



Province of Alberta

LIVESTOCK IDENTIFICATION AND COMMERCE ACT

LIVESTOCK IDENTIFICATION AND COMMERCE GENERAL REGULATION

Alberta Regulation 208/2008

With amendments up to and including Alberta Regulation 92/2014

Office Consolidation

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(Consolidated up to 92/2014)

ALBERTA REGULATION 208/2008

Livestock Identification and Commerce Act

**LIVESTOCK IDENTIFICATION AND
COMMERCE GENERAL REGULATION**

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Interpretation

1(1) In this Regulation,

- (a) “Act” means the *Livestock Identification and Commerce Act*;
- (b) “country sale site” means a place
 - (i) where livestock is offered for sale to more than one prospective purchaser, and
 - (ii) that is not a livestock assembling station, livestock market, feedlot or abattoir;
- (c) “feeder” means a feeder association member acting on behalf of a feeder association pursuant to a feeder agreement under the *Feeder Associations Guarantee Regulation* (AR 75/98);
- (d) “feeder association” means a feeder association as defined in the *Feeder Associations Guarantee Act*;
- (e) “feedlot” means a place, other than a seasonal feeding and bedding site, that is operated for the purpose of feeding livestock by a means other than grazing;
- (f) “livestock assembling station” means a place that is operated for the purpose of assembling, weighing or sorting livestock;
- (g) “livestock market” means a place operated for the purpose of selling livestock;
- (h) “sheep” means an animal of genus *Ovis*;
- (i) “special permit” means a horse permit, pedigree cattle permit or a rodeo and exhibition permit;
- (j) “swine” means an animal of the species *Sus scrofa*;
- (k) “unlicensed person” means a person who is not licensed as a livestock dealer or livestock dealer’s agent under the Act.

(2) In the Act,

- (a) “assured livestock” means cattle or horses that have been
- (i) supplied or sold by a participant, and
 - (ii) if the participant is not a livestock dealer, present in Alberta as defined in subsection (7) for 30 consecutive days immediately prior to the supply or sale;
- (b) “business day” means any day other than Saturday or, as defined in the *Interpretation Act*, a holiday;
- (c) “livestock manifest” means a manifest completed in the form set out in Schedule 2;
- (d) “livestock permit” means a livestock permit issued in the form required by the Minister;
- (e) “participant” means, with respect to a specific supply or sale transaction, a person
- (i) who, at the time of the supply or sale,
 - (A) is an Alberta resident, and
 - (B) is not an associated person of the person to whom the assured livestock is supplied or sold,
- and
- (ii) who supplies or sells assured livestock within the circumstances described in one of the following paragraphs:
 - (A) a supply or sale in Alberta to a livestock dealer;
 - (B) a sale in Alberta by a licensed livestock dealer to an unlicensed person;
 - (C) a supply in Dawson Creek, British Columbia or Lloydminster, Saskatchewan to a livestock market that is approved by the Minister;
- (f) “permit” includes a rodeo and exhibition permit;
- (g) “settlement statement” means a form of sales documentation that includes the information set out in section 33.

- (3)** For the purposes of section 1(j) of the Act, the following are designated as financial institutions:
- (a) the Agriculture Financial Services Corporation established under the *Agriculture Financial Services Act*;
 - (b) the Farm Credit Corporation established under the *Farm Credit Canada Act* (Canada).
- (4)** For the purposes of section 1(p) of the Act, the following are designated as inspection sites:
- (a) a country sale site;
 - (b) a livestock assembling station;
 - (c) a livestock market;
 - (d) a feedlot;
 - (e) an abattoir.
- (5)** For the purposes of section 1(s) of the Act, sheep and swine are designated as livestock.
- (6)** In section 16 of the Act and section 3(3) of this Regulation,
- (a) “pay” means
 - (i) to deposit the purchase funds electronically,
 - (ii) to send the purchase funds by postmarked mail,
 - (iii) to deliver the purchase funds,
 - (iv) to make the purchase funds available for pickup, or
 - (v) if there is no livestock security interest in the livestock or the dam of the livestock being sold, to sign a financing agreement with the owner of the livestock granting the owner a purchase-money security interest;
 - (b) “possession” means the day on which or, if the sale of the livestock is subject to a condition and the livestock has not been rejected on the basis of that condition, 2 business days after the day on which
 - (i) the livestock is delivered to the purchaser or the purchaser’s agent, or

(ii) the purchaser or the purchaser's agent may take delivery of the livestock;

(c) "price discovery" means the day on which the person who is required to pay the sale proceeds knows or ought to know the amount of the sale proceeds payable.

(7) In subsection (2)(a), "present in Alberta" includes the presence of the assured livestock at and the transportation or driving of the assured livestock directly to or from a location outside of Alberta that is approved by the Minister for the purposes of section 17(1)(b) or 78.

(8) In subsection (2)(e), "Alberta resident" means

- (a) a person whose ordinary place of residence is in Alberta,
- (b) a corporation registered under the *Business Corporations Act*, or
- (c) a partnership where a majority of the partners are described in clause (a) or (b).

Part 1 Application of Act

Livestock brands

2(1) Part 1 of the Act does not apply to sheep or swine.

(2) Part 2 of this Regulation does not apply to sheep or swine.

Transactions, transportation, inspection

3(1) The following provisions of Part 2 of the Act do not apply to sheep:

- (a) sections 19(1)(b) and (c) and (4) and 23 to 39;
- (b) sections 44 to 46 to the extent they relate to a section referred to in clause (a).

(2) Part 2 of the Act does not apply to swine except for

- (a) section 17, and
- (b) sections 44 to 46 to the extent they relate to section 17.

(3) Because swine are exempted from section 16 of the Act, section 55 of the Act applies to swine subject to the following modification and addition:

- (a) non-payment occurs when payment is not received as agreed to by the parties to the supply or sale agreement;
 - (b) the notification must be made no later than 30 days from the date of price discovery or possession, whichever occurs later.
- (4)** Part 3 of this Regulation, except for sections 25 to 29 and 32, does not apply to sheep.
- (5)** Part 3 and Division 1 of Part 4 of this Regulation do not apply to swine.

Levies, assurance funds, security

- 4(1)** Part 4 of the Act does not apply to sheep or swine.
- (2)** Divisions 2 and 3 of Part 4 of this Regulation do not apply to sheep or swine except for sections 44 and 47.

Out of province livestock – livestock manifest, livestock permit

- 5(1)** Section 19(1)(c) of the Act and section 16 of this Regulation do not apply to a person who is transporting or driving livestock into or through Alberta from an originating point outside of Alberta.
- (2)** Section 19(1)(a) of the Act does not apply to a person referred to in subsection (1) if
- (a) the originating jurisdiction requires that the livestock be accompanied by documentation to be transported or driven out of the jurisdiction to the livestock's destination, and
 - (b) the livestock is accompanied by the documentation.
- (3)** An exemption under subsection (1) or (2) expires when the livestock
- (a) stops in Alberta for a purpose other than rest, or
 - (b) is required to be inspected under the Act.
- (4)** If the livestock stops in Alberta for a purpose other than rest, the point at which the livestock stops is considered to be its originating point for the purpose of section 16(a).
- (5)** The documentation referred to in subsection (2)(b) is required to be completed, distributed and retained in the same manner as,

- (a) if the documentation was issued as a result of an inspection, a livestock permit, or
 - (b) if clause (a) does not apply, a livestock manifest.
- (6) A person required to provide a copy of the documentation referred to in subsection (2)(b) shall ensure that there are sufficient copies available.
- (7) A person required to complete the documentation referred to in subsection (2)(b) shall make whatever modifications or attachments are necessary to include the information that would be included in a livestock manifest or livestock permit, whichever applies.

Security

6 The requirement under section 53 of the Act to provide security does not apply to a livestock dealer if the livestock dealer and the livestock dealer's agents do not deal in livestock or livestock products as referred to in section 48(1)(a).

Inspection fee

7 The requirement under section 27 of the Act to pay an inspection fee does not apply if the livestock is inspected as a result of a vehicle search under section 40 of the Act.

Part 2 Registration of Livestock Brands and Honorary Brands

Application

- 8(1)** The application form to register a brand or honorary brand is set out in Schedule 1.
- (2)** An application to change or correct a brand or honorary brand registration, including a change to reflect a surrender or transfer of the brand or honorary brand, must be made in the form and manner required by the Minister.

Registry

- 9** The following information must be entered and maintained in the registry:
- (a) the name of the brand or honorary brand owner;
 - (b) the name of the municipality in which the brand or honorary brand owner resides;

- (c) a description of the brand or honorary brand;
- (d) the location of the brand or honorary brand on the livestock;
- (e) the type of livestock for which the brand or honorary brand is registered;
- (f) in the case of an honorary brand, the purpose of the honorary brand.

Part 3

Transporting or Driving Livestock

Division 1

Inspections

Inspection required

10(1) Livestock must be inspected

- (a) subject to sections 12 and 13, if the livestock enters an inspection site,
- (b) before the livestock is offered for sale or sold at a livestock market if the livestock has remained in the livestock market for more than 48 hours since the livestock was last inspected at the livestock market,
- (c) subject to section 14, to issue a permit,
- (d) if an inspector believes the livestock may have improperly entered an abattoir or a feedlot without inspection under section 12, or
- (e) if an inspector believes the livestock may be stolen.

(2) Livestock present at a country sale site before and during the country sale must be considered to have entered the country sale site.

Notice of inspection

11(1) The operator of an inspection site shall notify an inspector of the entry of livestock into an inspection site,

- (a) in the case of a feedlot, within 24 hours of the livestock entering the feedlot,

- (b) in the case of a livestock assembling station, livestock market or an abattoir, 2 business days before the proposed entry of the livestock into the inspection site, or
 - (c) in the case of a country sale site, 5 business days before the first day of the country sale.
- (2) A person requesting a permit, excluding a livestock permit required to transport or drive livestock from an inspection site, or a voluntary inspection shall notify an inspector 2 business days before the permit or inspection is needed.
- (3) A person requesting a livestock permit to transport or drive livestock from an inspection site shall notify an inspector,
- (a) if the livestock has been inspected at the inspection site within the previous 48 hours, as required by the inspector in the circumstances, or
 - (b) if clause (a) does not apply, 24 hours before the livestock permit is needed.
- (4) An inspector may consent to a different length of notice subject to any terms and conditions the inspector may require.
- (5) The notice must be given in the form and manner required by the Minister.

Exception - abattoir, feedlot

- 12** Section 10(1)(a) does not apply to livestock entering an abattoir or a feedlot
- (a) if the livestock is transported or driven under a livestock permit directly to the abattoir or feedlot from the location in Alberta where the livestock permit was issued, or
 - (b) in the case of livestock that is transported or driven into Alberta from out of province, if the livestock is transported or driven directly to the abattoir or feedlot
 - (i) from a location
 - (A) where the livestock was inspected, and
 - (B) in a jurisdiction approved by the Minister,
 - and
 - (ii) the livestock is transported or driven under the documentation

- (A) required in that jurisdiction to transport or drive the livestock to the abattoir or feedlot, and
- (B) that is issued as a result of the inspection.

Waiver - entering inspection site

13(1) An inspector may waive an inspection of livestock required on entering an inspection site if

- (a) the livestock enters the inspection site for the purpose of rest,
 - (b) the inspection site is a country sale site, or
 - (c) the inspection site is a feedlot and
 - (i) the livestock is transported or driven directly to the feedlot from an out of province location in a jurisdiction that has not been approved by the Minister,
 - (ii) the livestock is transported or driven directly to the feedlot from another feedlot in Alberta where the livestock
 - (A) was inspected on entry, or
 - (B) entered without inspection under section 12,
- or
- (iii) the livestock is re-entering the feedlot from grazing.

(2) An inspector may revoke a waiver given under this section before the livestock is transported or driven from the inspection site.

Waiver - issuing permit

14(1) An inspector may waive an inspection of livestock required to issue

- (a) a livestock permit if
 - (i) the livestock permit is required to transport or drive livestock from an inspection site, and
 - (ii) the inspection site is not an abattoir,
- or

(b) a special permit if a special permit was issued for the livestock in the previous calendar year.

(2) An inspector may revoke a waiver given under this section before the permit is issued.

Duty to provide inspection facilities

15(1) For greater certainty, the facilities that shall be provided by an owner or operator of a place where an inspection is carried out under section 25 of the Act may include office space, buildings, alleys, pens, chutes and gates.

(2) An owner or operator of a place where an inspection is carried out in a building or where sunlight is inadequate shall provide artificial light.

(3) The facilities provided for carrying out inspections must be adequate and appropriate for the purpose of performing the inspection to be carried out.

(4) On request, an owner or operator of an inspection site, excluding a country sale site, shall lease office space satisfactory to the Minister at a rate acceptable to the Minister.

Division 2 Permits

Livestock permit required

16 A livestock permit is required to transport or drive livestock from

- (a) an originating point in Alberta to a destination outside of Alberta, or
- (b) an inspection site to a destination in Alberta.

Livestock permit exemption

17(1) Section 16(a) does not apply if the livestock is transported or driven

- (a) under a special permit,
- (b) directly to a delivery destination
 - (i) that is owned or leased by the owner of the livestock,
 - (ii) that is contiguous to or near the Alberta border, and

- (iii) that is approved by the Minister as part of the owner's operation in Alberta,

or

- (c) directly to a delivery destination
 - (i) that is approved by the Minister, and
 - (ii) where the livestock will be inspected by that jurisdiction.

(2) Section 16(b) does not apply if the livestock is transported or driven from

- (a) a feedlot,
- (b) a country sale site if the livestock was not inspected while at the country sale site, or
- (c) an inspection site if the livestock entered and remained at the inspection site for the purpose of rest.

Application

18 A person who requests a permit shall

- (a) make the request in the form and manner required by the Minister, and
- (b) notify an inspector in accordance with section 11.

Issuing

19(1) An inspector may issue a permit if

- (a) a person requests the permit in accordance with section 18,
- (b) subject to section 14, the inspector inspects the livestock, and
- (c) the inspector is satisfied that the person in possession of the livestock is
 - (i) the owner of the livestock or the owner's agent, or
 - (ii) otherwise lawfully entitled to be in possession of the livestock.

(2) Subsection (1)(c)(ii) does not apply to a special permit.

- (3) The permit shall
- (a) be issued in the form and manner required by the Minister, and
 - (b) include a unique numerical code assigned by the Minister.

Types of permits

20(1) An inspector may issue

- (a) a livestock permit with respect to livestock,
- (b) a horse permit or a lifetime horse permit with respect to a horse,
- (c) a pedigree cattle permit with respect to pedigree cattle, or
- (d) a rodeo and exhibition permit with respect to rodeo or exhibition livestock.

(2) A lifetime horse permit may only be issued with respect to one horse per lifetime horse permit.

Completion, distribution, handling

21(1) If a livestock permit is required by the Act, the livestock permit must be completed, distributed, retained and handled in accordance with this section.

(2) The person who is issued the livestock permit shall

- (a) give 2 copies to the person transporting or driving the livestock,
- (b) retain one copy, and
- (c) if required under section 30 or 31(2), complete or amend Part B.

(3) The person transporting or driving the livestock shall

- (a) if required under section 30 or 31(2), complete or amend Part B,
- (b) ensure that at least one copy accompanies the livestock to the livestock's destination,
- (c) complete Part E,
- (d) provide one copy to the person receiving the livestock, and

- (e) retain one copy.
- (4)** The person receiving the livestock shall
 - (a) complete Part F, and
 - (b) retain one copy.
- (5)** A person required to retain a livestock permit under this section shall
 - (a) retain a copy for a period of 10 years, and
 - (b) provide a copy to the Minister upon request.

Terms and conditions

- 22(1)** A person who transports or drives livestock under a permit shall comply with the terms and conditions of the permit.
- (2)** A livestock permit is subject to the following terms and conditions:
- (a) the livestock shall remain in the possession and control of the person to whom the livestock permit is issued or that person's agent;
 - (b) the livestock shall be transported or driven together to the livestock's destination;
 - (c) any other terms or conditions the Minister considers appropriate.
- (3)** A special permit is subject to the following terms and conditions:
- (a) the permit shall not be used to transport or drive livestock for sale or slaughter;
 - (b) any other terms or conditions the Minister considers appropriate.

Expiry

- 23** A permit expires on the earliest of the following:
- (a) in the case of a livestock permit,
 - (i) 7 days from the date of issue,
 - (ii) when the livestock is delivered to the livestock's destination, or

- (iii) when an inspection is required under section 10;
- (b) in the case of a special permit,
 - (i) when there is a change of ownership in the livestock, or
 - (ii) except in the case of a lifetime horse permit, on December 31 of the year in which the permit is issued.

Cancellation

24(1) An inspector shall cancel a permit if the inspector is satisfied that the permit was improperly issued.

(2) An inspector may cancel a permit if

- (a) the inspector is satisfied that a term or condition of the permit has been breached,
- (b) section 20 of the Act or section 28 of this Regulation has not been complied with, or
- (c) in the case of a livestock permit, section 21, 30 or 31 has not been complied with.

(3) If a permit is cancelled, the inspector

- (a) shall advise the permit holder of its cancellation, and
- (b) may require the return of the permit.

(4) Nothing in this section affects the rights of a person who has acted in good faith and in reliance on the permit.

**Division 3
Livestock Manifests****Completion, distribution, handling**

25(1) If a livestock manifest is required by the Act, the livestock manifest set out in Schedule 2 must

- (a) be completed, distributed, retained and handled in accordance with this section, and
- (b) include a unique numerical code assigned by the Minister.

(2) The owner of the livestock or the owner's agent shall

- (a) subject to section 26, complete Parts A, B and C,

- (b) provide the original plus 3 copies to the person transporting or driving the livestock,
 - (c) retain one copy, and
 - (d) if required under section 32(2), amend Part B.
- (3)** The person transporting or driving the livestock shall
- (a) ensure that the original plus 3 copies accompany the livestock to the livestock's destination,
 - (b) complete Part E,
 - (c) if required under section 32(2), amend Part B,
 - (d) provide the original plus 2 copies to the person receiving the livestock or that person's agent, and
 - (e) retain one copy.
- (4)** The person receiving the livestock shall
- (a) complete Part G,
 - (b) if an inspection is not required upon delivery of the livestock, retain the original plus one copy, and
 - (c) if an inspection is required upon delivery of the livestock,
 - (i) provide the original plus 2 copies to an inspector, and
 - (ii) retain the copy returned to the person by the inspector.
- (5)** If an inspection is required upon delivery of the livestock, the inspector shall
- (a) complete Part D,
 - (b) return one copy to the person who received the livestock, and
 - (c) retain the original and one copy.
- (6)** A person required to retain a livestock manifest under this section shall
- (a) retain a copy for a period of 10 years, and
 - (b) provide a copy to the Minister upon request.

(7) In this section, “owner” includes a feeder.

Signing restrictions

26(1) If the livestock is being transported or driven for sale and the livestock manifest does not direct payment solely to the owner of the livestock, only the owner may complete Part C.

(2) Despite subsection (1), a livestock dealer or livestock dealer’s agent acting on behalf of the owner or the livestock dealer’s agent may complete Part C if the livestock manifest directs payment to the livestock dealer.

Use as livestock security interest declaration

27 The owner of the livestock may complete Part F of the livestock manifest for the purpose of providing a livestock security interest declaration with respect to the livestock being transported or driven under the livestock manifest.

Division 4 Transportation

Transporting or driving livestock - one owner

28 If livestock of one owner is transported or driven together under more than one document, the person transporting or driving the livestock shall ensure that the livestock is distinctively identified so that the livestock transported or driven under each document can be readily distinguished.

Delivery destination

29(1) A person who transports or drives livestock under a livestock manifest or livestock permit shall deliver the livestock to the person, including that person’s agent, and destination indicated in the document.

(2) The person or destination may be added or amended in accordance with sections 30 to 32.

Adding person or destination - livestock permit

30 If an inspector issues a livestock permit without indicating the person or destination for the delivery of the livestock in Part B,

- (a) the person who was issued the livestock permit shall provide the information required to complete Part B

- (i) to the person transporting or driving the livestock as soon as reasonably possible after the livestock permit is issued, and
- (ii) to the Minister no later than 2 business days from the day the livestock permit is issued,

and

- (b) the person transporting or driving the livestock and the person who was issued the livestock permit shall include the information in Part B on all the copies of the livestock permit in their possession
 - (i) as soon as the information is known, and
 - (ii) before the livestock is transported or driven.

Amending person or destination - livestock permit

31(1) A person who is issued a livestock permit may change the person or destination for the delivery of the livestock under a livestock permit.

(2) If the person who was issued the livestock permit changes the person or destination for the delivery of the livestock,

- (a) the person transporting or driving the livestock and the person who was issued the livestock permit shall amend this information in Part B on all copies of the livestock permit in their possession as soon as the information is known, and
- (b) the person who was issued the livestock permit shall provide the Minister with the updated information within 2 business days of the amendment.

Amending person or destination - livestock manifest

32(1) The owner of livestock or the owner's agent may change the person or destination for the delivery of the livestock under a livestock manifest.

(2) If the owner of the livestock or the owner's agent changes the person or destination for the delivery of the livestock, the person transporting or driving the livestock and the owner of the livestock or the owner's agent shall amend this information in Part B on all copies of the livestock manifest in their possession as soon as the information is known.

Part 4 Sale of Livestock

Division 1 Sale Documents and Requirements

Bill of sale, invoice, settlement statement

33(1) For the purpose of section 14 of the Act, the documentation for a sale of livestock shall identify

- (a) the date of the sale transaction,
- (b) the names and addresses of the owner of the livestock and the purchaser,
- (c) a description of the livestock that includes the kind, colour and number of head of livestock sold,
- (d) a description and the location of any brands on the livestock,
- (e) if the livestock is sold by weight, the weight of the livestock sold,
- (f) the purchase price, the deductions from the purchase price and the sale proceeds, and
- (g) any other information required by the Minister.

(2) For the purpose of section 14 of the Act, a settlement statement shall also identify

- (a) the name and address of the person issuing the settlement statement,
- (b) any unique codes on the documentation under which the livestock is transported or driven, and
- (c) if the livestock was transported or driven into Alberta for the sale, the jurisdiction from where the livestock originated.

(3) Despite subsection (1)(b), if a livestock dealer or livestock dealer's agent issues a settlement statement, the settlement statement may solely identify

- (a) the owner, on the purchaser's copy, and
- (b) the purchaser, on the owner's copy

by a unique code assigned by the livestock dealer or livestock dealer's agent.

Livestock security interest declaration

34(1) An owner of livestock shall provide a declaration required under section 15 of the Act before or at the time the livestock is supplied or offered for sale.

(2) The declaration must also

- (a) be dated,
- (b) be signed by the owner of the livestock, and
- (c) identify the address of each holder of a livestock security interest in the livestock or the dam of the livestock.

(3) For the purposes of section 15 of the Act and this section, "owner" includes a feeder.

Disclosure of status by owner or dealer

35 A person who sells livestock or deals in livestock shall make a disclosure under section 14.1 of the Act

- (a) in writing,
- (b) to a person from whom the sale proceeds will be received, and
- (c) before or at the time the livestock is supplied or offered for sale.

Document retention

36 A person who makes or receives a document referred to in section 33 or 34 shall

- (a) retain a copy of that document for a period of 10 years, and
- (b) provide a copy to the Minister upon request.

Division 2 Levies

Payment of levy

37(1) A participant shall pay the levy to the Tribunal within the time and in the manner required by the Tribunal.

(2) Subsection (1) does not apply if the levy was deducted from the sale proceeds under section 63.

(3) The Tribunal shall deposit the levy of a participant who sells or supplies assured livestock to a livestock dealer into the Livestock Assurance Fund.

(4) The Tribunal shall deposit the levy of a participant who is a livestock dealer and who sells assured livestock to an unlicensed person into the Livestock Dealers' Assurance Fund.

Waiver of eligibility

38(1) A participant may

- (a) waive the ability to claim against an assurance fund, and
- (b) revoke the waiver given under clause (a).

(2) The waiver or revocation of waiver

- (a) must be made to the Tribunal in writing and in the form and manner required by the Tribunal, and
- (b) is effective as of January 1 of the year following the year in which the waiver or revocation of the waiver is made.

(3) The participant is ineligible to claim against an assurance fund while the waiver is in effect.

Refund of levy

39(1) A participant may apply to the Tribunal for a refund of levies paid by the participant while the participant is ineligible to claim against the assurance fund under section 38.

(2) The application must be made to the Tribunal in the form and manner required by the Tribunal.

(3) The Tribunal shall refund a levy from an assurance fund if

- (a) the participant applies in accordance with subsection (1),
- (b) for refunds of less than \$5000, the chair of the Tribunal has determined that the refund is payable,
- (c) for refunds of \$5000 or more, the Tribunal has determined that the refund is payable, and
- (d) the request for the refund was received by the Tribunal no later than March 31 of the year following the year in which the levy was paid.

(4) An eligible refund must be paid within 90 days of the application.

Division 3 Recovery for Non-payment

Livestock Assurance Fund claims

40(1) The Tribunal shall treat a notification under section 58 of the Act or a successful appeal under section 59 of the Act as a claim against the Livestock Assurance Fund.

(2) If an appeal under section 59 of the Act may affect the amount a participant may receive from the Livestock Assurance Fund, the Tribunal may

- (a) delay determining the participant's claim, and
- (b) provide an interim payment to the participant from the Livestock Assurance Fund.

(3) The Tribunal may at any time require a participant to provide documentation or any other information as required by the Tribunal in support of the claim.

(4) A participant who makes a claim under subsection (1) must meet the conditions and eligibility requirements set out in sections 45 and 47 in order to be entitled to receive a payment from the Livestock Assurance Fund.

(5) On determining the claim, the Tribunal shall serve the participant with a copy of the Tribunal's decision, with reasons.

Livestock Dealers' Assurance Fund claims

41(1) For the purposes of this section, a default occurs in respect of a sale of assured livestock to an unlicensed person when

- (a) the unlicensed person fails to pay the livestock dealer the sale proceeds in respect of the assured livestock as required by the Act, unless the main reason for the failure to pay is a contract dispute between the unlicensed person and the livestock dealer respecting the sale of the assured livestock or the obligation to pay for the assured livestock, or
- (b) the unlicensed person fails to pay the livestock dealer the sale proceeds in respect of the assured livestock as required by the Act, the livestock dealer obtains a judgment against the unlicensed person based on the unlicensed person's failure to pay and the judgment is

unsatisfied for 20 or more days after the judgment becomes final.

(2) If a livestock dealer wishes to claim against the Livestock Dealers' Assurance Fund because an unlicensed person has committed a default in a sale of assured livestock to the unlicensed person, the livestock dealer shall

- (a) notify the Tribunal of the non-payment as soon as is reasonably possible after the livestock dealer knows or ought to know of the non-payment, and
- (b) provide documentation or any other information as required by the Tribunal in support of the claim.

(3) If the Tribunal receives a notice under subsection (2), the Tribunal may by notice in writing require the unlicensed person identified in the notice to provide the Tribunal with any information specified by the Tribunal relating to the sale transaction.

(4) An unlicensed person who receives a notice under subsection (3) shall comply with it.

(5) If the Tribunal is satisfied that an unlicensed person has committed a default with respect to a sale transaction, the Tribunal shall publish a notice requiring any livestock dealer who has a claim against the unlicensed person arising from a default in respect of a sale of assured livestock to that unlicensed person to make a claim to the Tribunal by the date specified in the notice.

(6) The Tribunal may

- (a) publish the notice referred to in subsection (5) in any form and manner that the Tribunal considers appropriate, and
- (b) take any other steps that the Tribunal considers appropriate to bring the default of the unlicensed person to the attention of livestock dealers who may sell assured livestock to the unlicensed person.

(7) A claim against the Livestock Dealers' Assurance Fund must be verified by statutory declaration or any other manner specified by the Tribunal and must

- (a) contain a statement as to the particulars of the default,
- (b) contain or refer to a statement of account showing particulars of the amount owing with respect to the default, and

- (c) specify the documentation, if any, by which the default and amount owing can be verified.

(8) The Tribunal may at any time require a claimant to provide documentation or any other information as required by the Tribunal in support of the claim.

(9) A livestock dealer who makes a claim under subsection (2) must meet the conditions and eligibility requirements set out in sections 46 and 47 in order to be entitled to receive a payment from the Livestock Dealers' Assurance Fund.

(10) On determining the claim, the Tribunal shall serve the claimant with a copy of the Tribunal's decision, with reasons.

Terms and conditions

42 The Tribunal may impose terms or conditions that the Tribunal considers appropriate on a payment made from an assurance fund.

Maximum recovery

43(1) The maximum recovery from an assurance fund, including any amount recovered from a livestock dealer's security, is the lesser of

- (a) 80% of the non-payment, and
- (b) 80% of the value of the assured livestock.

(2) If a participant makes a claim for a non-payment that occurs in the first calendar year after revoking a waiver of the right to claim against the assurance fund, the maximum recovery is

- (a) in the case of a non-payment in the first quarter, 25%,
- (b) in the case of a non-payment in the 2nd or 3rd quarter, 50%, or
- (c) in the case of a non-payment in the 4th quarter, 75%

of the amount the claimant would otherwise receive.

(3) If there are insufficient funds to pay all outstanding successful claims against an assurance fund, each successful claimant shall receive a prorata share of the amount the claimant would otherwise receive from the remainder of the fund after the following are paid:

- (a) first, all the fund's operating expenses;
- (b) second, all outstanding levy refunds.

Eligibility - security

44 To be eligible to claim against security, a person must, in the opinion of the Minister, or, in the event of an appeal, in the opinion of the Tribunal,

- (a) have supplied or sold livestock
 - (i) if the person was not a livestock dealer, that was present in Alberta as defined in section 1(7) for 30 consecutive days immediately prior to the supply or sale, and
 - (ii) to a livestock dealer who
 - (A) committed a default within the meaning of section 56 of the Act, and
 - (B) was not an associated person of the person making the claim,
- (b) have notified the Minister as required by section 55 of the Act and section 3(3) of this Regulation,
- (c) have submitted the claim within the time specified in the notice given under section 56(2)(b)(iii) of the Act, and
- (d) meet the remaining eligibility requirements set out in section 47.

Eligibility - Livestock Assurance Fund

45 To be eligible to claim against the Livestock Assurance Fund, a participant must, in the opinion of the Tribunal,

- (a) have supplied or sold assured livestock to a livestock dealer who committed a default within the meaning of section 56 of the Act,
- (b) have notified the Minister as required by section 55 of the Act,
- (c) have submitted the claim within the time specified in the notice given under section 56(2)(b)(iii) of the Act,
- (d) have paid the levy with respect to the assured livestock,
- (e) not be ineligible to claim from the fund under section 38, and
- (f) meet the remaining eligibility requirements set out in section 47.

Eligibility - Livestock Dealers' Assurance Fund

46 To be eligible to claim against the Livestock Dealers' Assurance Fund, a participant must, in the opinion of the Tribunal,

- (a) be a livestock dealer and have sold assured livestock to an unlicensed person who committed a default within the meaning of section 41(1),
- (b) have notified the Tribunal as required by section 41(2),
- (c) have submitted the claim within the time specified in the notice given under section 41(5),
- (d) have paid the levy with respect to the assured livestock,
- (e) not be ineligible to claim from the fund under section 38, and
- (f) meet the remaining eligibility requirements set out in section 47.

Eligibility - security or assurance funds

47 Subject to sections 44 to 46, to be eligible to claim against security or an assurance fund, a person must

- (a) not have colluded with the purchaser of the livestock or the purchaser's agent to make a claim against the livestock dealer's security or an assurance fund,
- (b) have complied with an inspection requirement of
 - (i) the Act, and
 - (ii) if the livestock was supplied in Dawson Creek, British Columbia or Lloydminster, Saskatchewan to a livestock market approved by the Minister, the laws of that jurisdiction,
- (c) have delivered the livestock,
- (d) if the person did not own the livestock, have paid the sale proceeds to the person who supplied the livestock,
- (e) not have agreed expressly or implicitly to accept payment of the sale proceeds contrary to the requirements of section 16 of the Act, if applicable, and
- (f) have deposited or cashed sale proceeds received by way of cheque within a reasonable time.

Part 5 Livestock Dealers and Livestock Dealer's Agents

Dealing in livestock or livestock products

48(1) A person deals in livestock or livestock products if the person

- (a) as an agent or on the person's own behalf, purchases or sells livestock or livestock products, including an ownership interest in livestock or livestock products, or
- (b) provides information about livestock or livestock products that are for sale to assist in the purchase or sale of the livestock or livestock products.

(2) Despite subsection (1), a person is not dealing in livestock or livestock products if

- (a) the person is
 - (i) dealing in livestock or livestock products for the purpose of administering the estate of a deceased livestock dealer,
 - (ii) the personal representative of the estate or, if there is no personal representative, approved by the Minister, and
 - (iii) dealing within 90 days of the deceased's death,
- (b) the person purchases and sells livestock in accordance with section 47(3) of the Act,
- (c) the person sells livestock the person has owned and maintained since the livestock's birth,
- (d) the person is a feeder,
- (e) the person is
 - (i) named as an authorized representative in the licence of a livestock dealer or livestock dealer's agent who is a corporation or partnership, and
 - (ii) acting in the course of the person's duties as an authorized representative,
- (f) the person is an agricultural society under the *Agricultural Societies Act* or a similar organization recognized by the Minister, or

- (g) the person is an incorporated not-for-profit livestock pedigree association or is an Alberta 4-H club that sells livestock as an agent if
 - (i) the sale of livestock is held as an incidental service to association or club members,
 - (ii) in the case of a pedigree association, the livestock is pedigree livestock, and
 - (iii) at least one association or club member participates in the livestock sale as a purchaser or a seller.

Division 1 Licensing

Application

49(1) An application to issue, renew, reinstate or replace a licence must be

- (a) made in the form and manner required by the Minister, and
- (b) accompanied by the fee set out in section 81.

(2) An application to issue, renew or reinstate a livestock dealer's licence must be accompanied with a declaration in the form and manner required by the Minister for the purpose of section 56.

(3) The Minister may refuse to accept an application if the applicant has unsuccessfully submitted an application in the previous 12 months.

Grounds of refusal, suspension, cancellation

50(1) The Minister may refuse a licence application or suspend or cancel a licence if, in the Minister's opinion, the applicant or licence holder

- (a) contravened the Act, this Regulation or the following Acts and the regulations made under those Acts:
 - (i) *Brand Act*;
 - (ii) *Livestock Identification and Brand Inspection Act*;
 - (iii) *Livestock and Livestock Products Act*;
 - (iv) *Livestock Diseases Act*;

- (v) *Animal Protection Act*;
- (vi) *Health of Animals Act* (Canada),
- (b) is an associated person of a person who could be refused a licence under clause (a),
- (c) held a licence to deal in livestock or livestock products, in any jurisdiction, that was suspended or cancelled,
- (d) had a livestock dealer's agent whose licence was suspended or cancelled while licensed under the applicant or licence holder,
- (e) contravened a term or condition of a licence issued under this Regulation,
- (f) provided false, misleading or incomplete information with respect to a licence application,
- (g) failed to pay a fee, levy, assessment or penalty under the Act or this Regulation when due,
- (h) is unlikely to comply or to be able to comply with the Act and this Regulation,
- (i) is incorporated and a director, officer or authorized representative of the applicant or licence holder could be refused a licence under clauses (a) to (h),
- (j) is a partnership and a partner or authorized representative of the applicant or licence holder could be refused a licence under clauses (a) to (h), or
- (k) in the case of a replacement licence, fails to satisfy the Minister that the original was lost or destroyed.

(2) The Minister may refuse, suspend or cancel a licence if, in the Minister's opinion, to do so is in the public interest.

Automatic refusal, suspension, cancellation

51(1) The Minister shall

- (a) cancel a licence if the licence was improperly issued,
- (b) cancel a livestock dealer's agent's licence on the receipt of notice in accordance with section 61, and
- (c) suspend or cancel a livestock dealer's agent's licence if the related livestock dealer's licence is suspended or cancelled.

(2) The Minister shall refuse a licence application or suspend or cancel a licence if the livestock dealer fails to provide security as determined by the Minister in accordance with section 56.

(3) Unless the Tribunal waives the application of this section, the Minister shall refuse a licence application or suspend or cancel a licence if

- (a) the applicant or licence holder is or may be subject to a claim by the Tribunal under section 73 of the Act for an amount paid from the assurance fund, or
- (b) the applicant or licence holder is
 - (i) an associated person of a person referred to in clause (a), and
 - (ii) was directly involved in the transaction giving rise to the payment from the assurance fund.

Automatic reinstatement

52 The Minister shall reinstate a livestock dealer's agent's licence if

- (a) the licence was suspended under section 51(1)(c), and
- (b) the related livestock dealer's licence is reinstated.

Notice of refusal, suspension, cancellation

53(1) If a licence application is refused, the Minister shall provide notice to the applicant in writing.

(2) If a licence is not renewed or is suspended, cancelled or reinstated, the Minister shall

- (a) provide notice to the licence holder in writing, and
- (b) publish a notice advising of the non-renewal, suspension, cancellation or reinstatement of the licence.

(3) The Minister may publish the notice referred to in subsection (2)(b) in any form and manner that the Minister considers appropriate.

Terms and conditions

54(1) A livestock dealer or a livestock dealer's agent shall comply with the terms and conditions of the livestock dealer's or livestock dealer's agent's licence.

- (2)** A licence is subject to the following terms and conditions:
- (a) the licence holder must complete the educational requirements, if any, as required by the Minister;
 - (b) the licence must, immediately on request, be returned to the Minister;
 - (c) the licence must be displayed in a conspicuous place in the licence holder's business premises;
 - (d) any other terms or conditions the Minister specifies when the licence is issued, renewed or reinstated.

Expiry

55 A licence expires on the earlier of

- (a) December 31 of the year for which the licence is issued,
- (b) the cancellation of the licence by the Minister, and
- (c) in the case of a livestock dealer's agent's licence, on the death of the livestock dealer under whom the livestock dealer's agent is licensed.

Determination of security

56(1) The Minister shall, on an application to issue, renew or reinstate a livestock dealer's licence, determine the amount and form of security a livestock dealer is required to provide under section 53 of the Act.

(2) A livestock dealer shall, on request, provide financial statements in the form and manner required by the Minister.

(3) If a livestock dealer does not operate an abattoir, the amount of security a livestock dealer is required to provide is, based on the annual volume of livestock supplied or sold to the livestock dealer as assessed by the Minister, as follows:

12 000 head or less	\$40 000
12 001 to 25 000 head	50 000
25 001 to 35 000 head	60 000
35 001 to 45 000 head	70 000
45 001 to 55 000 head	80 000
55 001 to 65 000 head	90 000
65 001 to 75 000 head	100 000
75 001 to 85 000 head	110 000
85 001 to 95 000 head	120 000
95 001 to 110 000 head	150 000

110 001 to 135 000 head	175 000
135 001 to 175 000 head	200 000
more than 175 000 head	400 000

(4) If a livestock dealer operates an abattoir, the amount of security a livestock dealer is required to provide is, based on the annual volume of livestock purchased by the livestock dealer as assessed by the Minister, as follows:

1000 head or less	\$10 000
1001 to 3000 head	20 000
3001 to 20 000 head	50 000
20 001 to 35 000 head	100 000
35 001 to 75 000 head	200 000
more than 75 000 head	500 000

(5) For the purpose of subsections (3) and (4), sheep and swine must be counted as follows:

- (a) 10 sheep = 1 head of livestock;
- (b) 8 swine = 1 head of livestock.

(6) The Minister may consider the extent of the livestock dealer's previous dealings and intended dealings in livestock or livestock products to assess the annual volume of livestock supplied, sold or purchased for the purpose of subsection (3) or (4).

(7) The Minister may accept as security a bond, a letter of credit, a deposit secured to the Minister or another form of security approved by the Minister.

Division 2 Obligations and Duties

Relations with Public

Good faith

57 A livestock dealer or a livestock dealer's agent shall conduct all dealings in livestock or livestock products

- (a) honestly and in good faith, and
- (b) if acting as a person's agent, in that person's best interests.

Representations

58 A livestock dealer or livestock dealer's agent shall not

- (a) misrepresent the goods or services offered by the livestock dealer or livestock dealer's agent, or
- (b) mislead or attempt to mislead anyone with respect to a dealing in livestock or livestock products

nor permit or require a person acting on the livestock dealer's or livestock dealer's agent's behalf to do so.

Accounting for dealings

59 A livestock dealer shall account to a person for whom the livestock dealer or livestock dealer's agent acts or from whom the livestock dealer or livestock dealer's agent purchases livestock or livestock products with respect to a dealing in livestock or livestock products.

Relations Between Livestock Dealers and Livestock Dealer's Agents

Permitted agents

60(1) Subject to subsection (3), a livestock dealer shall not permit a person to deal in livestock or livestock products on the livestock dealer's behalf unless the person is licensed under the livestock dealer's licence as a livestock dealer's agent.

(2) Subject to subsection (3), a livestock dealer's agent shall not permit a person to deal in livestock or livestock products on the livestock dealer's agent's behalf.

(3) A livestock dealer or livestock dealer's agent who is a corporation or a partnership may permit a person who is named as authorized representative under the livestock dealer's or livestock dealer's agent's licence to deal in livestock or livestock products on the livestock dealer's or livestock dealer's agent's behalf.

Termination of Agency

61 If a livestock dealer's agent ceases to represent a livestock dealer or an authorized representative ceases to represent a livestock dealer or livestock dealer's agent, the livestock dealer or livestock dealer's agent shall notify the Minister

- (a) immediately by telephone, and
- (b) by facsimile or e-mail within one business day.

Consent for dual licensing

62 A livestock dealer's agent shall not agree to be licensed under more than one livestock dealer without the prior written approval of the livestock dealers.

Dealings and Transactions**Deduct and remit levy**

63(1) A livestock dealer to whom assured livestock is supplied or sold shall

- (a) deduct the levy from the sale proceeds, and
- (b) remit the levy to the Tribunal on behalf of the participant.

(2) If the livestock dealer fails to deduct or remit the levy to the Tribunal, the livestock dealer is jointly and severally liable to the Tribunal for the levy.

Dealing in livestock dealer's name

64(1) A livestock dealer's agent shall, before dealing in livestock or livestock products, disclose to the person with whom the livestock dealer's agent is dealing the name of the livestock dealer on whose behalf the livestock dealer's agent is acting.

(2) A livestock dealer's agent shall deal in livestock or livestock products in the name under which the livestock dealer for whom the livestock dealer's agent is acting as an agent is licensed.

(3) A livestock dealer or livestock dealer's agent shall pay sale proceeds in the name under which the livestock dealer is licensed.

Sale or supply prohibited

65 A livestock dealer or livestock dealer's agent shall not sell or supply livestock or livestock products to a person dealing in livestock or livestock products who the livestock dealer or livestock dealer's agent knows or ought to know is not licensed.

Record keeping and retention

66(1) A livestock dealer shall make and retain detailed records in the form and manner required by the Minister with respect to the dealing in livestock or livestock products by the livestock dealer or livestock dealer's agent.

(2) The records shall include

- (a) copies of all documents related to the dealings that come into the livestock dealer's or livestock dealer's agent's possession, and
 - (b) financial and trust account records.
- (3) The records must be retained for 10 years and must be provided to the Minister upon request.

Trust accounts

67(1) A livestock dealer required to maintain a trust account under section 17(2) of the Act shall operate the trust account in the form and manner required by the Minister.

(2) A withdrawal from a trust account must be made by a cheque or bank transfer that is identified as a withdrawal from a trust account.

(3) A livestock dealer shall deposit trust money within one business day of receipt of the trust money.

(4) If a person requests that trust money held on that person's behalf be provided to the person, the balance of the trust money shall be provided within 2 business days of the request.

Livestock weight

68 A livestock dealer or a livestock dealer's agent who purchases or sells livestock by weight shall

- (a) weigh the livestock on a weigh scale approved under the *Weights and Measures Act* (Canada) at the time of sale,
- (b) if the livestock dealer or livestock dealer's agent is not the owner of the livestock, provide the owner with a copy of the official scale ticket, and
- (c) use the weight from the official scale ticket in a bill of sale, invoice or settlement statement.

Required sale transaction documentation

69 If one or more livestock dealers or livestock dealer's agents are involved in a sale transaction, a livestock dealer or livestock dealer's agent shall document the sale transaction in the form of a settlement statement for the purpose of section 14 of the Act.

Part 6 Miscellaneous

Division 1 Establishment and Operation of Tribunal

Tribunal

70(1) The Tribunal shall consist of one person appointed by each association authorized under this section.

(2) Subject to section 73, the following associations are authorized to appoint a person to the Tribunal:

- (a) Alberta Auction Markets Association;
- (b) Alberta Beef Producers;
- (c) Alberta Cattle Feeders Association;
- (d) Feeder Associations of Alberta Ltd.;
- (e) Alberta Livestock Dealers and Order Buyers Association;
- (f) Western Stock Growers Association;
- (g) any other association designated in accordance with section 71.

Designated associations

71(1) The Tribunal may, by resolution, designate an association for the purposes of section 70(2)(g).

(2) The resolution is not effective unless approved by the Minister.

Requirement to appoint

72(1) For the purpose of section 70, an association that is authorized to appoint a person to the Tribunal shall appoint 2 persons, one of which will act in the event the other is unwilling or unavailable to act.

(2) An appointment is not effective unless approved by the Minister.

Revocation and reinstatement of authorization

73(1) The Tribunal may, by unanimous resolution, revoke the authorization of an association to appoint a person to the Tribunal if, without a satisfactory explanation,

- (a) the association fails to appoint 2 persons in accordance with section 72, or
 - (b) both persons appointed by the association fail to attend a meeting of the Tribunal.
- (2) For the purposes of a resolution under subsection (1), the Tribunal does not include a member appointed by the association whose authorization may be revoked.
- (3) The Tribunal may, by unanimous resolution, reinstate the authorization of an association to appoint a person to the Tribunal.
- (4) A resolution under this section is not effective unless approved by the Minister.

Chair

- 74(1)** The Tribunal shall elect a person appointed to the Tribunal as chair.
- (2) In the event of a tie, the chair has an additional vote.

Quorum

- 75(1)** Subject to subsection (2), 2/3 of the Tribunal constitutes a quorum.
- (2) One hundred percent of the Tribunal constitutes a quorum for the purpose of
- (a) assessing a claim,
 - (b) hearing an appeal, or
 - (c) authorizing or revoking or reinstating the authorization of an association to appoint a person to the Tribunal.

**Division 2
Fees****Registry fees**

- 76** The following fees are prescribed for the purpose of sections 2, 5, 6 and 7 of the Act:
- (a) to register a brand or to change the registered description or location of a brand \$220;

- (b) to register an honorary brand or to change the registered description or location of an honorary brand \$275;
- (c) to transfer ownership of a registered brand or honorary brand \$50;
- (d) to search the registry to obtain a certified copy of an extract of the registry's records \$25.

Inspection fees

77(1) The fee for an inspection, other than an inspection for a special permit, is

- (a) per head of livestock, excluding horses, \$1.25, and
- (b) per horse, \$2.

(2) The fee for an inspection for a special permit is \$10 per head of livestock.

(3) The minimum inspection fee under subsection (1) or (2) is

- (a) \$20, or
- (b) in the case of an inspection for the purpose of a lifetime horse permit, \$30.

AR 208/2008 s77;146/2012

Inspection fee reduction - grazing

78 The inspection fee for an inspection of livestock may be reduced by the Minister by 50% if

- (a) the full fee is received by the Minister in accordance with the Act,
- (b) the inspection was for the purpose of issuing a livestock permit,
- (c) the livestock permit is used to transport or drive livestock outside of Alberta for the purpose of grazing at a location and in a jurisdiction approved by the Minister,
- (d) Part B of the livestock permit
 - (i) was completed by the inspector when the livestock permit was issued, and
 - (ii) was not amended to change the person or destination for delivery,

- (e) the livestock was not sold, and
- (f) in the same calendar year during which the livestock permit is issued,
 - (i) the livestock, as described in the livestock permit, returns to Alberta after grazing,
 - (ii) the livestock is inspected in the approved jurisdiction for the purpose of returning to Alberta and an inspection fee was paid, and
 - (iii) the owner of the livestock or the owner's agent applies to the Minister in the form and manner required by the Minister for a fee reduction.

Special permit fee

79(1) The fee for a special permit issued without an inspection is \$10 per head of livestock under the special permit.

(2) The minimum special permit fee under subsection (1) is \$20.

Collection of inspection fees

80(1) An owner and operator of an inspection site shall pay the inspection fees due for inspections carried out at the inspection site to the Minister within 7 days of a request for payment by the Minister.

(2) An owner and operator of an inspection site may deduct a 5% commission from all inspection fees paid to the Minister.

Licence fees

81 The following are the licence fees for the purpose of section 49:

- (a) to issue or renew a livestock dealer's licence \$100;
- (b) to issue or renew a livestock dealer's agent's licence \$50;
- (c) to reinstate a suspended livestock dealer's licence \$50;
- (d) to reinstate a suspended livestock dealer's agent's licence \$25.

Division 3 Information and Offences

Collection of third party information

82 For the purposes of the *Freedom of Information and Protection of Privacy Act*, personal information is authorized to be collected from a third party for the following purposes:

- (a) the registration of a brand or honorary brand;
- (b) issuing, renewing, reinstating, suspending or cancelling a licence;
- (c) issuing, completing or cancelling a permit;
- (d) an inspection, including a notice of a proposed or required inspection;
- (e) a claim against security or an assurance fund, including a notice of a claim.

AR 208/2008 s82;43/2009

Offences

83(1) A person is guilty of an offence if the person

- (a) contravenes sections 5(5) and (6), 11, 21, 22, 25, 28, 30(a) and (b)(ii), 31(2), 32(2), 36, 41(4), 54, 59, 60, 63 to 69 or 94,
- (b) fails to remit an inspection fee to an inspector or an owner or operator of an inspection site,
- (c) fails to return a permit required under section 24(3)(b),
- (d) not being the owner of the livestock completes a livestock security interest declaration in respect of the livestock, or
- (e) fails to pay a levy as required by section 69(2) of the Act.

(2) The offences in subsection (1) are in addition to the offences set out in sections 11, 44 and 64 of the Act.

Division 4 Transition of Matters to Act

Interpretation

84(1) In this Division,

- (a) “new enactment” means the Act and the regulations under the Act;
- (b) “previous enactment” means the following Acts and the regulations under the following Acts:
 - (i) *Brand Act*;
 - (ii) *Livestock Identification and Brand Inspection Act*;
 - (iii) *Livestock and Livestock Products Act*.

(2) The provisions in this Division respecting the transition of matters from a previous enactment to the new enactment do not limit the application of section 35 or 36 of the *Interpretation Act* except as specifically set out in this Part.

Brand registry

85 The Minister shall enter in the registry all brands or honorary brands that were registered under a previous enactment.

Licence

86 If a licence issued under a previous enactment has not expired or been cancelled, that licence is deemed to be issued under the new enactment.

Inspectors

87 A person appointed as an inspector under a previous enactment is deemed to be designated as an inspector under the new enactment.

Withheld sale proceeds

88 A claim for the return of settlement funds withheld under a previous enactment because ownership of the livestock could not be determined is subject to the limitation period for making the claim set out in the new enactment.

Livestock manifest

89 A livestock manifest in the form required under a previous enactment is permitted as an alternative to the livestock manifest required under the new enactment until March 31, 2009.

Livestock permit

90(1) A permit issued under a previous enactment that has not expired is deemed to be issued under the new enactment.

(2) A requirement to obtain a permit under section 16 does not take effect until 30 days after the coming into force of this Regulation.

Rules

91 All Rules made by a delegated authority under a previous enactment are deemed to have been made under the new enactment, insofar as they are not inconsistent with the new enactment.

Assurance Funds

92 The levies collected under a previous enactment and the interest on those levies shall be paid,

- (a) if the levies were collected with respect to the sale or supply of assured livestock to a licensed person, into the Livestock Assurance Fund, and
- (b) if the levies were collected with respect to the sale of assured livestock to an unlicensed person, into the Livestock Dealers' Assurance Fund.

Appeal to Court of Appeal

93 A decision of a Tribunal issued after the coming into force of the new enactment is subject to the limitation period for an appeal to the Court of Appeal in the new enactment notwithstanding the claim on which the decision is based arose under a previous enactment.

Document retention

94 A person required to retain a document for 2 years under a previous enactment is required to retain that document for 10 years and to provide the document to the Minister upon request if, on the coming into force of the new enactment, the document

- (a) is still required to be retained under a previous enactment,
or
- (b) has not been previously disposed of.

Division 5 Other

Repeals

95 The following regulations are repealed:

- (a) *Brand Regulation* (AR 217/98);
- (b) *Livestock Identification and Brand Inspection Fees Regulation* (AR 216/98);
- (c) *Livestock Identification and Brand Inspection Regulation* (AR 195/98);
- (d) *Application and Licence Form Regulation* (AR 215/98);
- (e) *Fees Regulation* (AR 222/98);
- (f) *Livestock Dealers and Livestock Dealers' Agents Regulation* (AR 66/98);
- (g) *Livestock Patrons' Claims Review Tribunal Regulation* (AR 257/97);
- (h) *Livestock Transportation Regulation* (AR 22/99);
- (i) *Section 8 Livestock Designation Regulation* (AR 198/98);
- (j) *Stock Yard Regulation* (AR 197/98);
- (k) *Weighing of Beef Carcasses Regulation* (AR 252/2002);
- (l) *Ribbon Branding of Carcasses Regulation* (AR 251/2002).

Expiry

96 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, 2017.

AR 208/2008 s96;92/2014

Coming into force

97 This Regulation comes into force on the coming into force of the *Livestock Identification and Commerce Act*.

Part C - Applicant Contact Information			
Location of the farm, ranch, pasture where the livestock bearing the brand will be kept			
Primary location: _____ Quarter - Sec - Twp - Rge - Mer. Premise ID #			
Mailing Address: _____			
Town/City, Prov, Postal Code: _____			
Phone: _____ Fax: _____			
E-mail Address: _____			
Part D - Description of the brand or honorary brand			
1st Choice	2nd Choice	3rd Choice	4th Choice
Location: _____	Location: _____	Location: _____	Location: _____
Does the applicant presently own a brand: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes: <input type="checkbox"/> Cattle Brand <input type="checkbox"/> Horse Brand			Description: Location: _____
Part E - Honorary Brands only			
The purpose of the honorary brand is to: <input type="checkbox"/> Promote the livestock industry, or <input type="checkbox"/> Recognize outstanding service to the livestock industry Description of how the honorary brand will be used to promote the livestock industry or to recognize outstanding service to the livestock industry:			
Part F - Signature of each individual applicant			
The undersigned hereby declare that all of the above information is true and correct.			
(Date)	(Printed name of applicant(s))	(Signature of applicant(s))	

Part G - Signature of Corporate or Partnership applicant	
The undersigned hereby declare that all of the above information is true and correct and that the undersigned has authority to complete this application on behalf of the partnership or the corporation.	
Date:	Print Name:
	Signature:
	Position:
This information is being collected for the purposes of brand registry records in accordance with the <i>Livestock Identification and Commerce Act</i> . Questions about the collection of this information can be directed to the Freedom of Information and Protection of Privacy Coordinator for the brand registry at 109, 264 Midpark Way SE, Calgary, Alberta T2X 1J6.	
Documents to submit with the Brand or Honorary Brand Application	
Corporations	Certificate of Incorporation Proof of filing of their annual return
Partnerships	Filed Declaration of Partnership
Any applicant operating under a trade name	Filed Declaration of Trade Name
If applying on behalf of an applicant under 18 years of age	Guardian's Acknowledgment of Responsibility (Form 1 under the <i>Minors' Property Act – Minors' Property Regulation</i>) available from Livestock Identification Services on request.
Permitted Brand Locations	
For Cattle: Left Shoulder, Left Rib, Left Hip, Right Shoulder, Right Rib, Right Hip	
For Horses: Left Jaw, Left Shoulder, Left Thigh, Right Jaw, Right Shoulder, Right Thigh	
Application Fee	
Application Fee payable to Livestock Identification Services Ltd. is:	
For a Brand: \$220 plus GST	
For an Honorary Brand: \$275 plus GST	

Schedule 2

LIVESTOCK IDENTIFICATION SERVICES LTD.

ZZ999999

ALBERTA LIVESTOCK MANIFEST							(Bar code)
Part A - Purpose of Manifest							
<input type="checkbox"/> Transport Only	Transport for Sale by:	<input type="checkbox"/> Owner	<input type="checkbox"/> Dealer on Behalf of Owner				
Check if Livestock Security Declaration is by Separate Document <input type="checkbox"/>							
Part B - Transportation and Sale Details							
Pen or Lot Number				Date YYYY/MM/DD			
Owner or Dealer Name (Print Clearly & Press Hard)						Phone #	
Owner or Dealer Address							
On Account Of							
Pay To (If Other Than Owner)				Address			
Transport From Address						Premises ID	
Transport To Name							
Transport To Address							
Description of Livestock							
Number	Colour	Kind	Brand(s)/ Identifier(s)	Loc.	AV	Other Information	
Total	Part C - Parts A and B Certification						
	I CERTIFY THAT PARTS A AND B ARE TRUE						
	X Signature of Owner or (if Permitted) Owner's Agent						
Part D - Inspector							
Adj. Total	Inspector Signature			Inspector #	Client #		
Sale Point #	Assur. Fund # Eligible	Check-off # Eligible		Livestock Permit #			

Part E - Transporter			
Transporter Name and Address		Trailer or Conveyance Licence #	
Transporter Signature		Phone #	Trucking Charges
Part F - Livestock Security Interest Declaration (If Sale by Owner)			
Name and Address of Holder of Livestock Security Interest in the Livestock or in the Dam of the Livestock or if None Indicate "NONE"			
I CERTIFY THAT THIS DECLARATION IS TRUE		Date	
X Signature of Owner		YYYY/MM /DD	
Part G - Destination			
Date and Time Received YYYY/MM/DD	Time	Count	Placed in Pen #
Received and Counted By: (Print Name) /Signature)			Premise ID #

Manifest # ZZ999999



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