

The Broiler Hatching Egg Marketing Plan Regulations

being

Chapter N-3* Reg 1 (effective August 12, 1985) as amended
by Saskatchewan Regulations 65/87, 55/2000 and 113/2003.

* *The Natural Products Marketing Act* (c. N-3) was repealed by *The Agri-Food Act*, but these regulations continue in force under *The Agri-Food Act*.

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 N-3 REG 1

The Agri-Food Act

Title

1 These regulations may be cited as *The Broiler Hatching Egg Marketing Plan Regulations*.

Interpretation

2 In these regulations:

- (a) “**Act**” means *The Agri-Food Act*;
- (b) “**board**” means the Saskatchewan Broiler Hatching Egg Producers’ Marketing Board continued pursuant to section 34 of the Act;
- (c) “**broiler breeder**” means that class of meat-type hen that is raised to produce broiler chicken hatching eggs;
- (d) “**hatchery**” means any egg hatching facility that is licensed in Saskatchewan or any egg hatching facility that is required by an Act or regulations to be licensed to operate in Saskatchewan;
- (e) “**hatching eggs**” means any eggs produced by a producer for the purpose of hatching;
- (f) “**plan**” means the Saskatchewan Broiler Hatching Egg Marketing Plan continued pursuant to section 34 of the Act;
- (g) “**producer**” means any person who:
 - (i) is engaged in the production and marketing within Saskatchewan of hatching eggs from 200 or more broiler breeders and includes the employer of any person who is so engaged;
 - (ii) is entitled under any lease or agreement to a share of the hatching eggs produced and marketed by a person mentioned in subclause (i) or the proceeds from the marketing of those eggs; or
 - (iii) takes possession of any hatching eggs pursuant to any form of security or legal proceeding for a debt;
- (h) “**production unit**” means a producer who, or a group of producers that, together with the producer’s or the group’s buildings, structures, equipment and land used for the production and marketing of hatching eggs is designated by the board as a production unit in accordance with section 15.1;
- (i) **Repealed.** 17 Oct 2003 SR 113/2003 s3.

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(j) “**quota**” means the written authority given to a production unit to market the number of hatching eggs, as set out in that authority, on an annual basis;

(k) “**registered producer**” means a producer who is registered with the board and whose registration is in good standing;

(l) “**total provincial quota**” means the total number of hatching eggs that may be marketed by all production units as authorized by all valid, outstanding quotas.

23 Aug 85 cN-3 Reg 1 s2; 17 Oct 2003 SR 113/2003 s3.

PLAN

3 Repealed. 17 Oct 2003 SR 113/2003 s4.

Application

4 Subject to the exemptions set out in section 5 and to any exemptions made by the board, the plan and the orders of the board made pursuant to the plan apply to:

- (a) all of Saskatchewan; and
- (b) all producers.

23 Aug 85 cN-3 Reg 1 s4.

Exemptions

5 These regulations do not apply to:

- (a) producers who market hatching eggs only between February 1 and May 31 of each year;
- (b) research institutions producing hatching eggs for research purposes.

23 Aug 85 cN-3 Reg 1 s5; 24 Jly 87 SR 65/87 s2.

Purposes

6(1) The general purpose and intent of the plan is to provide for orderly marketing in the Saskatchewan hatching egg industry.

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

- (a) to regulate the production and marketing of hatching eggs in an orderly manner in Saskatchewan;
- (b) to maintain a stable price for hatching eggs that is relative to the cost of production;
- (c) to ensure the availability of an adequate supply of hatching eggs to meet the market demand;

- (d) to establish marketing quotas for producers;
- (e) to initiate, or co-operate in, research and education relating to the production and marketing of hatching eggs; and
- (f) to co-operate with federal and extra-provincial marketing bodies with similar purposes.

23 Aug 85 cN-3 Reg 1 s6.

BOARD

Board composition and duty

7(1) The board consists of four producers elected as directors in accordance with sections 22 to 24.

(2) The board shall administer the plan.

17 Oct 2003 SR 113/2003 s5.

Orders to be submitted to council

7.1(1) Within 18 months after the coming into force of *The Broiler Hatching Egg Marketing Plan Amendment Regulations, 2003*, the board shall prepare and submit to the council a written copy of all orders and all amendments to those orders that are then in force.

(2) All orders of the board that are in existence on the coming into force of *The Broiler Hatching Egg Marketing Plan Amendment Regulations, 2003* are inoperative to the extent that they are inconsistent with these regulations.

17 Oct 2003 SR 113/2003 s5.

Board policies

7.2 Within 18 months after the coming into force of *The Broiler Hatching Egg Marketing Plan Amendment Regulations, 2003*, the board shall prepare and submit the following to the council:

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

17 Oct 2003 SR 113/2003 s5.

Powers of board

8(1) The board is vested with the power:

- (a) to regulate the time and place at which and the agency through which hatching eggs are marketed;
- (b) to regulate the manner of distribution, quantity, grade and class of hatching eggs that are marketed by any producer at any time;

- (c) to prohibit, in whole or in part, the transportation, packing, storing or marketing of any quantity, grade or class of hatching eggs;
- (d) to market, including grading, hatching eggs either as principal or agent;
- (e) to exempt from any order any person or class of persons engaged in the production or marketing of hatching eggs or any class, variety or grade of hatching eggs;
- (f) to require any or all producers to register with and obtain licences from the board and provide any guarantees of financial responsibility that it considers necessary;
- (g) to issue licences, fix and collect licence fees, collect charges for services rendered by it and collect penalties from any or all producers, and for those purposes to classify such producers into groups and fix the licence fees and charges payable by the members of the different groups, and to recover any such licence fees, charges or penalties by suit in any court of competent jurisdiction;
- (h) to cancel or suspend any licence for violation of any part or provision of the plan, of any order of the board or of the regulations and to reinstate any cancelled or suspended licence;
- (i) to require from all producers full information relating to the production or marketing of hatching eggs, as well as periodic information in any form that it may determine;
- (j) to inspect the records of production of hatching eggs and the premises of producers at its discretion;
- (k) to fix or determine the price or prices or minimum price or prices at which hatching eggs, or any quality, grade or class thereof, may be bought or offered for sale in Saskatchewan;
- (l) to require the person in charge of any vehicle in which hatching eggs may be transported to permit any person designated by the board to search the vehicle;
- (m) to seize, remove and dispose of any hatching eggs marketed in violation of an order of the board and retain or otherwise dispose of the proceeds thereof;
- (n) to use any moneys it receives in carrying out the purposes of the plan and paying its expenses;
- (o) to borrow, raise or secure the payment of money in any manner that it considers appropriate for the proper administration of the plan;
- (p) to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange and other negotiable or transferable instruments;

- (q) to purchase, take on lease or in exchange or otherwise acquire real property for the purpose of its business and to sell or otherwise dispose of, or mortgage, real property acquired by it;
 - (r) subject to the approval of the council, to make such orders as in its opinion are necessary or advisable to promote, control and regulate the production and marketing of hatching eggs and to amend or revoke such orders; and
 - (s) to carry out educational and research programs relating to hatching eggs.
- (2) The board may accept and exercise any power or authority delegated to it by or pursuant to the *Agricultural Products Marketing Act* (Canada), as amended from time to time, in relation to any power, authority or function that may be conferred or imposed pursuant to that Act.

23 Aug 85 cN-3 Reg 1 s8; 17 Oct 2003 SR 113/
2003 s6.

Books and records

- 9(1) The board shall maintain any books and records that may be required for the proper administration of the plan and keep those books and records open for inspection by the council during normal office hours at the head office of the board.
- (2) The board shall maintain a head office in Saskatchewan.
- (3) The head office of the board must not be located at a place:
- (a) that is owned or leased by a producer; or
 - (b) in which a producer has a direct or indirect interest.

23 Aug 85 cN-3 Reg 1 s9; 17 Oct 2003 SR 113/
2003 s7.

Auditor

- 10(1) Subject to subsection (2), the voters as defined in section 20 must appoint an auditor for the board at:
- (a) every annual meeting; and
 - (b) any special meeting of the voters called for the purpose of appointing an auditor.
- (1.1) The auditor appointed pursuant to subsection (1) shall:
- (a) audit the books and records of the board; and
 - (b) perform any other duties respecting the plan or the board that are imposed on the auditor pursuant to the Act or these regulations or that the council may direct.
- (2) Where an auditor is not appointed pursuant to subsection (1), the board shall appoint an auditor.

23 Aug 85 cN-3 Reg 1 s10; 17 Oct 2003 SR 113/
2003 s8.

Committees

11(1) The board may appoint any committees that it considers necessary or desirable for the proper administration of the plan.

(2) **Repealed.** 17 Oct 2003 SR 113/2003 s9.

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

23 Aug 85 cN-3 Reg 1 s11; 17 Oct 2003 SR 113/2003 s9.

Chairperson and vice-chairperson of board

12(1) The board shall elect a chairperson and vice-chairperson from among its members.

(2) The chairperson or, in the chairperson's absence, the vice-chairperson shall preside at all meetings of the board.

(3) Subject to subsection (4), the chairperson or vice-chairperson presiding at a meeting of the board shall not vote on any matter before the board other than the election of a chairperson or vice-chairperson.

(4) The officer presiding at a meeting may only vote on a matter to break a tie.

17 Oct 2003 SR 113/2003 s10.

Quorum

12.1(1) A majority of the board constitutes a quorum at any meeting of the board.

(2) A resolution of the board is to be passed by a majority vote of the board members present at the meeting.

17 Oct 2003 SR 113/2003 s10.

Conflicts of interest

12.2(1) No member of the board shall:

(a) fail to disclose to the board any conflict of interest that the member may have; or

(b) vote on any matter with respect to which the member 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 member of the board has a conflict of interest pursuant to subsection (1), the board must adjourn the matter until the conflict of interest issue is resolved pursuant to the policies mentioned in section 7.2.

17 Oct 2003 SR 113/2003 s10.

Remuneration

13(1) The board may appoint or hire a manager and any other staff or agents to administer the plan and may fix the remuneration for those employees.

(2) **Repealed.** 17 Oct 2003 SR 113/2003 s11.

23 Aug 85 cN-3 Reg 1 s13; 17 Oct 2003 SR 113/2003 s11.

Financial provisions

14(1) The board may open accounts in banks, credit unions or trust corporations in its name and appoint signing officers.

(2) The board may invest any money in its possession or control that is not immediately required for the purpose of its operations in securities approved by the Investment Board established pursuant to *The Department of Finance Act, 1983*, and may sell any securities so acquired by it and reinvest any of the proceeds of those securities in a similar manner.

(3) The fiscal year of the board is the period commencing on January 1 in one year and ending on December 31 in the same year.

23 Aug 85 cN-3 Reg 1 s14.

REGISTRATION

Registration required

15(1) No person shall engage in the business of a producer or be employed as a producer without being registered in the manner required by these regulations and any orders of the board.

(2) No person shall own or operate a hatchery that purchases hatching eggs without being registered with the board.

17 Oct 2003 SR 113/2003 s12.

Designation of production units

15.1(1) As soon as is reasonably possible after the coming into force of *The Broiler Hatching Egg Marketing Plan Amendment Regulations, 2003*, the board shall enact and forward to the council an order respecting the policy for designation of producers as production units.

(2) The board shall submit to the council a written copy of any new order or amendment to an order that is enacted by the board for the purposes of subsection (1) within two weeks of the enactment of the new order or amendment to an order.

(3) On the registration of a producer by the board, the board shall designate that producer, together with the producer's buildings, structures, equipment and land used for the production and marketing of hatching eggs:

(a) as a production unit;

(b) as a producer to be incorporated into an existing production unit; or

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- (c) as a new production unit to be formed together with other producers and their buildings, structures, equipment and land used for the production and marketing of hatching eggs.
- (4) The board may amend its designation of a production unit or repeal a designation and make one or more new designations to replace the existing designation.
- (5) The board shall make its designation or act pursuant to subsection (4) only in accordance with the order that is enacted in accordance with subsection (1).

17 Oct 2003 SR 113/2003 s12.

Designation of representatives of production units

- 15.2(1)** In this section, “**producer**” does not include a producer in a production unit who is an employee of another producer in the production unit.
- (2) The producers within a production unit shall nominate one of their number as a representative as soon as is reasonably possible after:
 - (a) the initial designation by the board of the production unit;
 - (b) the addition of a new producer into an existing production unit; or
 - (c) the designation of the production unit as a new production unit pursuant to clause 15.1(3)(c) or subsection 15.1(4).
 - (3) A nomination pursuant to subsection (2) is to be made in any manner that the producers within the production unit consider appropriate.
 - (4) At any time after a nomination has been made, the producers in the production unit may rescind the nomination and nominate another of their number as the representative if they consider it necessary or appropriate to do so.
 - (5) A nomination pursuant to this section is to be sent to the board in accordance with any order of the board and is to include the name and address of the representative.

17 Oct 2003 SR 113/2003 s12.

Registration of producers and representatives

- 16(1)** Every producer shall register with the board in accordance with an order enacted by the board.
- (2) The board shall enact an order of the board respecting the registration of producers and representatives of production units.
 - (3) The board must maintain at its head office a register containing:
 - (a) the name and address of each producer;
 - (b) the name and address of every representative of, and a description of, every production unit; and
 - (c) the name and address of every hatchery purchasing hatching eggs.

- (4) The board shall remove from the register:
- (a) the name and address of any person whom the board is satisfied has ceased to be a producer;
 - (b) the name and address of any representative of a production unit if the board has been notified by the production unit in a manner that the board considers consistent with its order that the representative has ceased to be the representative of the production unit;
 - (c) the description of any production unit that the board, in accordance with an order of the board, is satisfied has ceased to be a production unit; and
 - (d) the name and address of every hatchery that purchased hatching eggs and that the board is satisfied has ceased to carry on that activity.

17 Oct 2003 SR 113/2003 s12.

Licensing

16.1 No producer shall carry on business or be employed as a producer unless that person has obtained an annual licence from the board.

17 Oct 2003 SR 113/2003 s12.

Fees for registration and licensing

16.2 Every person who is required to be registered or to obtain a licence pursuant to these regulations shall pay any fee that may be set by order of the board as a condition of being registered or licensed.

17 Oct 2003 SR 113/2003 s12.

Notice of cancellation or suspension

17(1) Where the board cancels or suspends a licence of any person pursuant to clause 8(1)(h), written notice of the cancellation or suspension, including the reasons for the cancellation or suspension, shall be served on the person by registered mail or personally at least four weeks prior to the cancellation or suspension.

(2) A notice pursuant to subsection (1) served by registered mail is deemed to have been received on the seventh day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of his own, he did not receive the notice or that he received it at a later date.

23 Aug 85 cN-3 Reg 1 s17.

Objection to board

18(1) A person who objects to the cancellation or suspension of his licence may notify the board that he so objects providing the reasons why he objects.

(2) Notwithstanding subsection 11(2), the board shall review a decision about which an objection is filed pursuant to subsection (1) and shall confirm, reverse or vary the decision as soon as possible.

23 Aug 85 cN-3 Reg 1 s18.

19 Repealed. 17 Oct 2003 SR 113/2003 s13.

MEETINGS

Voters defined and their rights

20(1) In this section and sections 10 and 20.1 to 25, “**voter**” means a representative nominated by a production unit whose name is duly registered with the board.

(2) Every voter is entitled to only one vote.

17 Oct 2003 SR 113/2003 s14.

Annual and special meetings of voters

20.1(1) The board shall call an annual meeting of voters at any time before April 30 of each year at a place determined by the board.

(2) The board:

(a) may call special meetings of voters at any time; and

(b) shall call a special meeting on the written request of:

(i) the council; or

(ii) a minimum of five voters.

(3) The board shall call a special meeting pursuant to clause (2)(b) within 30 days after receiving the written request.

(4) The board must provide written notice to voters of the place, date and hour of any annual or special meeting of voters at least 14 days before the meeting.

(5) In the case of a special meeting, the board shall include in the written notice mentioned in subsection (4) the nature of the business to be conducted at the special meeting.

(6) The quorum at an annual meeting or special meeting of voters is five voters.

(7) The chairperson of the board or, in the chairperson’s absence, the vice-chairperson of the board shall preside at all meetings of voters.

17 Oct 2003 SR 113/2003 s14.

Required business at annual meetings

20.2 The board shall prepare and submit to each annual meeting:

(a) a proposed budget for the plan outlining the collection and expenditure of funds during the next fiscal year; and

(b) an outline of proposed programs and activities of the plan for the next fiscal year.

17 Oct 2003 SR 113/2003 s14.

Orders and permits respecting quotas

21(1) For the purposes of the plan and subject to subsections (2) to (5) and section 21.1, the board may enact orders:

- (a) requiring that the production and marketing of hatching eggs be governed by:
 - (i) fixing and allocating quotas to production units for the production and marketing of hatching eggs;
 - (ii) increasing or reducing quotas mentioned in subclause (i);
 - (iii) cancelling or suspending quotas mentioned in subclause (i); or
 - (iv) refusing to fix and allocate quotas to production units for the production and marketing of hatching eggs;
 - (b) governing the transferability or non-transferability of quotas and prescribing the conditions and procedures applicable to the transfer of quotas; and
 - (c) for the purpose of determining the amount of hatching eggs produced and marketed by a production unit during a period, establishing:
 - (i) a formula to determine the amount or number of hatching eggs deemed to have been produced or marketed by a production unit; and
 - (ii) the period with respect to which the formula is to be applied.
- (2) The board shall enact orders determining policies and procedures for:
- (a) reducing quota allocations to production units if there are more hatching eggs being marketed than are authorized by the total provincial quota; and
 - (b) increasing the quota allocations to production units if there are fewer hatching eggs being marketed than are authorized by the total provincial quota.
- (3) The board may establish schedules within which:
- (a) reductions in quota allocations are to occur for the purposes of subsection (2); and
 - (b) increases in quota allocations are to occur for the purposes of subsection (2).
- (4) Notwithstanding any other provision of these regulations or any order of the board, if the board considers it necessary to meet a short-term increased demand for hatching eggs, the board may issue a permit to a production unit to allow it to increase its marketing of eggs above its quota.
- (5) No holder of a permit issued pursuant to subsection (4) shall fail to comply with the terms and conditions of the holder's permit.

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21.1(1) Subject to subsection (2), no production unit shall hold, directly or indirectly, more than 20% of the total provincial quota.

(2) The board may enact an order increasing or decreasing the percentage of the total provincial quota that a production unit may hold.

(3) The board shall not allocate, reallocate or approve the lease of any quota, if, as a result of that allocation, reallocation or lease, any production unit would hold a quota in excess of that allowed pursuant to subsection (1) or subsection (2).

17 Oct 2003 SR 113/2003 s14.

Auctions of quota

21.2(1) The board shall offer all increases in the number of hatching eggs that can be produced and marketed under the total provincial quota only by open auction.

(2) For the purposes of subsection (1), no production unit or other person is entitled to bid for or receive an increase in the number of hatching eggs that the production unit or person can produce or market under quota if the amount of the increase would result in the production unit or person exceeding the maximum quota holding allowable pursuant to section 21.1.

(3) Auctions of quota must be conducted in accordance with procedures described in an order of the board.

(4) The board shall cause all proceeds of auctions to be placed in the Saskatchewan Broiler Hatching Egg Industry Trust Fund established pursuant to section 25.

17 Oct 2003 SR 113/2003 s14.

Limits on allocation and transfer of quota

21.3(1) The board shall not allocate or transfer quota in a way that forms production units with a capacity of more than 30,000 breeder chicks placed per year.

(2) No production unit with a capacity of over 30,000 breeder chicks per year shall receive any further increase in quota allocation.

(3) No production unit with a capacity of over 30,000 breeder chicks per year shall be required to reduce its quota unless there is a general decrease in total provincial quota pursuant to clause 21(2)(a).

17 Oct 2003 SR 113/2003 s14.

Other matters respecting quota

21.4(1) The board may, by order, establish policies and procedures governing the leasing of quota by production units.

(2) Notwithstanding sections 21 to 21.3, the board shall develop a quota allocation system with quota maintained and allocated on the basis of hatching eggs marketed by January 1, 2005.

17 Oct 2003 SR 113/2003 s14.

Offices

22 Only voters are eligible to be directors of the board and to hold any office of the board.

17 Oct 2003 SR 113/2003 s14.

Terms of office

23(1) The directors of the board hold office for a term of three years.

(2) No director may hold office for more than two consecutive terms without a minimum two-year period before re-election.

(3) In the case of the first board elected after the coming into force of *The Broiler Hatching Egg Marketing Plan Amendment Regulations, 2003*, the term of office of each member of the board commences on the day on which the member is declared elected by the returning officer appointed pursuant to section 24 and ends on December 31:

(a) in the case of the two directors receiving the largest number of votes, of the third year following the year in which the election is held;

(b) in the case of the director receiving the third largest number of votes, of the second year following the year in which the election is held; and

(c) in the case of the director receiving the fourth largest number of votes, of the first year following the year in which the election is held.

(4) The board shall call an election for the directors of the board within three months after the coming into force of *The Broiler Hatching Egg Marketing Plan Amendment Regulations, 2003*.

17 Oct 2003 SR 113/2003 s14.

Conduct of elections

24(1) The board shall:

(a) subject to this section, enact orders respecting the conduct of elections of directors of the board;

(b) fix a date for receiving nominations; and

(c) at least 30 days before the date fixed pursuant to clause (b), send to each voter a notice stating that nominations are being accepted for election to the board and giving the date fixed for receiving nominations.

(2) The board shall appoint a returning officer who is not a producer nor an employee of the board.

(3) Every nomination must be:

(a) in writing in the form set by the board;

(b) signed by two voters; and

(c) delivered to the returning officer not later than the date fixed for receiving nominations.

- (4) If not more than the required number of candidates are nominated, the candidates so nominated are to be declared elected by acclamation.
- (5) If more than the required number of candidates are nominated, the board shall, at least 21 days before the date fixed for receiving ballots, send by prepaid post to each voter:
- (a) the ballot;
 - (b) a plain envelope; and
 - (c) a notice of the time by which and the place to which the ballot, sealed in the plain envelope, is to be returned.
- (6) All voting is to be by the ballot provided by the board, and the ballot is to be sealed in the plain envelope provided and returned in person or by registered mail to the returning officer on or before the date fixed for receiving ballots.
- (7) The returning officer shall declare those candidates receiving the most votes, up to the number of director's positions to be filled, to be directors of the board.
- (8) Ties between candidates are to be decided by the drawing of lots by those candidates who are tied in voting.
- (9) A voter is deemed to have received any notice, nomination paper or ballot that is posted to the voter at the voter's last address registered with the board.
- (10) The failure of any voter to receive any notice, nomination paper or ballot does not invalidate the election.
- (11) If a voter votes for more than the specified number of candidates required to fill the vacancies on the board, the voter's ballot is not valid.
- (12) If any delay or irregularity occurs in any election, or if any doubt arises as to the validity of the election, the council shall do all or any of the following:
- (a) determine who the directors of the board are;
 - (b) fix the directors' terms of office;
 - (c) if the council considers it advisable, direct the holding of a special election of directors of the board.
- (13) Subject to subsection 20(1), voting by proxy is prohibited.

17 Oct 2003 SR 113/2003 s14.

Trust fund established

25(1) In this section:

- (a) **“fiscal year”** means the fiscal year of the trust fund;
- (b) **“trust fund”** means the Saskatchewan Broiler Hatching Egg Industry Trust Fund established pursuant to this section;
- (c) **“trustee”** means a trustee of the trust fund appointed in accordance with this section.

- (2) The board shall establish the Saskatchewan Broiler Hatching Egg Industry Trust Fund as soon as is reasonably possible after the coming into force of *The Broiler Hatching Egg Marketing Plan Amendment Regulations, 2003*.
- (3) Within six months after the coming into force of *The Broiler Hatching Egg Marketing Plan Amendment Regulations, 2003*, the board shall:
- (a) appoint as trustees at least three persons who are, in the opinion of the council, independent of the board; and
 - (b) inform the council in writing of the establishment of the trust fund and of the name and address of the trustees.
- (4) The trustees shall administer the trust fund in accordance with these regulations.
- (5) The trustees may make an expenditure from the trust fund only if:
- (a) the council has approved:
 - (i) the trustees' organizational structure and operating principles; and
 - (ii) the manner of appointing trustees; and
 - (b) the expenditure is in accordance with any directions or guidelines approved by the council that relate to promoting the growth and development of the broiler hatching egg industry.
- (6) The trustees may invest any moneys not presently required for the purposes of the trust fund in investments that are allowed pursuant to *The Trustee Act*.
- (7) The trustees shall establish the fiscal year and, as soon as possible after establishing the fiscal year, notify the board and the council in writing of the fiscal year.
- (8) Within 90 days after the start of each fiscal year, the trustees shall prepare or cause to be prepared:
- (a) a report on the business of the trust fund for the previous fiscal year; and
 - (b) an audited financial statement showing the activity of the trust fund for the previous fiscal year in any form that may be required by the board.
- (9) The trustees shall provide copies of each report and audited financial statement prepared pursuant to subsection (8) to the board and the council as soon as possible after they are prepared.
- (10) The trustees shall provide copies of each report and audited financial statement prepared pursuant to subsection (8) to be made available to the public at the office of the trustees during the normal office hours of the trustees.
- (11) No producer is entitled to have access to the trust fund through the withdrawal of the producer's contributions.

