

The Saskatchewan Chicken Marketing Plan, 1978

being

Saskatchewan Regulation 387/78 (effective December 29, 1978) as amended by Saskatchewan Regulations 210/79, 72/98, 56/2000 and 110/2005.

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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SASKATCHEWAN REGULATION 387/78
under *The Natural Products Marketing Act*

PART I
SHORT TITLE

Title

1 The Plan shall be known as The Saskatchewan Chicken Marketing Plan, 1978.

Interpretation

2 In this Part:

- (a) **“Act”** means *The Agri-Food Act*;
- (b) **“base quota”** means the amount of live chicken that a registered producer may produce and market in a year;
- (c) **“Board”** means the marketing board continued pursuant to section 6, known as Chicken Farmers of Saskatchewan;
- (d) **“chicken”** means a chicken of any class produced from an egg of a domestic hen, but does not include a chicken:
 - (i) six months of age or older;
 - (ii) raised for egg production; or
 - (iii) used for egg production;
- (e) **“Chicken Farmers of Saskatchewan”** means the Board continued pursuant to section 6;
- (f) **“development check-off”** means the development check-off established pursuant to section 38;
- (g) **“director”** means a member of the Board elected pursuant to these regulations;
- (h) **“periodic quota allocation”** means the amount of live chicken that a registered producer may produce and market during a production cycle, expressed as:
 - (i) a percentage of the producer’s base quota; or
 - (ii) kilograms of live chicken;
- (i) **“permit”** means a document:
 - (i) that specifies the quantity of chicken that may be produced and marketed by a person during a specified period and for a specific demand;

- (ii) that may be renewed at the Board's discretion for subsequent periods; and
- (iii) that does not grant any quota rights to the holder of the permit;
- (j) **"plan"** means the Saskatchewan Chicken Marketing Plan, 1978;
- (k) **"producer"**:
 - (i) means any person who:
 - (A) operates one or more chicken production units; and
 - (B) produces and markets 1,000 or more chickens in a calendar year in the area to which the plan relates; and
 - (ii) includes any person operating pursuant to a lease or other agreement, the terms of which provide that the returns for the chickens are payable to the person operating the production unit;
- (l) **"production cycle"** means the period that is:
 - (i) required to grow chicken to market weight; and
 - (ii) specified by the Board for the purpose of co-ordinating the production and marketing of chicken;
- (m) **"production unit"** means buildings, structures, equipment and land used for the production or marketing of chicken;
- (n) **"quota unit"** means a unit of quota that is equivalent to the production and marketing of one chicken in a production cycle;
- (o) **"registered producer"** means a producer who is registered with the Board and whose registration is in good standing;
- (p) **"transfer"** means transfer of quota rights from one person to another;
- (q) **"trust fund"** means the Saskatchewan Chicken Marketing Plan Trust Fund established pursuant to section 39.

21 Jly 2000 SR 56/2000 s3.

Objectives of the Plan

3 The objectives of the plan are:

- (a) To regulate the production and marketing of chicken and chicken products in an orderly manner in the province of Saskatchewan.
- (b) To maintain a stable price for chicken which relates to the cost of production.
- (c) To initiate or co-operate with programs relating to the production and marketing of chickens and chicken products including studies, research and promotion of consumer demand for Saskatchewan grown chicken and chicken products and producer education.

- (d) To provide a year-round supply of chicken adequate to fulfill consumer demand.
- (e) To work and co-operate with federal and provincial marketing bodies having similar objectives.

5 Jan 79 SR 387/78 Part I s3.

Application of Plan

4 Subject to any Board exemption:

- (a) This plan and orders passed pursuant hereto shall relate to the whole of the province of Saskatchewan and may relate to one or more chicken products or to any grade or class or variety thereof.
- (b) This plan and orders passed pursuant hereto shall apply to all persons in Saskatchewan who produce and market one thousand (1,000) or more chickens or chicken products in a calendar year.

5 Jan 79 SR 387/78 Part I s4.

Fiscal Year

5 The Plan shall operate on a fiscal year commencing the first day of January and ending on the thirty-first day of December.

5 Jan 79 SR 387/78 Part I s5.

Constitution of the Board

6(1) The Saskatchewan Chicken Marketing Board, continued pursuant to section 6 of this Part as that section existed on the day before the coming into force of this section, is continued as a marketing board, to be known as Chicken Farmers of Saskatchewan.

(2) Any reference in any Act, regulation, agreement, instrument or other document to the Saskatchewan Chicken Marketing Board is deemed to be a reference to the Board, unless the context otherwise requires.

(3) The head office of the Board is to be situated at Regina, Saskatchewan or at any other place within Saskatchewan that the Board may designate.

(4) The persons acting as directors of the Saskatchewan Chicken Marketing Board on the day before the coming into force of this section constitute the Directors until new members are appointed or elected pursuant to this Plan.

2 Oct 98 SR 72/98 s4.

Directors

7 The Board shall consist of five Directors elected pursuant to this plan.

5 Jan 79 SR 387/78 Part I s7.

Board comprised of registered producers

8 The Board shall be comprised of individuals who are registered producers or designated representatives of registered producers. The Directors of the Board shall be elected by the producers entitled to vote under section 11. The Directors so elected shall hold office for three years or until their successors are elected as provided in section 12.

5 Jan 79 SR 387/78 Part I s8.

Registration and Licensing

9(a) Subject to Board exemption, all persons engaged in the production or marketing of the regulated product shall be required to be registered with the Board.

(b) The Board shall maintain at its head office a record to be known as the **“Register of Producers”**. The register shall contain:

- (i) Names and addresses of all persons who have been registered with the Board as producers.
- (ii) each registered producer’s base quota, expressed as the maximum number of quota units that may be produced and marketed.

The register shall be amended from time to time by the addition thereto of the names and addresses of all persons who are registered and by deletion therefrom of the names and addresses of all persons who are no longer registered; provided however, that before the name of any person is removed from the said register the Board shall give to such person, two weeks notice in writing by registered or certified mail of its intention to do so and the name of such person shall not be removed as aforesaid if, during the said period, he shall, in the opinion of the Board, give sufficient reason for the retention of his name on the said register.

(c) Where the producer is a corporation, co-operative, partnership, association or society or persons using a corporate name, trade name, farm name or other designation, such name shall be registered as the producer.

(d) All registered producers shall be required to obtain an annual licence from the Board.

(e) Where the producer is a corporation, co-operative, partnership, association, society or person together with one or more other persons carrying on the business under a corporate name, trade name, farm name or other designation, such producer shall file with the Board information showing the names of all persons, together with their share or other ownership interest in the business.

5 Jan 79 SR 387/78 Part I s9; 21 Jly 2000 SR 56/2000 s4.

Production efficiency zones

9.1(1) The Board may, by order, designate a geographic area of Saskatchewan as a production efficiency zone.

(2) Where a base quota is transferred or a new base quota is granted, the Board may, by order, direct that any resulting new production unit must:

- (a) be located within a production efficiency zone; or

(b) if not located within a production efficiency zone, be subject to additional freight charges for delivering live chickens to a processor.

21 Jly 2000 SR 56/2000 s5.

Meetings of Registered Producers

10(a) Annual meetings of registered producers shall be held before the end of April each year on such day, time and place as the Board may by resolution determine.

(b) Special general meetings of registered producers may be called by the Board at any time and shall be called by the Board upon the written request of the Natural Products Marketing Council or upon the written request of ten or more registered producers.

In cases where a request for a special general meeting has been received the Board shall provide for such meeting no later than thirty days following receipt of such a request.

(c) At least fourteen days notice in writing specifying the place, the day and the hour of any annual meeting or special general meeting of the registered producers and in the case of a special general meeting the general nature of the business shall be given by the Board to all producers by ordinary mail.

5 Jan 79 SR 387/78 Part I s10.

Voting

11(a) A producer shall not be entitled to vote for any purpose under the plan unless he is registered and licensed under the plan.

(b) For the purpose of voting at the annual meeting or at any special general meeting of registered producers, each registered producers shall have one vote.

(c) Where the registered producer is a corporation, co-operative, partnership, association, society or person carrying on the business under a trade name, farm name or other designation, the registered producer shall be entitled to vote but only through a designated representative appointed in writing, which appointment must be filed prior to the commencement of the meeting at which such representative desires to have the right to vote.

(d) Except as provided in 11(c) there shall be no voting by proxy.

(e) The chairman of the Board or in his absence the vice-chairman shall preside at all meetings of the producers at which he is present.

(f) In the absence of the chairman and the vice-chairman, the producers present entitled to vote shall choose another director as chairman and if no director is present or if all the directors present decline to take the chair, then, the producers present entitled to vote shall choose one of their number to be chairman.

(g) If at any meeting a poll is demanded on the election of a chairman or on the question of adjournment, it shall be taken forthwith without adjournment.

- (h) Every question submitted to any meeting of producers shall be decided in the first instance by a show of hands and in the case of an equality of votes the chairman shall both on a show of hands and at a poll have a casting vote in addition to the vote to which he may be entitled as a producer.
- (i) At any meeting unless a poll is demanded, a declaration by the chairman that a resolution has been carried unanimously or by any particular majority or lost or not carried by a particular majority shall be conclusive evidence of the fact.
- (j) If at any meeting a poll is demanded on any other question, it shall be taken in such manner and either at once or after adjournment as the chairman directs. The result of a poll shall be deemed to be the resolution of the meeting at which the poll was demanded.
- (k) A demand for a poll may be withdrawn.
- (l) The non-receipt of any notice of a meeting by any registered producer shall not invalidate any resolution passed or any proceedings taken at any meeting.

5 Jan 79 SR 387/78 Part I s11.

Election of Directors

- 12(a) The Directors shall be elected from time to time by the producers eligible to vote by mail nomination and balloting. Such nominees shall be registered producers in good standing.
- (b) The Board shall make all arrangements for conducting the election of directors and shall on or before the 15th day of November in each year, fix a date for receiving nominations. At least twenty days before the date so fixed, nomination forms shall be mailed to all registered producers by the Board, giving the date fixed for receiving nominations.
- (c) Every nominee shall be an individual eligible to vote at any meeting of registered producers. Every nomination shall be in writing in the form prescribed by the Board and shall be signed by three registered producers and also by the nominee as accepting the nomination and shall be delivered to the Board no later than the date fixed for receiving nominations. Where the nominee is a shareholder of a corporation or holds any interest relating to the production or marketing of chicken or chicken products, the full extent of such interest shall be declared in writing on the nomination form.
- (d) In the event that not more than the required number of candidates are nominated, the said candidates shall be declared elected by acclamation.
- (e) In the event that more than the required number of candidates are nominated, the Board shall, at least 14 days prior to the date fixed for the election, mail to each registered producer the ballot and notice of the election, mail to each registered producer the ballot and notice of the time by which and the place to which the ballot is to be returned. This notice shall also include such information as to the interest relating to the production or marketing of chicken or chicken products as the nominee declares on the nomination form.

- (f) All voting shall be by ballot and the ballots shall be sealed in a plain envelope and returned to the returning officer named by the Board either in person or by mail. The certificate of eligibility to vote forwarded with each ballot shall be returned with the sealed ballot and shall be signed by the registered producer casting the ballot or in the case of a body corporate, association, society or persons registered under a corporate name, trade name, farm name or other designation, by its duly authorized signing officer.
- (g) If upon counting the ballots, two or more candidates for election to the single position on the Board have an equal number of votes, that portion of the election will be rerun with other clearly successful or unsuccessful candidates removed from the second ballot. If the vote is again tied the returning officer shall write the names of such candidates separately on blank sheets of paper of equal size and of the same colour and texture and after folding the same in a uniform manner and so that the names are concealed, deposit them in a receptacle and direct some person to withdraw one of the sheets, and the candidate whose name appears on the sheet thus withdrawn shall by the returning officer be declared elected.
- (h) If through resignation of for any other reason there are vacancies on the Board for varying lengths of time, candidates with most votes will be declared elected to the longer terms and those with fewer votes be declared elected to the shorter terms.
- (i) The returning officer shall be appointed by the Board and shall not by a producer nor employee of the Board.
- (j) In the event of a vacancy occurring on the Board, such vacancy may be filled by arranging a special election.
- (k) A producer shall be deemed to have received any notice, nomination paper or ballot under the foregoing clauses which is posted, addressed to him at his last address registered with the Board. The failure of any person to receive such a notice, nomination paper or ballot shall not invalidate any election.
- (l) Every qualified voter who votes shall vote for up to but not more than the specified number of candidates required to fill the vacancies, in order for his ballot to be valid.
- (m) In the event of any delay or irregularity occurring in any election or if any doubt arises as to the validity of the election the Natural Products Marketing Council shall have authority to determine who are the directors of the Board and to fix the said directors terms of office and to direct the holding of a special directors election if it deems such election to be advisable.

Term of office

12.1(1) Each director holds office:

- (a) for a term of three years; and
 - (b) until a successor is elected pursuant to these regulations.
- (2) Subject to subsection (3), a director is eligible for re-election.
- (3) If a director has completed three consecutive terms, that director is not eligible for re-election until one year has passed since the completion of the director's third consecutive term.
- (4) Where a by-election is conducted to fill a vacancy on the Board, the director elected to fill the vacancy holds office only until the completion of the term of the office that was vacated.

21 Jly 2000 SR 56/2000 s6; 14 Oct 2005 SR 110/2005 s2.

Activities of the Board

13(a) The acts of the Board shall, notwithstanding any defect or irregularity in the election, appointment or qualifications of any director thereof, be as valid as if the Board and every director thereof had been duly elected or appointed and where duly qualified.

(b) The Board shall meet following its election or appointment and shall elect a chairman and vice-chairman from among its number and may appoint a secretary-treasurer and such other officers as are deemed necessary and such other persons so appointed need not be members of the Board.

(c) The Board may invest any money in its possession or control that in the opinion is not immediately required for the purposes of its operation, in securities of the Governments of Canada or Saskatchewan or guaranteed by the Government of Canada or the Mutual Aid Board of Saskatchewan and sell any securities so required by it and reinvest the proceeds thereof or any part of them in like manner.

(d) The Board may open bank accounts in the name of the Board and appoint a signing officer or officers.

(e) **Repealed.** 21 Jly 2000 SR 56/2000 s7.

(f) The plan administered by the Board may be a co-operative project which may or may not be operated as a pool.

(g) Within four months of the end of each fiscal year the Board shall make available to all the producers under this plan, a copy of its financial statement and report of its operations for that year.

(h) A copy of all orders and regulations shall be mailed by the Board to all persons affected by such orders and regulations.

5 Jan 79 SR 387/78 Part I s13; 21 Jly 2000 SR 56/2000 s7.

Powers of Board

14 The Board may do any or all of the following:

- (a) carry out educational, research and developmental programs related to chicken production;
- (b) require any person who is engaged in the production or marketing of chicken 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 chicken;
- (d) set and collect check-offs from any person engaged in the marketing of chicken;
- (e) categorize into groups persons engaged in the production or marketing of chicken 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 chicken 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 the Board 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;

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- (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 chicken 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;
- (w) regulate:
 - (i) the manner of distribution of chicken that is marketed by any person at any time;
 - (ii) the quantity and quality of chicken that is marketed by any person at any time; or
 - (iii) the grade or class of chicken that is marketed by any person at any time;

- (x) prohibit, in whole or in part, the marketing of chicken of any grade, quality or class;
- (y) regulate:
 - (i) the time and place at which chicken or any variety, class or grade of chicken is to be marketed; and
 - (ii) the legal entity through which chicken or any variety, class or grade of chicken is to be marketed; and
- (z) set or determine:
 - (i) the price at which chicken, or any variety, class or grade of chicken, may be bought or offered for sale in Saskatchewan;
 - (ii) the maximum or minimum price at which chicken, or any variety, class or grade of chicken, may be bought or offered for sale in Saskatchewan; or
 - (iii) all or any combination of the prices mentioned in subclauses (i) and (ii);
- (aa) for the purposes of clause (z), set or determine different prices for different zones of Saskatchewan;
- (bb) establish the manner in which returns from the market are to be distributed to producers;
- (cc) require any or all persons engaged in the production or marketing of chicken to:
 - (i) obtain licences from the Board; and
 - (ii) provide those guarantees of financial responsibility that the Board considers necessary;
- (dd) issue licences to any or all persons producing or marketing chicken according to the criteria established in the plan for the issuance of licences;
- (ee) determine the fees payable for a licence mentioned in clause (dd) and require payment of those fees;
- (ff) categorize persons producing or marketing chicken for the purpose of determining the fees mentioned in clause (ee);
- (gg) recover the fees mentioned in clause (ee) in a court of competent jurisdiction;
- (hh) subject to section 9 of the Act, suspend or cancel a licence mentioned in clause (dd) according to the criteria established in the plan for the suspension or cancellation of licences;
- (ii) reinstate any licence suspended or cancelled pursuant to clause (hh) according to the criteria established in the plan for the reinstatement of licences.

Auditor

15 The auditor for the Board shall be appointed annually by the registered producers at the annual meeting or at any special general meeting of the producers.

5 Jan 79 SR 387/78 Part I s15.

Quorums

16(a) A quorum required for the conducting of business relative to this plan at any annual or special general meeting of the producers shall be 30 per cent of all registered producers. If less than 30 per cent attend a duly called meeting, that meeting shall be rescheduled and those in attendance at the rescheduled meeting shall constitute a quorum.

(b) A quorum for meetings of the directors shall not be less than 50 per cent of the directors then serving.

5 Jan 79 SR 387/78 Part I s16.

Remuneration

17(a) The remuneration to be paid from time to time to the directors of the Board shall be fixed by the registered producers at the annual meeting or at any special general meeting of the registered producers.

(b) The officers and staff of the Board or of any committee appointed by the Board may be paid such remuneration as may be fixed by resolution of the directors, which shall be paid as an expense out of the general revenue of the Board and shown in the annual report presented to the annual meeting in each year.

5 Jan 79 SR 387/78 Part I s17.

Penalties

18(a) No director, officer or staff of the Board, acting in good faith, shall be held personally liable for any act of the Board.

(b) Every person who fails to comply with any determination, regulation or order of the Board is guilty of an offence and liable to such penalties and orders provided under the Act.

(c) Where a person has been convicted by the court of an offence under the plan, all rights and licences of the person under the plan shall be automatically cancelled. The Board may reinstate such rights and licences by majority vote of the directors.

5 Jan 79 SR 387/78 Part I s18.

19 Repealed. 21 Jly 2000 SR 56/2000 s9.

Budget

20(a) The Board shall prepare a list of estimated expenditures for each year which shall be shown in the annual report presented to the annual meeting in each year.

(b) The Board shall prepare a schedule of fees to recover such estimated expenditures which may include provision for a surplus and such schedule must be presented to the registered producers at an annual meeting or special general meeting and approved by the registered producers at such meeting.

5 Jan 79 SR 387/78 Part I s20.

Co-operation with Other Agencies

21(a) The Board may co-operate with any Canada agency or extra-provincial agency to regulate the marketing of chicken and chicken products of the province and may act conjointly with the Canada agency or extra-provincial agency.

(b) The Board may perform any function or duty and exercise any power imposed or conferred upon it by or pursuant to a Canada or extra-provincial Act with reference to the marketing of chicken and chicken products.

(c) Subject to the approval of the Council, the Board may delegate any of its powers and assign any of its functions or duties conferred or imposed on it by the Act or the regulations to any agency established under 27A(1) of the Act and the agency, to which the powers have been delegated and the functions and duties assigned, may exercise the powers and shall perform the functions and duties of the Board.

5 Jan 79 SR 387/78 Part I s21.

Advisory Committee

22(a) There shall be a committee known as the Chicken Board Price and Quota Advisory Committee.

(b) The Committee shall be composed of four members:

(i) Two members appointed by the Saskatchewan Egg and Poultry Association.

(ii) Two members appointed by the Board.

(c) The Members of the Committee shall hold office until replaced by their respective organization.

(d) The Committee shall arrange its meetings at the request of two members and conduct its meetings as it deems appropriate. The purpose of the committee is to collect information relating to prices, quota allocations and other matters relating to the chicken industry and relay such information to the Board.

5 Jan 79 SR 387/78 Part I s22.

23 to 25 Repealed. 21 Jly 2000 SR 56/2000 s10.

Marketing quotas

26(1) No person shall produce and market chicken in Saskatchewan unless he or she:

- (a) is a registered producer holding base quota;
 - (b) holds a lease for base quota in accordance with section 33;
 - (c) holds a research permit issued by the Board;
 - (d) produces and markets less than 1,000 chickens in a calendar year; or
 - (e) has been granted an exemption pursuant to subsection 27(3).
- (2) The Board shall:
- (a) allocate base quota to each registered producer; and
 - (b) fix periodic quota allocations for each registered producer.
- (3) A periodic quota allocation confers on the registered producer the right to produce and market:
- (a) a maximum number of kilograms of live chicken from a specified production unit during the specified production cycle; or
 - (b) in the case of roaster production, the maximum number of kilograms of live chicken that may be grown in one year.

21 Jly 2000 SR 56/2000 s11.

Quota allocation adjustments

27(1) No producer shall produce and market chicken in excess of his or her periodic quota allocation other than in accordance with this section.

(2) Any adjustments to the number or length of production cycles per year must be stipulated by order of the Board.

(3) The Board may grant a market development exemption, to allow for the production and marketing of chicken without quota, for specified periods to individuals:

- (a) who are not licensed pursuant to these regulations; and
 - (b) who comprise not more than 1.5% of Saskatchewan's total allocated base quota.
- (4) No exemption is to be made pursuant to subsection (3) unless the individual seeking the exemption submits to the Board a business plan that is:
- (a) acceptable to the Board; and
 - (b) supported in writing by the council.

21 Jly 2000 SR 56/2000 s11.

Quota transfer

28(1) No person shall transfer a base quota without the Board's approval.

(2) The Board may, by order, approve the transfer of all or part of a producer's base quota to another production unit, on any terms and conditions that the Board considers appropriate.

21 Jly 2000 SR 56/2000 s11.

Variation from authorized marketing

29(1) The Board shall, by order, determine policies and procedures for:

(a) reducing periodic quota allocations in subsequent production cycles in the event that registered producers market more chicken than is required by periodic quota allocations; and

(b) increasing periodic quota allocations in subsequent production cycles in the event that registered producers market less chicken than is required by periodic quota allocations.

(2) The Board may establish schedules within which reductions or increases in periodic quota allocations are to occur for the purposes of subsection (1).

21 Jly 2000 SR 56/2000 s11.

Production units

30(1) Unless otherwise authorized in writing by the Board, no registered producer shall market chicken that is not produced in the registered production unit for which the producer's base quota was allocated.

(2) Not later than 30 days before production begins, the registered producer shall advise the Board of the production unit in which production will take place.

(3) Where a person applies to register a production unit with the Board, that person shall provide to the Board:

(a) a copy of the current title for the land on which the production unit is located;

(b) a site plan of the production unit; and

(c) any other information that the Board may require.

21 Jly 2000 SR 56/2000 s11.

Production limits

31 The Board may, by order:

(a) establish the minimum and maximum size for production units; and

(b) establish policies and procedures for determining the size of a production unit.

21 Jly 2000 SR 56/2000 s11.

Base quota suspension or cancellation

32(1) Subject to section 9 of the Act, the Board may suspend or cancel a base quota if:

- (a) the registered producer to whom the base quota was allocated or the person to whom the base quota has been leased pursuant to section 33:
 - (i) has failed to observe, perform or carry out the provisions of the Act, these regulations or any order of the Board;
 - (ii) is not utilizing or has voluntarily given up all or part of that producer's base quota or portion of base quota leased;
 - (iii) where a base quota has been allocated or leased in the name of a company, has not received the approval of the Board for any change of ownership interest in that producer; or
 - (iv) has had his or her registered producer's licence cancelled or suspended; and
 - (b) the council approves the suspension or cancellation, in writing.
- (2) Base quota that has been cancelled pursuant to subsection (1) must be returned for auction in accordance with section 35.
- (3) The Board shall provide the registered producer whose base quota is cancelled pursuant to this section and subsequently auctioned with the net proceeds from the auction of the base quota.
- (4) No producer shall be compensated for any quota suspended pursuant to subsection (1).
- (5) A registered producer who has had quota suspended or cancelled pursuant to subsection (1) is not eligible for periodic quota allocation.

21 Jly 2000 SR 56/2000 s11.

Lease of base quota

33 The Board may, by order, establish policies and procedures governing the leasing of base quota by registered producers.

21 Jly 2000 SR 56/2000 s11.

Industry expansion

34(1) In this section:

- (a) **“Chicken Farmers of Canada”** means the national chicken marketing agency:
 - (i) established pursuant to the *Farm Products Agencies Act* (Canada); and
 - (ii) known as Chicken Farmers of Canada;

(b) **“Expansion Agreement”** means the Agreement for Expansion of the Saskatchewan Chicken Industry, signed on October 2, 1998 by:

- (i) Chicken Farmers of Canada;
- (ii) the Board;
- (iii) the council; and
- (iv) the minister.

(2) The Board shall, by order, develop an industry expansion schedule in accordance with:

- (a) the Expansion Agreement; and
- (b) the Memorandum of Understanding signed by the Board and the council on December 31, 1999.

21 Jly 2000 SR 56/2000 s11.

Quota auction

35(1) The Board may, by order, establish policies and procedures for the conduct of auctions of quota units.

(2) The proceeds of any auction conducted in accordance with subsection (1) are to be apportioned between the accounts of the trust fund in accordance with section 40.

21 Jly 2000 SR 56/2000 s11.

Eligibility to participate in auctions

36 The Board shall, by order, establish the eligibility requirements for participating in an auction mentioned in section 35.

21 Jly 2000 SR 56/2000 s11.

Conversion agreement

37(1) In this section:

(a) **“agreed number”** means the number agreed to by:

- (i) the Board; and
- (ii) the Saskatchewan Broiler Hatching Egg Producers Marketing Board;

(b) **“Saskatchewan Broiler Hatching Egg Producers Marketing Board”** means the Saskatchewan Broiler Hatching Egg Producers Marketing Board elected pursuant to *The Broiler Hatching Egg Marketing Plan Regulations*.

(2) The Board shall issue permits in the amount of 85,000 quota units to producers registered with the Saskatchewan Broiler Hatching Egg Producers Marketing Board for the purpose of converting the agreed number of broiler hatching egg production units to chicken production units.

- (3) On the coming into force of this section, the Saskatchewan Broiler Hatching Egg Producers Marketing Board shall:
- (a) specify which broiler hatching egg producers will be converting their broiler hatching egg production units to chicken production units; and
 - (b) in consultation with the Board, establish a production schedule as to how many quota units will be required through permit and when each new converted production unit will be brought into production.
- (4) After the Board has been paid in full for the quota units issued pursuant to subsection (2), the Board shall convert the permits mentioned in that subsection to permanent base quota.
- (5) The Board shall ensure the expeditious entry of the broiler hatching egg producers, as specified pursuant to clause (3)(a), into the chicken industry through the allocation of permits pursuant to clause (3)(b).
- (6) After the producers mentioned in subsection (5) have begun production:
- (a) they are deemed to be registered producers pursuant to these regulations with all rights and privileges pursuant to the holding of base quota; and
 - (b) are eligible to receive base quota allocations in accordance with the industry expansion schedule mentioned in section 34.
- (7) Permits and base quota provided pursuant to this section may not be sold, leased or transferred for five years after the permit is issued unless, in the Board's opinion, circumstances prevail that may exempt a producer from the application of this provision.

21 Jly 2000 SR 56/2000 s11.

Development check-off

- 38(1)** Subject to subsection (5), a producer who markets chicken on or after the coming into force of this section pursuant to a base quota allocated on or after January 1, 2000 must pay to the Board a development check-off in accordance with this section.
- (2) Subject to subsection (3), the development check-off is established at a rate of \$0.03 per kilogram of live chicken marketed.
- (3) The Board may, by order, change the rate established pursuant to subsection (2).
- (4) Moneys collected by the Board pursuant to the development check-off are to be apportioned between the accounts of the trust fund in accordance with section 40.
- (5) Where the accumulated contributions to the trust fund pursuant to this section and subsection 35(2) and the earnings of the trust fund total \$12 million, the development check-off ceases to apply at the end of the production cycle in which that total is attained.

21 Jly 2000 SR 56/2000 s11.

Trust fund established

39(1) In this section:

- (a) “**fiscal year**” means the fiscal year of the trust fund and its accounts;
 - (b) “**trustee**” means a trustee of the trust fund and its accounts.
- (2) The Board shall establish the Saskatchewan Chicken Marketing Plan Trust Fund.
- (3) Not later than six months after the coming into force of this section, the Board shall appoint and transfer the assets of the trust fund to a trustee or trustees who, in the opinion of the council, are independent of the Board.
- (4) The trustees shall administer the trust fund and its accounts in accordance with these regulations.
- (5) Before the trustees make any expenditure from the trust fund, the council must approve the trustees’ organizational structure and operating principles, including the method of electing or appointing the trustees’ board of directors.
- (6) The trustees shall establish the fiscal year of the trust fund and its accounts.
- (7) The trustees, in each fiscal year, shall prepare or cause to be prepared:
- (a) a report on the business of the fund and its accounts for the preceding fiscal year; and
 - (b) an audited financial statement showing the activity of the trust fund and its accounts for the preceding fiscal year, in any form that may be required by the Board.
- (8) The trustees shall provide copies of each report and audited financial statement prepared pursuant to subsection (7) to:
- (a) the Board; and
 - (b) the council.
- (9) The trustees shall cause each report and audited financial statement prepared pursuant to subsection (7) to be made available to the public at the offices of the trustees during the trustees’ normal office hours.
- (10) No producer shall have access to the trust fund or its accounts through withdrawal of contributions.

21 Jly 2000 SR 56/2000 s11.

Accounts established

40(1) The following accounts are established in the trust fund:

- (a) the Development Account;
 - (b) the Investment Account.
- (2) The Development Account consists of:
- (a) 20% of revenues derived from the auctioning of quota units;

- (b) 20% of revenues derived from the application of the development check-off; and
 - (c) all earnings on investments of the account.
- (3) The Investment Account consists of:
- (a) 80% of revenues derived from the auctioning of quota units;
 - (b) 80% of revenues derived from the application of the development check-off; and
 - (c) all earnings on investments of the account.
- (4) All contributions to the Investment Account are to be recorded according to:
- (a) the person who made the contribution; and
 - (b) the amount of money contributed.

21 Jly 2000 SR 56/2000 s11.

Prohibitions

41(1) Unless the Board consents in writing, no registered producer shall market chicken to persons other than:

- (a) licensed processors; and
 - (b) consumers.
- (2) No processor shall process chicken from persons other than:
- (a) registered producers; and
 - (b) persons entitled to market chicken pursuant to a lease of base quota.
- (3) No processor shall purchase chicken for an amount that is less than the minimum price established by the Board.
- (4) No processor shall, in a calendar year, custom kill more than 1,000 chickens for any person other than a person mentioned in clause (2)(a) or (b).
- (5) Where, pursuant to the policies and procedures established pursuant to section 29, the Board has advised a processor in writing that the Board has reduced the weight of chicken that a registered producer is authorized to market, the processor shall not market any of the registered producer's chicken in excess of the reduced weight of chicken unless the Board consents in writing.

21 Jly 2000 SR 56/2000 s11.

Certain Board orders inoperative

42 All orders of the Board that are in existence on the coming into force of this section are inoperative to the extent that they are inconsistent with this Part.

21 Jly 2000 SR 56/2000 s11.

PART II
INTERPRETATION

Interpretation

1 In this Part:

“**Agency**” means the Canadian Chicken Marketing Agency established by the Canadian Chicken Marketing Agency Proclamation issued pursuant to The Farm Products Marketing Agencies Act;

“**Board**” means in the Province of Saskatchewan, the Natural Products Marketing Council of Saskatchewan;

“**Commodity Board**” means, in Saskatchewan, Chicken Farmers of Saskatchewan;

“**Council**” means the National Farm Products Marketing Council established pursuant to the Farm Products Marketing Agencies Act;

“**Delegation**” means an order made by the Agency pursuant to subsection 23(3) of the Farm Products Marketing Agencies Act delegating to the Board or Commodity Board functions of the Agency relating to the implementation of the interprovincial or export quota system;

“**Quota**” means the number of pounds or kilos of chicken meat expressed in eviscerated weight that a chicken producer is entitled to market in intraprovincial trade during a specified period of time;

“**Quota System**” means a system whereby chicken producers are allotted quotas by the Board or the Commodity Board thus enabling the Commodity Board to fix and determine the quantity, if any, in which chicken or any variety, class or grade thereof may be marketed in intraprovincial trade by each chicken producer and by all chicken producers.

3 Aug 79 SR 210/79 Schedule; 2 Oct 98 SR 72/
98 s4.

Quota Systems

2 The Board or Commodity Board shall, on the coming into force of this Part, establish by order, regulation, policy directive or policy decision a quota system in order to allot quotas to all members of classes of producers in the province in such manner that the number of pounds or kilos of eviscerated chicken meat produced in the province and authorized to be marketed in intraprovincial trade in a year when taken together with the number of pounds or kilos of eviscerated chicken meat produced in the province and authorized to be marketed in interprovincial and export trade in the same year pursuant to quotas assigned by the Agency or pursuant to quotas allotted by the Board or Commodity Board, pursuant to the provisions of the delegation, pursuant to subsection 23(3) of the Farm Products Marketing Agencies Act, will equal the number of pounds or kilos of eviscerated chicken meat set out for that year, on the basis established in section 3 for t

3 Aug 79 SR 210/79 Schedule.

Kilos, pounds of eviscerated chicken meat per province

3 For the purposes of section 2, the number of kilos or pounds of eviscerated chicken meat set out in this section for a province set out in column I of an item of the table to this section is the number of kilos or pounds set out in column II of the item for meat classified as being under 1.8 kilos or under 4 pounds and the number of kilos or pounds set out in column III of the item for meat classified as being 1.8 kilos or over or 4 pounds or over.

<i>Column I</i>	<i>Column II</i>		<i>Column III</i>	
	1.8 kilos	Under 4 pounds (000)	1.8 kilos and Over (000)	4 pounds
<u>Province</u>	<u>Eviscerated Weight</u>		<u>Eviscerated Weight</u>	
B.C.	24,645,902	54,334	1,698,732	3,745
Alta.	18,929,182	41,731	820,109	1,808
Sask.	6,235,639	13,747	429,559	947
Man.	10,593,828	23,355	920,354	2,029
Ont.	93,756,852	206,695	6,399,389	14,108
Que.	93,756,852	206,695	14,719,320	32,450
N.B.	6,876,576	15,160	575,618	1,269
N.S.	10,390,615	22,907	614,174	1,354
P.E.I.	406,426	896	131,544	290
Nfld.	2,032,128	4,480	—	—

3 Aug 79 SR 210/79 Schedule.

Orders, regulations, policy directives, etc.

4(1) No order, regulation, policy directive or policy decision shall be made by the Board or Commodity Board where the effect thereof would be to increase or decrease the aggregate of:

(a) The number of pounds or kilos of eviscerated chicken meat produced in the province and authorized by quotas assigned or allotted by the Board or Commodity Board, pursuant to this Plan, and by quotas assigned by the Agency or assigned and allotted by the Board or Commodity Board, pursuant to a delegation, to be marketed in intraprovincial, interprovincial and export trade, and

(b) The number of pounds or kilos of chicken meat produced in the province and anticipated to be marketed in intraprovincial, interprovincial and export trade, other than as authorized by quotas allotted by the Board or Commodity Board or by quotas assigned by the Agency

to a number that is greater or lesser, on a yearly basis, than the number of pounds or kilos of eviscerated chicken meat set out in section 3 of this Part for the province, unless the Board or Commodity Board has taken into account:

- (a) any significant change in consumer demands;
- (b) the ability of any province to meet its allocated production;
- (c) total market requirement within each market area;

- (d) proportion of market demand in a province which is met by production in that province;
- (e) the comparative advantage of production in marketing of chicken;
- (f) the quota allocation for a province:
 - (i) shall not be augmented as a result of predatory marketing practices, including the shorting of a market traditionally supplied for the purpose of supplying a market not traditionally supplied; and
 - (ii) shall be liable to subsequent reduction if such predatory marketing practices have occurred

and the Council has approved and the Agency has enacted a similar order or regulation.

(2) Where the Council has approved and the Agency has enacted an order or regulation pursuant to the provision of a marketing plan similar to the provisions of subsection (1), the Commodity Board shall make a similar order, regulation, policy decision or policy directive.

3 Aug 79 SR 210/79 Schedule.

Board or Commodity Board

5 The Board or Commodity Board, pursuant to the delegation, shall perform on behalf of the Agency any functions delegated to them in accordance with the terms and conditions of such delegation.

3 Aug 79 SR 210/79 Schedule.

Powers

6 The Board and Commodity Board shall make, approve, and implement any orders, regulations, policy directives or policy decisions necessary to reflect any of the provisions of this Part.

3 Aug 79 SR 210/79 Schedule.

Approval

7 The Commodity Board shall not market any quantity of chicken in excess of the number of pounds or kilos of chicken meat referred to in sections 2 and 3 or as modified pursuant to section 4 of this Part without the prior approval of the Agency.

3 Aug 79 SR 210/79 Schedule.

Licences

8 The Board or Commodity Board shall make available to the Agency any documents establishing the registration or licensing of producers when any such system is in force.

3 Aug 79 SR 210/79 Schedule.

Levies

9 The Commodity Board shall, with the concurrence of the Agency, collect on its behalf any levies imposed by the Agency and remit them to the Agency at such times as may be prescribed by the Agency.

3 Aug 79 SR 210/79 Schedule.

Sales Verification

10(1) The Board or Commodity Board shall make regulations and orders requiring producers, packers, dealers, wholesalers and processors to give to it all the information necessary to monitor sales.

(2) The Board or Commodity Board shall establish a verification system of sales.

(3) The Board or Commodity Board shall provide all information obtained from the implementation of the system referred to in subsections (1) and (2) to the Agency when requested.

3 Aug 79 SR 210/79 Schedule.

General

11 The Board or Commodity Board shall take all reasonable steps to promote a high degree of co-operation between itself and the Agency and, without limiting the generality of the foregoing, shall:

(a) Make available to the Agency the records, extracts of minutes or decisions of the Commodity Board, relating to the operation of the Agency;

(b) Allow an officer or employee of the Agency who is designated by the Agency for such purpose to attend meetings of the Commodity Board at which any matter that is of concern to the Agency is likely to be discussed and for such purpose shall give notice of all such meetings to the officer or employee so designated; and

(c) To forward to the Agency:

(i) forthwith after issue of transfer of quotas; and

(ii) before issuance, any proposed increase or decrease of individual quota allocation.

3 Aug 79 SR 210/79 Schedule.