

**AGRICULTURAL CREDIT ACT**  
[RSBC 1996] CHAPTER 9

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**Definitions**

**1** In this Act:

"**agricultural credit**" means financial assistance given to a farm operator;

"**farm operator**" means a person who satisfies the minister that the person operates a farm or is a person who is likely to do so, as defined by regulation.

**Agricultural credit**

**2** (1) A farm operator may apply to the minister for agricultural credit under this Act and the regulations.

(2) A farm operator may only receive agricultural credit for

(a) a farm operation for a purpose relating to one or more of the following:

(i) purchase of livestock;

(ii) clearing, breaking, irrigating, draining, diking, or fencing of land;

(iii) construction or improvement of farm buildings;

(iv) purchase of agricultural equipment;

(v) consolidation or other rearrangement of liabilities;

(vi) purchase of land or buildings;

(vii) development of a water supply;

(viii) purchase of plant materials and supplies, the purchase of production quotas and the acquisition of working capital, or

(b) other purposes relating to the development or operation of a farm and authorized by regulation under this Act.

**Guarantee**

**3** (1) Payment to a bank or credit union of all or a part of the money owing by a farm operator to the bank or credit union may be guaranteed on behalf of the government by the Minister of Finance and Corporate Relations or the minister responsible for this Act, if authorized by the Minister of Finance and Corporate Relations.

(2) The guarantee must be given in the form and manner prescribed by the Minister of Finance and Corporate Relations.

(3) The Minister of Finance and Corporate Relations and the minister responsible for this Act must not, without the prior approval of the Lieutenant Governor in Council, guarantee payment of money under this section if the total liability of all guarantees is more than \$15 million.

### **Loans**

4 The minister may lend money to a farm operator on the security, terms and conditions the minister requires.

### **Minister may discount or reimburse**

5 (1) On conditions the minister may require, the minister may discount or reimburse loan principal or interest owing or paid by a farm operator for agricultural credit obtained

(a) under this Act, or

(b) for a purpose referred to in this Act or the regulations.

(2) If the minister has discounted or reimbursed principal or interest under this section and it is determined that the farm operator was not eligible under this Act or the regulations, in addition to any other remedy, there may be deducted from any future money or agricultural credit payable to the farm operator under this Act an amount equal to the amount by which the farm operator was improperly given a discount or reimbursement.

### **Debt treated as taxes**

6 (1) If

(a) a farm operator fails to repay money lent to the farm operator under section 4, or

(b) an owner or occupier who entered into a contract under the *Agricultural Land Development Act*, R.S.B.C. 1979, c. 10, fails to pay an installment in accordance with the contract, the minister may forward to the Surveyor of Taxes for a rural area, or to the collector of a municipality for land in the municipality, a certificate containing a description of the land, the name of the farm operator or of the owner or occupier, and the total amount outstanding, whether the amount is then payable or not.

(2) The Surveyor of Taxes or the collector must add the amount to the assessment roll and it is then deemed to be taxes for all purposes of the *Taxation (Rural Area) Act* or the *Municipal Act*, including collection and recovery.

(3) An amount collected by a municipality must be sent to the Minister of Finance and Corporate Relations.

### **Charge on land**

7 (1) In addition to the procedure under section 6, the minister may file in the land title office a certificate showing

(a) a description of the land of the farm operator or of the owner or occupier, and

(b) that a guarantee has been made under section 3, a loan has been made under section 4 or a contract has been entered into under the *Agricultural Land Development Act*, R.S.B.C. 1979, c. 10.

(2) On application and without fee, the registrar of titles must enter the certificate against the indefeasible title to the land affected by the certificate.

(3) The entry constitutes an encumbrance on the land in favour of the government in the amount of the debt owing.

(4) On payment of the debt or on issue of a certificate under section 6, the minister must issue a certificate stating that the debt has been paid or added to the assessment roll.

(5) A certificate under subsection (4) must identify the land and, on application and on filing in the land title office, must be entered without fee as a release of the encumbrance under this section.

**Appropriation**

**8** (1) Money received by the government under this Act must be paid into the consolidated revenue fund.

(2) Money required for the purposes of this Act may be paid out of the consolidated revenue fund.

(3) The cumulative total of amounts paid out under this section must not exceed the cumulative total of the following amounts:

- (a) the cash balance of the Agricultural Land Development Fund as of March 31, 1982;
- (b) money received after March 31, 1982 under subsection (1) or under the *Agricultural Land Development Act*, R.S.B.C. 1979, c. 10;
- (c) an appropriation in a *Supply Act* of an amount to be paid out under this Act.

**Agreements with Canada or a province**

**9** The Lieutenant Governor in Council may, subject to the terms and conditions required by the order, authorize the minister to enter into an agreement on behalf of the government for agricultural credit that would, in the opinion of the Lieutenant Governor in Council, provide for the joint participation by the government and Canada or another province in agricultural credit.

**Power to make regulations**

**10** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

- (a) prescribing the terms and conditions for an application for agricultural credit;
- (b) prescribing limitations on agricultural credit or its form for a farm operator or class of farm operator;
- (c) prescribing interest rates;
- (d) for the purposes of this Act, establishing and maintaining, or authorizing the minister to establish and maintain, a corporation, branch or agency;
- (e) prescribing powers and duties of the minister, a corporation, branch or agency established under paragraph (d), or another person, respecting farm credit;
- (f) prescribing the powers of and the procedures to be followed by the minister, a corporation, branch, agency or another person, respecting the security for money advanced as, or guarantee given for, or collection of money owing as farm credit.

**Contracts under *Agricultural Land Development Act***

**11** A contract entered into under the *Agricultural Land Development Act*, R.S.B.C. 1979, c. 10, is deemed to have been entered into under this Act.