

# *The Cattle Marketing Deductions Act, 1998*

*being*



Chapter C-3.1 of the *Statutes of Saskatchewan, 1998*  
(effective August 1, 1998) as amended by the *Statutes of  
Saskatchewan, 2000, c.38; 2001, c.8; and 2004, c.36.*

## **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 C-3.1

### An Act respecting Deductions made from the Marketing of Cattle

#### Short title

- 1 This Act may be cited as *The Cattle Marketing Deductions Act, 1998*.

#### Interpretation

- 2 In this Act:

- (a) **“abattoir”** means an abattoir prescribed in the regulations as being subject to this Act;
- (b) **“cattle”** means any animal of the bovine species, but does not include bison or yaks;
- (c) **“committee”** means the Cattle Marketing Deductions Act Advisory Committee appointed pursuant to section 11;
- (d) **“department”** means the department over which the minister presides;
- (d.1) **“federal levies account”** means the Federal Levies Account established pursuant to section 10.1;
- (d.2) **“federal levies order”** means any Canadian cattle marketing levies order, and any amendments to that order, that may be enacted pursuant to the *Farm Products Agencies Act* (Canada) to provide for the imposition of a marketing levy on every head of cattle that an owner sells in interprovincial trade in Saskatchewan;
- (e) **“fund”** means the Cattle Marketing Deductions Fund continued pursuant to section 6;
- (f) **“inspector”** means a person appointed as or authorized to be an inspector pursuant to this Act;
- (f.1) **“interprovincial trade”** means any sale of cattle by an owner who resides or carries on business in one province of Canada, for delivery to a purchaser in another province of Canada;
- (g) **“livestock dealer”** means a person who is licensed as a livestock dealer in and for Saskatchewan;
- (h) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (i) **“national account”** means the National Account established pursuant to section 9;

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(j) “**promotion-research agency**” means the Canadian Beef Cattle Research, Market Development and Promotion Agency established pursuant to the *Farm Products Agencies Act* (Canada);

(k) “**provincial account**” means the Provincial Account established pursuant to section 10;

(k.1) “**provincial cattle association**” means a provincial cattle association or agency within the meaning of the *Canadian Beef Cattle Research, Market Development and Promotion Agency Proclamation* (Canada), SOR/2002-48;

(l) “**record**” means any record, book, invoice, account, statement or other document, and includes any information that is recorded or stored by electronic means;

(m) “**slaughter plant**” means a slaughter plant prescribed in the regulations as being subject to this Act.

1998, c.C-3.1, s.2; 2004, c.36, s.3.

**Deductions and payments**

3(1) Subject to subsection (2), every owner of cattle shall allow a deduction to be made, or pay any amount to be paid, in accordance with this Act and the regulations:

- (a) for every head of cattle that the owner sells in Saskatchewan; and
- (b) for every head of cattle raised or fed in Saskatchewan that the owner delivers for sale outside Saskatchewan.

(2) Subsection (1) does not apply to any sale of cattle for which a levy is to be paid pursuant to:

- (a) the federal levies order; or
- (b) any other levies order that may be enacted pursuant to the *Farm Products Agencies Act* (Canada) for the imposition of a marketing levy on sales of cattle that are raised or fed in Saskatchewan and delivered for sale outside Saskatchewan.

2004, c.36, s.4.

**Sales in Saskatchewan**

4(1) Subject to subsection 3(2) and the regulations, for every head of cattle that an owner sells in Saskatchewan, a person or association prescribed in subsection (2) shall:

- (a) either:
  - (i) deduct the amount prescribed in the regulations from the proceeds of sale for each head of cattle sold; or
  - (ii) in the case of an inspector, collect from the owner the amount prescribed in the regulations for each head of cattle inspected for sale; and
- (b) remit that amount to the minister, less any commission that may be prescribed in the regulations.

(2) The following persons and associations are prescribed for the purposes of subsection (1):

- (a) an inspector;
- (b) the livestock dealer or the operator of the slaughter plant or abattoir to whom the cattle are sold;
- (c) any other person or association, including an unincorporated purebred livestock association, that conducts a sale of the cattle, where the cattle are registered or identified pursuant to the *Animal Pedigree Act* (Canada).

2000, c.38, s.4; 2004, c.36, s.5.

#### **Delivery outside Saskatchewan**

**5** Subject to subsection 3(2) and to the regulations, for every head of cattle raised or fed in Saskatchewan that an owner delivers for sale outside Saskatchewan, an inspector shall collect from the owner and remit to the minister the amount mentioned in section 4 for each head of cattle delivered.

1998, c.C-3.1, s.5; 2000, c.38, s.5; 2004, c.36, s.6.

#### **Fund continued**

**6** The Cattle Marketing Deductions Fund is continued.

1998, c.C-3.1, s.6.

#### **Apportionment of moneys between accounts**

**7(1)** The moneys remitted to the minister pursuant to sections 4 and 5 are to be deposited into the fund and apportioned between the national account and the provincial account in accordance with the apportionment prescribed in the regulations.

(2) Moneys apportioned to the national account are non-refundable.

(3) Moneys apportioned to the provincial account are refundable in accordance with section 12.

1998, c.C-3.1, s.7; 2004, c.36, s.7.

#### **Agreement to support promotion-research agency**

**8(1)** Subject to subsection (2) and to the approval of the Lieutenant Governor in Council, the minister may enter into any agreement with the Government of Canada or the government of any province or territory of Canada or with any person, agency, organization, institution or body to support the establishment and operation of the promotion-research agency for the following purposes:

- (a) to develop, expand, market and promote the cattle industry;
- (b) to undertake research and development activities to further the purposes mentioned in clause (a).

- (2) Any agreement entered into pursuant to subsection (1) must specify:
  - (a) the duties and powers of the promotion-research agency;
  - (b) the manner in which the interests of Saskatchewan cattle producers are to be represented in the constitution of the promotion-research agency;
  - (c) the amount, for the purposes of the national account, to be:
    - (i) deducted from the proceeds of sale for each head of cattle sold; or
    - (ii) collected from the owner of the cattle for each head of cattle inspected for sale.
  - (d) the timing of remittances by the province from the national account to the promotion-research agency.
- (3) Any agreement entered into pursuant to subsection (1) may provide for:
  - (a) the collection by the minister on behalf of the promotion-research agency of levies imposed pursuant to the federal levies order, and the remittance of those levies by the minister to the promotion-research agency; and
  - (b) any other matters incidental to the administration of the federal levies order.

1998, c.C-3.1, s.8; 2000, c.38, s.6; 2004, c.36, s.8.

**National account established**

- 9(1) The National Account is established in the fund for the purposes of supporting the promotion-research agency in accordance with an agreement made pursuant to section 8.
- (2) The national account consists of all moneys apportioned to the national account pursuant to section 7.
- (3) The minister shall pay the moneys apportioned to the national account to the promotion-research agency in accordance with any agreement made pursuant to in section 8.
- (3.1) Notwithstanding subsection (3), where the promotion-research agency has not been established to receive moneys apportioned to the national account or has ceased to exist, the minister may:
  - (a) subject to subsection (3.2), enter into any agreement with any person, agency, organization, institution or body that, in the minister's opinion, represents the national interests of the cattle industry; and
  - (b) pay all or some of the moneys apportioned to the national account to that person, agency, organization, institution or body in accordance with that agreement.
- (3.2) Any agreement entered into pursuant to clause (3.1)(a) must specify:
  - (a) the duties and powers of the person, agency, organization, institution or body;
  - (b) the manner in which the interests of Saskatchewan cattle producers are to be represented by the person or in the constitution of the agency, organization, institution or body; and

- (c) the portion of the national account that is to be remitted, and the timing of remittances, by the province from the national account to the person, agency, organization, institution or body.
- (4) The Minister of Finance may invest any moneys in the national account that are not presently required for the purposes of the account in any investments that are authorized pursuant to *The Financial Administration Act, 1993* as investments for the general revenue fund.
- (5) The Minister of Finance may dispose of any investments made pursuant to subsection (4), subject to the terms of the investment, in any manner, on any terms and in any amount that the Minister of Finance considers advisable.
- (6) All earnings on investments made pursuant to subsection (4) are to be transferred to and become part of the provincial account.

1998, c.C-3.1, s.9; 2000, c.38, s.7; 2004, c.36, s.9.

**Provincial account established**

- 10(1)** The Provincial Account is established in the fund for the purposes mentioned in subsection (4).
- (2) On the day this section comes into force, all assets and liabilities of the fund are to be transferred to and become the assets and liabilities of the provincial account.
  - (3) The provincial account consists of:
    - (a) all assets of the fund mentioned in subsection (2);
    - (b) all moneys apportioned to the provincial account pursuant to section 7;
    - (c) all moneys transferred to the provincial account pursuant to subsections 9(6) and 10.1(6);
    - (d) all earnings on investments of the provincial account;
    - (e) all moneys received from the promotion-research agency for the provincial portion of the federal levies collected by other provinces from sales of Saskatchewan cattle in interprovincial trade.
  - (4) The minister may use the moneys in the provincial account:
    - (a) to discharge expenses incurred in the administration of this Act;
    - (b) to fund programs, projects and policies related to any of the following:
      - (i) the general improvement of cattle;
      - (ii) research with respect to death in cattle caused by disease, insects or parasites;

- (iii) improving means or methods of managing, handling, housing, pasturing, feeding or marketing cattle by owners or livestock dealers;
  - (iv) the extension or expansion of markets for cattle and beef;
  - (v) the reduction of costs or losses incurred in rearing, feeding or marketing cattle;
  - (vi) the development, improvement and promotion of the cattle industry;
  - (vii) the reasonable support of any national organization that has as its object any of the purposes mentioned in subclauses (i) to (vi);
- (c) to remunerate the members of the committee and reimburse them for their expenses in accordance with subsection 11(5); and
- (d) to make refunds pursuant to section 12.
- (5) The Minister of Finance may invest any moneys in the provincial account that are not presently required for the purposes of the account in any investments that are authorized pursuant to *The Financial Administration Act, 1993* as investments for the general revenue fund.
- (6) The Minister of Finance may dispose of any investments made pursuant to subsection (4), subject to the terms of the investment, in any manner, on any terms and in any amount that the Minister of Finance considers advisable.

1998, c.C-3.1, s.10; 2004, c.36, s.10.

**Federal levies account established**

- 10.1(1)** The Federal Levies Account is established in the fund for the purposes of depositing levies imposed pursuant to the federal levies order and remitting those levies to the promotion-research agency in accordance with any agreement made pursuant to section 8.
- (2) The federal levies account consists of all moneys collected pursuant to the federal levies order, less any administrative fee authorized by any agreement made pursuant to section 8.
- (3) In accordance with any agreement made pursuant to section 8, the minister shall pay moneys in the federal levies account to the promotion-research agency.
- (4) The Minister of Finance may invest any moneys in the federal levies account, which are not presently required to be remitted to the promotion-research agency, in any investments that are authorized pursuant to *The Financial Administration Act, 1993* as investments for the general revenue fund.
- (5) The Minister of Finance may dispose of any investments made pursuant to subsection (4), subject to the terms of the investment, in any manner, on any terms and in any amount that the Minister of Finance considers advisable.
- (6) All earnings on investments made pursuant to subsection (4) are to be transferred to and become part of the provincial account.

2004, c.36, s.11.



**Disclosure of information**

**10.2(1)** For the purpose of administering this Act, the federal levies order or any agreement entered into pursuant to section 8, the minister may disclose to the promotion-research agency and to any provincial cattle association any information that may be prescribed in the regulations with respect to any sale of cattle in Saskatchewan or any sale of cattle raised or fed in Saskatchewan.

(2) *The Freedom of Information and Protection of Privacy Act* does not apply to a disclosure made pursuant to subsection (1).

2004, c.36, s.11.

**Committee appointed**

**11(1)** The minister shall appoint a committee, to be called the Cattle Marketing Deductions Act Advisory Committee, consisting of:

- (a) two persons nominated by the Saskatchewan Stock Growers Association;
- (b) one person nominated by the Saskatchewan Cattle Feeders Association Inc.;
- (c) one person nominated by the Saskatchewan Cattle Breeders' Association;
- (d) one person nominated by the Saskatchewan Dairy Association;
- (e) one person nominated by the Saskatchewan Wheat Pool; and
- (f) one non-voting representative of the minister.

(2) The committee shall act in an advisory capacity to the minister and shall make recommendations to the minister with respect to:

- (a) payments from the provincial account for the purposes mentioned in clause 10(4)(b); and
- (b) the appointment of representatives to represent the interests of Saskatchewan cattle producers:
  - (i) in the promotion-research agency in accordance with an agreement made pursuant to section 8; or
  - (ii) in any agency, organization, institution or body in accordance with an agreement made pursuant to subsection 9(3.2).

(3) At the first meeting of the committee, and annually after that, the committee shall elect a chairperson and a vice-chairperson from among its members.

(4) Subject to the regulations, the committee may determine its own rules and procedures and method of calling meetings and of giving notice to the members of the committee.

(5) The Lieutenant Governor in Council may determine the remuneration and expenses to be paid to the members of the committee for attending meetings and for otherwise attending to the affairs of the committee.

1998, c.C-3.1, s.11; 2000, c.38, s.8; 2004, c.36, s.12.

**c. C-3.1****CATTLE MARKETING DEDUCTIONS, 1998****Refunds**

**12(1)** Any person may claim, in accordance with this section, a refund of deductions or collections that are:

- (a) made from that person's cattle marketings in a calendar year; and
- (b) apportioned to the provincial account.

(2) A person wishing a refund of the deductions or collections mentioned in subsection (1) shall file a claim with the minister, in a form acceptable to the minister, not later than 31 days after the end of the calendar year for which the refund is being claimed.

(3) On receipt and verification by the minister of a claim filed pursuant to subsection (2), the minister shall refund, from the provincial account, the appropriate amount to the person who filed the claim.

1998, c.C-3.1, s.12; 2000, c.38, s.9.

**Inspectors**

**13(1)** Inspectors required for the administration of this Act may be appointed in accordance with *The Public Service Act, 1998*.

(2) Every member of the Royal Canadian Mounted Police is, by virtue of that position, an inspector pursuant to this Act and has the same powers and duties that are conferred or imposed on an inspector by this Act and the regulations.

(3) The Lieutenant Governor in Council may authorize any person or category of persons employed by the Government of Saskatchewan or the Government of Canada to be *ex officio* an inspector or inspectors pursuant to this Act.

1998, c.C-3.1, s.13; 2001, c.8, s.5.

**Routine inspection**

**14(1)** Subject to subsection (2), for the purpose of ensuring that any person governed by this Act and the regulations is complying with this Act and the regulations, an inspector may do all or any of the following:

- (a) enter at any reasonable time and inspect any premises used by the person;
- (b) enter at any reasonable time any premises containing cattle or containing records pertaining to the purchase of cattle or to the cattle marketing affairs of the person, and inspect those cattle or records;
- (c) require any person, including any agent, representative, director, officer or employee of a body corporate, to provide the inspector with reasonable assistance;
- (d) make any inquiries of a person mentioned in clause (c);
- (e) after giving a receipt, remove any records mentioned in clause (b) and retain them for any time the inspector considers appropriate in order to examine them and make copies in accordance with section 16.

(2) An inspector shall not enter a private dwelling without the consent of the occupant or without a warrant obtained pursuant to section 15.

1998, c.C-3.1, s.14.

**Warrant**

**15(1)** Where a justice of the peace or a provincial court judge is satisfied by information on the oath of an inspector that there are reasonable grounds to believe that an offence against this Act or the regulations has occurred and that evidence of that offence is likely to be found, the justice of the peace or the provincial court judge may issue a warrant to do all or any of the following:

- (a) enter and search any place or premises named in the warrant;
  - (b) stop and search any vehicle described in the warrant;
  - (c) seize and remove anything that may be evidence of an offence against this Act or the regulations.
- (2) With a warrant issued pursuant to subsection (1), an inspector may:
- (a) enter at any time and search any place or premises named in the warrant;
  - (b) stop and search any vehicle described in the warrant;
  - (c) open and examine any trunk, box, bag, parcel, closet, cupboard or other receptacle that the inspector finds in the place, premises or vehicle;
  - (d) require the production of and examine any record that the inspector believes, on reasonable grounds, may contain information related to an offence against this Act or the regulations;
  - (e) remove, for the purposes of making copies, any records examined pursuant to this section; and
  - (f) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Act or the regulations.
- (3) Subject to subsection (4), an inspector may exercise all or any of the powers mentioned in subsection (2) without a warrant if:
- (a) the conditions for obtaining a warrant exist; and
  - (b) the inspector has reasonable grounds to believe that the delay necessary to obtain a warrant would result in the loss, removal or destruction of evidence.
- (4) An inspector shall not enter a private dwelling without a warrant issued pursuant to this section unless the occupant of the private dwelling consents.

1998, c.C-3.1, s.15.

**Copies of records**

**16(1)** Where any records are removed pursuant to section 14 or 15, the inspector may make copies of those records.

- (2) The inspector shall:
- (a) make copies of the records with reasonable dispatch; and
  - (b) promptly return the originals of the records to:
    - (i) the place from where they were removed; or
    - (ii) any other place that may be agreed to by the inspector and the person who furnished the records or from whom they were seized.

**c. C-3.1****CATTLE MARKETING DEDUCTIONS, 1998**

- (3) A record certified by the inspector to be a copy made pursuant to this section:
  - (a) is admissible in evidence without proof of the office or signature of the person making the certificate; and
  - (b) has the same probative force as the original record.

1998, c.C-3.1, s.16.

**Co-operation with inspector**

**17** No person shall resist, obstruct, hinder or interfere with an inspector who is acting in the course of his or her duties.

1998, c.C-3.1, s.17.

**Offences and penalties**

**18(1)** Every owner who fails to allow a deduction to be made in accordance with this Act or the regulations is guilty of an offence.

(1.1) Every owner who fails to make a payment to an inspector in accordance with this Act or the regulations is guilty of an offence.

(2) Every livestock dealer or operator of a slaughter plant or abattoir or any person or association prescribed in clause 4(2)(c) who fails to deduct moneys or to remit those moneys in accordance with this Act or the regulations is guilty of an offence.

(3) Every person who resists, obstructs, hinders or interferes with an inspector who is acting in the course of his or her duties is guilty of an offence.

- (4) Every person who is guilty of an offence is liable on summary conviction to:
  - (a) in the case of an individual, a fine not exceeding \$1,000 and, in default of payment, to imprisonment for a term not exceeding 90 days; and
  - (b) in the case of a body corporate, a fine not exceeding \$5,000.

(5) If a body corporate commits an offence pursuant to this Act, any officer or director of the body corporate who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties mentioned in this section whether or not the body corporate has been prosecuted or convicted.

(6) In addition to any penalty imposed pursuant to subsection (4), the convicting judge or court shall order a person who is convicted of an offence to comply with any provision of this Act or the regulations that he or she has contravened.

1998, c.C-3.1, s.18; 2000, c.38, s.10.

**Suspension or cancellation of licence**

**19(1)** Where a person is convicted of an offence pursuant to this Act, the minister may amend, suspend or cancel any licence held by that person pursuant to any Act authorizing that person to operate a slaughter plant or an abattoir, or to carry on business as a livestock dealer.

(2) Subject to subsection (3), the minister may amend, suspend or cancel any licence mentioned in subsection (1) where, in the opinion of the minister, the holder of the licence has failed to comply with this Act or the regulations.

(3) The minister shall not amend, suspend or cancel a licence pursuant to subsection (2) without giving the holder of the licence an opportunity to be heard.

(4) Notwithstanding subsection (3), if the minister considers that it is necessary to protect the public interest, the minister may immediately amend, suspend or cancel a licence pursuant to subsection (2) without giving the holder of the licence an opportunity to be heard, but the minister shall give the holder of the licence an opportunity to be heard within 15 days after the date on which the minister takes any of those actions.

1998, c.C-3.1, s.19.

**Fiscal year**

**20** The fiscal year of the fund is the period commencing on April 1 in one year and ending on March 31 in the following year.

1998, c.C-3.1, s.20.

**Audit**

**21** The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the transactions and financial statements of the fund:

- (a) annually; and
- (b) at any other time that the Lieutenant Governor in Council may require.

1998, c.C-3.1, s.21.

**Annual report**

**22(1)** In each fiscal year, the department, in accordance with *The Tabling of Documents Act, 1991*, shall prepare and submit to the minister a financial statement showing the business of the fund for the preceding fiscal year.

(2) The financial statement mentioned in subsection (1) is to be in the form required by Treasury Board.

(3) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Legislative Assembly the financial statement received by the minister pursuant to subsection (1).

1998, c.C-3.1, s.22.

**Regulations**

**23** For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or phrase used in this Act but not defined in this Act;
- (b) prescribing the amount to be deducted or collected pursuant to section 4;
- (c) prescribing slaughter plants and abattoirs that are subject to this Act;
- (d) prescribing the manner in which moneys deducted by livestock dealers, operators of slaughter plants and abattoirs, and any person or association prescribed in clause 4(2)(c) are to be remitted to the minister;
- (e) prescribing the amount of and manner in which commissions are to be paid to livestock dealers, operators of slaughter plants and abattoirs, and any person or association prescribed in clause 4(2)(c) for deducting and remitting moneys pursuant to this Act;
- (f) **Repealed.** 2004, c.36, s.13.
- (g) prescribing the manner in which moneys remitted to the minister pursuant to this Act or the regulations are to be apportioned between the national account and the provincial account;
- (h) respecting the rules and procedures and method of calling meetings of the committee and of giving notice of meetings to members of the committee;
- (i) providing for and governing the manner in which payments for services provided to administer this Act are to be made out of the provincial account to the Department of Agriculture, Food and Rural Revitalization or to a revolving fund operated by the minister;
- (j) exempting any person or category of persons from the provisions of this Act or the regulations;
- (j.1) exempting any sales or category of sales of cattle from the provisions of this Act or the regulations;
- (j.2) prescribing the information that the minister may disclose pursuant to subsection 10.2(1);
- (k) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (l) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

1998, c.C-3.1, s.23; 2000, c.38, s.11; 2004, c.36, s.13.

**R.S.S. 1978, c.C-3 repealed**

**24** *The Cattle Marketing Deductions Act* is repealed.

1998, c.C-3.1, s.24.

**Transitional – committee**

**25** The members of the Cattle Marketing Deductions Act Advisory Committee appointed pursuant to *The Cattle Marketing Deductions Act* who hold office on the day on which section 1 of this Act comes into force continue to hold office until members of the committee are appointed pursuant to this Act.

1998, c.C-3.1, s.25.

**Transitional – prosecutions**

**26** A summary offence ticket issued or a prosecution commenced pursuant to *The Cattle Marketing Deductions Act* before the coming into force of section 1 of this Act remains valid and is to be dealt with pursuant to the provisions of that Act, as it existed on the day before the coming into force of section 1 of this Act.

1998, c.C-3.1, s.26.

