

The Forage Seed Development Plan Regulations

being

Chapter A-15.21 Reg 3 (effective June 29, 2005) as amended
by Saskatchewan Regulations [45/2006](#) and [91/2009](#).

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 3

The Agri-Food Act, 2004

PART I

Title and Interpretation

Title

1 These regulations may be cited as *The Forage Seed Development Plan Regulations*.

Interpretation

2 In these regulations:

(a) **Repealed.** 26 May 2006 SR 45/2006 s3.

(a.1) **“Act”** means *The Agri-Food Act, 2004*;

(a.2) **“business day”** means a day other than a Saturday, Sunday or holiday;

(b) **“buyer”** means any person who buys forage seed produced in Saskatchewan;

(c) **“commission”** means the Saskatchewan Forage Seed Development Commission established pursuant to section 7;

(c.1) **“director”** means a director of the commission elected in accordance with Part VII or appointed pursuant to subsection 7(3) or 34(7);

(d) **“forage seed”** means all forage grasses, forage legumes except alfalfa seed, and turf, amenity, and reclamation species, and includes all grades of forage seed and all potential mixtures, as determined by order pursuant to clause 4(a);

(e) **“forage seed plan”** means the Forage Seed Development Plan established pursuant to section 3;

(f) **“forage seed producer”** means:

(i) a person engaged in or responsible for the production, marketing or production and marketing of forage seed but does not include an employee of such a person;

(ii) a person who is entitled under any lease agreement:

(A) to a share of the forage seed produced by a person mentioned in subclause (i); or

(B) to a share of the proceeds from the sale of that forage seed; or

(iii) a person who takes possession of any forage seed under any form of security or legal proceedings for a debt;

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- (g) **Repealed.** 16 Oct 2009 SR 91/2009 s3.
- (h) **“market development”** means to promote the popularity, consumption or general knowledge of forage seed or to bring into being, strengthen, expand or make available markets for forage seed produced in Saskatchewan;
- (i) **“registered forage seed producer”** means a forage seed producer who:
- (i) is registered with the commission pursuant to section 21; and
 - (ii) has paid a levy pursuant to subsection 23(1) in the last two years for which he or she has not received a refund pursuant to section 24;
- (j) **Repealed.** 16 Oct 2009 SR 91/2009 s3.

15 Jly 2005 cA-15.21 Reg 3 s2; 26 May 2006 SR 45/2006 s3; 16 Oct 2009 SR 91/2009 s3.

**PART II
Forage Seed Plan**

Forage seed plan established

- 3** The Forage Seed Development Plan is established.

15 Jly 2005 cA-15.21 Reg 3 s3.

Application

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

- (a) throughout Saskatchewan;
- (b) to all grades, classes or varieties of forage seeds; and
- (c) to all persons engaged in the production, marketing or production and marketing of forage seed in Saskatchewan.

16 Oct 2009 SR 91/2009 s4.

Purpose

- 5(1)** The purpose of the forage seed plan is to develop the forage seed industry in Saskatchewan.

- (2)** Without limiting the generality of subsection (1), the specific purposes of the forage seed plan are:

- (a) to assist in the development and promotion of forage seed and forage seed products in the domestic and international marketplaces;
- (b) to conduct and encourage research on production, market development, processing and consumption of forage seed and forage seed products;

- (c) to advise governments on matters pertaining to forage seed research and development;
- (d) to gather, compile and distribute information related to the production, consumption and market development of forage seed and forage seed products;
- (e) to encourage the production of uniformly high quality forage seed and forage seed products;
- (f) to promote harmony and communication within the forage seed industry;
- (g) to initiate and implement advertising programs, sales promotion programs and consumer education programs to expand awareness and demand for forage seed and forage seed products;
- (h) to establish a system of collecting levies on the production, marketing or production and marketing of forage seed for the purpose of carrying out the objectives of the forage seed plan; and
- (i) to work in co-operation with any persons or organizations who have objectives similar to those of the forage seed plan.

15 Jly 2005 cA-15.21 Reg 3 s5; 16 Oct 2009
SR 91/2009 s5.

Duration of the forage seed plan

- 6** The forage seed plan remains in effect until these regulations are repealed.

15 Jly 2005 cA-15.21 Reg 3 s6.

**PART III
Commission**

Commission

- 7(1)** The Saskatchewan Forage Seed Development Commission is established consisting of a maximum of eight directors.
- (2) Subject to clause (3)(b), six directors are to be elected in accordance with Part VII.
- (3) The commission:
- (a) may appoint one or two directors; and
 - (b) if less than six directors are elected pursuant to Part VII, may appoint registered forage seed producers as directors as it considers necessary to fill those positions.
- (4) A director appointed by the commission pursuant to clause (3)(a) may be any individual.
- (5) The commission shall administer the forage seed plan.

26 May 2006 SR 45/2006 s4.

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8(1) Subject to the other provisions of these regulations, the commission may exercise the following powers that are set out in subsection 8(1) of the Act:

- (a) the power to carry out educational, research and developmental programs related to forage seed;
- (b) the power to require any or all persons engaged in the production, marketing or production and marketing of forage seed to register with the commission;
- (c) the power to set and collect registration fees and charges for services rendered by the commission from any person engaged in the production, marketing or production and marketing of forage seed;
- (d) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of forage seed;
- (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of forage seed 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 forage seed; and
 - (ii) contravenes an order of the commission;
- (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 forage seed to furnish the commission with any information or records relating to that production or marketing that the commission considers necessary;
- (i) the power to market, grade or insure forage seed, either as principal or agent;
- (j) the power to:
 - (i) employ any officers and employees that it considers necessary to administer the forage seed 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 moneys received by the commission to carry out the purposes of the forage seed plan and to pay the expenses of the commission;
- (m) the power to borrow, raise or secure the payment of moneys in any manner that the commission considers appropriate for the purpose of administering the forage seed 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) subject to subsection (3), the power to make grants or loans to any person, organization, agency, institution or body within or outside Saskatchewan, for the purposes of the forage seed plan;
- (p) subject to subsection (3), the power to give financial guarantees respecting the indebtedness of any person if the commission considers it necessary or advisable for the purposes of the forage seed plan;
- (q) the power to purchase, take on lease or exchange or otherwise acquire real and personal property related to the business of the commission, 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 commission'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 commission in relation to the forage seed plan;
- (t) the power to:
 - (i) require any person who owes money to a forage seed producer with respect to the sale by the forage seed producer of forage seed to pay the moneys to the commission; and
 - (ii) distribute the moneys paid to the commission pursuant to subclause (i), in the manner determined by the commission, to the forage seed 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;

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- (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.
- (2) The commission shall not regulate or control in any way the production, marketing or production and marketing of forage seed.
- (3) Neither the sum of the loans nor the sum of the financial guarantees mentioned in clauses (1)(o) and (p) shall exceed 10% each of the commission's current assets as reported in the audited financial statement in the commission's most recent annual report at the time the loan or financial guarantee is made or given.

15 Jly 2005 cA-15.21 Reg 3 s8; 26 May 2006 SR 45/2006 s5.

Books and records

- 9(1) The commission shall:
- (a) maintain any books and records that may be required for the administration of the forage seed plan; and
 - (b) keep those books and records open for inspection by the council at any reasonable time.
- (2) The commission shall maintain a registered office and head office in Saskatchewan.
- (3) The commission shall prepare an annual report containing:
- (a) a copy of the audited financial statement of the commission for its previous fiscal year;
 - (b) a description of:
 - (i) the state of the industry; and
 - (ii) the activities of the commission for its previous fiscal year; and
 - (c) a list of the names and addresses of the directors of the commission.
- (4) The commission shall make the annual report available:
- (a) to the council;
 - (b) at the annual general meeting of registered forage seed producers; and
 - (c) on request to:
 - (i) any registered forage seed producer;
 - (ii) any registered buyer; or
 - (iii) any other interested person.

15 Jly 2005 cA-15.21 Reg 3 s9; 16 Oct 2009 SR 91/2009 s6.

Appointment of auditor

10(1) The registered forage seed producers:

- (a) shall, at each annual general meeting, appoint an auditor to audit the books, records and financial statements of the commission 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 commission for the current fiscal year.
- (2) If the registered forage seed 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 commission for that fiscal year.
- (3) Any person appointed as auditor pursuant to this section must:
- (a) be independent of:
 - (i) the commission; and
 - (ii) the directors and officers of the commission; and
 - (b) be a member in good standing of a recognized accounting profession that is regulated by an Act.

15 Jly 2005 cA-15.21 Reg 3 s10; 26 May 2006
SR 45/2006 s6.

Committees

- 11(1)** The commission may appoint any committee that it considers necessary or desirable for the proper operation of the forage seed plan.
- (2) The members of a committee appointed pursuant to this section are entitled to any remuneration and reimbursement for expenses that the commission may determine.

15 Jly 2005 cA-15.21 Reg 3 s11.

Chairperson and vice-chairperson

- 12(1)** The commission shall elect a chairperson and vice-chairperson from among the directors of the commission at their first meeting in each year after new members have been elected.
- (2) The chairperson and vice-chairperson hold office at the pleasure of the commission.
- (3) The chairperson, or in the absence of the chairperson the vice-chairperson, shall preside over all meetings of the commission.

15 Jly 2005 cA-15.21 Reg 3 s12.

Quorum

13 For the transaction of business at a duly called meeting of the commission:

- (a) a majority of the commission constitutes a quorum; and
- (b) a decision of a majority of those directors comprising a quorum is a decision of the commission.

15 Jly 2005 cA-15.21 Reg 3 s13.

A-15.21 REG 3 FORAGE SEED DEVELOPMENT PLAN**Policies re conflict of interest and code of conduct**

14 Within 18 months after the coming into force of these regulations, the commission shall prepare and submit to the council:

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

15 Jly 2005 cA-15.21 Reg 3 s14.

Conflicts of interest

15(1) No director shall:

- (a) fail to disclose to the commission 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 forage seed producers.

(2) If the commission is uncertain whether or not a director has a conflict of interest mentioned in clause (1)(a) or (b), the commission must adjourn the matter until the conflict of interest issue is resolved pursuant to the policies mentioned in section 14.

15 Jly 2005 cA-15.21 Reg 3 s15.

Bank accounts

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

15 Jly 2005 cA-15.21 Reg 3 s16.

Investments

17 The commission may:

- (a) invest any money in its possession or control that is not immediately required for a purpose of the forage seed plan or its operations in any security or class of securities authorized for 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, on any terms and in any amount that the commission considers expedient.

15 Jly 2005 cA-15.21 Reg 3 s17.

Fiscal year

18 The fiscal year of the commission is the period commencing on July 1 in one year and ending on June 30 in the following year.

15 Jly 2005 cA-15.21 Reg 3 s18.

Financial plan

19 The commission shall prepare and approve a financial plan of its operations at the beginning of each fiscal year.

15 Jly 2005 cA-15.21 Reg 3 s19.

Meetings of registered forage seed producers

20(1) An annual general meeting of registered forage seed producers:

- (a) is to be held on or before February 1 in each year; and
- (b) is to be held at a place and time determined by the commission.

(2) The commission:

- (a) may call a special general meeting of registered forage seed producers at any time; and
- (b) shall call a special general meeting on the written request of not less than 15 registered forage seed producers.

(3) The commission shall notify all registered forage seed producers, in writing:

- (a) for an annual general meeting of registered forage seed 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 registered forage seed producers of the date, time, location and agenda not less than 15 days before the date on which the special general meeting commences.

(3.1) The notice mentioned in subsection (3) may be sent:

- (a) by ordinary or registered mail; or
- (b) at the request of a registered forage seed producer, by facsimile or electronic mail.

(3.2) If a notice is sent pursuant to clause (3.1)(b), it is deemed to have been received on the next business day after it was sent.

(4) The quorum at an annual or special general meeting of registered forage seed producers is 15 registered forage seed producers.

(5) The commission shall prepare and 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.

(6) Any change to the remuneration to be paid to the directors of the commission is to be determined by motion of the commission and approved by a vote of registered forage seed producers at the next annual general meeting.

(7) At an annual or special general meeting, registered forage seed producers may debate and take a vote by show of hands on any questions or resolutions respecting the purposes of the forage seed plan.

15 Jly 2005 cA-15.21 Reg 3 s20; 26 May 2006
SR 45/2006 s7; 16 Oct 2009 SR 91/2009 s7.

PART IV Registration

Registered forage seed producers

21(1) Every forage seed producer shall register with the commission at the time and in the manner determined by order of the commission.

(2) The commission shall keep and maintain at its head office a register containing the name and address of every registered forage seed producer.

15 Jly 2005 cA-15.21 Reg 3 s21.

Registration of buyers

22(1) Every buyer shall register with the commission at the time and in the manner determined by order of the commission.

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

15 Jly 2005 cA-15.21 Reg 3 s22.

Suspension and cancellation of registrations

22.1(1) The commission may cancel or suspend a registration if the registered forage seed producer or registered buyer, as the case may be, has contravened:

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

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

(3) If the commission suspends or cancels a registration pursuant to this section, the commission must advise the registered forage seed producer or registered buyer, as the case may be, in writing of its decision.

16 Oct 2009 SR 91/2009 s8.

PART V Levies

Collection of levies

23(1) Every forage seed producer engaged in the production, marketing or production and marketing of forage seed shall pay to the commission, at the times and in the manner determined by the commission, a levy calculated in accordance with this section.

(2) Subject to subsection (3), the levy mentioned in subsection (1):

- (a) is to be determined by order of the commission; and
- (b) is to be based on a fixed percentage amount of the gross value of forage seed sold by a forage seed producer.

- (3) The commission shall provide registered forage seed producers:
 - (a) an opportunity to discuss the rate of the levy at annual general meetings and special general meetings; and
 - (b) at least 10 business days' notice that the rate of the levy is to be discussed at an annual general meeting or special general meeting.
- (4) The commission may require any buyer of forage seed to:
 - (a) deduct the levy mentioned in subsection (1), and other fees and charges on forage seed levied pursuant to these regulations, from any payment made to a forage seed producer; and
 - (b) forward the levy and other fees and charges to the commission.
- (5) The commission may require any forage seed producer to:
 - (a) deduct the levy mentioned in subsection (1), and other fees and charges on forage seed levied pursuant to these regulations, from any payment from another forage seed producer; and
 - (b) forward the levy and other fees and charges to the commission.
- (6) The commission may recover in a court of competent jurisdiction the levies, fees and charges mentioned in this section from forage seed producers and from buyers.

16 Oct 2009 SR 91/2009 s9.

Refund of levies

- 24(1) The commission shall make a refund of levies only if:
 - (a) the commission receives a written request for the refund from the forage seed producer:
 - (i) with respect to levies paid between January 1 and June 30 in any year, not later than July 31 of that year; and
 - (ii) with respect to levies paid between July 1 and December 31 in any year, not later than January 31 in the following year; and
 - (b) the request has been verified by the commission.
- (2) If the commission receives and verifies a written request for a refund of levies paid to the commission by the forage seed producer:
 - (a) between January 1 and June 30 in any year, the commission shall make the refund of those levies to the forage seed producer not later than September 30 of that year; and
 - (b) between July 1 and December 31 in any year, the commission shall make the refund of those levies to the forage seed producer not later than March 31 in the following year.

16 Oct 2009 SR 91/2009 s9.

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25 If, for any one fiscal year, 35% or more of the forage seed producers representing 35% or more of the levy for that fiscal year request a refund of levies pursuant to subsection 24(1), the commission shall immediately notify the council.

16 Oct 2009 SR 91/2009 s9.

**PART VI
Commission Orders**

Commission orders

26(1) The chairperson, or in the absence of the chairperson the vice-chairperson, shall sign every order issued by the commission pursuant to section 12 of the Act.

(2) The commission shall number in consecutive order, retain and make available for inspection at its head office by any forage seed producer, buyer or 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 commission shall:

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

(b) annually review the orders of the commission and consolidate them.

15 Jly 2005 cA-15.21 Reg 3 s26.

**PART VII
Elections**

Eligibility

27(1) Every registered forage seed producer is eligible to hold office as a director of the commission.

(2) Subject to subsection (5), a registered forage seed 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 commission in a form and manner acceptable to the commission.

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

(4) Subject to subsection (5), every registered forage seed 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 registered forage seed producer or as a designated representative of a registered forage seed producer.

15 Jly 2005 cA-15.21 Reg 3 s27; 26 May 2006
SR 45/2006 s10.

28 Repealed. 16 Oct 2009 SR 91/2009 s10.

Nominations

29(1) Any registered forage seed producer is eligible to be nominated for election as a director of the commission.

(2) The commission shall:

(a) fix the last date for receipt of nominations for election to the commission; and

(b) at least 30 days before the last date for receipt of nominations, notify registered forage seed producers that nominations are being accepted for the commission and the last date for receipt of nominations.

(3) Every nomination is to be:

(a) in writing in the form required by the commission;

(b) signed by:

(i) three registered forage seed producers;

(ii) three representatives of registered forage seed producers appointed pursuant to subsection 27(2); or

(iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling three persons; and

(c) delivered to the returning officer on or before the date fixed pursuant to clause (2)(a) for receipt of nominations.

15 Jly 2005 cA-15.21 Reg 3 s29.

Returning officer and scrutineers

30(1) Subject to subsection (2), the commission shall appoint a returning officer and a scrutineer to conduct an election pursuant to section 31.

(2) Registered forage seed producers, forage seed producers, buyers and employees of the commission 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 related to conducting an election.

(4) The scrutineer appointed pursuant to subsection (1) is responsible for scrutinizing all actions related to conducting an election.

15 Jly 2005 cA-15.21 Reg 3 s30.

Conduct of elections

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- 31(1)** If not more than the required number of candidates is nominated pursuant to section 29, the candidates nominated are deemed to be elected by acclamation.
- (2) If more than the required number of candidates is nominated pursuant to section 29, the commission 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 registered forage seed producer:
 - (i) the ballot and a plain envelope;
 - (ii) a profile of every candidate;
 - (iii) a certificate of eligibility to vote; and
 - (iv) notice of the time by which and the place to which the ballot and the certificate of eligibility to vote are to be returned.
- (3) Every registered forage seed producer that wishes to vote in an election shall:
- (a) complete the ballot provided by the commission; and
 - (b) 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 returning officer shall declare those candidates receiving the greatest number of votes, up to the number of director positions to be filled, to be directors of the commission.
- (5) The ballot of a registered forage seed producer is not valid if:
- (a) the registered forage seed producer votes for more than the specified number of candidates;
 - (b) it is defaced;
 - (c) it is marked in any way other than to vote for candidates;
 - (d) it is not the original ballot provided by the commission; or
 - (e) the individual who voted for the registered forage seed producer voted more than once.

15 Jly 2005 cA-15.21 Reg 3 s31; 26 May 2006 SR 45/2006 s11; 16 Oct 2009 SR 91/2009 s11.

Validity of election

32 A registered forage seed producer is deemed to have received any document that is mailed to the last address provided by him or her to the commission, and the failure of any registered forage seed producer to receive that document does not invalidate the election.

15 Jly 2005 cA-15.21 Reg 3 s32.

Election results

33 The returning officer shall announce the names of the persons elected as directors at the first annual general meeting of registered forage seed producers after the election, immediately after the minutes of the previous meeting have been dealt with.

15 Jly 2005 cA-15.21 Reg 3 s33.

Term of office, vacancy

34(1) Subject to subsections (2), (3) and (6), a director of the commission holds office:

- (a) for a term of three years:
 - (i) in the case of a registered forage seed producer, after he or she is elected; or
 - (ii) in the case of an appointed director, after he or she is appointed; and
 - (b) until the director's successor is elected or appointed, as the case may be.
- (2) The term of office of every director of the first elected commission commences on the day on which he or she is declared by the returning officer to be elected, and expires:
- (a) in the case of the two directors receiving the largest number of votes, on December 31 of the third year following the year in which the election is held;
 - (b) in the case of the two directors receiving the next largest number of votes, on December 31 of the second year following the year in which the election is held; and
 - (c) in the case of the two directors receiving the next largest number of votes, on December 31 of the first year following the year in which the election is held.
- (3) If the directors of the first elected commission are acclaimed, their terms of office commence on the day on which they are declared by the returning officer to be elected and expire in accordance with clauses (2)(a) to (c) applied to a vote held pursuant to section 35 as if a tie had occurred.
- (4) Subject to subsection (5), a director is eligible for re-election.
- (5) If a director has completed three consecutive terms, he or she is not eligible for re-election or re-appointment until one year has passed since the completion of the director's third consecutive term.

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- (6) The office of a director becomes vacant if a director:
- (a) ceases to qualify as a registered forage seed producer in the case of an elected director;
 - (b) resigns, dies or is unable to act;
 - (c) is absent from two consecutive meetings of the commission without being excused by a resolution of the commission; or
 - (d) fails to fulfil his or her duties as established by the policy of the commission and approved by the council.
- (7) Notwithstanding subsection 7(1), if the office of a director becomes vacant, the commission may appoint a director to fill the vacancy for the remainder of the term for that office.

15 Jly 2005 cA-15.21 Reg 3 s34.

Tie votes

- 35**(1) If a tie occurs between candidates, if necessary the successful candidate is to be determined by a vote of registered forage seed producers conducted at the annual general meeting of registered forage seed producers.
- (2) Voting pursuant to subsection (1) is to be by secret ballot.
- (3) Subject to subsection 27(5), only registered forage seed producers who are in attendance at the annual general meeting are entitled to vote pursuant to subsection (1), and each of those registered forage seed producers is entitled to one vote for that purpose.
- (4) The returning officer shall count the votes cast pursuant to subsection (1) and announce the winner of the tie vote before proceeding with any further business at the annual general meeting.

15 Jly 2005 cA-15.21 Reg 3 s35; 26 May 2006
SR 45/2006 s12.

Retention of ballots

- 36** The returning officer shall:
- (a) retain all ballots in his or her possession; and
 - (b) not destroy any ballot or other record respecting an election of directors until 90 days after the annual general meeting of registered forage seed producers at which the returning officer announced the results of the election.

15 Jly 2005 cA-15.21 Reg 3 s36.

Challenge to election results

37(1) Any registered forage seed producer may challenge the results of an election of directors, as announced by the returning officer pursuant to section 33 or subsection 35(4), 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 within 90 days after the annual general meeting of registered forage seed producers at which the returning officer announced the results of 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.

15 Jly 2005 cA-15.21 Reg 3 s37.

PART VIII**Transitional and Coming into Force**

38 Repealed. 16 Oct 2009 SR 91/2009 s12.

Coming into force

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

15 Jly 2005 cA-15.21 Reg 3 s39.

