

The Pulse Crop Development Plan Regulations

being

Chapter N-3* Reg 7 (effective July 13, 1984) as amended by
Saskatchewan Regulations 40/94 and 39/2000.

**The Natural Products Marketing Act (c. N-3) was repealed by The Agri-Food Act, but these regulations continue in force under The Agri-Food Act.*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 7

The Agri-Food Act

Title

- 1 These regulations may be cited as *The Pulse Crop Development Plan Regulations*.

Interpretation

- 2 In these regulations:

- (a) “**Act**” means *The Agri-Food Act*;
- (b) “**assemble**” means to gather pulses in one place for the purpose of transporting them or selling them to a processor;
- (c) “**assembler**” means any person who, either directly or on behalf of a producer:
 - (i) transports pulses;
 - (ii) assembles pulses;
 - (iii) arranges for assembly of pulses; or
 - (iv) brokers a sale of pulses;
- (d) “**board**” means the Saskatchewan Pulse Crop Development Board continued pursuant to section 6;
- (e) “**buyer**” means any person who buys or contracts to buy pulses produced in Saskatchewan;
- (f) “**director**” means a member of the board of directors;
- (g) “**market development**” means to bring about or further the popularity, consumption or general knowledge of pulses or to bring into being, strengthen, expand or make available markets for pulses produced in Saskatchewan;
- (h) “**plan**” means the Saskatchewan Pulse Crop Development Plan established pursuant to section 3;
- (i) “**processing**” means changing the nature, size, quality or condition of pulse crops;
- (j) “**processor**” means any person engaged in the business of processing pulse crops;
- (k) “**producer**” means any of the following:
 - (i) any person operating a farm in Saskatchewan who is engaged in the production and marketing of pulse crops, and includes the employer or principal of that person;

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(ii) a person who, pursuant to a lease or other agreement, is entitled to a share of the pulses produced by another person or the proceeds from the sale of those pulses;

(iii) a person who takes possession of any pulses pursuant to any form of security or legal proceeding for debt;

(l) **“pulse”** means the seeds of peas, beans, fababeans, chick peas, broad beans, lentils, soybeans, cowpeas, pigeon peas, lupins, vetches or lathyrus;

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

30 Jne 2000 SR 29/2000 s2.

PLAN**Establishment**

3 The Saskatchewan Pulse Crop Development Plan is hereby established.

20 Jly 84 cN-3 Reg 7 s2.

Application

4 Subject 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, all pulse crops and all grades, classes or varieties of pulse crops; and
- (b) all persons engaged in the production or marketing of pulse crops in Saskatchewan.

20 Jly 84 cN-3 Reg 7 s4.

Purposes

5(1) The general purpose and intent of the plan is to provide for the orderly and effective development of the Saskatchewan pulse crop industry.

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

- (a) to promote and develop the pulse crop industry in Saskatchewan;
- (b) to develop procedures to maximize returns to producers of pulse crops;
- (c) to encourage the production of a uniform high-quality product;
- (d) to gather, compile and distribute information related to the production, consumption and marketing of pulse crops;
- (e) to conduct or encourage research on the production, marketing, processing and consumption of pulse crops;
- (f) to promote and improve understanding among individuals and organizations within the pulse crop industry;

- (g) to work in co-operation with any person who has objectives similar to those of the plan; and
- (h) to establish a system of levies on pulse crops for the purpose of carrying out the objectives of the plan.

20 Jly 84 cN-3 Reg 7 s5.

Administration of plan

- 6(1) The development board mentioned in clause 34(2)(a) of the Act is continued as the Saskatchewan Pulse Crop Development Board.
- (2) The board may carry on business under the name Saskatchewan Pulse Growers.
- (3) The board shall administer the plan.
- (4) The affairs of the board shall be conducted by a board of directors consisting of seven registered producers elected in accordance with section 19.

30 Jne 2000 SR 39/2000 s4.

Powers of board

- 7 The board may do any or all of the following:
 - (a) carry out educational, research and developmental programs related to pulse crops;
 - (b) require any person who is engaged in the production or marketing of pulse crops to register with the board;
 - (c) set and collect registration fees and charges for services rendered by the board from any person engaged in the production or marketing of pulse crops;
 - (d) set and collect check-offs from any person engaged in the marketing of pulse crops;
 - (e) categorize into groups persons engaged in the production or marketing of pulse crops for the purpose of setting and collecting:
 - (i) the registration fees and charges mentioned in clause (c); and
 - (ii) the check-offs mentioned in clause (d);
 - (f) recover in a court of competent jurisdiction:
 - (i) the registration fees and charges mentioned in clause (c); or
 - (ii) the check-offs mentioned in clause (d);

- (g) require any person engaged in the production or marketing of pulse crops to furnish the board with any information or records relating to that production or marketing that the board considers necessary;
- (h) employ any officers and other employees that it considers necessary to administer the plan and to determine their respective:
 - (i) duties;
 - (ii) conditions of employment; and
 - (iii) remuneration;
- (i) establish or support, for the benefit of the officers and employees mentioned in clause (h) and their dependants:
 - (i) a group insurance plan; and
 - (ii) any other pension or employee benefit program;
- (j) use any moneys received by the board:
 - (i) to carry out the purposes of the plan; and
 - (ii) to pay the expenses of the board;
- (k) borrow, raise or secure the payment of moneys in any manner that the board thinks appropriate for the purpose of administering the plan;
- (l) draw, make, accept, endorse, execute, issue, hypothecate or assign:
 - (i) promissory notes;
 - (ii) bills of exchange; or
 - (iii) other negotiable or transferable instruments;
- (m) give financial guarantees respecting the indebtedness of any person that the board considers necessary or advisable for the conduct of business related to the plan;
- (n) purchase, take on lease or exchange, or otherwise acquire real and personal property related to the business of the board;
- (o) sell or otherwise dispose of any real or personal property acquired by the board;
- (p) grant:
 - (i) a mortgage against real property acquired by the board; or
 - (ii) a security interest in personal property acquired by the board;
- (q) enter into any agreement with any person, agency, organization, institution or body within or outside Saskatchewan for any purpose related to the exercise of any of the powers or the carrying out of any of the duties of the board in relation to the plan;
- (r) make any orders that are considered by the board as necessary or advisable to carry out the purposes of the plan;

- (s) amend or revoke any of the orders mentioned in clause (r);
- (t) exempt from the plan and any order any category of persons engaged in the marketing of pulse crops or any class, variety or grade of that product;
- (u) purchase or acquire by any other means, in the open market or otherwise, shares, bonds, debentures or other securities of any incorporated company;
- (v) hold, sell, transfer, or otherwise deal with any of the shares, bonds, debentures or other securities mentioned in clause (u) and exercise any rights as owner of those shares, bonds, debentures or other securities, including the right to vote.

30 Jne 2000 SR 39/2000 s4.

Books and records

- 8(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 at any reasonable time.
- (2) The board shall maintain a head office in Saskatchewan.
 - (3) The board shall prepare an annual report containing:
 - (a) a copy of the audited financial statement of the board for its previous fiscal year;
 - (b) a description of the activities of the board for its previous fiscal year; and
 - (c) a list of the names and addresses of the members of the board;
 and shall submit it to the council and make it available at the annual general meeting and, on request, to any registered producer or buyer.
 - (4) The registered producers shall appoint an auditor for the board at the annual or at any special meeting of the registered producers, and the auditor shall audit the books and records of the board.

20 Jly 84 cN-3 Reg 7 s8.

Committee

- 9 The board may appoint any committees that it considers necessary or desirable for the proper operation of the plan.

20 Jly 84 cN-3 Reg 7 s9.

Chairman and vice-chairman

- 10(1) The board shall elect a chairperson and vice-chairperson from among its members.
- (2) The board may appoint or hire a manager and any other staff or agents necessary to carry out the objectives of the plan.
 - (3) A majority of the board constitutes a quorum at any meeting of the board.

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

20 Jly 84 cN-3 Reg 7 s10; 30 Jne 2000 SR 39/2000 s5.

Financial provisions

11(1) The board may open accounts in a bank, credit union or trust corporation in the name of the board 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 for the investment of the general revenue fund pursuant to *The Financial Administration Act, 1993* and may sell any securities so acquired by it and reinvest any of the proceeds of those securities in a similar manner.

(3) Subject to subsection (4), the fiscal year of the board is the period commencing on September 1 in one year and ending on August 31 in the following year.

(4) In the calendar year in which *The Pulse Crop Development Plan Amendment Regulations, 1994* come into force, there is to be a fiscal year of the board commencing on January 1 in that calendar year and ending on August 31 in that calendar year.

20 Jly 84 cN-3 Reg 7 s11; 3 Jne 94 SR 40/94 s5; 30 Jne 2000 SR 39/2000 s6.

Registration of producers

12(1) Every producer of pulse crops shall register with the board at the time and in the manner required by the board.

(2) The board shall maintain at its head office a register containing the name and address of each producer.

(3) The board shall remove from the register of producers the name of any person who fails to pay any fees and charges required to be paid pursuant to an order of the board or who ceases to be a producer of pulse crops for a period of two consecutive years.

20 Jly 84 cN-3 Reg 7 s12.

Meetings of producers

13(1) An annual general meeting of registered producers is required to be held before April 30 in each year at a time and place to be determined by the board.

(2) Special general meetings of registered producers may be called by the board at any time and are required to be called by the board on the written request of 50 or more registered producers.

(3) The quorum at a meeting of registered producers is 25 registered producers.

- (4) The board shall prepare and submit to the annual general meeting of registered producers:
- (a) a proposed budget outlining the collection and expenditure of funds during the next fiscal year; and
 - (b) an outline of proposed programs and activities for the next fiscal year.
- (5) Registered producers may debate and take a poll at meetings on any question or resolution related to pulses.
- (6) The remuneration to be paid to the board is to be fixed by the registered producers at the annual meeting.

20 Jly 84 cN-3 Reg 7 s13.

Register of buyers, etc.

14 The board shall maintain at its head office a register containing the name and address of each buyer, processor or assembler of pulse crops.

20 Jly 84 cN-3 Reg 7 s14.

Collection of check-offs

15(1) Every producer of pulses shall pay to the board, in the manner and at the times determined by the board, a check-off in an amount determined by order of the board.

- (2) The board may require any processor, buyer or assembler of pulses to:
- (a) deduct the check-off mentioned in subsection (1), and other fees and charges on pulses levied pursuant to these regulations, from any payment made to a producer; and
 - (b) forward the check-off and other fees and charges to the board.
- (3) The board may require any producer of pulses to:
- (a) deduct the check-off mentioned in subsection (1), and other fees and charges on pulses levied pursuant to these regulations, from any payment from another producer; and
 - (b) forward the check-off and other fees and charges to the board.
- (4) The board may recover in a court of competent jurisdiction the check-offs, fees and charges mentioned in this section from producers, processors, buyers and assemblers.

30 Jne 2000 SR 39/2000 s7.

Orders of board generally

16(1) Every order issued by the board is required to be signed by the chairman or, in his absence, the vice-chairman, to be open for inspection by any pulse crop producer, marketer of pulses or person designated by the council and to clearly describe the program or policy established by the order.

- (2) The board shall annually review all orders issued by it.

20 Jly 84 cN-3 Reg 7 s16.

ELECTIONS

Eligible voters

17(1) Every registered producer is eligible to vote for any purpose under the plan and to hold any office on the board.

(2) A registered producer who is a corporation, co-operative, partnership, association, society or person carrying on business under a corporate name, trade name, farm name or other designation is entitled to vote or hold office only through a designated representative appointed in writing and filed with the board at the time of registration.

(3) Except as provided in subsection (2), voting by proxy is prohibited and each registered producer is entitled to one vote.

20 Jly 84 cN-3 Reg 7 s17.

18 Repealed. 3 Jne 94 SR 40/94 s6.

Conduct of elections

19(1) The board shall arrange for the conduct of elections, fix a date for receiving nominations and, at least 30 days before the date so fixed, send to each registered producer a notice stating that nominations are being accepted for the board of directors and giving the date fixed for receiving nominations.

(2) The board shall appoint a returning officer and a scrutineer who are not producers nor employees of the board.

(3) Every nomination is to be in writing, in the form prescribed by the board, signed by three registered producers or their representatives and delivered to the returning officer not later than the date fixed for receiving nominations together with a list of pulse crops grown by the candidate.

(4) If not more than the maximum number of candidates are nominated, the candidates 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 prior to the date fixed for the election, send by prepaid post to each registered producer the ballot, a certificate of eligibility to vote, a plain envelope and a notice of the time by which and the place to which the ballot and certificate of eligibility to vote are to be returned.

(6) All voting is to be by ballot, and the ballot, sealed in the plain envelope provided, is to be returned to the returning officer named by the board either in person or by mail, together with the certificate of eligibility to vote signed by the producer casting the ballot.

(7) Those candidates receiving the most votes, up to the number of director's positions to be filled, are to be declared by the returning officer as directors of the board.

- (8) Ties are decided by the drawing of lots.
- (9) A registered producer is deemed to have received any notice, nomination paper or ballot which is posted to him at his last address registered with the board, and the failure of any person to receive any such notice, nomination paper or ballot does not invalidate the election.
- (10) No qualified voter who votes shall vote for more than the specified number of candidates required to fill the vacancies in order for his ballot to be valid.
- (11) If any delay or irregularity occurs in any election, or if any doubt arises as to the validity of the election, the council shall determine who the directors of the board are, fix their terms of office and, if the council considers it advisable, direct the holding of a special directors' election.

20 Jly 84 cN-3 Reg 7 s19.

Terms of office, vacancy, etc.

- 20(1)** Directors hold office for three years or until their successors are elected.
- (2) A director is eligible for re-election.
- (3) If a vacancy occurs on the board, the remaining directors have authority to appoint a registered producer to fill the vacancy until the next election.

20 Jly 84 cN-3 Reg 7 s20; 3 Jne 94 SR 40/94 s7.

Appendix

Repealed. 3 Jne 94 SR 40/94 s8.

