestock and Livestock Products Act (Canada), as amended from time to time;
- (q) **“inspector”** means a person appointed as or authorized to be an inspector under the Act;
- (r) **“licensee”** means a person licensed under these regulations;
- (s) **“marketing”** or **“market”** includes selling, offering for sale, advertising, assembling, storing, packing, shipping or transporting in any manner;
- (t) **“permit”** means a permit or authorization to operate a hatchery issued by the Minister of Agriculture for Canada;
- (u) **“poultry”** means a bird of the species *Gallus domesticus*, a turkey, duck, goose or other domestic avian species and includes birds where such are hatched or brooded in facilities operated by a licensee;
- (v) **“registered poultry station”** means a place where live poultry are killed, dressed, eviscerated, graded, packed or marked and, in respect of which, a certificate of registration has been issued;
- (w) **“sexed chicks”** means chicks the sex of which has been determined by individual chick examination;
- (x) metric units used herein shall be construed with reference to The International System of Units (SI); and
- (y) words not herein defined shall be construed with reference to the interpretation of the Act.

18 Aug 78 SR 268/78 s2.

Licences

3(1) No person shall, unless he is the holder of a valid and subsisting licence issued under these regulations, operate or carry on business in Saskatchewan as:

- (a) a hatchery operator;
- (b) a brooder room operator; or
- (c) a chick agent.

(2) Licences shall be in the form issued by the department and signed by the minister.

- (3) No licence shall be transferable.
- (4) A hatchery operator or brooder room operator who operates more than one stationary permanent place of business shall obtain a branch licence for each such place of business.
- (5) Every licence shall, unless previously suspended or cancelled, expire on the date indicated on the licence.

18 Aug 78 SR 268/78 s3; 2000, c.50, s.27.

Licences and bonds under The Live Stock and Live Stock Products Act

4(1) Licences issued and bonds furnished under The Saskatchewan Hatchery Regulations made under The Live Stock and Live Stock Products Act shall continue and be subject to these regulations and be deemed to have been issued and furnished under and meet the requirements of these regulations and such licences shall continue to be in force until December 31, 1978, unless sooner suspended or cancelled pursuant to these regulations.

(2) Notwithstanding anything in these regulations to the contrary, bonds furnished under The Saskatchewan Hatchery Regulations and continuing pursuant to subsection (1), shall be subject to the terms, conditions and limitations as prescribed in The Saskatchewan Hatchery Regulations made under The Live Stock and Live Stock Products Act, notwithstanding the repeal of The Saskatchewan Hatchery Regulations.

18 Aug 78 SR 268/78 s4.

Licensing exemptions

5 Notwithstanding subsection (1) of section 3:

- (a) no hatchery operator's licence shall be required where the hatchery is operated for the sole purpose of research by the Government of Canada or the province; and
- (b) no brooder room operator's licence shall be required where the chicks produced in a brooder room are supplied directly to a custom poultry processing station or registered poultry station;
- (c) no chick agent licence is required where a person is registered as a chick agent of only one licensed hatchery and such hatchery is located in Saskatchewan.

18 Aug 78 SR 268/78 s5; 19 Oct 79 SR 284/79 s2.

Conditions respecting licensing of hatcheries, brooder rooms and chick agents

6(1) Every person required to be licensed under these regulations shall make application to the director for a licence in the form issued by the department.

- (2) Any person applying on behalf of a partnership, firm or association may be required to provide the minister with the name and address of every member of the partnership, firm or association and the minister may withhold the issuance of a licence until he is satisfied that such information has been provided.
- (3) Upon application, payment of the prescribed fee and fulfillment of other obligations under these regulations, the minister may issue to the applicant a licence.
- (4) An applicant for a chick agent's licence shall provide the minister with the names and addresses of each and every licensed hatchery supplying chicks to the agent.
- (5) The minister may require an applicant to furnish a list of employees or other agents authorized to buy or arrange for the purchase or sale of any class or classes of hatching eggs or chick on his behalf.
- (6) The minister may withhold the issuing of a hatchery operator's licence where the applicant does not hold a valid and subsisting permit.
- (7) The minister may withhold the issuance of a licence until the full nature of the applicant's business can be ascertained.
- (8) Every licensee shall at all times comply with the Act or regulations or any other act or regulations, whether of the province or of Canada, regulating the licensee.
- (9) The minister may refuse any application for a new licence or the renewal of an existing licence where an applicant has failed to comply with the provisions of the Act or these regulations or any other act or regulations whether of the province or of Canada, regulating such a person.

18 Aug 78 SR 268/78 s6; 2000, c.50, s.27.

Hatchery operator's bond

7(1) Before a licence is issued to a hatchery operator, the hatchery operator as principal shall furnish a bond in favour of Her Majesty the Queen in Right of Saskatchewan with a surety in such form and under and subject to such conditions as are prescribed under these regulations, and any amendment or substitution to these regulations, such bond to be approved by the director and to be in the penal amount in accordance with the following schedule:

<i>Hatchery Capacity</i> <i>(number of eggs)</i>	<i>Amount of Bond</i> <i>(dollars)</i>
1,000 to 50,000	2,000
50,001 to 100,000	4,000
100,001 and over	5,000

(2) The bond furnished under the provisions of subsection (1) shall cover operations during the period prior to the expiration of the hatchery operator's licence and, where a claim is made or paid under the bond, upon such event, the hatchery operator who furnished the bond shall, forthwith, furnish a new bond satisfactory to the director.

(3) The form and conditions of the bond to be furnished by a hatchery operator shall be in Form A in the schedule to these regulations.

(4) To every bond to be furnished by a hatchery operator under these regulations, except a bond furnished by a corporate hatchery operator executed under its corporate seal, there shall be annexed an Affidavit of Witness in Form B in the schedule to these regulations made by the attesting witness to the execution of the bond by the hatchery operator.

18 Aug 78 SR 268/78 s7.

Surety and bond payment

8(1) Where the director finds that a hatchery operator has failed to pay a person the full amount due him for all his hatching eggs or to refund any money advanced to a person in respect to orders received from him but not filled, the director may require the sureties to pay the deficiencies and, in default of their doing so, may take proceedings to enforce the bond for the benefit of the person or he may assign the bond to the person, if deemed expedient.

(2) Where a hatchery operator has made an assignment for the general benefit of creditors or has been adjudged a bankrupt, the director may assign the bond to the trustee in bankruptcy or to the receiver for the benefit of unpaid persons specified in subsection (1).

18 Aug 78 SR 268/78 s8.

Licensing fees

9(1) The fee for a licence shall be \$30.

(2) The fee for the renewal of a licence, made by an applicant holding a valid and subsisting licence, shall be \$30 where the prescribed fee, any required bond and the application for licence renewal is received by the director by November 30 or such later date approved or authorized by the director with respect to any application.

(3) The fee for the renewal of a licence, made by an applicant holding a valid and subsisting licence, shall be \$60 with respect to any application received by the director after November 30 and which date has not been extended by the director under subsection (2).

(4) Notwithstanding subsections (1), (2) or (3), where the applicant holds one valid licence issued under these regulations, other licences required by the applicant under these regulations, other than branch licences, shall be issued without charge.

(5) Notwithstanding subsections (2) and (3), bonds shall only be required for a hatchery operator's licence.

18 Aug 78 SR 268/78 s9; 26 Apr 85 SR 28/85 s2.

Licences to be displayed or produced

10 Every licensee shall ensure that his licence is displayed at all times in a conspicuous place in his business premises.

18 Aug 78 SR 268/78 s10.

Suspension or cancellation of licences

11 Where a licensee has failed to comply with any provisions of the Act or these regulations or has failed to comply with any of the provisions of any other act or regulations, whether of the province or of Canada, regulating the licensee, the minister may:

- (a) suspend the licence and, in such case, such notice of suspension in writing shall be given to the licensee and the licensee shall surrender forthwith his licence to the director;
- (b) reinstate a suspended licence if the licensee, within 30 days of the notice of suspension of his licence furnishes evidence to the satisfaction of the director that the licensee can comply with the provisions of these regulations on account of which the licence was suspended and the director shall give to the licensee notice in writing that his licence has been removed from suspense, together with the reinstatement of the licence; or
- (c) where the licence has not been removed from suspense within the 30 days referred to in clause (b), cancel the licence and the director shall give notice of the cancellation by registered mail.

18 Aug 78 SR 268/78 s11; 2000, c.50, s.27.

Payments and refunds

12 Every licensee shall:

- (a) where a licensee is a hatchery operator, pay the full amount due for all hatching eggs set within seven days after the said eggs have hatched unless the purchaser holds a written agreement, signed by the purchaser and the seller, with respect to alternate arrangements for payment for such eggs.
- (b) promptly fill all orders received and accepted and refund any money advanced in respect of orders received but not filled unless alternative settlement has been mutually agreed to between the licensee and the purchaser.

18 Aug 78 SR 268/78 s12.

Packing and marketing of chicks

13(1) A licensee shall ensure that chicks are packed in clean, strong boxes that are constructed to provide proper ventilation and each section in chick boxes shall have new pads.

(2) A licensee shall ensure that every box or other package used for marketing of chicks shall be clearly marked with:

- (a) the number of chicks contained therein;
- (b) the breed or strain of the chicks contained therein;
- (c) the sex, if determined; and
- (d) the name and address of the hatchery or brooder room unless an invoice or document containing the information required by the section accompanies the shipment.

18 Aug 78 SR 268/78 s13.

Responsibilities of hatchery and brooder room operators

14(1) A hatchery operator shall be responsible for the quality of all chicks sold by him or his agents.

(2) Notwithstanding subsection (1), a brooder room operator shall be responsible for the quality of all chicks sold by him on his behalf.

18 Aug 78 SR 268/78 s14.

Operational procedures for hatchery operators

15 Every hatchery operator shall:

- (a) permit the hatchery to be used only for the receiving, traying, incubating or hatching of eggs, the cleaning of equipment and the sexing, sorting and packing of chicks;
- (b) prior to the commencement of his hatchery operations in any hatchery season, submit to the department:
 - (i) a statement, in writing, showing the flock owners from whom he intends to purchase hatching eggs and the breeding status claimed for each flock; and
 - (ii) supplementary statements indicating names added to or deleted from the statement referred to in subclause (i) or any supplemental statement thereto within 30 days of any change to such statements;
- (c) acquire for incubation, resale or custom hatching only eggs from approved hatchery supply flocks;
- (d) before accepting eggs from a flock outside the province, supply evidence satisfactory to the department that the flock producing the eggs is a hatchery supply flock;
- (e) refrain from accepting hatching eggs unless they are clean and packed in clean packing material and cases, and unless the flock from which eggs originated is clearly identified inside or on the outside of the case;
- (f) ensure that no activity is carried on in such proximity to his hatchery as to subject it to danger from contamination from disease;

- (g) upon request by an inspector, supply to or permit the inspector to obtain from the premises and the hatchery such biological samples as are required for laboratory testing;
- (h) in the event of an outbreak or suspected outbreak of any contagious or infectious disease, the hatchery operator shall immediately report such outbreak to the department and shall comply with all instructions issued to him for the purpose of controlling such outbreak;
- (i) ensure that all chicks packed for shipment from his hatchery are vigorous and healthy.

18 Aug 78 SR 268/78 s15.

Reporting and records to be maintained

16(1) Every licensee shall furnish the department and the Poultry Division of Agriculture Canada with a report of all purchases, sales, holdings or other information pertaining to the hatching eggs or chicks handled, in such form and at such time as the department or the Poultry Division may direct.

(2) Every licensee shall maintain a complete record of all transactions and retain such records for a period of not less than 36 months and shall furnish an inspector, the director or his designate, upon demand, with such information as he may require for the purpose of administering and enforcing these regulations.

(3) Where the licensee is a hatchery operator, his records shall include:

- (a) the name and address of the owner from whom each lot of hatching eggs was purchased or supplied for custom hatching;
- (b) the date of receipt of hatching eggs;
- (c) the number of hatching eggs received;
- (d) the name and address of the flock from which hatching eggs originated;
- (e) the name and address of those to whom hatching eggs were sold; and
- (f) the number of eggs set and the number of chicks hatched in respect of each flock owner.

(4) Every licensee shall:

- (a) record the number of chicks purchased and the name of the person from whom they were purchased;
- (b) record the number of chicks sold;
- (c) record the disposal of surplus chicks;

(d) report any complaints received from chick customers to an inspector within 15 days of receipt of such a complaint, unless an arrangement satisfactory to the customer has been completed within that time; where any such complaint is referred by the inspector to the director, the hatchery operator shall accept the decision of the director as to any adjustment of such complaint.

18 Aug 78 SR 268/78 s16.

Canada regulations to apply to production and marketing of chicks within Saskatchewan

17 The interpretations and the whole of The Hatchery Regulations, insofar as they are not inconsistent with any other regulation in these regulations, *mutatis mutandis*, shall apply to operating hatcheries and brooder rooms and regulating hatcheries and brooder rooms, including the production and marketing of chicks in Saskatchewan, and shall be deemed to be made pursuant to the Act and by reference are hereby incorporated and made part of these regulations in respect of regulating hatcheries and brooder rooms, including the production and marketing of chicks in Saskatchewan.

18 Aug 78 SR 268/78 s17.

Hatchery and brooder room facilities

18 A hatchery operator or brooder room operator shall ensure that:

- (a) the design and construction of a hatchery or brooder room and the kind of equipment used therein or brooder room and the kind of equipment used therein is approved by the department prior to the use of such facilities;
- (b) the surroundings of a hatchery or brooder room are well drained and kept free of any source of pollution including refuse, vermin, flies, insects and rodents;
- (c) hatchery or brooder room facilities are separate and sufficiently isolated from other poultry operations, maintained in good repair and kept free of rodents or other vermin;
- (d) a hatchery comprises adequate space to enable efficient management including, where necessary, separate rooms for:
 - (i) receiving and traying eggs;
 - (ii) incubation of eggs;
 - (iii) hatching of chicks;
 - (iv) brooding of chicks;
 - (v) equipment cleaning;
 - (vi) dry storage;
 - (vii) chick sorting, sexing and packing;

- (e) notwithstanding clause (d), no room used for brooding chicks opens directly into a hatchery;
- (f) hatchery or brooder room ventilation is adequate to keep the rooms relatively odour free and that ventilation outlets exhaust to the outside;
- (g) in respect of a brooder room, the air supply for chicks is not less than 20 dm³ for each chick and the air change rate in the brooder room is five times per hour in a manner which ensures freedom from draft and which does not cause the room temperature to fluctuate;
- (h) the level of illumination is satisfactory for the task at hand and is not less than 300 lux;
- (i) floors of the hatchery or brooder room are properly sloped to drains and that the facilities are provided with an adequate sewage disposal system; and
- (j) lavatories and dressing rooms are provided for hatchery or brooder room personnel and that such rooms are kept clean and mechanically ventilated to the outside.

18 Aug 78 SR 268/78 s18.

Equipment, operation and cleaning criteria for hatcheries and brooder rooms

19 A hatchery operator or brooder room operator shall ensure that:

- (a) the hatchery, brooder room and all equipment are kept clean and sanitary at all times;
- (b) with respect to a hatchery, incubators are kept:
 - (i) clean and sanitized so that the level of bacteria, coliforms or moulds at no time constitute a health hazard to chicks;
 - (ii) in a state of repair and operated in such a manner that they deliver the amount of heat, degree of humidity and volume of air as specified according to the manufacturer's standards and recommendations;
- (c) refuse from each hatch and from each brooding is promptly removed and disposed of in such a manner that it is not accessible to domestic or other birds;
- (d) refuse containers are equipped with close fitting lids and thoroughly cleaned after each use;
- (e) flies and other insects are controlled to avoid health hazards to chicks and to avoid a nuisance; and
- (f) their respective hatchery brooder room personnel are clothed in clean outer garments.

18 Aug 78 SR 268/78 s19.

Compliance with director's requirements

20 Where, in the opinion of an inspector, the director or his designate, the premises of a licensee do not meet the requirement specified by these regulations or the licensee is otherwise in default of any regulation and on notice in writing of such default from the director, the licensee shall comply with such requirements, and within the time as the director may specify, to remedy such default.

18 Aug 78 SR 268/78 s20.

Detention of product

21(1) An inspector may place under detention any packages, chicks, poultry or hatching eggs that do not comply with these regulations.

(2) Where packages, chicks, poultry or hatching eggs are detained, a numbered detention tag shall be attached to each lot of packages, chicks, poultry or hatching eggs and shall include the following additional information:

- (a) a brief description of the lot or lots being detained;
- (b) the reason for detention;
- (c) the date of detention; and
- (d) the inspector's signature.

(3) Where the chicks, poultry or hatching eggs are not in a container, an inspector may require the person in possession of the chicks, poultry or hatching eggs to place such chicks, poultry or hatching eggs in a container and the container shall be marked in accordance with subsection (2).

18 Aug 78 SR 268/78 s21.

22 Immediately after attaching the detention tag, the inspector shall notify the owner of the packages, chicks, poultry or hatching eggs or his agent of the detention by a notice of detention in the form issued or approved by the department, and where such packages, chicks, poultry or hatching eggs are on premises other than that of the owner, a copy of the notice of detention shall also be forwarded to the person on whose premises the packages, chicks, poultry or hatching eggs are detained.

18 Aug 78 SR 268/78 s22.

23 Except as authorized by an inspector:

- (a) no person shall alter or remove a detention tag or alter any marks made by an inspector pursuant to sections 21 and 22;
- (b) no person shall remove, sell or otherwise dispose of any lot of packages, chicks, poultry or hatching eggs placed under detention by an inspector pursuant to sections 21 and 22.

18 Aug 78 SR 268/78 s23.

24(1) Where an inspector is satisfied that the packages, chicks, poultry or hatching eggs held under detention complies with these regulations or the owner agrees to dispose of such packages, chicks, poultry or hatching eggs in a manner satisfactory to the inspector, he or she shall issue a notice of release in the form issued or approved by the department.

(2) The inspector shall forward one copy of the notice of release to the owner of the packages, chicks, poultry or hatching eggs, or to his agent, and where such packages, chicks, poultry or hatching eggs are on premises other than that of the owner one copy to the person on whose premises the packages, chicks, poultry or hatching eggs were detained.

18 Aug 78 SR 268/78 s24.

Sales and advertising of chicks

25 No person shall:

- (a) use any false or misleading information with respect to any hatching eggs, chicks, poultry flock or hatchery;
- (b) not being the operator of a hatchery, use in his firm name the word "hatchery" or any other word which would suggest that he or she operates a hatchery;
- (c) have any business connection with or use his name or his firm's name in connection with any hatchery operating other than as a licensed hatchery;
- (d) advertise or market chicks hatched in a hatchery under any name or registration number other than the name and registration number set out in his permit; and
- (e) advertise or market chicks as sexed chicks unless the percentage of accuracy of the sexing is stated and guaranteed.

18 Aug 78 SR 268/78 s25.

SASKATCHEWAN HATCHERY

SR 268/78

SCHEDULE

Form A
HATCHERY OPERATOR'S BOND

KNOW ALL MEN BY THESE PRESENTS, THAT I/WE _____
 _____ (hereinafter called the Principal)
 as Principal and we, _____

_____ (hereinafter called the Surety)
 as Surety are held and firmly bound unto Her Majesty the Queen in right of Saskatchewan (hereinafter called the Obligee) in the penal sum of _____ Dollars (\$ _____) of lawful money of Canada, to be paid unto the Obligee, her successors and assigns, for which payment well and truly to be made, we jointly and severally bind ourselves, our executors, administrators, successors and assigns firmly by these presents.

SEALED with the respective seals of the Principal and of the Surety and dated the _____ day of _____ 19 _____ .

NOW THE CONDITION of the above obligation is such that if the said obligation does not by reason of any act, matter or thing at any time hereafter become or be forfeit under The Saskatchewan Hatchery Regulations, as amended from time to time, under The Animal Products Act, 1978, then the said obligation shall be void but otherwise shall be and remain in full force and effect and shall be subject to forfeiture as provided by the said regulations and Act.

PROVIDED that if the said surety at any time gives three calendar months' notice in writing to the Principal and to the Director of the Animal Industry Branch of the Department of Agriculture for the province of intention to terminate the obligation hereby undertaken then this obligation shall cease and determine in respect only of any act, matter or thing taking place, arising or done subsequent to the date named in the notice of termination of the obligation hereby undertaken but shall remain in full force and effect in respect of all acts, matters and things taking place, arising or done from the date thereof to the date of such termination. Notice of any claim hereunder shall be made upon the Surety within two years following the date of termination as herein provided.

IN WITNESS WHEREOF the Principal who is an individual, association or partnership has subscribed his name and set his seal and the Principal who is a body corporate and the Surety have caused their respective corporate seals to be affixed attested under the hands of their respective proper officers in that behalf the day and year first above written.

SIGNED, SEALED AND DELIVERED

in the presence of

(If Principal an INDIVIDUAL)

 Witness

 Principal

(If Principal an ASSOCIATION)

_____ Witness	_____ _____ (SEAL) _____ (SEAL) _____ (SEAL) _____ (SEAL)
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(If Principal a PARTNERSHIP)

_____ Witness	_____ (Name of Firm) _____ (SEAL) _____ (SEAL) _____ (SEAL)
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(If Principal a BODY CORPORATE)

SEALED AND DELIVERED

(Name of Body Corporate)

By: _____

As _____ (SEAL)

As _____

SEALED AND DELIVERED

(Name of surety)

By: _____

_____. (SEAL)

Form B

AFFIDAVIT OF WITNESS

CANADA

Province of Saskatchewan

TO WIT:

I, _____ of the _____ of _____
 in the Province of _____ , _____
 (occupation)

Make oath and say:

1. That I was personally present and did see _____
 named in the annexed instrument, and who is known to me to be the person named
 therein, duly sign and execute the same for the purpose named therein;
 that the same was executed at the _____ of _____ in
 the Province of _____ on the _____ day of _____ , 19 _____ ,
 and that I am the subscribing witness thereto;
2. That I personally know the said _____ and
 he is in my belief of the full age of eighteen years.

Sworn before me at the _____

of _____

in the Province of _____

this _____ day of _____

signature of the person named above

A.D., 19 _____

 A Commissioner for Oaths, Notary
 Public or Justice of the Peace.

18 Aug 78 SR 268/78.

