

(Consolidated up to 239/2007)

ALBERTA REGULATION 66/98

Livestock and Livestock Products Act

**LIVESTOCK DEALERS AND LIVESTOCK
DEALERS' AGENTS REGULATION**

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Definitions

1 In this Regulation,

- (a) “abattoir” has the same meaning as in the Meat Inspection Act;
- (b) “Act” means the Livestock and Livestock Products Act;
- (c) “inspector” means an inspector or other officer or person appointed or authorized to perform any duty under the Act or this Regulation;
- (d) “licence” means a livestock dealer’s licence or a livestock dealer’s agent’s licence issued by the Minister under this Regulation;
- (e) “licensed livestock dealer” means a livestock dealer who is the holder of a livestock dealer’s licence;
- (f) “livestock” means cattle, horses, sheep or swine;
- (g) “livestock dealer” means a person who
 - (i) buys livestock on a live or dressed basis,
 - (ii) sells livestock on a live or dressed basis,
 - (iii) acts as agent in the buying or selling of livestock on a live or dressed basis and in such buying makes direct payment to the patron, or
 - (iv) assists in the buying or selling of livestock on a live or dressed basis by compiling or providing information on livestock that are for sale and who charges a fee or commission for compiling or providing the information,but does not include
 - (v) a person who retains title of each head of livestock purchased for at least 30 days next following purchase,
 - (vi) an exhibition association, agricultural society or 4-H club,
 - (vii) the Alberta Pork Producers’ Development Corporation or its Western Hog Exchange division, or
 - (viii) a local supervisor of a feeder association operating under the Feeder Associations Guarantee Act who buys or sells livestock on behalf of the association through a licensed livestock dealer;
- (h) “livestock dealer’s agent” means a person who
 - (i) buys or sells livestock on a live or dressed basis on behalf of a livestock dealer, or
 - (ii) negotiates an arrangement as a consequence of which livestock on a live or dressed basis are delivered to a livestock dealer;
- (i) “person associated with” means a person who is

- (i) a member of the immediate family,
 - (ii) an agent,
 - (iii) a trustee,
 - (iv) a shareholder,
 - (v) a director, or
 - (vi) an officer
- of another person.

Application of Regulation

2 This Regulation does not apply to the buying or selling of livestock that is properly registered under the Livestock Pedigree Act (Canada) if the buyer is given a properly transferred pedigree certificate for each animal.

Licence required

3(1) No person shall practise as a livestock dealer or livestock dealer's agent in Alberta unless the person holds a valid and subsisting licence.

(2) Where an amount has been paid from the accounts of the Tribunal under section 21, 22 or 23 of the Act with respect to a claim against a person, the Minister may refuse to grant a licence under this Regulation to

(a) that person, or

(b) a person associated with that person who was directly or indirectly involved in the operation of the business in respect of which the payment from the accounts of the Tribunal was made,

unless arrangements have been made for reimbursement of the Tribunal in an amount determined under subsection (3).

(3) The amount of the reimbursement for the purposes of subsection (2) shall be a percentage of the amount paid from the accounts of the Tribunal that is the same as the percentage interest, as determined by the Minister, of the person or associated person in the livestock dealership whose default resulted in the payment from the accounts of the Tribunal.

(4) The Minister shall not issue or renew a livestock dealer's licence to a person until the person has

(a) provided to the Minister proof of security required under section 15, and

(b) established to the satisfaction of the Minister that the person is not and has not been a person associated with a person who is or has been in contravention of the Act or this Regulation or any of the following Acts or regulations made under those Acts:

(i) Brand Act;

(ii) Livestock Identification and Branch Inspection Act;

(iii) Livestock Diseases Act.

(5) The Minister or an appeal board under section 5 of the Act may waive the requirements of subsection (4)(b) if the Minister or the appeal board, as the case may be, is of the opinion that extenuating circumstances exist.

(6) No person whose permanent residence and livestock business is located outside Alberta shall

(a) purchase livestock on a live or dressed basis in Alberta, or

(b) make payment for livestock on a live or dressed basis directly to a patron who is not a licensed livestock dealer in Alberta

unless the person is a licensed livestock dealer.

AR 66/98 s3;251/2001

Application for licence

4(1) An application for a livestock dealer's licence or a livestock dealer's agent's licence must

(a) be made to the Minister in the form prescribed under the Application and Licence Form Regulation, and

(b) be accompanied by the fee set out in the Fees Regulation under the Act.

(2) In addition to the requirements of subsection (1), an applicant for a renewal of a livestock dealer's licence shall submit with the application a statutory declaration that sets out, for the immediately preceding 12-month period,

(a) the total head of livestock that, as part of the applicant's operation as a livestock dealer,

(i) the applicant purchased on a live or dressed basis, or

(ii) was delivered to the applicant for sale on a commission or consignment basis,

and

(b) the total head of livestock on which, as part of the applicant's operation as a livestock dealer, the applicant charged a fee or commission for compiling and providing information on livestock that are for sale.

AR 66/98 s4;196/98

Information required

5(1) An applicant for a licence shall provide the Minister with

(a) in the case of an applicant who is an individual, the applicant's name and address,

(b) in the case of an applicant that is a partnership, the name and address of each partner,

(c) in the case of an applicant that is a company or co-operative association, the registered name and address of the company or co-operative association, and

(d) any other information required by the Minister.

(2) Where the applicant

(a) is an individual, the individual must sign the application form;

(b) is a partnership, each partner must sign the application form;

(c) is a corporation or co-operative association, each authorized officer of the corporation or co-operative association, as the case may be, must sign the application form.

(3) The Minister may withhold the issuance of a licence until the Minister has received all the information required by the Minister.

Suspension or cancellation of licence

6(1) The suspension or cancellation of a licence

(a) by the Minister under section 4(6) or 13(2)(b) of the Act, or

(b) by the Administrator under section 14(2)(b) of the Act

must be in writing and delivered personally or by double registered mail to the last known postal address of the licence holder.

(2) If a licence is suspended or cancelled by the Minister, the licence holder shall return the licence to the Minister forthwith.

(3) If a licence is suspended or cancelled by the Administrator, the licence holder shall return the licence to the Administrator forthwith.

AR 66/98 s6;251/2001

Form of licence

7(1) When an application for a licence has been approved, the Minister may issue a licence in the form prescribed by the Minister authorizing the applicant to practise as a livestock dealer or livestock dealer's agent, as the case may be, in Alberta.

(2) A livestock dealer or livestock dealer's agent shall record the number of the licence on all letterhead, cheques, bills and statements of the livestock dealer or livestock dealer's agent, as the case may be.

(3) Where a licence is issued to an applicant that is a partnership, each member of the partnership must be issued a copy of the licence.

Lost or destroyed licence

8(1) On proof being supplied to the satisfaction of the Minister that a licence has been inadvertently lost or destroyed, the Minister may issue a duplicate licence.

(2) The fee for a duplicate licence is \$10.

Production of licence

9 A licence holder shall produce the licence for inspection on demand by an inspector.

Licence not transferable

10 A licence is not transferable.

Payment for livestock

11(1) Where a livestock dealer or livestock dealer's agent purchases livestock on a live or dressed basis, the livestock dealer or livestock dealer's agent shall pay the patron the value of the livestock within 2 days following the purchase.

(2) For the purpose of subsection (1), a payment by the livestock dealer or livestock dealer's agent does not include the giving of credit.

(3) A payment made by a livestock dealer or livestock dealer's agent pursuant to subsection (1) must be in the name under which the livestock dealer or livestock dealer's agent is licensed.

Consigned livestock

12(1) A livestock dealer or livestock dealer's agent who accepts livestock on a consigned basis shall give to the consignor a copy of the official scale ticket and a statement of sale that contains the following information:

(a) all identification information from relevant manifests, including the number, colour, brand, kind and location of the animals;

(b) the correct weights of the animals;

(c) the market price of the animals;

(d) any deductions and commissions;

(e) the advance payment, if any;

(f) the gross proceeds of sale;

(g) the net proceeds of sale.

(2) If any livestock on consignment has been condemned, the livestock dealer or livestock dealer's agent shall give to the consignor a certificate showing the cause of condemnation signed by an inspector appointed under the Meat Inspection Act or the Meat Inspection Act (Canada).

(3) A livestock dealer or livestock dealer's agent who buys livestock shall give to the patron a statement of all livestock purchased that contains the following information:

(a) all identification information from relevant manifests, including the number, colour, brand, kind and location of the animals;

- (b) the purchase price of the animals;
- (c) the correct weights of the animals, if the animals are purchased on a weight basis;
- (d) such other details of the purchase as prescribed by the Minister, if the animals are not purchased on a weight basis.

Maintenance of records

13(1) A livestock dealer or livestock dealer's agent shall keep detailed records of all transactions relating to dealing in livestock in Alberta and shall, when requested to do so, furnish an inspector with a copy of the records relating to the purchase of any livestock from any person.

(2) The records shall include the name and address of the patron, the date of the transaction and all other details required under this Regulation.

(3) A livestock dealer or livestock dealer's agent shall retain all the records required under this Regulation for a period of not less than 2 years from when the records arose.

Inspection permitted

14(1) An inspector may enter the business premises of a livestock dealer or livestock dealer's agent at any reasonable time in order to

- (a) inspect the premises,
- (b) examine any documents relating to the business of the livestock dealer or livestock dealer's agent, or
- (c) take extracts or make copies of documents either on the premises or by removing them from the premises.

(2) Any documents removed from the premises under subsection (1)(c) must be returned to the livestock dealer or livestock dealer's agent forthwith on the extract or copy being made.

Security

15(1) No livestock dealer shall deal in livestock until the livestock dealer has furnished the Minister with security in the amount fixed under subsection (2).

(2) The following is the minimum amount of security to be furnished by livestock dealers under subsection (1):

- (a) in the case of a livestock dealer who operates
 - (i) an abattoir licensed under the Meat Inspection Act, or
 - (ii) a registered establishment within the meaning of the Meat Inspection Act (Canada),

the minimum amount of security is shown in Column 2 opposite the applicable annual volume shown in Column 1:

Column 1
Column 2

1500 head or less
\$ 10 000

1501 to 5000 head
20 000

5001 to 25 000 head
50 000

25 001 to 50 000 head
100 000

50 001 to 100 000 head
200 000

more than 100 000 head
400 000

(b) in the case of a livestock dealer, other than a livestock dealer to whom clause (a) applies, the minimum amount of security is shown in Column 2 opposite the applicable annual volume shown in Column 1:

Column 1
Column 2

20 000 head or less
\$ 40 000

20 001 to 30 000 head
50 000

30 001 to 40 000 head
60 000

40 001 to 50 000 head
70 000

50 001 to 60 000 head
80 000

60 001 to 70 000 head
90 000

70 001 to 80 000 head
100 000

80 001 to 90 000 head
110 000

90 001 to 100 000 head
120 000

100 001 to 125 000 head
150 000

125 001 to 150 000 head
175 000

150 001 to 200 000 head
200 000

more than 200 000 head
250 000

(3) For the purpose of determining volume using Column 1 in subsection (2)(a) and (b), cattle and horses have an equivalent of 1, swine have an equivalent of 8 and sheep have an equivalent of 10.

AR 66/98 s15;196/98

Misleading statements

16(1) No livestock dealer or livestock dealer's agent shall publish in any form or by any medium a statement that misrepresents in any manner the goods or services offered by that livestock dealer or livestock dealer's agent, as the case may be.

(2) No livestock dealer or livestock dealer's agent shall make or permit an employee or a person who is under contract to the livestock dealer or livestock dealer's agent to make any statement or representation that is likely to deceive or mislead or that is intended to deceive or mislead a person with respect to a transaction involving the purchase or sale of livestock.

(3) A livestock dealer or livestock dealer's agent shall ensure that every advertisement relating to the business of a livestock dealer or livestock dealer's agent indicates that the business is licensed and states the number of the licence.

Transitional

17 A person who holds a licence under the Licensing and Bonding of Livestock Dealers and Livestock Dealers Agents Regulation (AR 450/83) immediately before the coming into force of this Regulation is deemed to hold the same licence as if issued under this Regulation.

Repeals

18(1) The Licensing and Bonding of Livestock Dealers and Livestock Dealers Agents Regulation (AR 450/83), except section 14, is repealed.

(2) Section 14 of the Licensing and Bonding of Livestock Dealers and Livestock Dealers Agents Regulation (AR 450/83) is repealed on December 31, 1998.

(3) The Livestock Dealers Security Regulation (AR 330/92) is repealed on December 31, 1998.

Expiry

19 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2009.

AR 66/98 s19;196/98;63/2003;45/2007;239/2007

Coming into force

20 Section 15 comes into force on January 1, 1999.

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