The
Crop Payments
Act

being
Chapter C-48 of The Revised Statutes of Saskatchewan, 1978 (effective February 26, 1979) as amended by the Statutes of Saskatchewan, 1979-80, c.21; 1988-89, c.52; and 1993, c.P-6.2.

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 C-48
An Act respecting Agreements for Payment to Vendors, 
Lessors and Others by Shares of Crops

Short title
1 This Act may be cited as The Crop Payments Act.

Interpretation
2 In this Act:
   (a) “lease” includes any agreement whereby a mortgagor agrees to become 
       the tenant of a second or subsequent mortgagee only when no agreement has 
       been made with a prior mortgagee and the first mortgagee, or the prior 
       mortgagees, if there are more than one, have consented thereto in writing;
   (b) “security agreement” means an agreement that creates or provides for 
       a security interest, and includes a document evidencing a security agreement 
       when the context permits;
   (c) “security interest” means an interest in goods that secures payment or 
       performance of an obligation.

1979-80, c.21, s.3.

Leases
3 In all cases in which a bona fide lease has been made and a bona fide tenancy 
   created between a landlord and tenant providing for payment of the rent reserved 
   or any part thereof, or for payment in lieu of rent, by the tenant delivering to the 
   landlord a share of the crop grown or to be grown on the demised premises, or the 
   proceeds of such share, then, notwithstanding anything in The Personal Property 
   Security Act, 1993, or in any other statute, or in the common law, the lessor, his 
   personal representative and assigns shall, without registration, have a right to the 
   crops or the proceeds thereof to the extent of the share or interest reserved or 
   agreed to be paid or delivered to him under the terms of such lease, in priority to 
   the interest of the lessee in the crops or the proceeds thereof, and to the interest of 
   any person claiming through or under the lessee, whether as execution creditor, 
   purchaser, mortgagee or otherwise.

R.S.S. 1978, c.C-48, s.3; 1979-80, c.21, s.4; 
1993, c.P-6.2, s.75.
c. C-48

CROP PAYMENTS

Sales

4 When land has been sold under an agreement for sale providing for payment of the purchase money or part thereof by the purchaser delivering to the vendor a share of the crops grown on the land or paying to the vendor the proceeds of such share, then, notwithstanding anything in The Personal Property Security Act, 1993 or in any other statute, or in the common law, the vendor, his personal representatives and assigns shall, without registration, have a right to the crops of the proceeds thereof to the extent of the share or interest agreed to be delivered or paid over, in priority to the interest of the purchaser, his personal representatives or assigns in such crops or the proceeds thereof, and to the interest of any other persons claiming through or under the purchaser, his personal representatives or assigns, whether as execution creditor, purchaser, mortgagee or otherwise.

R.S.S. 1978, c.C-48, s.4; 1979-80, c.21, s.5; 1993, c.P-6.2, s.75.

Mortgages

5(1) Where a mortgage has been given to secure the purchase price or part of the purchase price of land, and payment of the mortgage moneys or interest is to be made by the mortgagor delivering to the mortgagee a share of the crops grown on the mortgaged premises, the rights of the mortgagee shall be in all respects the same as if he were the vendor and the mortgagor were a purchaser under section 4.

(2) The provisions of subsection (1) apply to moneys payable under an encumbrance in the same manner as to moneys payable under mortgage, and the terms “mortgagor” and “mortgagee” therein contained shall be read as including “encumbrancer” and “encumbrance” respectively.

R.S.S. 1978, c.C-48, s.5.

Special interest of lessor, vendor or mortgagee

6(1) In the case of any bona fide lease, agreement for sale or mortgage as set forth in sections 2, 3, 4 and 5, from the moment of the sowing of the crop until delivery to or receipt by the lessor, vendor or mortgagee of his share, an undivided interest in the crop to the extent of the share agreed to be delivered, or to the extent of a one-third share in the crop, whichever shall be the less, shall vest in the lessor, vendor or mortgagee, as the case may be; but the crop shall for all purposes remain at the risk of the lessee, purchaser or mortgagor until actual delivery or receipt as aforesaid, and until such delivery or receipt the lessee, purchaser or mortgagor shall hold such undivided interest in trust for the lessor, vendor or mortgagee.

(2) Notwithstanding the undivided interests in crops vested under this section in the parties to leases, agreements for sale and mortgages, the sheriff may, if execution issues against any of such parties but subject, where the execution debtor is a lessee, to The Landlord and Tenant Act:

(a) seize and sell the whole crop and divide the proceeds in accordance with the lease, agreement for sale or mortgage and this Act; or

(b) divide the grain in accordance therewith and seize and sell the execution debtor’s share.

Limitation of share

7 This Act does not extend to any lease, agreement for sale or mortgage under which more than one-half share of the crops grown on the land affected thereby is to pass to the lessor, vendor or mortgagee.

R.S.S. 1978, c.C-48, s.7.

Application of certain Act

8 Nothing in this Act shall impair or be held to have impaired the priority given by The Personal Property Security Act, 1993 to security agreements made, executed or created as a security for the purchase price and interest thereon of seed grain, or the priority given to charges in favour of His Majesty under An Act respecting Seed Fodder and other Relief, being chapter 33 of the statutes of 1915, or the priority given to threshers’ liens under The Threshers’ Lien Act.

R.S.S. 1978, c.C-48, s.8; 1979-80, c.21, s.6; 1993, c.P-6.2, s.75.

Application of Act

9 This Act applies to leases of land and chattels, and to agreements for the sale of land with chattels upon an entire consideration, in the same manner and to the same extent as they apply to leases or agreements for sale of land alone.

R.S.S. 1978, c.C-48, s.9.

10 Repealed. 1988-89, c.52, s.5.