



Province of Alberta

AGRICULTURAL SERVICE BOARD ACT

Revised Statutes of Alberta 2000
Chapter A-10

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Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Agricultural Service Board Act* that are filed as Alberta Regulations under the Regulations Act

| | Alta. Reg. | <i>Amendments</i> |
|---------------------------------------|-------------------|---|
| Agricultural Service Board Act | | |
| Forms | 203/98 | 251/2001, 63/2003, 35/2007, 183/2007, 68/2008 |

AGRICULTURAL SERVICE BOARD ACT

Chapter A-10

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HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) "board" means an agricultural service board constituted under this Act;

- (b) “council” means the council of a municipal district or specialized municipality or, with respect to a special area, the Minister responsible for the *Special Areas Act*;
- (c) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (d) “Minister’s representative” means a person designated as a Minister’s representative under section 6;
- (e) “municipality” means a municipal district, specialized municipality or special area;
- (f) “owner” means the registered owner.

RSA 1980 cA-11 s1;1994 cG-8.5 s88;1995 c24 s99(1);
1997 c1 s2

Agricultural service board duties

2 The duties of an agricultural service board are

- (a) to act as an advisory body and to assist the council and the Minister, in matters of mutual concern,
- (b) to advise on and to help organize and direct weed and pest control and soil and water conservation programs,
- (c) to assist in the control of animal disease under the *Animal Health Act*,
- (d) to promote, enhance and protect viable and sustainable agriculture with a view to improving the economic viability of the agricultural producer, and
- (e) to promote and develop agricultural policies to meet the needs of the municipality.

RSA 2000 cA-10 s2;2007 cA-40.2 s74

Boards established

3(1) A council may establish and appoint members to an agricultural service board and provide that the members of the board be paid, out of the funds of the municipality, reasonable allowances for travelling, subsistence and out-of-pocket expenses incurred in attending meetings of the board.

- (2) The council is to determine the chair, the number of members, the voting status and the term of office of the members of the board.
- (3) The membership of a board must include persons who are familiar with agricultural concerns and issues and who are qualified to develop policies consistent with this Act.
- (4) A board has and must exercise on behalf of a council all the powers and perform all the duties that are conferred on it by the council, under this or any other enactment, with respect to agricultural matters.
- (5) A person who is a member of a board ceases to be a member of the board if, without being authorized by a resolution of the board, the member is absent from 3 consecutive regular meetings of the board.
- (6) A vacancy on the board does not impair the right of the remaining members to act as long as a majority of the members remain.
- (7) A board constituted under this section with respect to a special area is a corporation consisting of the persons who are members of the board.
- (8) A board that exists immediately before June 18, 1997 continues as a board under this Act.

RSA 1980 cA-11 s3;1981 c41 s2;1995 c24 s99(1);
1997 c1 s4

Summary of activities

- 4** A board must present a summary of its activities for the preceding year to the council in a form acceptable to the council containing the information required by the council.

RSA 1980 cA-11 s6;1994 cM-26.1 s642(3);1997 c1 s5

Advisory committees

- 5(1)** A council may appoint one or more advisory committees with respect to any matter related to agriculture.
- (2)** An advisory committee appointed under this section shall act in an advisory capacity to the board and the council.

(3) A municipality may provide that reasonable allowances for travelling, subsistence and out-of-pocket expenses incurred in attending meetings of an advisory committee appointed under this section may be paid to the members of the committee.

RSA 1980 cA-11 s8;1995 c24 s99(1);1997 c1 s7

Minister's representatives

6 In order to assist a board, the Minister may designate an employee under the administration of the Minister as a Minister's representative

- (a) to advise the board on government programs, agricultural problems and needs of the municipality, and
- (b) to assist the board, on the request of the board, in the discharge of its duties.

RSA 1980 cA-11 s9;1981 c41 s4;1994 c40 s1;1995 c24 s99(1);
1997 c1 s8

Agreement

7(1) The Minister and a council or a number of councils may enter into an agreement

- (a) for assistance in soil and water conservation,
- (b) for control of weeds and pests,
- (c) for the control of any livestock disease, and
- (d) to implement any other agricultural policies considered necessary,

and may make any payments provided for in the agreement.

(2) An agreement under this section may provide for

- (a) assistance toward the administration and provision of services, material, equipment and labour in conducting approved programs and policies,
- (b) assistance toward conducting educational programs, and
- (c) payment of expenses necessary in the control of animal disease under the *Animal Health Act*.

RSA 2000 cA-10 s7;2007 cA-40.2 s74

Agricultural fieldman

8(1) If a council has established a board, the council, in consultation with the board, must appoint a qualified person as agricultural fieldman to implement agricultural policies and programs and to manage the agricultural resources of the municipality.

(2) The agricultural fieldman shall act as a designated officer of the municipality

- (a) in carrying out the functions, duties and powers of the municipality under any Act relating to agriculture, and
- (b) in implementing projects respecting agriculture agreed on between the council and the Minister.

(3) An agricultural fieldman is, in the municipality employing that fieldman,

- (a) a municipal inspector under the *Weed Control Act*,
- (b) an inspector of the municipality under the *Agricultural Pests Act*, and
- (c) a soil conservation officer of the municipality under the *Soil Conservation Act*.

RSA 1980 cA-11 s12;1997 c1 s11

Land subject to supervision

9(1) If the board finds from investigation and inquiry that

- (a) soil loss or deterioration
 - (i) is taking place on land, and
 - (ii) is of such significance that it is detrimental
 - (A) to the land or to other land, or
 - (B) to the community,
- (b) weeds have infested land to the point that crop production is seriously hindered and the infestation threatens neighbouring land, or
- (c) the productivity of land has been or may be seriously affected by any other cause,

and the land is in an area in the municipality with respect to which the board has been appointed, the board or its agent shall report its findings to the council or to the Minister responsible for the *Special Areas Act*, as the case may be.

(2) On receipt of the report referred to in subsection (1), the council may declare the land referred to in the report to be subject to supervision, rehabilitation or reclamation as provided in this Act.

RSA 1980 cA-11 s13;1981 c41 s5;1988 cS-19.1 s27

Hearing re report or recommendation of board

10(1) Before making a declaration under section 9 or a bylaw or order under section 12, the council shall fix a date for a hearing to consider the report or recommendation of the board.

(2) Notice of the hearing shall be served at least 15 days prior to the date of the hearing on all persons shown on the assessment roll of the municipality to have an interest in the land.

(3) Service under subsection (2) may be by personal service or by registered mail to the latest address of the person on the assessment roll of the municipality.

(4) The notice shall state the time and place of the hearing and shall state that all persons having an interest in the land may appear and be heard at the hearing either in person or by an agent.

(5) If a person

(a) has been sent a notice under this section, and

(b) fails to attend the hearing referred to in the notice,

the hearing may proceed in that person's absence.

RSA 1980 cA-11 s14;1981 c41 s6;1997 c1 s12

Restoration of land

11(1) When land has been declared subject to supervision under section 9, the agricultural fieldman and the Minister's representative shall consult with and advise the owner or occupant of the land, and so far as possible they shall mutually work out a plan of proper farming practices that the owner or occupant shall undertake to follow over a specified period of years to restore the productivity of the land.

(2) If the board advises that the condition of land declared subject to supervision is such that, in addition to the measures specified by subsection (1), special payments should be made by the council for equipment, materials or labour, the council may

- (a) make those payments, and
- (b) enter into an agreement with the owner or occupant of the land or with both for repayment to the council of the money so paid.

(3) If default occurs in making the repayments, or any part of them, provided for in an agreement made under subsection (2), the council by bylaw may declare that the amount then owing under the agreement be added to the tax roll for the land.

(4) Subsection (3) does not apply against the interest of the owner of the land unless the owner is a party to the agreement in default or has approved in writing the agreement between the council and the occupant.

RSA 1980 cA-11 s15;1994 cM-26.1 s642(3);1997 c1 s13

Order of reclamation

12(1) When the board

- (a) is of the opinion that a declaration that the land is subject to supervision under section 9 would be ineffective, or
- (b) is satisfied that in a case where land has been declared subject to supervision under section 9
 - (i) the agricultural fieldman and the Minister's representative were unable to work out a plan of proper farming practices that the owner or occupant would undertake to follow,
 - (ii) the owner or occupant has refused or neglected to follow a plan of proper farming practices so worked out,
 - (iii) the owner or occupant has failed to comply with the provisions of an agreement entered into pursuant to section 11(2), or

- (iv) notwithstanding any plan determined or agreement entered into pursuant to section 11, the results have been unsatisfactory,

it may recommend in writing that the control of the land be taken from the owner and occupant and that an order of reclamation of the land be issued by the council.

(2) On receipt of a recommendation under subsection (1), the council may by bylaw or, in the case of special area, by order declare that possession and control of the land is vested in the council from the date of the bylaw or order, and by virtue of the passing of the bylaw or the making of the order

- (a) any plan determined or agreement entered into pursuant to section 11 is cancelled forthwith, and
- (b) thereafter no person is entitled to be in possession of the land or any part of it without the authority and consent of the council.

(3) After the passing of a bylaw or the making of an order under subsection (2), the council shall forthwith forward to the Registrar of Land Titles a notice in the prescribed form.

(4) The Registrar of Land Titles shall

- (a) make a memorandum of the notice on the certificate of title of the land affected by the order, and
- (b) forward notice of that memorandum by registered mail to all registered owners, caveators and mortgagees of that land at the addresses appearing on the register.

(5) The memorandum has priority over all agreements of sale, caveats, mortgages, liens, charges and encumbrances of every description whatsoever, other than taxes and irrigation charges and drainage rates.

(6) No certificate of title to the land affected shall thereafter be issued except under the *Municipal Government Act* and subject to the notice.

(7) From the date of the passing of a bylaw or the making of an order under subsection (2), the council may enter into possession of the land, and through their servants and agents or by agreement with the owner or occupant,

- (a) cultivate the land and sow and harvest crops on it,
- (b) destroy weeds, and
- (c) take any other steps that may be necessary or expedient for the purpose of reclaiming and rehabilitating the land,

under the general supervision of the agricultural fieldman and with the advice of the board to the end that the land be reclaimed and rehabilitated and eventually restored to the possession of the person who but for the bylaw or order would be entitled to it.

(8) The council, so long as the bylaw or order under subsection (2) is in force,

- (a) may pay the expenses of rehabilitating the land, and
- (b) is entitled to the revenues derived from the land.

(9) The council may apply the revenues referred to in subsection (8)

- (a) in repayment of sums expended, and
- (b) in payment of taxes on the land,

and any surplus arising during the period in which the bylaw or agreement is in force shall be paid to the person entitled to the possession of the land at the time of the passing of the bylaw or the making of the order, but not to a tenant.

(10) Instead of proceeding under subsections (7) to (9), the council may lease the land to a farm operator approved by the board for such period and on such terms as to rent and otherwise including the method of farming and reclamation of the land as may be considered by the council to be proper in the circumstances, and any money received by the council under the lease shall be applied

- (a) first to the repayment of any money expended on the land by the council, and
- (b) then to the payment of taxes on the land,

and if any surplus remains at the termination of the lease, it shall be paid to the person entitled to the possession of the land at the time of the passing of the bylaw or the making of the order, but not to a tenant.

RSA 1980 cA-11 s16;1981 c41 s7;1994 cM-26.1 s642(3);
1997 c1 s14;1999 cI-11.7 s214

Service of documents

13(1) The council or the board, as the case may be, shall serve a certified copy of the declaration, order or bylaw

- (a) on the registered owner of the land
 - (i) by means of personal service, or
 - (ii) by sending it by registered mail to the registered owner's latest address on the assessment roll of the municipality,

and

- (b) on all other persons shown on the assessment roll of the municipality to have an interest in the land
 - (i) by means of personal service, or
 - (ii) by sending it by registered mail to those persons at their latest address on file at the land titles office.

(2) A council or a board, or an employee or agent of either of them, shall not perform any work on the land pursuant to a declaration or order made or bylaw passed under section 9 or 12, as the case may be, until more than 30 days after the date that the declaration, order or bylaw has been served under subsection (1).

RSA 1980 cA-11 s17;1981 c41 s8;1983 c37 s1;1997 c1 s15

Right of appeal

14(1) A person affected by

- (a) a declaration made under section 9, or
- (b) an order made or bylaw passed under section 12,

may, by way of an application, appeal the declaration, order or bylaw to the Court of Queen's Bench.

(2) An appeal under subsection (1) may be commenced not more than 30 days after the service of the declaration, order or bylaw under section 13(1) on the person bringing the appeal.

(3) If an appeal is commenced, no employee or agent of a council or a board shall begin work on the land pursuant to the declaration, order or bylaw until a judgment confirming that declaration, order or bylaw has become final by reason of the lapse of time or of its having been confirmed by the highest court to which the appeal may be taken.

(4) Notwithstanding subsection (2), if at any time during which an order or bylaw is in force a person affected by the order or bylaw has reason to believe that the land in question is not being managed by the council or the board or the employee or agent of any of them in a manner in keeping with good agricultural practice, that person may apply to the Court of Queen's Bench for an order

- (a) rescinding the order or bylaw, or
- (b) directing the council or the board to manage the land in a manner in keeping with good agricultural practice

and the Court of Queen's Bench may make its order subject to any terms and conditions it sees fit.

(5) If an application is made under subsection (4), the order or bylaw remains in effect until

- (a) an order of the Court of Queen's Bench respecting the order or bylaw has become final by reason of the lapse of time or of its having been confirmed by the highest court to which the appeal may be taken, and
- (b) the crops that are growing on the land at the time the order of the Court of Queen's Bench becomes final have been harvested.

(6) If

- (a) an application for an order of the Court of Queen's Bench is made under subsection (4), and
- (b) work has been performed on the land pursuant to the order or bylaw,

the cost of that work shall be borne by the person commencing the application and if that person is the registered owner of the land or is the person who is in possession or occupation of the land, the amount of those costs remaining unpaid shall be added to the tax roll for the land.

RSA 2000 cA-10 s14;2009 c53 s13

Rescinding bylaw

15(1) When in the opinion of the board the land has been rehabilitated and reclaimed sufficiently to justify its return to the person who but for the bylaw or order mentioned in section 12(2) would be entitled to it, the council, on the recommendation of the board,

- (a) shall rescind the bylaw or order, and
- (b) shall forthwith forward to the proper Registrar of Land Titles a notice in the prescribed form.

(2) The Registrar of Land Titles shall

- (a) cancel the memorandum previously noted on the certificate of title insofar as it affects the land described in the notice, and
- (b) forward notice of the cancellation by registered mail to all registered owners, caveators and mortgagees of the land at their addresses appearing on the register.

(3) If an order made or bylaw passed under section 12(2) is not rescinded under subsection (1), it shall lapse on the January 1 following 3 full crop years after the date on which

- (a) the order was made or the bylaw passed, or
- (b) the order or bylaw was confirmed by the highest court to which an appeal was taken,

whichever is later.

RSA 1980 cA-11 s19;1981 c41 s10

Entry on land

16(1) An agricultural fieldman and the Minister's representative or a member of the board accompanied by an agricultural fieldman

may, at any reasonable time, enter on land in a municipality with respect to which a board is constituted

- (a) to carry out their functions, duties and powers under this Act and under an order or declaration under this Act,
- (b) to determine whether conditions described in section 9(1) exist, and
- (c) to inspect the land and agricultural practices on land subject to a declaration under section 9 or an order under section 12.

(2) The right to enter on land as permitted under this section does not, without the permission of the owner or occupant of the land, include the right to enter any building or structure that is situated on the land.

RSA 1980 cA-11 s22;1997 c1 s17

Regulations

17 The Minister may make regulations not inconsistent with and to effect the general purposes of this Act and, without restricting the generality of the foregoing, may make regulations prescribing forms for the purposes of this Act.

RSA 1980 cA-11 s23

Refusal to comply with order or bylaw

18 If a person refuses to comply with an order or bylaw under section 12, the council may apply to the Court of Queen's Bench for an order

- (a) requiring that person to comply with that order or bylaw, and
- (b) restraining that person from interfering with or obstructing any person from carrying out any duties or functions under that order or bylaw.

RSA 2000 cA-10 s18;2009 c53 s13