

# *The Chicken Marketing Plan Regulations*

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[Chapter A-15.21 Reg 13](#) (effective August 12, 2011).

## **NOTE:**

**This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.**

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## CHAPTER A-15.21 REG 13

### *The Agri-Food Act, 2004*

#### PART I

#### Title and Interpretation

##### Title

- 1 These regulations may be cited as *The Chicken Marketing Plan Regulations*.

##### Interpretation

- 2 In these regulations:

- (a) “**Act**” means *The Agri-Food Act, 2004*;
- (b) “**base quota**” means the number of kilograms of live chickens that a licensed producer is authorized to produce and sell in a particular production cycle as set out in the producer’s licence;
- (c) “**board**” means the marketing board known as the Chicken Farmers of Saskatchewan continued pursuant to section 6;
- (d) “**business day**” means a day other than a Saturday, Sunday or holiday;
- (e) “**chicken**” means any chicken produced from an egg of a domestic hen, but does not include a chicken that is:
  - (i) six months of age or older;
  - (ii) raised for egg production; or
  - (iii) used for egg production;
- (f) “**chicken product**” means chicken that has had the blood and feathers removed after slaughter, including chicken that has also had the following additional items removed:
  - (i) the respiratory, digestive, reproductive and urinary systems;
  - (ii) the head, the legs at the hock joints and the oil gland;
- (g) “**development levy**” means the development levy calculated pursuant to section 50;
- (h) “**director**” means a member of the board elected or appointed pursuant to Part VIII;
- (i) “**fund**” means the Saskatchewan Chicken Industry Development Fund established pursuant to section 52;
- (j) “**licence**” means a licence issued pursuant to these regulations;
- (k) “**licensed producer**” means a producer licensed pursuant to these regulations;

- (l) “**periodic quota**” means the percentage of the base quota allotted to a licensed producer that is apportioned by the board to the licensed producer during a specific production cycle, expressed as kilograms of live chicken;
- (m) “**plan**” means the Saskatchewan Chicken Marketing Plan continued pursuant to section 3;
- (n) “**processor**” means any person engaged in the business of processing chicken;
- (o) “**producer**” means:
- (i) any person engaged in the production, marketing, or production and marketing of chicken and includes the employer of that person;
  - (ii) a person who, under any lease or agreement, is entitled to a share of the chicken produced or the proceeds of its sale; and
  - (iii) a person who takes possession of any chicken under any form of security or legal proceedings for a debt;
- (p) “**production cycle**” means the period set out in a board order for the purpose of coordinating the production and marketing of chicken that is required to grow chicken to market weight;
- (q) “**production unit**” means any equipment, land, building or other structure used by a licensed producer for the production or marketing of chicken.

19 Aug 2011 cA-15.21 Reg 13 s2.

## PART II Plan

### Plan continued

- 3** The Saskatchewan Chicken Marketing Plan is continued.

19 Aug 2011 cA-15.21 Reg 13 s3.

### Application

- 4** Subject to any exemptions made by order of the board, the plan and the orders of the board made pursuant to the plan apply:

- (a) throughout Saskatchewan; and
- (b) to all persons engaged in the production, marketing or production and marketing of 1,000 or more chickens per year in Saskatchewan.

19 Aug 2011 cA-15.21 Reg 13 s4.

### Purpose

- 5** The purposes of the plan are:

- (a) to control and regulate the production and marketing of chicken and chicken products in Saskatchewan;
- (b) to maintain a fair and stable price for chickens and chicken products in Saskatchewan that relates to the cost of production;

- (c) to initiate, support and conduct studies and research connected with the production, marketing or production and marketing of chickens and chicken products, including studies and research respecting consumer demand for Saskatchewan-grown chicken and chicken products;
- (d) to initiate, support and conduct activities to promote the production, marketing or production and marketing of chickens and chicken products in Saskatchewan; and
- (e) to co-operate with the Governments of Saskatchewan and Canada and with any bodies empowered by an Act or an Act of the Parliament of Canada or of a province or territory of Canada to market chickens and chicken products or to promote, facilitate, control, regulate or prohibit the production or marketing of chickens and chicken products.

19 Aug 2011 cA-15.21 Reg 13 s5.

### PART III Board

#### Board continued

- 6(1)** The marketing board known as the Chicken Farmers of Saskatchewan is continued as a marketing board pursuant to the Act consisting of a maximum of five directors elected in accordance with Part VIII.
- (2) A vacancy in the office of a director does not impair the power of the remaining directors to act.
  - (3) The board shall administer the plan.

19 Aug 2011 cA-15.21 Reg 13 s6.

#### Powers of the board

- 7** Subject to the other provisions of these regulations, the board may exercise the following powers that are set out in section 8 of the Act:
- (a) the power to carry out educational, research and developmental programs related to chicken;
  - (b) the power to require any or all persons engaged in the production, marketing or production and marketing of chicken to register with the board;
  - (c) the power to set and collect registration fees and charges for services rendered by the board from any person engaged in the production, marketing or production and marketing of chicken;
  - (d) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of chicken;
  - (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of chicken for the purpose of setting and collecting the fees, charges or levies mentioned in clauses (c) and (d);
  - (f) the power to set and collect penalties from any person who:
    - (i) is engaged in the production, marketing or production and marketing of chicken; and
    - (ii) contravenes an order of the board;

- (g) the power to recover any unpaid fees, charges, levies or penalties mentioned in clause (c), (d) or (f) by an action in a court of competent jurisdiction;
- (h) the power to require any person engaged in the production, marketing or production and marketing of chicken to furnish the board with any information or records relating to that production or marketing that the board considers necessary;
- (i) the power to market, grade or insure chicken, either as principal or agent;
- (j) the power to:
  - (i) employ any officers and employees that it considers necessary to administer the plan; and
  - (ii) determine the duties, conditions of employment and remuneration of its officers and employees;
- (k) the power to establish or support a group insurance plan, a pension plan or any other employee benefit programs for its officers and employees mentioned in clause (j) and their dependants;
- (l) the power to use any money received by the board to carry out the purposes of the plan and to pay the expenses of the board;
- (m) the power to borrow, raise or secure the payment of money in any manner that the board considers appropriate for the purpose of administering the plan;
- (n) the power to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange or other negotiable or transferable instruments;
- (o) the power to make grants or loans to any person, organization, agency, institution or body within or outside Saskatchewan, for the purposes of the plan;
- (p) the power to give financial guarantees respecting the indebtedness of any person if the board considers it necessary or advisable for the purposes of the plan;
- (q) the power to purchase, take on lease or exchange or otherwise acquire real and personal property related to the business of the board, and to insure, sell or otherwise dispose of any of its property;
- (r) the power to grant a mortgage or security interest in any of the board's real or personal property;
- (s) subject to section 35 of the Act, the power to enter into any agreement with any person, agency, organization, institution or body within or outside Saskatchewan for any purpose related to the exercise of any of the powers or the carrying out of any of the duties of the board in relation to the plan;

- (t) the power to:
  - (i) require any person who owes money to a producer with respect to the sale by the producer of chicken to pay the money to the board; and
  - (ii) distribute the moneys paid to the board pursuant to subclause (i), in the manner determined by the board, to the producer to whom the moneys are owing;
- (u) the power to:
  - (i) purchase or acquire by any other means, in the open market or otherwise, any securities of any corporation; and
  - (ii) hold membership in any corporation;
- (v) the power to:
  - (i) hold, sell, transfer or otherwise deal with any of the securities mentioned in clause (u); and
  - (ii) exercise any rights, including the right to vote, as:
    - (A) an owner of the securities mentioned in clause (u); or
    - (B) a member;
- (w) the power to register a business name pursuant to *The Business Names Registration Act*;
- (x) the power to prescribe the manner in which reimbursement for expenses of the directors is to be determined and paid;
- (y) the power to control, regulate or control and regulate all or any of the following:
  - (i) the manner of distributing chicken;
  - (ii) the quantity of chicken that may be produced or marketed by any person at any time;
  - (iii) the quality or the variety, class or grade of chicken that may be produced or marketed by any person at any time;
- (z) the power to prohibit in whole or in part the production or marketing of any variety, class or grade of chicken;
- (aa) the power to regulate the time and place at which, and the legal entity through which, chicken or any variety, class or grade of chicken is to be marketed;
- (bb) the power to set or determine the price, the maximum price, the minimum price or any combination of the maximum price and minimum price at which chicken or any variety, class or grade of chicken may be bought or offered for sale in Saskatchewan;
- (cc) for the purposes of clause (bb), the power to set or determine different prices for different areas of Saskatchewan;
- (dd) the power to establish the manner in which returns from the market are to be distributed to producers of chicken;

(ee) the power to require any or all persons engaged in the production, marketing or production and marketing of chicken to do all or any of the following:

- (i) obtain a licence from the board;
- (ii) provide any guarantees of financial responsibility that the board considers necessary;

(ff) the power to:

- (i) issue licences to any or all persons producing, marketing or producing and marketing chicken in accordance with criteria set out in an order of the board;
- (ii) determine the fees payable for a licence and to require payment of those fees;
- (iii) categorize persons producing, marketing or producing and marketing chicken for the purpose of determining the fees mentioned in subclause (ii); and
- (iv) recover the fees mentioned in subclause (ii) by an action in a court of competent jurisdiction;

(gg) subject to section 9 of the Act, the power to suspend, cancel or reinstate a licence mentioned in clause (ff) in accordance with criteria established by order of the board for the suspension, cancellation or reinstatement of licences.

19 Aug 2011 cA-15.21 Reg 13 s7.

#### **Books and records**

8(1) The board shall:

- (a) maintain any books and records that may be required for the administration of the plan; and
- (b) keep those books and records open for inspection by the council at any reasonable time.

(2) The board shall maintain a head office in Saskatchewan.

(3) The board shall prepare an annual report containing:

- (a) a copy of the audited financial statement of the board for its previous fiscal year;
- (b) a description of:
  - (i) the state of the industry; and
  - (ii) the activities of the board for its previous fiscal year; and
- (c) a list of the names of the directors of the board.

(4) The board shall make the annual report mentioned in subsection (3) available:

- (a) to the council;
- (b) at the annual general meeting of licensed producers; and
- (c) on request to any licensed producer.

19 Aug 2011 cA-15.21 Reg 13 s8.

**Appointment of auditor**

**9(1)** The licensed producers:

(a) shall, at each annual general meeting, appoint an auditor to audit the books, records and financial statements of the board for the current fiscal year; and

(b) may, at any special general meeting, appoint an auditor to audit the books, records and financial statements of the board for the current fiscal year.

(2) If the licensed producers fail to appoint an auditor pursuant to clause (1)(a) for a fiscal year, the council shall appoint an auditor to audit the books, records and financial statements of the board for that fiscal year.

(3) Any person appointed as auditor pursuant to this section must:

(a) be independent of:

(i) the board; and

(ii) the directors and officers of the board; and

(b) be a member in good standing of a recognized accounting profession that is regulated by an Act.

19 Aug 2011 cA-15.21 Reg 13 s9.

**Committees**

**10(1)** The board may appoint any committee that it considers necessary or desirable for the proper operation of the plan.

(2) The members of a committee appointed pursuant to this section are entitled to any remuneration and reimbursement for expenses that the board may determine.

19 Aug 2011 cA-15.21 Reg 13 s10.

**Chairperson and vice-chairperson**

**11(1)** The board shall elect a chairperson and vice-chairperson from among the directors of the board at their first meeting in each year after new directors have been elected.

(2) The chairperson and vice-chairperson hold office at the pleasure of the board.

(3) The chairperson, or in the absence of the chairperson the vice-chairperson, shall preside over all meetings of the board.

19 Aug 2011 cA-15.21 Reg 13 s11.

**Quorum**

**12(1)** For the transaction of business at a duly called meeting of the board:

(a) a majority of the board constitutes a quorum; and

(b) a decision of a majority of those directors comprising a quorum is a decision of the board.

(2) In the case of a tie vote the chairperson, or in the absence of the chairperson the vice-chairperson, may cast the deciding vote.

19 Aug 2011 cA-15.21 Reg 13 s12.

**Policies re conflict of interest and code of conduct**

**13** Within six months after the coming into force of these regulations, the board shall prepare and submit to the council:

- (a) a conflict of interest policy for the directors; and
- (b) a policy respecting a code of conduct for the directors.

19 Aug 2011 cA-15.21 Reg 13 s13.

**Conflicts of interest**

**14(1)** No director shall:

- (a) fail to disclose to the board any conflict of interest that the director may have; or
  - (b) vote on any matter with respect to which the director has any direct or indirect financial interest that is different from the financial interest of other producers.
- (2) If the board is uncertain whether or not a director has a conflict of interest mentioned in clause (1)(a) or (b), the board must adjourn the matter until the conflict of interest issue is resolved pursuant to the policies mentioned in section 13.

19 Aug 2011 cA-15.21 Reg 13 s14.

**Bank accounts**

**15** The board may open accounts in the name of the board in a bank, credit union or trust corporation licensed pursuant to *The Trust and Loan Corporations Act, 1997* and appoint signing officers.

19 Aug 2011 cA-15.21 Reg 13 s15.

**Investments**

**16** The board may:

- (a) invest any money in its possession or control that is not immediately required for the purposes of the plan or its operations in any class of investments authorized for the investment of money in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
- (b) dispose of any investment made pursuant to clause (a) in any manner and on any terms that the board considers advisable.

19 Aug 2011 cA-15.21 Reg 13 s16.

**Fiscal year**

**17** The fiscal year of the board is the period commencing on January 1 in one year and ending on December 31 of that year.

19 Aug 2011 cA-15.21 Reg 13 s17.

**Financial plan**

**18** The board shall prepare and approve a financial plan of its operations at the beginning of each fiscal year.

19 Aug 2011 cA-15.21 Reg 13 s18.

**Meetings of licensed producers**

- 19(1)** An annual general meeting of licensed producers:
- (a) is to be held on or before April 30 in each year; and
  - (b) is to be held at a place and time determined by the board.
- (2) The board:
- (a) may call a special general meeting of licensed producers at any time; and
  - (b) shall call a special general meeting on the written request of not less than 10 licensed producers.
- (3) The board shall notify all licensed producers, in writing:
- (a) for an annual general meeting of licensed producers, of the date, time, location and agenda not less than 30 days before the date on which the annual general meeting commences; and
  - (b) for a special general meeting of licensed producers, of the date, time, location and agenda not less than 15 days before the date on which the special general meeting commences.
- (4) The notice mentioned in subsection (3) may be sent:
- (a) by ordinary or registered mail; or
  - (b) at the request of a licensed producer, by facsimile or electronic mail.
- (5) If a notice is sent pursuant to clause (4)(b), it is deemed to have been received on the next business day after it was sent.
- (6) The quorum at an annual or special general meeting of licensed producers is the greater of:
- (a) 10 licensed producers; and
  - (b) 30% of licensed producers.
- (7) The board shall present to the annual general meeting:
- (a) the financial plan it has approved for the current fiscal year; and
  - (b) an outline of programs and activities it has planned for the current fiscal year.
- (8) Any change to the remuneration to be paid to the directors of the board is to be determined by motion of the board and approved by a vote of licensed producers at the next annual general meeting or special general meeting.
- (9) At an annual general meeting or special general meeting, licensed producers may debate and take a vote by show of hands on any questions or resolutions respecting the purposes of the plan.

**PART IV**  
**Board Orders**

**Board orders**

**20(1)** The chairperson, or in the absence of the chairperson the vice-chairperson, shall sign every order issued by the board pursuant to section 12 of the Act.

(2) The board shall number in consecutive order, retain and make available for inspection at its head office by any licensed producer or any other person designated by the council, original copies of all orders that have been approved by the council pursuant to section 12 of the Act.

(3) The board shall:

(a) cause all orders of the board to be published in the Gazette and in any other media it considers appropriate;

(b) cause every order of the board to be sent to any person the board considers affected by the order; and

(c) annually review the orders of the board and consolidate them.

19 Aug 2011 cA-15.21 Reg 13 s20.

**PART V**  
**Licensing**

**Licence required**

**21(1)** Subject to subsection (2), no person shall produce and sell chickens unless that person has a licence authorizing the person to produce and sell chickens.

(2) Subject to subsection (5), the board may make an order exempting a communal organization from the requirement to obtain a licence pursuant to subsection (1) if the communal organization provides the board with a business plan that is acceptable to the board.

(3) In an order made pursuant to subsection (2), the board:

(a) shall state the maximum number of chickens that may be produced by the communal organization for the term set out in the order; and

(b) may impose any other terms, conditions or restrictions on an exemption granted pursuant to this section, and the communal organization must comply with those terms, conditions or restrictions.

(4) The board may, by board order, remove any exemption granted pursuant to this section and, if the board removes the exemption, subsection (1) applies to the communal organization.

(5) The maximum number of chickens that may be produced in accordance with clause (3)(a) for all communal organizations shall not exceed 1.5% of Saskatchewan's total allocated base quota for any given year.

19 Aug 2011 cA-15.21 Reg 13 s21.

**Application for licence or renewal of licence**

**22** Every applicant for a licence or a renewal of a licence shall:

- (a) apply to the board in the form provided by the board;
- (b) provide the board with:
  - (i) an address, telephone number and any facsimile number or electronic mail address at which the applicant can be contacted;
  - (ii) the following information for each production unit at which the applicant wishes to operate:
    - (A) the legal land description for the land on which the production unit is located;
    - (B) a site plan for the production unit; and
  - (iii) any other information or material that the board may reasonably require;
- (c) submit to the board any fees required pursuant to a board order; and
- (d) satisfy any other criteria set out in an order of the board.

19 Aug 2011 cA-15.21 Reg 13 s22.

**Issuance or renewal of licence**

**23(1)** In this section, “**quota unit**” means a unit of base quota that is equivalent to the production, marketing or production and marketing of one kilogram of live chicken in a production cycle.

- (2) The board may:
  - (a) issue a licence to an applicant, or renew the licence of an applicant, if the board:
    - (i) receives an application pursuant to section 22;
    - (ii) is satisfied that the applicant satisfies the criteria for the licence set out in an order of the board and has otherwise complied with the Act and these regulations;
    - (iii) is satisfied that the applicant has the experience, equipment and financial responsibility to engage in or to continue to engage in the activity to which the application relates; and
    - (iv) is satisfied that the applicant is suitable to be licensed and the proposed licensing is not for any reason objectionable; or
  - (b) refuse to issue or renew a licence.
- (3) The board shall keep and maintain at its head office a register containing:
  - (a) the name and address of every licensed producer;
  - (b) the legal land description for the land on which each production unit of every licensed producer is located; and
  - (c) the base quota of every licensed producer, expressed as the maximum number of quota units.

19 Aug 2011 cA-15.21 Reg 13 s23.

**Effect of licence**

**24** A producer licence authorizes the licensee:

- (a) to produce chickens up to the base quota allotted pursuant to Part VI and stated on the licence; and
- (b) to sell the chickens produced in accordance with clause (a) to:
  - (i) registered processors; and
  - (ii) consumers.

19 Aug 2011 cA-15.21 Reg 13 s24.

**Terms and conditions**

**25(1)** At the time a licence is issued or renewed, the board may:

- (a) allocate a base quota in accordance with Part VI that shall be noted on the licence; and
  - (b) impose any other terms and conditions that the board considers necessary.
- (2) Subject to subsection (4), at any time after a licence is issued, the board may do all or any of the following:
- (a) amend, modify or vary terms and conditions imposed on a licence;
  - (b) impose new terms and conditions on a licence;
  - (c) repeal terms and conditions imposed on a licence and substitute new terms and conditions.
- (3) No person who holds a producer licence shall fail to comply with the terms and conditions imposed on his or her licence.
- (4) The board shall not take any action mentioned in clauses (2)(a) to (c) without giving the holder of the licence an opportunity to be heard at least 15 business days before it takes action.

19 Aug 2011 cA-15.21 Reg 13 s25.

**Suspension or cancellation of licence**

**26(1)** Subject to section 9 of the Act, the board may suspend or cancel a licence:

- (a) on any ground on which the board might have refused to issue or renew the licence pursuant to section 23;
  - (b) if a licensee has failed to comply with the Act or any regulations made pursuant to the Act, the plan, or an order or direction of the board or the council;
  - (c) if there is a change in ownership of the licensee; or
  - (d) if a licensee has not produced any of the base quota stated in the licence.
- (2) If the board considers it appropriate to do so, and on receipt of any reinstatement fee required by board order, the board may reinstate a licence that has been suspended.

19 Aug 2011 cA-15.21 Reg 13 s26.

**Licence not transferable**

**27** A licence issued, renewed or reinstated pursuant to these regulations is not transferable or assignable.

19 Aug 2011 cA-15.21 Reg 13 s27.

**Expiry of licence**

**28** Every licence expires on the date set out in a board order, unless the licence has been renewed.

19 Aug 2011 cA-15.21 Reg 13 s28.

**Licensed producer to notify board re new production unit**

**29** If a licensed producer acquires a new production unit that is not noted on the producer's licence, the licensed producer shall notify the board in writing and provide the board with the following information:

- (a) the legal land description for the land on which the production unit is located;
- (b) a site plan for the production unit; and
- (c) any other information or material that the board may reasonably require.

19 Aug 2011 cA-15.21 Reg 13 s29.

## PART VI Quota

**Quota**

**30** When the board issues or renews a licence pursuant to section 23, the board shall allocate a base quota to the licensee.

19 Aug 2011 cA-15.21 Reg 13 s30.

**Transfer of base quota**

**31(1)** Subject to subsection 25(4), the board may, on the request of a licensed producer, make an order approving the transfer of all or part of a licensed producer's base quota to another licensed producer on any terms and conditions that the board considers appropriate.

(2) If the board approves the transfer of all or part of a licensed producer's base quota to another licensed producer:

- (a) the board shall amend the licence of each producer to reflect the new base quota allocations; and
- (b) the transfer is not effective until the licence of each producer is amended in accordance with clause (a).

19 Aug 2011 cA-15.21 Reg 13 s31.

**Lease of base quota**

**32(1)** No licensed producer shall lease all or any part of the licensed producer's base quota without the prior approval of the board.

(2) Any lease of a licensed producer's base quota that does not comply with this section is void.

(3) Subject to these regulations, the board shall issue an order respecting the leasing of base quota including:

- (a) rules respecting the application for approval to lease; and
- (b) eligibility requirements that lessees must meet.

(4) The board shall not approve any application to lease a base quota unless the lessee is a licensed producer.

19 Aug 2011 cA-15.21 Reg 13 s32.

**Acquiring base quota by auction**

**33(1)** If the board wishes to offer base quota for sale as a result of an expansion of the provincial base quota or the cancellation of a licensed producer's base quota, the board shall offer the base quota for sale by auction in accordance with this section.

(2) The board shall issue an order respecting:

- (a) the manner of acquiring additional base quota by auction;
- (b) the time, date and place of an auction;
- (c) subject to these regulations, the eligibility requirements to participate in an auction; and
- (d) procedures and rules governing sales by auctions.

(3) The board shall deposit in the fund all moneys it collects from the sale of base quota pursuant to this section that was sold by auction as a result of an expansion of the provincial base quota.

19 Aug 2011 cA-15.21 Reg 13 s33.

**Adjustments to quota allocations**

**34(1)** Subject to subsections (2) to (4), no licensed producer shall produce and sell chickens in excess of the periodic quota stated in his or her licence.

(2) If a licensed producer produces and sells chickens in excess of the periodic quota stated in his or her licence, the board may:

- (a) reduce that licensed producer's periodic quota allocation in a subsequent production cycle by the amount by which the periodic quota was exceeded; or
- (b) adjust the number of production cycles per year or their length by board order.

(3) Subject to these regulations, the board shall make an order establishing procedures and rules respecting:

- (a) reducing a licensed producer's base quota allocation;
- (b) reducing a licensed producer's periodic quota allocation in the circumstances set out in subsection (2), including establishing a schedule in which decreases in periodic quota allocation are to occur; and
- (c) increasing a licensed producer's periodic quota allocation in the event that the licensed producer produces and sells less chicken than is permitted in the periodic quota stated in his or her licence, including establishing a schedule in which increases in periodic quota allocation are to occur.

(4) Any adjustment to the number of production cycles per year or their length by board order pursuant to clause (2)(b) is deemed not to increase the base quota allocated to a licensed producer as set out on his or her licence.

19 Aug 2011 cA-15.21 Reg 13 s34.

**Production efficiency zones**

**35** The board may make an order:

- (a) designating a geographic area of Saskatchewan as a production efficiency zone; and
- (b) directing that a licensed producer that has a production unit outside of a production efficiency zone is subject to additional freight charges for the delivery of live chickens from that production unit to a processor.

19 Aug 2011 cA-15.21 Reg 13 s35.

**Production units**

**36** The board may make an order establishing policies and procedures respecting production units, or any component of a production unit, including:

- (a) setting out a minimum and maximum size; and
- (b) setting out the formula for determining the size.

19 Aug 2011 cA-15.21 Reg 13 s36.

**Production limits**

**37** The board may make an order limiting the amount of base quota held in total by all production units located within a production efficiency zone designated by the board for the purpose of limiting economic losses due to disease outbreak or other natural disasters that may affect the production and marketing of chicken.

19 Aug 2011 cA-15.21 Reg 13 s37.

## PART VII Processors

**Registration of processors**

**38(1)** Every processor shall register with the board at the time and in the manner determined by order of the board.

(2) The board shall keep and maintain at its head office a register containing the name and address of every registered processor.

19 Aug 2011 cA-15.21 Reg 13 s38.

**Suspension and cancellation of registrations**

**39(1)** The board may cancel or suspend a registration if the registered processor has contravened:

- (a) the Act;
- (b) the plan;
- (c) these regulations; or
- (d) an order or direction of the board.

(2) The board shall establish, by order, procedures respecting the cancellation or suspension of a registration pursuant to this section.

(3) If the board suspends or cancels a registration pursuant to this section, the board must advise the registered processor in writing of its decision.

19 Aug 2011 cA-15.21 Reg 13 s39.

**Restrictions on processors**

40(1) No processor shall purchase chickens produced in Saskatchewan for processing from persons other than licensed producers.

(2) No processor shall purchase any chicken for an amount that is less than the minimum price established by board order.

(3) No processor shall custom kill more than 1,000 chickens in a year for any person other than a licensed producer.

19 Aug 2011 cA-15.21 Reg 13 s40.

**PART VIII  
Elections**

**Eligibility**

41(1) Every licensed producer is eligible to hold office as a director of the board.

(2) Subject to subsection (5), a licensed producer that is a corporation, association, society or other designation is entitled to vote or hold office:

- (a) only through a designated representative appointed in writing; and
- (b) only if notice of that appointment has been filed with the board in a form and manner acceptable to the board.

(3) Except as provided in subsection (2), voting by proxy is prohibited.

(4) Subject to subsection (5), every licensed producer is entitled to one vote.

(5) No individual shall be entitled to more than one vote regardless of whether he or she is voting as an individual licensed producer or as a designated representative of a licensed producer.

19 Aug 2011 cA-15.21 Reg 13 s41.

**Nominations**

42(1) Any licensed producer is eligible to be nominated for election as a director of the board.

(2) The board shall:

- (a) on or before November 15 of each year, fix the last date for receipt of nominations for election to the board; and
- (b) at least 30 days before the last date for receipt of nominations, notify licensed producers that nominations are being accepted for the board and of the last date for receipt of nominations.

- (3) Every nomination is to be:
- (a) in writing in the form required by the board;
  - (b) signed by:
    - (i) two licensed producers;
    - (ii) two representatives of licensed producers appointed pursuant to subsection 41(2); or
    - (iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling two persons; and
  - (c) delivered to the returning officer on or before the date fixed pursuant to clause (2)(a) for receipt of nominations.

19 Aug 2011 cA-15.21 Reg 13 s42.

**Returning officer**

43(1) Subject to subsection (2), the board shall appoint a returning officer to conduct an election pursuant to section 44.

(2) Producers, buyers, processors and officers and employees of the board are not eligible to be appointed pursuant to subsection (1).

(3) The returning officer appointed pursuant to subsection (1) is responsible for all administrative procedures relating to conducting an election.

19 Aug 2011 cA-15.21 Reg 13 s43.

**Conduct of elections**

44(1) If not more than the required number of candidates are nominated pursuant to section 42, the candidates nominated are deemed to be elected by acclamation.

(2) If more than the required number of candidates are nominated pursuant to section 42, the board shall:

- (a) fix a date for the completion of the election; and
- (b) at least 15 business days before the date fixed pursuant to clause (a), send by ordinary or registered mail to every licensed producer:
  - (i) the ballot and a plain envelope;
  - (ii) a profile of every candidate;
  - (iii) a certificate of eligibility to vote; and
  - (iv) a notice that states the time and date by which, and place to which, the ballot and certificate of eligibility to vote are to be returned.
- (3) Every licensed producer that wishes to vote in an election shall:
  - (a) complete and sign the certificate of eligibility to vote;
  - (b) complete the ballot provided by the board; and
  - (c) seal the ballot and certificate of eligibility to vote in the envelope provided and return it to the returning officer, either in person or by mail, by the date fixed for them to be returned.

- (4) The ballot of a licensed producer is not valid if:
- (a) the certificate of eligibility is not returned with the ballot;
  - (b) the licensed producer votes for more than the specified number of candidates;
  - (c) it is defaced;
  - (d) it is marked in any way other than to vote for candidates;
  - (e) it is not the original ballot provided by the board; or
  - (f) the individual who voted for the licensed producer voted more than once.
- (5) Ties are to be decided by the drawing of lots.

19 Aug 2011 cA-15.21 Reg 13 s44.

**Failure to receive documents does not invalidate election**

**45** The failure of any licensed producer to receive the documents mentioned in clause 44(2)(b) does not invalidate the election.

19 Aug 2011 cA-15.21 Reg 13 s45.

**Election results**

**46(1)** Within seven business days after the date fixed for the return of ballots pursuant to clause 44(3)(c), the returning officer shall send a notice to the board that:

- (a) in the case of directors elected by acclamation, declares those candidates to be directors of the board; or
  - (b) in the case of an election, declares those candidates receiving the greatest number of votes, up to the number of director positions to be filled, to be directors of the board.
- (2) As soon as possible after receiving a notice pursuant to subsection (1), but in any case no later than December 31 in any year, the board shall notify every licensed producer of the results of the election by ordinary or registered mail or by any other means the board considers appropriate.

19 Aug 2011 cA-15.21 Reg 13 s46.

**Term of office, vacancy**

**47(1)** Subject to subsection (4), a director of the board holds office:

- (a) in the case of an elected director, for a term of three years commencing on the first day of January following the election and until the director's successor is elected; or
  - (b) in the case of a director appointed pursuant to subsection (5), until the next election that is held after he or she is appointed and until the director's successor is elected.
- (2) Subject to subsection (3), a director is eligible for re-election.
- (3) If a director has completed three consecutive terms as set out in clause (1)(a), he or she is not eligible for re-election until one year has passed since the completion of the director's third consecutive term.

- (4) The office of a director becomes vacant if a director:
- (a) ceases to qualify as a licensed producer;
  - (b) resigns, dies or is unable to act;
  - (c) is absent from three consecutive meetings of the board without being excused by a resolution of the board; or
  - (d) fails to fulfil his or her duties as established by the policy of the board and approved by the council.
- (5) Notwithstanding subsection 6(1), if the office of a director becomes vacant, the board may appoint a licensed producer as a director to fill the vacancy until the next election.

19 Aug 2011 cA-15.21 Reg 13 s47.

#### **Retention of ballots**

**48** The returning officer shall:

- (a) retain the ballots in his or her possession; and
- (b) not destroy any ballot or other record respecting an election of directors before April 6 in the year following the election.

19 Aug 2011 cA-15.21 Reg 13 s48.

#### **Challenge to election results**

**49(1)** Any licensed producer may challenge the results of an election of directors, as declared by the returning officer pursuant to section 46, by submitting a written objection to the council.

- (2) A written objection submitted pursuant to subsection (1) must:
- (a) set out the grounds for the objection; and
  - (b) be received by the council by March 31 in the year following the election.
- (3) If the council receives a written objection in accordance with this section and is satisfied that the objection is neither frivolous nor vexatious, the council may appoint a vote recount officer to conduct a recount of the votes cast in the election.
- (4) If the council appoints a vote recount officer pursuant to subsection (3), the results of the election as determined by the vote recount officer are final.

19 Aug 2011 cA-15.21 Reg 13 s49.

## **PART IX Levies**

#### **Development levy**

**50(1)** Every producer engaged in the marketing of chicken shall pay to the board, at the times and in the manner determined by the board, a levy calculated in accordance with this section.

- (2) The levy mentioned in subsection (1):
- (a) is fixed at a rate of \$0.0025 per kilogram of chicken marketed by a producer until the board makes an order pursuant to subclause (b)(i); and

- (b) subject to subsection (3):
  - (i) is to be determined by order of the board; and
  - (ii) is to be based on a fixed rate for every kilogram of chicken marketed by a producer.
- (3) The board shall provide licensed producers:
  - (a) an opportunity to discuss the rate of the levy at annual general meetings and special general meetings; and
  - (b) at least 30 days' notice that the rate of the levy is to be discussed at an annual general meeting or special general meeting.
- (4) The board shall deposit all development levies collected pursuant to this section into the fund.
- (5) The board shall ensure that the development levy, in combination with all other moneys received in the fund, is set at a level sufficient to cover the fund's annual expenditures.

19 Aug 2011 cA-15.21 Reg 13 s50.

## PART X

### Saskatchewan Chicken Industry Development Fund

#### Purpose of fund

**51** The purposes of the fund are:

- (a) to assist in research connected with the production, marketing or production and marketing of chicken, including studies and research respecting consumer demand for chicken;
- (b) to support and conduct activities to promote and develop the production, marketing or production and marketing of chicken in Saskatchewan; and
- (c) to support and conduct any further activities that contribute to the well being of the chicken industry in Saskatchewan.

19 Aug 2011 cA-15.21 Reg 13 s51.

#### Fund established

**52(1)** The Saskatchewan Chicken Industry Development Fund is established.

(2) The fund consists of:

- (a) all levies paid to the board pursuant to section 50;
- (b) all moneys collected by the board pursuant to section 33;
- (c) all earnings on investments of the fund; and
- (d) all moneys received by the Development Fund Committee by way of grant, bequest, donation or otherwise for the purposes of these regulations.

(3) On transfer to the fund pursuant to section 61 of the assets and liabilities of the Saskatchewan Chicken Marketing Plan Trust Fund established for the purposes of section 39 of “The Saskatchewan Chicken Marketing Plan, 1978”, being Saskatchewan Regulations 387/78, the assets and liabilities of that trust fund become the assets and liabilities of the fund.

19 Aug 2011 cA-15.21 Reg 13 s52.

**Development Fund Committee**

**53(1)** The Development Fund Committee is established consisting of five members.

(2) The Development Fund Committee consists of:

- (a) three members elected in accordance with the board order made pursuant to subsection (3);
- (b) one director appointed by the board; and
- (c) one member of the council appointed by the council.

(3) The board shall, by order:

- (a) determine the procedure for electing, appointing or removing the elected members of the Development Fund Committee, including:
  - (i) prescribing eligibility to serve as a member;
  - (ii) prescribing eligibility to vote for members who are to be elected;
  - (iii) prescribing voting procedures;
  - (iv) prescribing provisions for filling any vacancy that may arise during a member’s term of office;
  - (v) specifying when a member becomes disqualified from continuing to act as a member and the procedures for removing that member; and
- (b) set out the terms of office of the members of the Development Fund Committee.

(4) If the member appointed pursuant to clause (2)(b) ceases to be a director the member ceases to hold office and the board shall appoint another director to the Development Fund Committee.

(5) If the member appointed pursuant to clause (2)(c) ceases to be a member of the council the member ceases to hold office and the council shall appoint another member to the Development Fund Committee.

(6) A vacancy in the office of a member of the Development Fund Committee does not impair the power of the remaining members of the committee to act.

(7) The members of the Development Fund Committee are entitled to remuneration and reimbursement for expenses that the board may determine.

(8) The Development Fund Committee shall administer the fund in accordance with these regulations and any orders of the board.

19 Aug 2011 cA-15.21 Reg 13 s53.

**Use of fund**

**54(1)** Subject to subsections (2) and (3), the Development Fund Committee may use moneys in the fund for the following purposes:

- (a) to make any payment that the Development Fund Committee members agree is consistent with the purposes of the fund;
  - (b) to pay for the expenses of administering the fund.
- (2) Notwithstanding subsection (1), no payments may be made pursuant to subsection (1) without the prior approval of the board and the council if the payment is for the purpose of:
- (a) investing in any processing or other facility not located in Saskatchewan; or
  - (b) funding or contributing to any initiative or series of initiatives in excess of the greater of:
    - (i) \$250,000; and
    - (ii) 5% of the balance of the fund at the beginning of a fiscal year.
- (3) The Development Fund Committee may not use money in the fund:
- (a) for political advocacy, promotion or action of any kind;
  - (b) to undertake any initiative that entitled an individual producer to a benefit that is not available to all producers; or
  - (c) to offset or rebate:
    - (i) any contribution made to the fund by a producer; or
    - (ii) any levy paid by a producer that is imposed by a processor or government agency.

19 Aug 2011 cA-15.21 Reg 13 s54.

**Investments re moneys in fund**

**55** The Development Fund Committee may invest any moneys in the fund not presently required for the purposes of the fund in any investments that trustees are authorized to invest in pursuant to *The Trustee Act, 2009* and may dispose of those investments and reinvest the proceeds of disposition in similar investments.

19 Aug 2011 cA-15.21 Reg 13 s55.

**Fiscal year**

**56** The fiscal year of the fund is the period commencing on January 1 in one year and ending on December 31 of that year.

19 Aug 2011 cA-15.21 Reg 13 s56.

**Audit**

**57** The auditor appointed in accordance with section 9 shall audit the accounts and financial statements of the fund:

- (a) annually; and
- (b) at any other times that the board, the council or the minister may require.

19 Aug 2011 cA-15.21 Reg 13 s57.

**Annual report**

**58** Within 90 days after the end of each fiscal year, the Development Fund Committee shall submit the following to the board, the council and the minister:

- (a) a report on the activities of the fund for the preceding fiscal year;
- (b) a financial statement showing the business of the fund for the preceding fiscal year, in any form that may be required by the board, the council or the minister;
- (c) a report on the performance of the investment portfolio of the fund that contains the following:
  - (i) a comparison of the actual returns and risks of the investment portfolio with the expected returns and risks;
  - (ii) a comparison of the actual returns and risks of the investment portfolio with the returns and risks of one or more benchmarks established by the Development Fund Committee before the fiscal year for which the report is being prepared;
  - (iii) any other information that the board, the council or the minister requires.

19 Aug 2011 cA-15.21 Reg 13 s58.

**PART XI****Repeal, Transitional and Coming into Force****Sask. Reg. 387/78 repealed**

**59** “The Saskatchewan Chicken Marketing Plan, 1978”, being Saskatchewan Regulations 387/78, is repealed.

19 Aug 2011 cA-15.21 Reg 13 s59.

**Transitional – board**

**60** On the coming into force of these regulations, the board is to consist of the directors of the board who held office pursuant to “The Saskatchewan Chicken Marketing Plan, 1978”, being Saskatchewan Regulations 387/78, on the day before these regulations came into force, and those directors continue to hold office as if they had been elected or appointed pursuant to these regulations until their successors are elected or appointed pursuant to these regulations.

19 Aug 2011 cA-15.21 Reg 13 s60.

**Transitional – trust fund****61(1)** In this section:

- (a) **“development fund”** means the Saskatchewan Chicken Industry Development Fund established pursuant to section 52;
  - (b) **“former regulations”** means “The Saskatchewan Chicken Marketing Plan, 1978”, being Saskatchewan Regulations 387/78;
  - (c) **“trust fund”** means the Saskatchewan Chicken Marketing Plan Trust Fund established for the purposes of section 39 of the former regulations;
  - (d) **“trustees”** means the trustees of the trust fund.
- (2) Notwithstanding the repeal of the former regulations:
- (a) the trustees shall wind up the trust fund and transfer the assets and liabilities of the trust fund to the development fund;
  - (b) for the purposes of clause (a), the trustees may exercise all the powers given to the board pursuant to the former regulations that the trustees consider necessary to wind up the trust fund;
  - (c) the trustees shall prepare or cause to be prepared the report and financial statement mentioned in section 39 of the former regulations for the period commencing on the date of the commencement of the most recent fiscal year of the trust fund and ending on the date that the trust fund is wound up; and
  - (d) the former regulations remain in force for the purposes of this section.

19 Aug 2011 cA-15.21 Reg 13 s61.

**Coming into force****62** These regulations come into force on the day on which they are filed with the Registrar of Regulations.

19 Aug 2011 cA-15.21 Reg 13 s62.