

# *The Animal Products Act*

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Chapter A-20.2 of the *Revised Statutes of Saskatchewan, 1978 (Supplement)* (effective August 1, 1978, except cl.19(c) effective April 1, 1979) as amended by the *Statutes of Saskatchewan*, 1983, c.35; 1989, c.54; 1998, c.10 and c.P-42.1; 2000, c.50; 2002, c.15; 2013, c.4; and 2014, c.E-13.1.

## **NOTE:**

**This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.**

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## CHAPTER A-20.2

### An Act respecting the Production, Manufacture, Sale, Purchase, Transport and Inspection of Animals and Animal Products

#### Short title

1 This Act may be cited as *The Animal Products Act*.

#### Interpretation

2 In this Act:

- (a) **“animal”** means any animal raised in captivity for the purpose of producing animal products and includes fertilized ova, fish and bees;
- (b) **“animal product”** means any product produced by or from an animal and includes any part of an animal, whether edible or non-edible, and any by-product of an animal or imitation animal product;
- (b.01) **“animal products inspection administration agreement”** means an agreement entered into pursuant to section 2.2;
- (b.02) **“appeals committee”** means an appeals committee established pursuant to section 16.3;
- (b.03) **“assurance fund”** means a fund mentioned in section 16.2;
- (b.04) **“business day”** means a day other than a Saturday, Sunday or holiday;
- (b.1) **Repealed.** 2013, c.4, s.3.
- (c) **Repealed.** 2013, c.4, s.3.
- (d) **“inspector”** means a person mentioned in section 3;
- (e) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (e.01) **“ministry”** means the ministry over which the minister presides;
- (e.02) **“person”** includes a partnership, association or other organization;
- (e.03) **“producer”** means any person engaged in the production of animals or animal products;
- (e.04) **“provincial association”** means a corporation:
  - (i) that is incorporated or continued by or pursuant to an Act to represent producers of an animal or animal product; and
  - (ii) whose members or shareholders are producers of the animal or animal product mentioned in subclause (i);
- (e.1) **“record”** means any record, book or other document, and includes any information that is recorded or stored by electronic means;

(f) “**vehicle**” means a car, truck, trailer or any conveyance in or upon which animals or animal products may be transported.

1978, c.3, s.2; R.S.S. 1978 (Supp), c.A-20.2, s.2;  
1983, c.35, s.3; 1998, c.10, s.3; 2002, c.15, s.3;  
2013, c.4, s.3.

**Responsibilities and powers of minister**

**2.1(1)** The minister is responsible for all matters not by law assigned to any other minister or government agency relating to the production, manufacture, sale, purchase, transport and inspection of animals and animal products.

(2) For the purposes of carrying out the minister’s responsibilities, the minister may:

- (a) create, develop, adopt, co-ordinate and implement policies, strategies, objectives, guidelines, programs, services and administrative procedures respecting the production, manufacture, sale, purchase, transport and inspection of animals and animal products;
- (b) undertake and co-ordinate planning, research and investigations respecting the production, manufacture, sale, purchase, transport and inspection of animals and animal products;
- (c) provide information to the public respecting the production, manufacture, sale, purchase, transport and inspection of animals and animal products; and
- (d) do any other thing that the minister considers appropriate to carrying out the minister’s responsibilities or to exercising the minister’s powers pursuant to this Act and the regulations.

2013, c.4, s.4.

**Animal products inspection administration agreement**

**2.2(1)** Subject to the approval of the Lieutenant Governor in Council, the minister may enter into an animal products inspection administration agreement with any person.

(2) In an animal products inspection administration agreement entered into pursuant to subsection (1), the minister may delegate all or any of the minister’s powers and duties pursuant to this Act and the regulations with respect to all inspections of animals or animal products or with respect to any category of inspections of animals or animal products listed in the agreement.

(3) An animal products inspection administration agreement must include provisions that specify all of the following:

- (a) the powers and duties being delegated to the person with whom the agreement is entered into;
- (b) the expected outcomes to be achieved by the person;
- (c) the acceptance by the person of the person’s responsibility to exercise the powers and fulfil the duties delegated to the person;
- (d) the requirement that the person report to the minister whenever required by the minister and in the manner and within the period directed by the minister;

- (e) the requirement that the person provide the minister, within a period after the end of a year that is specified in the agreement, with an annual report on the person's activities during the year in carrying out the provisions of the agreement and an audited financial statement satisfactory to the minister respecting the person's carrying out of the provisions of the agreement;
  - (f) the requirements for records management by the person;
  - (g) the requirement that the person report to the Government of Saskatchewan any matters with respect to the exercise by it of the powers and the fulfilment by it of the duties delegated to the person;
  - (h) the requirement that the person carry adequate insurance;
  - (i) the indemnification between the person and the Government of Saskatchewan;
  - (j) the obligations of the parties if the agreement is terminated;
  - (k) the period of the agreement or the procedure for the review of the agreement by the minister and the person;
  - (l) the settlement of disputes;
  - (m) the liability of the person arising out of the person's carrying out of the provisions of the agreement;
  - (n) the terms and conditions that are to be imposed on the person in carrying out the provisions of the agreement;
  - (o) any additional matters prescribed in the regulations.
- (4) The delegation to the person of the administration of all or part of this Act and the regulations in accordance with this section does not constitute the person as an agent of the Crown in right of Saskatchewan.
- (5) Notwithstanding any provision of an animal products inspection administration agreement or any other Act or law but subject to subsection (6), the minister may terminate an animal products inspection administration agreement if the minister is satisfied that the person with whom the agreement is entered into is not complying with the agreement or this Act or the regulations.
- (6) An animal products inspection administration agreement may be terminated only in accordance with the procedures and on the terms and conditions prescribed in the regulations.
- (7) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly every animal products inspection administration agreement entered into by the minister within 90 days after the agreement is entered into.

**Matters arising from entering into an animal products inspection administration agreement**

**2.3(1)** In this section, “**specified provisions**” means the provisions of this Act and the regulations that are mentioned in an animal products inspection administration agreement.

(2) Notwithstanding any other provision of this Act or the regulations or any other Act or law but subject to subsection (3), if the minister and a person enter into an animal products inspection administration agreement:

(a) a reference in the specified provisions to an inspector is deemed to be a reference to an inspector appointed or designated by the person, and the inspector appointed or designated by the person may exercise the powers of, and shall fulfil the duties imposed on, an inspector pursuant to the specified provisions;

(b) a reference to the minister in the specified provisions is deemed to be a reference to the person, and the person may exercise the powers of, and shall fulfil the duties imposed on, the minister that are mentioned in those specified provisions;

(c) duties imposed by the specified provisions on the minister, the ministry, an official or employee of the ministry or an inspector and powers granted by the specified provisions to the minister, the ministry, an official or employee of the ministry or an inspector are delegated to the person or an inspector appointed or designated by the person, as the case may be, unless specifically exempted in the animal products inspection administration agreement;

(d) all persons who are required in the specified provisions to pay to the minister, the ministry or an inspector a fee shall instead pay to the person any fee charged by the person for the purposes of this Act and the regulations;

(e) the person may exercise any powers given to the minister, the ministry or the Government of Saskatchewan pursuant to the specified provisions to enforce payment of any fee charged by the person for the purposes of the specified provisions, including the power to cancel or suspend any document or licence issued pursuant to this Act for non-payment of that fee;

(f) all reports that are required to be made to the minister, the ministry, an official or employee of the ministry or an inspector pursuant to the specified provisions, and all information and documentation that is required to be provided to the minister, the ministry, an official or employee of the ministry or an inspector pursuant to the specified provisions, shall be made or provided to the person or an inspector appointed or designated by the person, as the case may be;

(g) every valid licence or certificate issued by the minister, the ministry or an inspector pursuant to the specified provisions that is in force on the day before the coming into force of this section remains in force and may be dealt with by the person in accordance with this Act as if it had been issued by the person; and

- (h) every exemption, prohibition, notice, decision or requirement issued by the minister, the ministry or an inspector pursuant to the specified provisions that is in place on the day before the coming into force of this section remains in force and may be dealt with by the person as if it had been issued by the person.
- (3) In an animal products inspection administration agreement, the minister and the person may provide that all or any of the matters mentioned in subsection (2):
- (a) do not apply; or
  - (b) are to apply in the manner and with the modifications set out in the agreement.

2013, c.4, s.4.

**Appointment of inspectors**

- 3(1) Every member of the Royal Canadian Mounted Police, by virtue of that position, is an inspector for the purposes of this Act and the regulations made pursuant to this Act.
- (2) The minister may appoint any person or category of persons employed by the Government of Saskatchewan or the Government of Canada as an inspector or as inspectors for the purposes of this Act and the regulations made pursuant to this Act.
- (3) The minister may appoint any person or category of persons as an inspector or as inspectors if, in the minister's opinion:
- (a) an emergency or other circumstance has arisen or may arise that, in the interests of the public, requires or may require the appointment of additional inspectors pursuant to this Act; and
  - (b) the person or category of persons to be appointed has the training or expertise to carry out the duties of an inspector pursuant to this Act and the regulations.
- (4) Subject to subsection (5), a person appointed as an inspector pursuant to subsection (3):
- (a) holds that position for a term not exceeding six months; and
  - (b) is eligible for re-appointment.
- (5) The minister may, at any time, revoke the appointment of a person as an inspector pursuant to subsection (2) or (3).
- (6) The appointment of a person as an inspector pursuant to subsection (2) is deemed to be revoked if the person ceases to be employed in the capacity mentioned in the appointment.
- (7) The minister may provide remuneration and reimbursement for expenses to any person appointed as an inspector pursuant to subsection (3), other than a person who is a member of the public service of Saskatchewan, at the rates approved by Treasury Board.

(8) Notwithstanding any other provision of this section, the minister may restrict the authority of an inspector appointed pursuant to subsection (2) or (3) to the enforcement of certain provisions of this Act or of the regulations made pursuant to this Act, as specified in the appointment.

2002, c.15, s.4.

**Certificate of appointment of inspector**

4 A certificate of the appointment of an inspector pursuant to subsection 3(2) or (3) is, without proof of the signature or official position of the person purporting to have signed the certificate, proof of the appointment of the inspector, in the absence of evidence to the contrary.

2002, c.15, s.4.

**Powers of inspector**

5(1) An inspector may, for the purposes of preventing or detecting the violation of any of the provisions of this Act or the regulations, without warrant:

- (a) enter and search any place other than a dwelling; and
- (b) examine and seize any animal, animal product or record which he has reasonable grounds to believe is evidence of the contravention of any provision of this Act or the regulations.

(2) No person who is in charge of any place or premises shall refuse or fail to admit an inspector demanding to enter pursuant to this section in the execution of his duties.

(3) No person shall obstruct or attempt to obstruct an inspector in the exercise of any of the powers granted under this Act.

(4) An inspector may without warrant arrest any person found committing an offence under this Act or the regulations.

(5) An inspector, in the exercise and discharge of his powers and duties under this Act and the regulations, is a peace officer for the purposes of the enforcement of this Act and the regulations.

1978, c.3, s.5; R.S.S. 1978 (Supp), c.A-20.2, s.5;  
1998, c.10, s.5.

**Inspector may search vehicle**

6(1) An inspector may, upon production of his badge or identification card, at any time search without a warrant any vehicle in or on which he has reason to believe any animal or animal product is being carried in contravention of this Act and may inspect any such animal or animal product.

(2) A person operating or in charge of any vehicle mentioned in subsection (1) shall:

- (a) bring the vehicle to a standstill;
- (b) permit the inspector to inspect the vehicle and any animal or animal product that is being carried in or on the vehicle;

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- (c) produce to the inspector all required documents for any animal or animal product that is being carried in or on the vehicle; and
- (d) transport the animal or animal product to the nearest point where it can be inspected.

1978, c.3, s.6; R.S.S. 1978 (Supp), c.A-20.2, s.6.

**Inspector may detain animal or animal product**

7(1) An inspector may cause any animal or animal product to be detained for the purposes of:

- (a) inspection;
  - (b) establishing proof of ownership of the animal or animal product.
- (2) No animal or animal product detained under subsection (1) may be removed from the place of inspection without the authorization of the inspector.

1978, c.3, s.7; R.S.S. 1978 (Supp), c.A-20.2, s.7.

**Inspector may sample animal products and detain animals or animal products**

8 An inspector may, for the purposes of enforcing this Act and the regulations:

- (a) take samples of any animal product in the manner authorized by the regulations;
- (b) place under detention, in the manner authorized by the regulations, any animal or animal product that is in contravention of this Act or the regulations;
- (c) require the return of any animal or animal product that has been detained pursuant to clause (b) to the place from which it was moved, at the expense of the owner or any person purporting to be the owner.

1978, c.3, s.8; R.S.S. 1978 (Supp), c.A-20.2, s.8.

**Co-operation with inspector**

8.1 No person shall resist, obstruct, hinder or interfere with an inspector who is acting in the course of his or her duties.

1998, c.10, s.6.

**Disposition of detained animals or animal products**

9(1) Any animal or animal product detained for contravention of a provision of this Act or the regulations shall be sold, returned or destroyed in the manner prescribed in the regulations.

(2) Any animal or animal product detained for contravention of a provision of this Act or the regulations or dealt with under this Act or the regulations is at the risk and expense of the owner or any person purporting to be the owner.

1978, c.3, s.9; R.S.S. 1978 (Supp), c.A-20.2, s.9.

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**10** No inspector shall, directly or indirectly, purchase or acquire an interest of any kind in any animal or animal product detained or offered for sale by an inspector under this Act.

1978, c.3, s.10; R.S.S. 1978 (Supp), c.A-20.2, s.10.

**Powers of inspector at auction**

**11** An inspector may inspect any animal or animal product at a public auction sale, and may enter any premises for that purpose.

1978, c.3, s.11; R.S.S. 1978 (Supp), c.A-20.2, s.11.

**Inspector may cancel document**

**12(1)** Where an inspector has reason to believe:

- (a) that any document issued by him was improperly issued; or
- (b) that the person to whom it was issued was, for any reason, not entitled to it;

the inspector may cancel the document and send a notice to the person to whom the document was issued advising that person that the document has been cancelled and demanding the return of the document.

(2) Where a document has been cancelled under subsection (1) and its return demanded, the person to whom the demand is addressed shall return the document to the inspector.

(3) Nothing in this section affects the rights of any person, other than the person to whom the document was issued, who has acted in good faith and in reliance on the validity of the document issued.

1978, c.3, s.12; R.S.S. 1978 (Supp), c.A-20.2, s.12.

**Inspection certificate**

**13** Any inspection certificate or other document purporting to be signed by an inspector or other person upon whom duties have been conferred under this Act or the regulations is *prima facie* proof of the facts stated in the certificate or other document, without proof of the signature or official position of the person signing the certificate.

1978, c.3, s.13; R.S.S. 1978 (Supp), c.A-20.2, s.13.

**Collection of fees**

**14** Persons authorized by the minister to collect inspection fees may receive a commission in an amount prescribed in the regulations.

1978, c.3, s.14; R.S.S. 1978 (Supp), c.A-20.2, s.14.

**Licences**

**15(1)** Subject to subsections (2) and (3), the Lieutenant Governor in Council may require any person engaged in the business of producing, raising, grading, slaughtering, processing, dealing or otherwise handling animals or animal products, whether as principal or agent, to be licensed.

- (2) No person engaged in the business of raising:
- (a) cattle, horses or swine for meat production;
  - (b) sheep for meat or wool production; or
  - (c) cattle, horses, sheep or swine for breeding stock;

shall be required to be licensed.

(3) The Lieutenant Governor in Council may by regulation exempt any person or any class of persons from the requirement of obtaining a licence upon any conditions which he may prescribe.

(4) For the purposes of subsection (1), the Lieutenant Governor in Council may prescribe by regulation:

- (a) classes of licences;
- (b) the conditions under which a licence may be granted, refused, cancelled, suspended or reinstated;
- (c) the fees payable in respect of a licence;
- (d) the form of a licence and its duration;
- (e) procedures for renewal of a licence.

(5) The Lieutenant Governor in Council may by regulation require any person applying for a licence to furnish a guarantee or surety bond or other security in the amount and form specified by the Lieutenant Governor in Council, and may prescribe the conditions under which and the manner in which the bond or other security may be forfeited.

(6) Subject to the regulations, the minister may:

- (a) grant and issue a licence to a person whom he considers suitable to be licensed or refuse to grant a licence for any reason he considers appropriate;
- (b) **Repealed.** 1998, c.10, s.7.

1978, c.3, s.15; R.S.S. 1978 (Supp), c.A-20.2, s.15; 1989-90, c.54, s.7; 1998, c.10, s.7; 2000, c.50, s.2.

**Suspension or cancellation of licence**

**15.01(1)** Where a person is convicted of an offence pursuant to this Act, the minister may amend, suspend or cancel any licence issued to that person pursuant to this Act.

(2) Subject to subsection (3), the minister may amend, suspend or cancel any licence mentioned in subsection (1) where, in the opinion of the minister, the holder of the licence has failed to comply with this Act or the regulations.

(3) The minister shall not amend, suspend or cancel a licence pursuant to subsection (2) without giving the holder of the licence an opportunity to be heard.

(4) Notwithstanding subsection (3), if the minister considers that it is necessary to protect the public interest, the minister may immediately amend, suspend or cancel a licence pursuant to subsection (2) without giving the holder of the licence an opportunity to be heard, but the minister shall give the holder of the licence an opportunity to be heard within 15 days after the date on which the minister takes any of those actions.

1998, c.10, s.8.

#### **Animal keeper's lien**

**15.1(1)** In this section and in section 15.2, “**animal keeper**” means a person who for money or its equivalent stables, feeds, boards or cares for animals.

(2) Every animal keeper has a lien on any animal for the price of food, care, attendance, accommodation, treatment or services furnished for that animal and, in addition to all other remedies provided by law, may detain in his custody and possession and sell, subject to section 15.2 and the regulations, the animal of any person who is indebted to him for feeding, grazing, sheltering, housing, confining, boarding, training, exercising, treating or caring for that animal.

(3) The right under subsection (2) has priority over and is not subject to any existing lien, security interest, purchase-money security interest or any other charge or encumbrance affecting that animal.

1983, c.35, s.4; 2002, c.15, s.5.

#### **Resolution of animal keeper's lien by arbitration or otherwise**

**15.2(1)** In this section and in section 18:

- (a) “**arbitrator**” includes an arbitral tribunal composed of more than one arbitrator;
- (b) “**holdback**” means that portion of the proceeds of sale to be deducted by the market operator pursuant to clause (5)(b) and held pending the outcome of the dispute between the parties;
- (c) “**market operator**” means the owner or person in charge of a stockyard or auction market where livestock are held for sale;
- (d) “**party**” means:
  - (i) an animal keeper; or
  - (ii) a person who is indebted to an animal keeper;
- (e) “**person who is indebted to an animal keeper**” means a person who is indebted to an animal keeper for the price of food, care, attendance, accommodation, treatment or services furnished for an animal.

(2) If an animal keeper detains an animal pursuant to section 15.1, the person who is indebted to the animal keeper may reclaim the detained animal by paying his or her indebtedness to the animal keeper within 30 days from the day of the commencement of detention.

- (3) If the person who is indebted to the animal keeper does not reclaim the animal within the 30-day period mentioned in subsection (2), the animal keeper may offer the animal for sale to recover costs with respect to the lien and the detention.
- (4) A sale pursuant to subsection (3) must be by public auction, conducted in accordance with the regulations.
- (5) If an animal is sold by public auction pursuant to this section, the market operator:
- (a) may, subject to the regulations, deduct from the proceeds of the sale any expenses of the market operator respecting the sale of the animal;
  - (b) shall:
    - (i) deduct from the balance of the proceeds of sale that remain after a deduction pursuant to clause (a), if any, the amount claimed by the animal keeper to be owing to the animal keeper pursuant to the lien and the detention; and
    - (ii) hold the amount deducted pursuant to subclause (i) in an interest-bearing account for 30 days after the date of the sale; and
  - (c) shall pay the balance of the proceeds of sale that remain after a deduction pursuant to clause (b), if any, to the person who is indebted to the animal keeper.
- (6) Any interest earned on the holdback during the 30-day period mentioned in subsection (5), or during any period in which the holdback is held by the ministry pursuant to subsection (9), is deemed to be part of the holdback.
- (7) If a person who is indebted to an animal keeper disputes the amount claimed by the animal keeper, the person who is indebted to the animal keeper may require that the dispute be referred to arbitration by serving, within 30 days after the date of a sale pursuant to subsection (3), a notice of arbitration, in the form and manner prescribed in the regulations, on:
- (a) the animal keeper; and
  - (b) the market operator.
- (8) If the person who is indebted to the animal keeper does not serve a notice of arbitration within the 30-day period mentioned in subsection (7), the market operator shall pay the holdback to the animal keeper.
- (9) If the person who is indebted to the animal keeper serves a written notice of arbitration within the 30-day period mentioned in subsection (7), the market operator shall pay the holdback to the ministry, to be held by the ministry in an interest-bearing account pending the outcome of the dispute.
- (10) For the purposes of this section, arbitrators are to be appointed and arbitration proceedings are to be conducted in the manner and according to the procedures set out in the regulations.
- (11) Either party may appeal the decision of the arbitrator to the Court of Queen's Bench on a question of law.
- (12) An appeal to the Court of Queen's Bench must be made within 30 days after the date of the arbitrator's decision.

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- (13) An appeal to the Court of Queen's Bench is to be by notice of motion.
- (14) The party making the appeal shall:
- (a) serve a copy of the notice of motion on the other party to the dispute; and
  - (b) notify the minister of the appeal, in writing.
- (15) The decision of the Court of Queen's Bench on an appeal pursuant to this section is final.
- (16) The ministry shall pay out the holdback in accordance with the decision of the arbitrator or the Court of Queen's Bench, or in accordance with the agreement reached by the parties, as the case may be, after:
- (a) the parties notify the minister in writing that they have resolved their dispute;
  - (b) the time for making an appeal pursuant to subsections (11) to (14) has expired and the minister has not been notified in writing within that time that an appeal has been made; or
  - (c) an appeal has been made to the Court of Queen's Bench and that court has rendered its decision.
- (17) All costs of an arbitration are to be borne equally by the parties.
- (18) Subject to the regulations, *The Arbitration Act, 1992* does not apply to arbitrations to be conducted pursuant to this section.

2002, c.15, s.6; 2013, c.4, s.5.

**16 Repealed.** 2013, c.4, s.6.

**16.1 Repealed.** 2013, c.4, s.6.

**Assurance fund**

**16.2(1)** Subject to subsection (5), the Lieutenant Governor in Council may make regulations respecting an animal or animal product:

- (a) requiring the establishment of one or more assurance funds by one or more of the following:
  - (i) producers of the animal or animal product;
  - (ii) the provincial association representing producers of the animal or animal product;
  - (iii) any person in addition to those mentioned in subclause (i) or (ii);
- (b) establishing an assurance fund committee to administer each assurance fund mentioned in clause (a);
- (c) authorizing the assurance fund committee to fund the assurance fund through a levy on the animal or animal product with respect to which the assurance fund is established that is not refundable to producers of the animal or animal product;

- (d) respecting the establishment and operation of assurance funds;
  - (e) respecting the amount of levies and timing and method of paying them to an assurance fund mentioned in clause (a) by producers of the animal or animal product;
  - (f) respecting the administration of each assurance fund mentioned in clause (a), including the investments that may be made using moneys in the assurance fund and the disposition of the income earned from those investments;
  - (g) respecting the circumstances and manner in which claims on an assurance fund mentioned in clause (a) are to be paid;
  - (h) respecting the financial solvency of an assurance fund mentioned in clause (a), including:
    - (i) requiring producers of the animal or animal product to pay a special levy following a payment of a claim out of the assurance fund; and
    - (ii) respecting the right of the assurance fund to recover the amount of a claim against a person who is the subject of the claim;
  - (i) respecting the amount of moneys to be paid to a producer from an assurance fund, and the timing and method of payment of those moneys;
  - (j) respecting the duties and powers of provincial associations;
  - (k) prescribing the manner in which provincial associations are to conduct their business;
  - (l) respecting any other matters involving assurance funds that the Lieutenant Governor in Council considers necessary or appropriate.
- (2) Subject to subsection (3), the members of any assurance fund committee established pursuant to this section are entitled to any remuneration and reimbursement for expenses that may be approved at an annual general meeting of the provincial association following establishment of the assurance fund.
- (3) The remuneration and reimbursement for expenses mentioned in subsection (2) are not to exceed any limits that may be prescribed in the regulations.
- (4) An assurance fund established pursuant to this section:
- (a) may consist of contributions made by one or more producers or a class of producers, as specified in the regulations;
  - (b) is to be used solely to repay, in accordance with the regulations, moneys, or a portion of moneys, owed to a producer for the sale of a specified animal or animal product; and
  - (c) notwithstanding any other Act or law, is not subject to seizure, garnishment, attachment or claim by any person, including any creditor of a producer or the person administering the assurance fund, except as prescribed in the regulations.

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(5) No assurance fund and no assurance fund committee are to be established pursuant to this section with respect to an animal or animal product unless the provincial association representing producers of the animal or animal product has:

- (a) passed a resolution in favour of the establishment of an assurance fund; and
- (b) provided the resolution to the minister.

2013, c.4, s.7.

**Appeals committee**

**16.3(1)** The Lieutenant Governor in Council may make regulations:

- (a) establishing an appeals committee to hear appeals from any person making a claim against an assurance fund established pursuant to section 16.2;
- (b) respecting the number of members who are to sit on the appeals committee;
- (c) respecting the amount of remuneration to be paid to the members of the appeals committee; and
- (d) prescribing the procedure and manner by which appeals are to be conducted pursuant to this Act.

(2) Subject to the regulations, if an appeals committee is established pursuant to subsection (1), the committee may:

- (a) set the period within which an appeal is to be brought;
- (b) set the rules and procedures for the conduct of an appeal, including what documents are to be filed on the appeal;
- (c) make any investigation it considers necessary for the purposes of the appeal;
- (d) require the production of books and records that may relate to the appeal; and
- (e) confirm, vary or stay a decision of an assurance fund committee administering an assurance fund established pursuant to section 16.2.

2013, c.4, s.7.

**Appeal to appeals committee**

**16.4** Any person who is aggrieved by an act or omission of an assurance fund committee may appeal that act or omission to the appeals committee in the manner prescribed in the regulations or set by the committee.

2013, c.4, s.7.

**Appeal to Court of Queen's Bench**

**16.5(1)** A person who is directly affected by a decision of the appeals committee may appeal the decision to a judge of the Court of Queen's Bench on a question of law only.

- (2) A person who is directly affected by a decision of the appeals committee and who intends to appeal that decision shall file the appeal within 15 business days after the date of service of the decision of the appeals committee.
- (3) A notice of appeal is to be served on:
  - (a) the appeals committee; and
  - (b) the other parties to the proceedings before the appeals committee.
- (4) The record of an appeal pursuant to this section is to consist of:
  - (a) any written decision of an assurance fund committee respecting the matter that is the subject of the appeal;
  - (b) the written decision of the appeals committee;
  - (c) the notice of appeal commencing the appeal; and
  - (d) any other material that the Court of Queen's Bench may require.
- (5) If an appeal is taken pursuant to this section, a judge of the Court of Queen's Bench may:
  - (a) dismiss the appeal;
  - (b) allow the appeal;
  - (c) allow the appeal subject to terms;
  - (d) vary the decision or order of the appeals committee;
  - (e) refer the matter back to the appeals committee for further consideration and decision; or
  - (f) make any other order that the judge considers appropriate.

2013, c.4, s.7.

**Offences and penalties**

17(1) Any person who:

- (a) describes an animal or animal product incorrectly on any form prescribed by this Act or the regulations;
- (b) without the consent of the owner of an animal or animal product, alters any document prescribed by this Act or the regulations that relates to the animal or animal product;
- (c) without the consent of the owner, buys, sells, offers to buy or sell or transports any animal or animal product;
- (d) without the consent of an inspector, removes, substitutes or adds any animal or animal product to a quantity for which an inspection document has been issued;
- (e) alters or obliterates any part of any document prescribed by this Act or the regulations;

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(f) without the consent of the owner, removes the hide from the carcass of a dead animal;

(g) without being the holder of a valid and subsisting licence, deals or engages in any business respecting animals or animal products; or

(g.1) resists, obstructs, hinders or interferes with an inspector who is acting in the course of his or her duties;

is guilty of an offence and, in addition to any other penalty to which he may be subject by law, is liable on summary conviction:

(h) in the case of a first offence, to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months, or to both such fine and imprisonment, and, in default of payment, to imprisonment for a term of not more than six months;

(i) in the case of a subsequent offence, to a fine of not more than \$20,000 or to imprisonment for a term of not more than twelve months, or to both such fine and imprisonment, and, in default of payment, to imprisonment for a term of not more than twelve months.

(2) Any inspector who:

(a) knowingly falsifies any document prescribed by this Act or the regulations;

(b) knowingly defaces any document prescribed by this Act or the regulations;

(c) submits a false report; or

(d) accepts any compensation for the performance or non-performance of any duties required by this Act or the regulations, except any compensation that is payable as remuneration for his employment;

is guilty of an offence and liable on summary conviction to the penalties set out in subsection (1).

(3) A person who violates any provision of this Act or the regulations for which no penalty is imposed under this Act is guilty of an offence and, in addition to any other penalty to which he may be subject by law, is liable on summary conviction to a fine of not more than \$20,000.

1978, c.3, s.17; R.S.S. 1978 (Supp), c.A-20.2, s.17; 1998, c.10, s.9.

**Regulations**

**18** For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make regulations that are ancillary to and are not inconsistent with this Act, and every regulation made under this section has the force of law and, without restricting the generality of the foregoing, the Lieutenant Governor in Council may make regulations:

(a) defining any word or expression used in this Act but not defined in this Act;

(b) prescribing the fees and charges payable for any service performed under this Act, and the manner of collecting and administering any amount so payable;

- (b.1) notwithstanding clause (b), authorizing the minister to determine fees and charges payable for certain services performed pursuant to this Act;
- (c) prescribing the forms required by this Act;
- (c.1) for the purposes of clause 2.2(3)(o), prescribing matters to be included in an animal products inspection administration agreement;
- (c.2) for the purposes of subsection 2.2(6), prescribing the procedures for and terms and conditions of terminating an animal products inspection administration agreement;
- (d) fixing and defining the grade standards or quality levels for animals and animal products and prescribing the minimum price differentials with respect to those grades or quality levels;
- (e) requiring, and prescribing the manner and condition of, the grading, inspection, packaging and marketing of animals and animal products;
- (f) prescribing the manner and conditions of transportation, delivery, advertising, sale or display for sale of animals or animal products, and the size, kind, branding and labelling of packages or containers in which animal products may be contained;
- (g) prescribing the manner in which the seller or shipper shall identify ungraded animals and animal products for the purposes of grading individual producers' lots in such a shipment;
- (h) respecting the method of payment by the purchaser of animals or animal products, the preparation and presentation of the statements of account of the sale of animals or animal products, and the investigation of those statements and the transactions represented therein;
- (i) prescribing the conditions under which animals or animal products shall be considered unfit for human consumption and the manner of sale or other handling of those animals or animal products;
- (j) prescribing the standards of construction, equipment, maintenance and operation of an establishment handling, slaughtering or processing animals or animal products and the manner in which any complaint against the establishment shall be made and investigated;
- (k) prescribing the minimum standards of cleanliness and sanitation of all places where animals or animal products are produced, housed, stored, slaughtered, processed or packaged;
- (k.1) respecting the physical, chemical and biological standards and conditions under which:
  - (i) animals may be raised and slaughtered in Saskatchewan; and
  - (ii) animal products may be produced, processed, held for sale and sold in Saskatchewan;
- (l) authorizing the destruction of valueless animals or animal products and prescribing the manner in which valueless animals or animal products may be destroyed;

- (m) prescribing the manner in which the person in charge of a vehicle shall report accidents in which animals are injured or killed;
- (n) prohibiting or regulating the use of any medicinal or chemical substance that may impair the quality of any animal or animal product;
- (o) **Repealed.** 2013, c.4, s.8.
  - (o.1) for the purposes of subsection 16.2(3), prescribing limits on reimbursement for remuneration and expenses;
  - (o.2) for the purposes of section 16.4, respecting the conduct of appeals to the appeals committee;
- (p) respecting the keeping of records and the seizure, detention and disposal of any record;
- (q) respecting the manner in which any fees are collected and prescribing the commission to be paid to the person who collects the fees;
- (r) respecting a lien on animals under section 15.1 and providing for the detention and sale of the animals and for the disposition of the sale proceeds;
  - (r.1) respecting the manner in which a public auction must be conducted for the purposes of section 15.2;
  - (r.2) respecting the deduction of expenses by market operators for the purposes of section 15.2;
  - (r.3) prescribing the form of the notice of arbitration mentioned in section 15.2 and the manner of effecting service of that notice;
  - (r.4) respecting the manner in which arbitrators are to be appointed and arbitration proceedings are to be conducted for the purposes of section 15.2;
  - (r.5) prescribing provisions of *The Arbitration Act, 1992* that apply to arbitrations to be conducted pursuant to section 15.2;
- (s) prescribing measures to forestall or prevent imitation, counterfeiting or adulteration of an animal or animal product;
- (t) prescribing the manner in which a sample of any animal product may be taken and providing for the seizure and disposal of an animal or animal product;
- (u) prohibiting or restricting the manufacture, marketing or possession for sale of any animal, animal product or imitation animal product;
- (v) respecting any other matter that he considers necessary for carrying out the provisions of this Act.

1978, c.3, s.18; R.S.S. 1978 (Supp), c.A-20.2, s.18; 1983, c.35, s.7; 1998, c.10, s.10; 2002, c.15, s.7; 2013, c.4, s.8.

**Immunity**

**18.1** No action lies or shall be instituted against the Crown in right of Saskatchewan, the minister, an inspector, or any officer or employee of the Government of Saskatchewan, where the minister, the inspector, or officer or employee of the Government of Saskatchewan is acting pursuant to the authority of this Act or the regulations, for any loss or damage suffered by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them:

- (a) pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations; or
- (b) in the carrying out or supposed carrying out of any responsibility or function imposed by this Act or the regulations.

1998, c.10, s.11.

**Repeal**

**19** The following Acts are repealed:

- (a) *The Dairy Products Act*;
- (b) *The Live Stock and Live Stock Products Act*;
- (c) *The Margarine Act*;
- (d) *The Stable Keepers' Lien Act*.

1978, c.3, s.19; R.S.S. 1978 (Supp), c.A-20.2, s.19.

