

The Canada Saskatchewan BSE Recovery Program Regulations

Repealed by

Chapter F-8.001 Reg 25 (effective August 13, 2003).

Formerly

Chapter F-8.001 Reg 24 (effective June 27, 2003) as amended
by Saskatchewan Regulations 69/2003 and 80/2003.

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 F-8.001 REG 24
The Farm Financial Stability Act

Title

1 These regulations may be cited as *The Canada Saskatchewan BSE Recovery Program Regulations*.

Interpretation

2(1) In these regulations:

- (a) **“account”** means the Canada Saskatchewan BSE Recovery Program Account established pursuant to section 4;
- (b) **“Act”** means *The Farm Financial Stability Act*;
- (c) **“adjusted market loss differential”** means the market loss differential as determined by the minister pursuant to subsection 9(3);
- (d) **“applicant”** means a feeder who applies for an assistance payment;
- (e) **“application”** means an application for an assistance payment that is submitted pursuant to section 6;
- (f) **“assistance payment”** means a payment approved pursuant to section 8;
- (g) **“assistance program”** means the Canada Saskatchewan BSE Recovery Program established pursuant to section 3;
- (h) **“breeder association”** means:
 - (i) a breeder association within the meaning of *The Cattle Breeder Associations Loan Guarantee Regulations, 1991*; or
 - (ii) a sheep breeder association within the meaning of *The Sheep Breeder Associations Loan Guarantee Regulations*;
- (i) **“BSE”** means Bovine Spongiform Encephalopathy;
- (j) **Repealed.** 1 Aug 2003 SR 80/2003 s3.
- (k) **“eligible livestock”** means any of the following classes of animals that meet the criteria set out in subsection (1.1):
 - (i) heifers under 30 months, steers under 30 months, bulls, cows or veal calves of the genus species *Bos taurus* or *Bos indicus* (cattle);
 - (ii) lambs, rams, wethers or ewes of the genus species *Ovis aries* (sheep);

(iii) heifers under 36 months, bulls under 36 months, cull bulls, cows and veal calves of the genus species *Bison bison* (bison);

(iv) goats of the genus species *Capra hircus*;

(k.1) **“feeder”** means:

(i) an individual who:

(A) is a Saskatchewan resident;

(B) is 18 years of age or older; and

(C) owns, prior to May 20, 2003, eligible livestock that are the subject of an application; or

(ii) a corporation, co-operative, partnership, communal organization or Indian band that:

(A) is a Saskatchewan resident; and

(B) owns, prior to May 20, 2003, eligible livestock that are the subject of an application;

(l) **“feeder association”** means:

(i) a feeder association within the meaning of *The Cattle Feeder Associations Loan Guarantee Regulations, 1989*;

(ii) a bison feeder association within the meaning of *The Bison Feeder Associations Loan Guarantee Regulations*; or

(iii) a sheep feeder association within the meaning of *The Sheep Feeder Associations Loan Guarantee Regulations*;

(l.1) **“heavy lamb”** means a lamb sold for slaughter that is, at the time of sale, greater than 54.42 kilograms or 120 pounds;

(m) **“Indian band”** means a band as defined in the *Indian Act* (Canada) and includes the council of a band;

(n) **“muscle cuts of beef”** includes fresh and frozen cuts commonly known as table cuts from skeletal beef, including steaks and roasts;

(o) **“owner”**, with respect to eligible livestock, means:

(i) a person who is able to satisfy the minister based on evidence that the minister considers appropriate that the person is the owner of the eligible livestock;

(ii) a person who is a member of a feeder association, who is growing and finishing the eligible livestock and who has a feeder contract with the feeder association with respect to that eligible livestock; or

(iii) a person who is a member of a breeder association, who is growing and finishing the eligible livestock and who has a breeder contract with the breeder association with respect to that eligible livestock;

- (p) **“review committee”** means any review committee established by the minister pursuant to *The Government Organization Act* for the purposes of these regulations;
- (q) **“Saskatchewan resident”** means:
- (i) an individual who is resident in Saskatchewan;
 - (ii) an individual who or an entity other than an individual that:
 - (A) filed an income tax return respecting farm income in Saskatchewan in the year preceding the year for which an application is made; or
 - (B) filed or will file an income tax return respecting farm income in Saskatchewan in the year for which an application is made;
 - (iii) an Indian band whose reserve lands are in Saskatchewan;
- (r) **“veal calf”** means a bovine animal that:
- (i) has the maturity characteristics set out in Schedule I to Part IV of the *Livestock and Poultry Carcass Grading Regulations*, being SOR/92-541; and
 - (ii) has a carcass weight of:
 - (A) less than 205 kilograms with the hide on; or
 - (B) less than 180 kilograms with the hide off.
- (1.1) For the purposes of clause (1)(k), the eligible livestock mentioned in that clause must meet the following criteria:
- (a) as of May 20, 2003, the eligible livestock were being fed in Canada for slaughter;
 - (b) the eligible livestock are sold in Canada prior to the earliest of the following:
 - (i) the date confirmed by the minister pursuant to subsection (2) that the Canada/United States border is re-opened to the export of muscle cuts of beef or of live cattle of up to 30 months of age at the time of sale;
 - (ii) the date determined by the minister pursuant to subsection 8(4) as the date that the moneys in the account have been fully utilized on a national basis;
 - (iii) in the case of cows and bulls, August 31, 2003;
 - (c) the eligible livestock are slaughtered in Canada;
 - (d) in the case of eligible livestock sold on or after May 20, 2003 and on or before June 17, 2003, the eligible livestock are slaughtered on or before July 10, 2003;
 - (e) in the case of eligible livestock sold on or after June 18, 2003, the eligible livestock are slaughtered within 14 days after being sold.

(2) For the purposes of subclause (1.1)(b)(i), the minister may confirm the date that the Canada/United States border is re-opened to the export of muscle cuts of beef or of live cattle of up to 30 months of age at the time of sale.

(3) If the minister confirms a date for the purposes of subsection (2), the minister shall cause a notice of that confirmation containing the date to be published in the Gazette within 14 days after the date that the minister makes the confirmation.

18 Jly 2003 cF-8.001 Reg 24 s2; 25 Jly 2003 SR 69/2003 s3; 1 Aug 2003 SR 80/2003 s3.

Assistance program established

3(1) The Canada Saskatchewan BSE Recovery Program is established.

(2) The purpose of the assistance program is to provide assistance payments to feeders affected by the market disruption caused by the closure of the Canada/United States border to eligible livestock exports and to encourage slaughter of eligible livestock in Canada.

18 Jly 2003 cF-8.001 Reg 24 s3; 1 Aug 2003 SR 80/2003 s4.

Account established

4(1) The Canada Saskatchewan BSE Recovery Program Account is established in the fund pursuant to clause 24(2)(a) of the Act.

(2) The Minister of Finance is authorized to deposit into the account:

- (a) all contributions from the Government of Canada that are directed to the account for the purposes of the assistance program pursuant to an agreement made pursuant to subsection 22(2) of the Act; and
- (b) from moneys appropriated by the Legislature, all contributions of the Government of Saskatchewan to the assistance program pursuant to an agreement made pursuant to subsection 22(2) of the Act.

(3) The account consists of:

- (a) all contributions mentioned in subsection (2);
- (b) all other moneys appropriated by the Legislature:
 - (i) for the purposes of the assistance program; or
 - (ii) for any other farm income stabilization purpose, if the Minister of Finance designates that those moneys are to be paid into the account;
- (c) all earnings on investments of the account; and
- (d) all other moneys received in the account for the purposes of the assistance program.

- (4) All assistance payments are to be paid from the account.
- (5) Any surplus remaining in the account when the assistance program is completed is to be returned to the Government of Canada and the Government of Saskatchewan in proportion to each government's contribution to the account.
- (6) The fiscal year of the account is the period commencing on April 1 in one year and ending on March 31 of the following year.

18 Jly 2003 cF-8.001 Reg 24 s4.

Minister to administer account and assistance program

- 5(1) The minister shall administer the account and the assistance program.
- (2) For the purpose of administering the assistance program and the account, the minister may:
 - (a) exercise the powers given to the minister pursuant to the Act; and
 - (b) do any other thing that the minister considers necessary to administer the account or the assistance program.
- (3) Without limiting the generality of subsection (2), for the purpose of administering the account or the assistance program, the minister may:
 - (a) police and audit compliance with the assistance program;
 - (b) enter into any agreement with any person, agency, organization, association, institution or body that the minister considers advisable;
 - (c) execute any bills of exchange, promissory notes and other negotiable or transferable instruments;
 - (d) undertake research, conduct studies and provide information to agricultural producers in relation to eligible livestock or the assistance program;
 - (e) use any moneys received in the account to make assistance payments to feeders pursuant to the assistance program and to pay for the administration of the account and the assistance program;
 - (f) invest any moneys in the account that are not presently required for the purposes of the assistance program in any investments that are authorized pursuant to *The Financial Administration Act, 1993* as investments for the general revenue fund; and
 - (g) dispose of any investment made pursuant to clause (f), subject to the terms of the investment, in any manner, on any terms and in any amount that the minister considers advisable.

18 Jly 2003 cF-8.001 Reg 24 s5; 1 Aug 2003 SR
80/2003 s5.

Application for assistance payment

6(1) A feeder who wishes to apply for an assistance payment must apply to the minister on an application form supplied by the minister.

(2) On an application form submitted pursuant to subsection (1), the applicant must:

(a) specify the number of eligible livestock that are the subject of the application and the total net liveweight of those eligible livestock;

(b) provide any evidence that the minister may require to determine, to the satisfaction of the minister, that the applicant was the owner, prior to May 20, 2003, of the eligible livestock that are the subject of the application;

(c) provide any evidence that the minister may require to determine, to the satisfaction of the minister, that the livestock mentioned in the application are eligible livestock;

(d) declare that no other application for assistance has been made or is to be made for the eligible livestock that are the subject of the application pursuant to:

(i) the assistance program; or

(ii) any other, similar government program offered by the Government of Saskatchewan or by the government of any other province or territory of Canada that provides assistance with respect to eligible livestock;

(e) provide the minister with any evidence that the minister may require to determine to the satisfaction of the minister the following:

(i) the applicant's province of residency and, if appropriate, the applicant's age;

(ii) the applicant's compliance with these regulations;

(iii) the applicant's eligibility for an assistance payment; and

(iv) the amount of any assistance payment to be paid to the applicant; and

(f) provide the minister with any evidence or information in addition to that mentioned in clauses (a) to (e) that the minister may require for the purposes of:

(i) substantiating the applicant's eligibility;

(ii) determining the amount of an assistance payment to the applicant;

(iii) verifying the applicant's compliance with these regulations; or

(iv) administering the assistance program.

(3) If the applicant is a corporation, co-operative, partnership, communal organization or Indian band, for the purposes of verifying residency and compliance with these regulations, the applicant on its application must provide, if requested by the minister:

- (a) the names of its shareholders, partners or members; and
- (b) evidence respecting the shareholders, partners or members that the minister may require to determine the eligibility of the applicant for an assistance payment.

18 Jly 2003 cF-8.001 Reg 24 s6; 1 Aug 2003 SR 80/2003 s6.

Time limit for submitting applications

7(1) Subject to subsection (2), an application must be received by the minister on or before September 30, 2003 or, in the case of an application that is mailed, must be postmarked on or before September 30, 2003.

(2) The minister may consider an application received or postmarked after September 30, 2003 if:

- (a) the minister is satisfied that extenuating circumstances exist making it unreasonable or impossible for the application to have been received or postmarked on or before September 30, 2003; and
- (b) if a review committee has been established, the review committee determines that extenuating circumstances exist and recommends to the minister that the application be considered.

18 Jly 2003 cF-8.001 Reg 24 s7.

Approval of application

8(1) Subject to subsections (2) to (4), if the minister is satisfied that an applicant meets the eligibility requirements set out in these regulations and has complied with the regulations, the minister may approve an assistance payment to the applicant.

(2) No more than one assistance payment is payable with respect to the same eligible livestock pursuant to the assistance program.

(3) An applicant is not entitled to receive any assistance payments with respect to eligible livestock that are the subject of an application if the applicant has applied for or received any payment with respect to the eligible livestock pursuant to any other, similar government program offered by the Government of Saskatchewan or by the government of any other province or territory of Canada that provides assistance with respect to eligible livestock.

(4) If the minister determines that moneys in the account have been fully utilized, the minister may refuse to approve the application and the applicant is not eligible to receive any assistance payment with respect to that application.

(5) If the minister makes a determination pursuant to subsection (4), the minister may cause the date the determination is effective to be posted on the Internet website of the department over which the minister presides and to be made public in any other manner that the minister considers appropriate.

18 Jly 2003 cF-8.001 Reg 24 s8.

Amount and terms of assistance payment

9(1) The amount of an applicant's approved assistance payment is the amount AP calculated in accordance with the following formula and as adjusted in accordance with subsection (2):

$$AP = TNLW \times AMLD$$

where:

TNLW is the total net liveweight of the applicant's eligible livestock as stated on the applicant's application form;

AMLD is the adjusted market loss differential as at the date the applicant sold the eligible livestock.

(2) For the purposes of determining the amount of an applicant's approved assistance payment, the amount AP calculated pursuant to subsection (1) is to be adjusted in accordance with the sliding scale index as determined by the minister in accordance with the agreement made pursuant to subsection 22(2) of the Act.

(3) For the purposes of the definition of AMLD in subsection (1), the minister may determine, in accordance with the agreement made pursuant to subsection 22(2) of the Act, an adjusted market loss differential for a day or period of time in accordance with the following formula:

$$AMLD = USMP - WCMP$$

where:

AMLD is the adjusted market loss differential for the day or period of time;

USMP is the United States market price for livestock for the day or period of time as determined by the minister in accordance with the agreement made pursuant to subsection 22(2) of the Act and as adjusted for exchange rate and basis differences between Canada and the United States for the day or period of time;

WCMP is the Western Canadian market price for livestock for the day or period of time as determined by the minister in accordance with the agreement made pursuant to subsection 22(2) of the Act.

(4) The minister may cause the sliding scale index determined pursuant to subsection (2) and the adjusted market loss differential for a day or period calculated pursuant to subsection (3):

- (a) to be posted on the Internet website of the department over which the minister presides; and
- (b) to be made public in any other manner that the minister considers appropriate.

(5) Notwithstanding any other provision of this section:

(a) the minister may establish, in accordance with the agreement made pursuant to subsection 22(2) of the Act, a different adjusted market loss differential for each of the following classes of eligible livestock:

- (i) steers and heifers;
- (ii) bulls;
- (iii) cows;
- (iv) veal calves;
- (v) rams, wethers and ewes;
- (vi) lambs;
- (vii) heavy lambs;
- (viii) bison heifers and bulls under 36 months;
- (ix) bison cull bulls;
- (x) bison cows;
- (xi) bison veal calves;
- (xii) goats; and

(b) an applicant's assistance payment is to be based on the class of the eligible livestock that are the subject of the application and the adjusted market loss differential for that class of eligible livestock.

(6) No assistance payment is to be paid to an applicant if the amount of the assistance payment is less than \$50.

(7) If the applicant is a member of a feeder association or a breeder association and the eligible livestock for which an assistance payment is to be made are the subject of an agreement between the applicant and the association, the assistance payment is to be paid jointly in the name of:

- (a) the applicant; and
- (b) the association.

Restrictions respecting transfer or assignment of assistance payment

9.1(1) No transfer or assignment of an assistance payment is valid unless it has been granted a prior written approval by the minister.

- (2) An applicant who wishes to transfer or assign an assistance payment shall:
 - (a) apply for approval to the minister on a form provided by the minister; and
 - (b) supply the minister with any additional information that the minister may reasonably require to determine whether or not to approve the transfer or assignment.
- (3) The minister may refuse to approve more than one transfer or assignment of an assistance payment.
- (4) If the minister approves a transfer or assignment, the minister may impose any terms or conditions that the minister considers necessary or prudent on the approval.
- (5) No person who is subject to an approval granted pursuant to this section shall fail to comply with any terms or conditions imposed by the minister on the approval.
- (6) Notwithstanding that the minister has approved a transfer or assignment of an assistance payment pursuant to this section, the minister may deduct or set-off from the assistance payment the amount of any debt of, or other moneys owing by, the applicant to whom the assistance payment is payable to:
 - (a) the Crown in right of Canada; or
 - (b) the Crown in right of Saskatchewan.

25 Jly 2003 SR 69/2003 s4.

Conditions of participating in assistance program

10(1) As a condition of participating in the assistance program and receiving an assistance payment, an applicant shall:

- (a) grant access, at any reasonable time, to land on which the applicant conducts the applicant's livestock operations to any persons designated by the minister to verify:
 - (i) information required to substantiate the applicant's eligibility;
 - (ii) the amount of an assistance payment that may be paid to the applicant; or
 - (iii) the applicant's compliance with these regulations;
- (b) consent to any other person, agency, organization, association, institution or body releasing information to the minister respecting the applicant's livestock operations;
- (c) consent to the minister sharing any information provided by the applicant and any information respecting any assistance payment paid to the applicant with any other person, agency, organization, association, institution or body; and

- (d) provide to the minister, on the minister's request and within the period set by the minister, the applicant's income tax records for one or more years, or any other information that the minister may require, to verify:
 - (i) the applicant's eligibility;
 - (ii) the amount of an assistance payment that may be paid to the applicant; or
 - (iii) the applicant's compliance with these regulations.
- (2) No applicant shall fail to comply with any condition set out in subsection (1).
- (3) No person shall supply any false or misleading information to the minister on any application or in response to any request for information from the minister.

18 Jly 2003 cF-8.001 Reg 24 s10.

Reconsideration

- 11(1)** Within 90 days after an applicant receives written notice of the minister's decision with respect to his or her application for an assistance payment, the applicant may:
- (a) request, in writing, that the minister reconsider the decision; and
 - (b) along with the written request mentioned in clause (a), provide the minister with any further information that the applicant considers relevant with respect to the application.
- (2) If a review committee has been established, the minister may refer any request pursuant to subsection (1) to the review committee for a recommendation as to whether or not the minister's initial decision was made in accordance with these regulations.
- (3) On receipt of a request pursuant to subsection (1) and after considering any recommendation of the review committee made pursuant to subsection (2), the minister shall:
- (a) reconsider the minister's initial decision;
 - (b) confirm, reverse or vary that decision; and
 - (c) notify the applicant in writing of the reconsideration.
- (4) The minister's decision pursuant to subsection (3) is final.
- (5) Nothing in these regulations entitles an applicant to a hearing before the minister or the review committee.

18 Jly 2003 cF-8.001 Reg 24 s11.

Overpayment

12(1) The minister may declare all or any assistance payments made to an applicant pursuant to these regulations to be an overpayment if, in the minister's opinion:

- (a) the applicant has knowingly made a false or misleading statement with respect to a material fact on any form or in any information or document provided to the minister pursuant to these regulations;
 - (b) the applicant has omitted to make a statement or to provide any information or document that results in a statement with respect to a material fact being misleading; or
 - (c) the applicant has failed to comply with these regulations.
- (2) If the minister declares an assistance payment to be an overpayment, the amount of the overpayment is deemed to be a debt due and owing to the Crown in right of Saskatchewan and may be recovered from the applicant in any manner authorized pursuant to *The Financial Administration Act, 1993* or in any other manner authorized by law.

18 Jly 2003 cF-8.001 Reg 24 s12.

Coming into force

13 These regulations come into force on the day on which they are filed with the Registrar of Regulations.