

The Pastures Regulations

being

[Chapter P-4.1 Reg 1](#) (effective August 1, 2000) as amended by
Saskatchewan Regulations [105/2004](#) and [27/2010](#).

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.

Table of Contents

PART I		PART III	
Title and Interpretation		Pasture Maintenance	
1	Title	19	Delivery of livestock
2	Interpretation	20	Cattle
3	Bison designated as livestock	21	Sheep
PART II		22	Removal of livestock
Allocations		23	Lien on and sale of livestock by minister
4	Eligibility	24	Undelivered livestock
5	Application for allocation	25	Land excluded from pasture
6	Grant of allocation	26	Adjoining property
7	Renewal of allocation	27	Stray livestock
8	Scoring of applicants	PART IV	
9	Resource base	Pastures Revolving Fund	
10	Age	28	Pastures Revolving Fund
11	Distance to pasture	PART V	
12	Maximum allocation	Repeal, Transitional and Coming into Force	
13	Reduction in allocation	29	Sask. Reg. 46/68 repealed
14	Suspension or cancellation of allocation	30	Sask. Reg. 87/69 repealed
15	Opportunity to be heard	31	Transitional
16	Where patron dies	32	Coming into force
17	Assignment of allocation		
18	Other agreements		

CHAPTER P-4.1 REG 1

The Pastures Act

PART I

Title and Interpretation

Title

- 1 These regulations may be cited as *The Pastures Regulations*.

Interpretation

- 2 In these regulations:

- (a) **“Act”** means *The Pastures Act*;
- (b) **“allocation”** means an allocation of grazing privileges pursuant to the Program;
- (c) **“applicant”** means a producer who is applying for an allocation other than a renewal of an allocation;
- (d) **“approved”** means approved by the minister;
- (e) **“eligible producer”** means a producer who meets the eligibility criteria set out in section 4;
- (f) **“farm unit”** means all adult persons who:
 - (i) operate a farming or ranching operation from the same headquarters; and
 - (ii) jointly own, rent or otherwise control any farm land;
- (g) **“former regulations”** means the Provincial Community Pasture Regulations, being Saskatchewan Regulations 87/69;
- (h) **“headquarters”** means the premises from which the farming or ranching operation is run, as evidenced by the preparation and storage of farm records, the use of a telephone for farm business, the supply of electrical services, or any other evidence that the minister considers appropriate;
- (i) **“patron”** means a producer who has been granted an allocation pursuant to the Program;
- (j) **“pasture manager”** means the person who is assigned by the minister to manage a pasture;
- (k) **“right of ownership”** means having acquired through purchase or other arrangement, as evidenced by a signed agreement between the parties, ownership of an animal that bears the brand of another party.

21 Jly 2000 cP-4.1 Reg 1 s2.

Bison designated as livestock

- 3 Bison are designated as livestock for the purposes of clause 2(d) of the Act.

21 Jly 2000 cP-4.1 Reg 1 s3.

**PART II
Allocations**

Eligibility

- 4(1) To be eligible to apply for an allocation of grazing privileges, a producer must:
- (a) be an individual who is at least 18 years of age;
 - (b) be a Canadian citizen or landed immigrant;
 - (c) be actively engaged in the on-site management and operation of a farm, whether independently or as part of a farm unit;
 - (d) own or rent at least 160 acres of farm land;
 - (e) with respect to the livestock to be placed in the pasture:
 - (i) own and manage the livestock;
 - (ii) have a right of ownership in the livestock; or
 - (iii) be a party to a feeder or breeder agreement with respect to the livestock; and
 - (f) subject to subsections (2) and (3), never have had an allocation cancelled pursuant to:
 - (i) section 14; or
 - (ii) the former regulations.
- (2) A producer may apply to the minister to waive the requirement of clause (1)(f).
- (3) On an application pursuant to subsection (2) and where the producer satisfies the minister that it is appropriate to do so, the minister may waive the requirement of clause (1)(f).

21 Jly 2000 cP-4.1 Reg 1 s4.

Application for allocation

- 5(1) An eligible producer who wishes an allocation shall, within the period set by the minister:
- (a) apply to the minister on an approved form; and
 - (b) provide the minister with any other material or information that the minister may require to consider the application.
- (2) There must not be more than one allocation per farm unit.

21 Jly 2000 cP-4.1 Reg 1 s5.

Grant of allocation

- 6(1) On receipt of an application that meets the requirements of section 5, the minister shall score the eligible producer in accordance with sections 8 to 11.
- (2) As space becomes available in a pasture, the minister may allocate that space:
- (a) to the eligible producer who has the highest score at the time of allocation that year; or

PASTURES

P-4.1 REG 1

- (b) to a patron whose allocation does not exceed the maximum allocation set for that pasture pursuant to section 12.
- (3) Every allocation is for a term of one year, subject to:
 - (a) section 7; and
 - (b) subsection 31(2).
- (4) On receiving an allocation, a producer must sign an allocation agreement in an approved form specifying the terms and conditions of the allocation.
- (5) Every allocation is for:
 - (a) the pasture identified in the allocation agreement; and
 - (b) the kind and number of livestock identified in the allocation agreement.
- (6) Eligible producers who are not granted an allocation in a year and who continue to seek an allocation must:
 - (a) reapply to the minister the following year in accordance with section 5; and
 - (b) be rescored in accordance with sections 8 to 11.

21 Jly 2000 cP-4.1 Reg 1 s6.

Renewal of allocation

- 7(1) A patron who wishes to renew his or her allocation the following year shall:
 - (a) apply to the minister on an approved form; and
 - (b) provide the minister with any other material or information that the minister may require to consider the application.
- (2) On receipt of an application that meets the requirements of subsection (1), the minister may grant a renewal of the allocation without rescoring the patron.
- (3) A renewal of an allocation is for:
 - (a) the pasture identified in the new allocation agreement; and
 - (b) the kind and number of livestock identified in the new allocation agreement.

21 Jly 2000 cP-4.1 Reg 1 s7.

Scoring of applicants

- 8(1) Subject to subsections (2) and (3), before the minister grants an allocation to an applicant, the applicant must score a minimum of 50 points in the following categories:
 - (a) resource base category;

P-4.1 REG 1

PASTURES

- (b) age category;
 - (c) distance to pasture category.
- (2) An applicant may apply to the minister to waive any or all of the scoring requirements set out in these regulations.
- (3) On an application pursuant to subsection (2) and where the applicant satisfies the minister that it is appropriate to do so, the minister may waive any or all of the scoring requirements set out in these regulations.

21 Jly 2000 cP-4.1 Reg 1 s8.

Resource base

9(1) Subject to subsection 8(3), an applicant must score at least one point in the resource base category.

(2) In the resource base category, the following points are to be awarded to an applicant based on the total municipal assessment of the farm land owned, rented or otherwise controlled by the applicant and the applicant's farm unit:

<u>Resource Base</u>	<u>Points</u>
To and including \$165,000 municipal assessment	50
Each additional \$3,000 municipal assessment to \$314,999	deduct one
\$315,000 municipal assessment or more	0

(3) Where the applicant or any other member of the applicant's farm unit owns, rents or otherwise controls farm land, directly or indirectly, with persons outside of the farm unit, the portion of the assessment value of that land that represents the applicant's or other member's share in that land is to be included in calculating the total municipal assessment pursuant to subsection (2).

21 Jly 2000 cP-4.1 Reg 1 s9.

Age

10(1) In the age category, the following points are to be awarded to an applicant:

<u>Age (in years)</u>	<u>Points</u>
18 to 45	30
46 to 54	30 points minus 1 point per year over age 45
55 to 64	30 points minus: <ul style="list-style-type: none"> (a) 1 point per year between ages 46 to 54; and (b) 2 points per year over age 54
65 or more	1

PASTURES

P-4.1 REG 1

- (2) Age is to be calculated based on:
- (a) the age of the applicant at the time of application; or
 - (b) where the applicant is a member of a farm unit, the average age of the members of the farm unit.

21 Jly 2000 cP-4.1 Reg 1 s10.

Distance to pasture

11(1) In the distance to pasture category, the following points are to be awarded to an applicant based on the distance from the applicant's headquarters to the pasture perimeter, using road allowances and actual travel distances:

<u>Distance to Pasture</u>	<u>Points</u>
0 to 60 km	20
61 to 120 km	Deduct 1 point for every 3 km over 60 km, to a minimum of 1 point
121 km or more	1

(2) Where an applicant calculates distance pursuant to this section on the basis of having to cross land owned by a third party to gain access to a pasture, the applicant must submit to the minister evidence satisfactory to the minister, in the form of a written agreement between the applicant and the land owner, that the applicant is permitted to cross the land for the purpose of gaining access to the pasture.

21 Jly 2000 cP-4.1 Reg 1 s11.

Maximum allocation

12(1) Subject to subsection (2), the maximum number of livestock allowed for each allocation is:

- (a) 60 head of cattle;
- (b) 50 horses;
- (c) 50 bison; or
- (d) 250 sheep.

(2) Where the minister considers it appropriate in light of pasture conditions, the minister may set the maximum number of livestock allowed for each allocation in a pasture at less than the maximum set out in subsection (1).

21 Jly 2000 cP-4.1 Reg 1 s12; 16 Apr 2010
SR 27/2010 s2.

Reduction in allocation

13(1) Subject to subsections (2) and (3), if a patron does not use a portion of his or her allocation in any year, that patron's allocation on any renewal granted pursuant to section 7 is reduced to the number of livestock that the producer delivered to the pasture in that year.

(2) Subsection (1) does not apply where the patron obtained the prior approval of the minister to deliver fewer livestock to the pasture than permitted pursuant to the patron's allocation.

(3) Notwithstanding subsection (1), where there is space available in a pasture after all allocations are made, the minister may allow a patron whose allocation has been reduced pursuant to subsection (1) to bring in additional livestock for the remainder of that year's allocation.

21 Jly 2000 cP-4.1 Reg 1 s13.

Suspension or cancellation of allocation

14 Subject to section 15, the minister may suspend or cancel a patron's allocation where, in the opinion of the minister, the patron:

- (a) has failed to comply with these regulations or a term or condition of the allocation;
- (b) has failed to pay any fee set by the minister with respect to the care of livestock at pasture;
- (c) no longer meets the eligibility criteria set out in section 4;
- (d) has provided false or misleading information to the minister in the application for an allocation or for a renewal of an allocation or at any other time; or
- (e) has acted in a manner that endangered the lives or property of other patrons of the pasture or of the public.

21 Jly 2000 cP-4.1 Reg 1 s14.

Opportunity to be heard

15(1) The minister shall not:

- (a) suspend or cancel a patron's allocation without giving the patron an opportunity to be heard; or
- (b) fail to renew a patron's allocation pursuant to section 7 without giving the patron an opportunity to be heard.

(2) Notwithstanding subsection (1), if the minister considers that it is necessary to protect the public interest, the minister may immediately suspend or cancel an allocation without giving the patron an opportunity to be heard, but shall give the patron an opportunity to be heard within 15 days after the date on which the minister suspends or cancels the allocation.

(3) Nothing in this section gives a patron the right to an oral hearing.

21 Jly 2000 cP-4.1 Reg 1 s15.

Where patron dies

16(1) Where a patron dies, the patron's estate may do any or all of the following:

- (a) use the allocation for the remainder of its one-year term;
- (b) apply for and be granted a maximum of two renewals of the allocation;
- (c) within two years after the year in which the patron died, assign the allocation in accordance with subsection 17(3).

(2) Where the patron's estate does not use the patron's allocation or assign the allocation in accordance with subsection (1), the patron's allocation is deemed to be cancelled.

(3) Section 15 does not apply where a patron's allocation is cancelled pursuant to this section.

21 Jly 2000 cP-4.1 Reg 1 s16.

Assignment of allocation

17(1) In this section:

- (a) **"immediate family member"** means a patron's spouse, child or grandchild or the spouse of a patron's child or grandchild;
- (b) **"total resource base"** means the total municipal assessment of the farm land owned, rented or otherwise controlled by a person and the person's farm unit.

(2) An allocation is only assignable in accordance with this section.

(3) A patron who no longer wishes to participate in the Program may assign his or her allocation, or, subject to clause 16(1)(c), where a patron dies, the patron's estate may assign the patron's allocation:

- (a) to an immediate family member who meets the eligibility criteria set out in section 4; or
- (b) to any other person:
 - (i) who is purchasing farm land from the patron or the patron's estate;
 - (ii) who meets the eligibility criteria set out in section 4; and
 - (iii) who does not have a total resource base of more than twice the average municipal assessment in that person's rural municipality.

(4) An allocation may be assigned to a patron pursuant to subsection (3) only if the assignment does not result in:

- (a) more than one allocation per farm unit;
- (b) an allocation for livestock that exceeds the maximum number of livestock allowed per allocation pursuant to section 12; or
- (c) the number of livestock in a pasture exceeding the maximum number of livestock allowed in that pasture, as determined by the minister.

- (5) Subject to subsection (6), an allocation must be assigned in whole and not in part.
- (6) An allocation may be assigned in part only if the assignment does not result in an increase in the total number of patrons of a pasture.
- (7) Subject to subsection (8), no allocation may be sold or assigned for a fee.
- (8) A person to whom an allocation is assigned pursuant to clause (3)(b) shall pay an assignment of allocation fee to the minister in the amount set by the minister.

21 Jly 2000 cP-4.1 Reg 1 s17.

Other agreements

18(1) Notwithstanding any other provision of these regulations, the minister may enter into an agreement with any producer, patron or other person or entity respecting the use of a pasture:

- (a) to utilize excess grazing capacity; or
 - (b) for any other purpose that the minister considers necessary or appropriate.
- (2) No agreement entered into pursuant to this section may be for a term greater than one year.

21 Jly 2000 cP-4.1 Reg 1 s18.

**PART III
Pasture Maintenance**

Delivery of livestock

19(1) In this section, “**dependent child**” includes a child who is 18 years of age or older and in full-time attendance at an educational institution.

(2) Where an allocation has been granted pursuant to Part II of these regulations, livestock of any of the following persons who do not have their own allocation may be placed in the pasture under the patron’s allocation:

- (a) the patron’s spouse;
 - (b) any dependent child of the patron;
 - (c) any member of the patron’s farm unit.
- (3) No livestock are to be placed in a pasture without the supervision of the pasture manager.
- (4) Any livestock placed in a pasture without the supervision of the pasture manager are considered strays.
- (5) Every animal brought to the pasture must:
- (a) bear the identification of the patron or of a person mentioned in clause (2)(a), (b) or (c), in a manner satisfactory to the minister;
 - (b) be in a good nutritional state and in healthy condition;

PASTURES

P-4.1 REG 1

- (c) have sound feet;
 - (d) be free from infectious or contagious diseases;
 - (e) be free from parasites; and
 - (f) in the case of male animals other than approved sires and sucking colts, be castrated and healed.
- (6) The pasture manager may refuse to allow any animal that is difficult to contain or manage to be placed in a pasture.
- (7) On the delivery of livestock to a pasture, the patron, a person mentioned in clause (2)(a), (b) or (c), or the person delivering the livestock to the pasture on that person's behalf must sign an approved form verifying the number of livestock delivered to the pasture.
- (8) Livestock placed in a pasture are deemed to be the property of the patron or of a person mentioned in clause (2)(a), (b) or (c) whose livestock were delivered to the pasture until the minister receives proof to the contrary in a form that the minister considers appropriate.

21 Jly 2000 cP-4.1 Reg 1 s19.

Cattle

- 20(1)** All cattle delivered to a pasture must:
- (a) subject to subsection (2), be dehorned and healed; and
 - (b) in the case of cattle less than two years of age, be vaccinated with blackleg vaccine satisfactory to the pasture manager.
- (2) The pasture manager may accept cattle with trained horns if the pasture manager does not consider the cattle to be dangerous to other livestock in the pasture.

21 Jly 2000 cP-4.1 Reg 1 s20.

Sheep

- 21** Before being placed in a pasture:
- (a) all sheep must be vaccinated for blackleg, dewormed and passed through a germicidal footbath; and
 - (b) all ewes must be lambed out, except where prior arrangements have been made with the pasture manager.

21 Jly 2000 cP-4.1 Reg 1 s21.

Removal of livestock

22(1) The pasture manager may require a patron to remove any livestock that were placed in a pasture pursuant to the patron's allocation where:

- (a) the livestock should not have been admitted to the pasture for any of the causes set out in these regulations, even if the cause was determinable at the time of admission;
 - (b) the pasture manager is of the opinion that the livestock are dangerous to other livestock in the pasture or to persons having access to the pasture; or
 - (c) the pasture manager is of the opinion that, for proper management and maintenance of the pasture, the livestock need to be removed from the pasture.
- (2) Where livestock are removed from the pasture pursuant to subsection (1), the patron pursuant to whose allocation the livestock were delivered to the pasture shall pay to the minister all fees with respect to the care of livestock at pasture before the date of removal.
- (3) The pasture manager may require patrons to be present for roundups.
- (4) The pasture manager shall notify patrons of the date of final roundup for removal of livestock, and each patron or the patron's representative must be present at the final roundup to take possession of the patron's livestock.
- (5) At the end of the grazing season, or at any time required by the pasture manager, each patron shall cause all livestock that were delivered to the pasture pursuant to the patron's allocation to be removed from the pasture in accordance with the conditions for removal established by the pasture manager.
- (6) Livestock remaining in the pasture after the day appointed for their removal are subject to the payment of any additional fee that the minister may determine and any costs and expenses that the minister may incur with respect to the supervision, feeding, care, disposition, or transportation of the livestock, unless the patron has made prior arrangements with the pasture manager.
- (7) A patron must pay all fees with respect to the care of livestock that were placed in the pasture pursuant to the patron's allocation before removing the livestock from the pasture unless otherwise directed by the minister.

21 Jly 2000 cP-4.1 Reg 1 s22; 12 Nov 2004 SR
105/2004 s2.

Lien on and sale of livestock by minister

23(1) In accordance with section 11 of the Act, where livestock have been placed in a pasture pursuant to a patron's allocation and the patron is indebted to the minister for a fee with respect to the care of livestock at pasture, the minister may detain in the minister's custody a sufficient number of the livestock that were placed in the pasture pursuant to the allocation whose value would cover the outstanding fee, for any length of time the minister deems appropriate to allow for payment.

PASTURES

P-4.1 REG 1

(2) Where the minister detains livestock pursuant to this section, the pasture manager shall notify the patron that the minister, in accordance with section 11 of the Act and these regulations:

- (a) has detained the livestock; and
 - (b) intends to sell the livestock if the patron does not pay the outstanding fee to the minister within the time allowed by the minister.
- (3) If the patron does not pay the outstanding fee to the minister within the time allowed by the minister, the minister may sell the livestock detained pursuant to subsection (1).
- (4) Where livestock are detained and sold pursuant to this section, the minister may apply a surcharge in addition to the daily fee otherwise applied.
- (5) The minister shall forward to the patron any amount received from the sale of the livestock in excess of the outstanding fee, including any fee charged for the days the livestock were retained in the pasture after the original takeout date.
- (6) The delivery of the livestock to the patron or other removal of the livestock from the pasture does not restrict the minister in the recovery of fees.

21 Jly 2000 cP-4.1 Reg 1 s23.

Undelivered livestock

24(1) Subject to subsections (2) and (3), where one or more animals placed in a pasture pursuant to a patron's allocation are not delivered to the patron at the end of the grazing season and there are surplus animals left in the pasture that cannot be identified by a brand or other distinguishing mark as strays or as belonging to any other patron or producer, the minister may deliver the animals to that patron if the minister is satisfied that the animals reasonably meet the description of the patron's undelivered animals.

(2) When more than one patron or person who delivered livestock to a pasture pursuant to a patron's allocation did not receive delivery of all his or her livestock, the minister may, in the minister's discretion, dispose of the surplus animals to the patron or patrons, or to the person or persons, whose undelivered animals best meet the description of the surplus animals.

(3) Nothing in this section applies to livestock that are delivered to a pasture pursuant to a patron's allocation and that are known to have died or strayed from the pasture.

(4) The minister may waive fees for any animal that is not delivered to a patron at the end of the grazing season except where:

- (a) the animal is recovered by or returned to the patron; or
- (b) another animal is accepted by the patron pursuant to subsection (2).

21 Jly 2000 cP-4.1 Reg 1 s24.

Land excluded from pasture

25(1) The minister may exclude from pasturing any land within a pasture that the minister does not administer by constructing and maintaining a substantial fence around the land and a gate at a convenient point of entry.

(2) For the purposes of subsection (1), the fence must be at least two metres away from the land to be excluded.

(3) Where the pasture is used for pasturing cattle only, a fence constructed in accordance with subsection (2) with four strands of barbed wire is deemed a substantial fence.

(4) The owner or occupant of the land excluded from the pasture shall at all times be granted access to his or her land through a point of entry into the pasture designated by the minister by notice in writing.

(5) The notice mentioned in subsection (4) is sufficiently given if mailed the owner or occupant of the excluded land at his or her last known address.

(6) The owner or occupant of the excluded land, in gaining access to the land, shall:

- (a) cause no damage, disturbance, nuisance, or mischief;
- (b) securely close the entrance gate to the pasture after entering or exiting the pasture; and
- (c) keep the gate at the entrance of the owner's or occupant's land securely closed during the owner's or occupant's absence to the extent necessary to prevent entry by livestock or intruders.

(7) The owner or occupant of the excluded land, before using the excluded land for pasture purposes, shall:

- (a) construct a fence within or along the boundary of the excluded land;
- (b) at all times maintain the fence and contain the livestock that the owner or occupant pastures on the excluded land; and
- (c) make arrangements satisfactory to the pasture manager with respect to the transportation of livestock to and from the excluded land.

(8) Where the minister has not excluded the land of an owner or occupant in the manner mentioned in subsection (1) and the land is used for the pasturing of livestock maintained in the pasture, the minister is not under any liability with respect to the use of the land for 60 days after the receipt by the minister of a notice from the owner or occupant prohibiting use of the land.

21 Jly 2000 cP-4.1 Reg 1 s25.

Adjoining property

26 *The Line Fence Act* applies where the owner or occupier of land adjoining a pasture receives any benefit or advantage from the pasture fence.

21 Jly 2000 cP-4.1 Reg 1 s26.

PASTURES

P-4.1 REG 1

Stray livestock

27(1) Where stray livestock are found in a pasture, the minister may charge the owner of the stray livestock:

- (a) twice the normal grazing fee for the pasture; and
- (b) any other management or handling fee that the minister considers appropriate.

(2) Except where inconsistent with the Act or these regulations, *The Stray Animals Act* applies to stray livestock found in a pasture.

21 Jly 2000 cP-4.1 Reg 1 s27.

PART IV
Pastures Revolving Fund

Pastures Revolving Fund

28 For the purposes of subsection 7(9) of the Act, all oil and gas revenues and sand and gravel revenues that are generated pursuant to *The Provincial Lands Act* and the regulations made pursuant to that Act on provincial lands used for pasture are to be paid to the Minister of Finance and credited to the revolving fund.

21 Jly 2000 cP-4.1 Reg 1 s28.

PART V
Repeal, Transitional and Coming into Force

Sask. Reg. 46/68 repealed

29 The Agricultural Development and Adjustment regulations, being Saskatchewan Regulations 46/68, are repealed.

21 Jly 2000 cP-4.1 Reg 1 s29.

Sask. Reg. 87/69 repealed

30 The Provincial Community Pasture Regulations, being Saskatchewan Regulations 87/69, are repealed.

21 Jly 2000 cP-4.1 Reg 1 s30.

Transitional

31(1) A person is deemed to have been granted an allocation pursuant to these regulations if that person:

- (a) on the day before the coming into force of these regulations, was a holder of a pasture allocation pursuant to the former regulations; and
 - (b) on the day on which these regulations come into force, meets the eligibility criteria set out in section 4 of these regulations.
- (2) Where, pursuant to subsection (1), a person is deemed to have been granted an allocation pursuant to these regulations, that allocation expires one year after the coming into force of these regulations, subject to any renewal granted pursuant to section 7.

21 Jly 2000 cP-4.1 Reg 1 s31.

Coming into force

32(1) Subject to subsection (2), these regulations come into force on the day on which section 14 of *The Pastures Act* comes into force.

- (2) If section 14 of *The Pastures Act* comes into force before these regulations are filed with the Registrar of Regulations, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

21 Jly 2000 cP-4.1 Reg 1 s32.