

(Consolidated up to 239/2007)

ALBERTA REGULATION 197/98

Livestock and Livestock Products Act

## **STOCK YARD REGULATION**

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### Definitions

1 In this Regulation,

(a) "Act" means the Livestock and Livestock Products Act;

(b) "inspector" means an inspector appointed under the Livestock and Livestock Products Act;

(c) “local authority” means

(i) a city, town, village, municipal district or county, or specialized municipality, or

(ii) the Minister of Municipal Affairs and Housing, in the case of an improvement district or a special area;

(d) “operator” means a person who operates a stock yard;

(e) “stock yard” means any area of land, including buildings, pens, fences, gates, chutes, weigh scales and any other equipment located on the land that is operated

(i) as a public market for the purchase and sale, or either of them, of livestock or for the receiving of livestock by a licensed livestock dealer on consignment, or

(ii) to assemble livestock for shipment by any form of transportation and includes any premises maintained with respect to the movement of livestock by a common carrier as a convenience to the public

but does not include the following:

(iii) a facility that is associated with an abattoir for the purpose of holding livestock for slaughter;

(iv) any area of land or facility used in respect of the sale of livestock by a producer or feedlot operator where the livestock offered for sale have been held on that land for maintenance, feeding or fattening purposes;

(v) any area of land or facility used for the purpose of holding a sale of registered purebred livestock;

(vi) any area of land or facility used for the purpose of holding a sale of livestock on behalf of members of recognized 4-H clubs.

AR 197/98 s1;35/2007

Licence required

2 No person shall operate a stock yard unless that person holds

(a) a stock yard operator’s licence issued under this Regulation, or

(b) a livestock dealer’s licence issued under the Livestock Dealers and Livestock Dealers’ Agents Regulation (AR 66/98), and

the stock yard that the person intends to operate is licensed under section 11.

Location of stock yard

3(1) A stock yard operator’s licence issued under this Regulation must state the location of the stock yard that the holder of the licence may operate under the authority of that licence.

(2) A person must obtain a separate stock yard operator’s licence for each stock yard that is operated by that person.

#### Application for stock yard operator's licence

4 An application for a stock yard operator's licence must

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

(b) be accompanied with the fee required under the Fees Regulation under the Act.

#### Application refused or licence suspended or cancelled

5(1) The Minister may

(a) refuse an application made under section 4 where the applicant has failed to comply with the provisions of

(i) the Brand Act,

(ii) the Livestock Identification and Brand Inspection Act,

(iii) the Livestock Diseases Act, or

(iv) the Livestock and Livestock Products Act;

(b) cancel or suspend a stock yard operator's licence where the holder of that licence fails to comply with the provisions of

(i) the Brand Act,

(ii) the Livestock Identification and Brand Inspection Act,

(iii) the Livestock Diseases Act, or

(iv) the Livestock and Livestock Products Act.

(2) Where the Minister cancels or suspends a stock yard operator's licence, the Minister shall serve the person with written notice of that cancellation or suspension

(a) by means of personal service, or

(b) by sending it by registered mail to the latest address of that person on file with the Minister.

#### Notice of closure

6(1) Where a person's stock yard operator's licence is cancelled or suspended, an inspector may place on the livestock receiving chutes of the stock yard operated by that person signs reading "Premises Closed By Order of the Minister".

(2) The signs placed on the livestock receiving chutes of a stock yard under subsection (1) must be removed by an inspector if a person presents the inspector with a new or reinstated stock yard operator's licence permitting the operation of that stock yard.

(3) No person shall operate a stock yard during the time that a sign referred to in subsection (1) remains on a livestock receiving chute of that stock yard.

#### Records

7 Every operator of a stock yard shall

(a) keep a detailed record of each transaction relating to livestock that takes place at that stock yard, and

(b) retain the record for 24 months from the date that the transaction took place.

#### Request for information

8 Every operator shall, not later than the 10th day of each month, forward to the Minister such information as may be requested by the Minister.

#### Change of address

9 Every operator shall notify the Minister in writing of any change in that operator's address.

#### Misleading statements

10(1) No operator shall publish in any form or by any medium a statement that misrepresents in any manner the goods or services offered by that operator.

(2) No operator shall make or permit an employee or a person who is under contract to the operator to make any statement or representation that is likely to deceive or mislead or that is intended to deceive or mislead any person with respect to a transaction that takes place at or in respect of that stock yard.

#### Application for stock yard licence

11(1) An application for a stock yard licence must

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

(b) be accompanied with the fee required under the Fees Regulation under the Act.

(2) Where a person applies for a licence in respect of a stock yard that was not licensed in the immediately preceding year, that person must provide the Minister with a written statement

(a) from the local authority in which the stock yard is located certifying its approval of the location of the stock yard,

(b) from the Minister of Infrastructure and Transportation approving the location of the stock yard and the entrances to and exits from the stock yard, where that stock yard is situated adjacent to a highway as defined in the Public Highways Development Act, and

(c) from a veterinarian licensed to practice in the province of Alberta that the facility, in the veterinarian's professional opinion, does not create an undue hazard to livestock being handled and complies with all applicable construction and sanitation requirements under the Livestock Market and Livestock Assembling Station Regulation (AR 70/2000).

(3) If the Minister is satisfied that the stock yard conforms to the requirements of the Act and the regulations under the Act and that the appropriate approvals have been given under subsection (2), the Minister shall issue a stock yard licence.

AR 197/98 s11;220/2000;206/2001;105/2005

Expiry of licence

12 A stock yard operator's licence or a stock yard licence issued under this Regulation expires on December 31 of the year in which the licence was issued.

Licence must be displayed

13 The holder of a stock yard licence must display the licence at all times in a prominent location within the stock yard.

Licence not transferable

14 A licence under this Regulation is not transferable.

Repeals

15 The following regulations are repealed:

- (a) Stock Yard Operators Licensing Regulations (AR 93/77);
- (b) Stock Yard Licensing Regulations (AR 92/77).

Expiry

16 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 197/98 s16;63/2003;44/2007;239/2007

Coming into force

17 This Regulation comes into force on November 1, 1998.

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