

The Provincial Community Pasture Regulations

Repealed

by Chapter P-4.1 Reg 1 of the *Regulations of Saskatchewan*
(effective August 1, 2000).

Formerly

Saskatchewan Regulations 87/69 (effective April 17, 1969) as
amended by Saskatchewan Regulations 43/73 and 215/74.

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 REGULATIONS 87/69
The Agricultural Development and Adjustment Act

PART I

Designation and Interpretation

1 These regulations may be cited as the Provincial Community Pasture Regulations.

2 In these regulations the term:

- (1) “**Act**” means *The Agricultural Development and Adjustment Act*;
- (2) “**animal**” means cattle or sheep;
- (3) “**department**” means the Department of Agriculture;
- (4) “**estrays**” has the same meaning as in *The Stray Animals Act*;
- (5) “**livestock**” means cattle or sheep;
- (6) “**minister**” means the Minister of Agriculture;
- (7) “**officer**” means a person employed by the department in connection with the administration or management of pastures and includes any person employed in connection with the administration or management of provincial lands or of the department;
- (8) “**pasture**” means a provincial community pasture operated, managed and maintained pursuant to the Act and these regulations.

25 Apr 69 SR 87/69 Part I s2.

PART II

Operation of Pastures

1 The minister may establish pastures upon provincial lands administered by him and operate, manage and maintain such pastures or make contracts to have such pastures operated, managed or maintained and, without limiting the generality of the foregoing, the minister may:

- (1) purchase such buildings and other structures and such materials, horses, machines, vehicles, equipment, tools, fodder, feed, drugs, semen and other supplies and goods as may be necessary, convenient or incidental to the efficient operation, management and maintenance of such pastures and the rendering of services in respect thereof.

- (2) construct, erect, install, make or place upon, or bring onto, or cause to be constructed, erected, installed, made or placed upon or brought onto, such pastures such improvements, including replacement and repair thereof, as he considers necessary or desirable;
- (3) acquire, by purchase or rent, such sires as may be necessary for breeding purposes;
- (4) employ such managers, riders, veterinarians, technicians and other persons as he deems necessary at any time;
- (5) rent such horses, vehicles, machines and equipment as he considers necessary.

25 Apr 69 SR 87/69 Part II s1.

2 The minister may allocate a name for each pasture and determine for each year:

- (1) the livestock which may be admitted therein;
- (2) the duration of the pasturing season;
- (3) the kind and extent of the services to be rendered.

25 Apr 69 SR 87/69 Part II s2.

3(1) The minister shall maintain the livestock within a substantial fence and may render such services as he shall consider necessary or beneficial;

(2) The minister shall before the beginning of the pasturing season of each year prescribe the fees to be charged for the pasturing of livestock and the rendering of services in each pasture and he may, during the pasturing season, prescribe and collect additional fees in respect of other services instituted and rendered during such year.

25 Apr 69 SR 87/69 Part II s3.

4(1) Subject to subsection (2), livestock may be placed in a pasture by the owner thereof or his agent and thereupon such livestock shall be deemed the property of such owner until the minister receives proof to the contrary in such form as he deems necessary;

(2) Livestock shall be accepted in a pasture under the supervision of the officer in charge of such pasture and only in accordance with the conditions prescribed by the minister and any livestock placed in a pasture without such acceptance shall be deemed to be estrays;

(3) Each animal shall before admittance to a pasture bear the identification of its owner in a manner satisfactory to the minister.

25 Apr 69 SR 87/69 Part II s4.

- 5(1)** The following animals shall not be admitted to a pasture:
- (a) Horned cattle unless dehorned at the risk and expense of the patron;
 - (b) Any animals which, in the opinion of the officer in charge, are of unsound health or in dangerously poor condition;
 - (c) Sheep that have unsound feet;
 - (d) Any animal which is difficult to contain or manage;
 - (e) All male animals, other than approved sires, unless they have been, in the opinion of the officer in charge, effectively castrated.
- (2) (a) The minister may require the owner of the livestock to remove from the pasture any animal which should not have been admitted thereto for any of the causes set out in subsection (1) even if such cause was determinable at the time of such admission.
- (b) An owner, whose livestock is removed from the pasture pursuant to paragraph (a) shall pay to the minister the fees in respect of the pasturing of the livestock and the services rendered to such livestock prior to the date of removal.

25 Apr 69 SR 87/69 Part II s5.

- 6(1)** The owner shall at the end of the pasturing season, or at any other time if so required by the minister, cause his livestock to be removed from the pasture subject to the conditions for removal approved by the minister;
- (2) Livestock remaining in a pasture after the day appointed for the removal thereof shall be subject to the payment of such additional charges as the minister may prescribe and of such costs and expenses as the minister may incur in respect of the supervision, feeding, care, disposition or transportation of the livestock;
- (3) Livestock placed in a pasture which is delivered to the owner's agent shall be deemed delivered to such owner.

25 Apr 69 SR 87/69 Part II s6.

- 7** The Minister may offer for sale by tender, or otherwise, such buildings, other structures, materials, equipment, fodder, and sires, as are in his opinion unserviceable or in excess of the needs of the department and therefore not required for the operation of such pastures.

2 Aug 74 SR 215/74 s2.

PART III

General Provisions

1 The minister may authorize any of his officers to act in his stead in respect of any matter related to the operation, management or maintenance of any pasture.

25 Apr 69 SR 87/69 Part III s1.

2 Every agreement made between the minister and the owner of livestock shall be subject to and shall be read and construed in accordance with the Act and these regulations.

25 Apr 69 SR 87/69 Part III s2.

3 Livestock placed in a pasture pursuant to these regulations shall, singly and collectively, constitute collateral security for the fees in respect of the pasturing of and the rendering of services to such livestock and of any other charges, costs and expenses in respect thereof and unless the minister otherwise directs such livestock shall remain in the custody of the minister until all such fees, charges, costs and expenses are fully paid, provided that the delivery of the livestock to the owner or other removal of the livestock from the pasture shall in no way restrict the minister in the recovery of such fees, charges, costs and expenses.

25 Apr 69 SR 87/69 Part III s3.

4(1) Except as otherwise provided in these regulations, the minister shall not be under any liability to the owner of any livestock placed or being in a pasture, or to any other person, by reason of the death, injury or disappearance of any thereof;

(2) The minister may compensate the owners of sheep lost while being pastured in a pasture when such loss is attributable to predators or unascertainable disappearance;

(3) The minister may in any year adopt, in respect of any pasture or any owner, a program for making compensation for all or any losses of livestock and thereupon assess and collect additional fees in respect of such program, provided that it shall not be instituted after the commencement of the pasturing season without the consent of the owners;

(4) The minister may, in each year, prescribe the amount of compensation which shall be paid pursuant to subsection (2) and subsection (3) in respect of each class of animals or the manner in which such compensation shall be determined.

25 Apr 69 SR 87/69 Part III s4.

5(1) Where, on or after the First day of November in any year, the owner has failed to remove his livestock from the pasture or such livestock remains in the custody of the minister pursuant to Section 3, the minister may cause to be delivered to and sold at a livestock market so much of the livestock as appears necessary to fully pay for all fees, charges, costs and expenses, including any costs of transportation and sale, due by the owner to the minister after having given to the owner ten days notice of his intention to do so and stating the amount to be paid before removal of the livestock;

(2) The notice mentioned in paragraph (1) shall be sufficiently given or served if signed by the minister, or by an officer under his authority, and mailed addressed to the owner at his last known address and such notice shall be effective from the time of the mailing thereof;

(3) The proceeds from the sale shall be applied in payment of the fees, charges, costs and expenses due by the owner to the minister and the balance, if any, shall be paid to the owner or his estate after he or it has caused the balance of the owner's livestock to be removed from the pasture.

25 Apr 69 SR 87/69 Part III s5.

6 Where one or more animals placed in a pasture by an owner are not delivered to him at the end of the pasturing season and there are surplus animals left in the pasture which cannot be identified by brand or other distinguishing marks as estrays or as belonging to any other owner, the minister may deliver such animals to such owner if he is satisfied that such animals reasonably meet the description of the owner's undelivered animals. Provided this section does not apply to an owner's animals that are known to have died in or strayed from the pasture and provided further that when more than one owner did not receive delivery of all his livestock the minister may, in his discretion, dispose of the surplus animals to the owner or owners whose undelivered animals best meet the description of the surplus animals.

25 Apr 69 SR 87/69 Part III s6.

7 An owner shall be refunded the fees paid by him in respect of any animal which is not delivered to him at the end of the pasturing season except where:

- (1) such animal is recovered by or returned to such owner;
- (2) another animal is accepted by such owner pursuant to Section 6.
- (3) **Repealed.** 9 Mar 73 SR 43/73 s1.

25 Apr 69 SR 87/69 Part III s7; 9 Mar 73 SR 43/73 s1.

8 Any sum of money due to the minister by an owner in respect of the pasturing of or the rendering of services to his livestock in a pasture during any year shall, until paid, be a charge in respect of the pasturing of and the rendering of services to any livestock of such owner in a pasture during each or any subsequent year; provided that this section shall in no way restrict the minister in the recovery of such sum by any other means at his disposal.

25 Apr 69 SR 87/69 Part III s8.

9(1) The minister may exclude from pasturing any land which he does not own or administer within a pasture by constructing a substantial fence around such land and a gate at a convenient point of entry, such fence to be constructed at a distance of not less than eight feet from the land to be so excluded; provided that where the pasture is used for pasturing cattle only, a fence constructed with four strands of barbwire shall be deemed a substantial fence.

- (2) The owner of such land shall at all times be granted access thereto through a point of entry into the pasture designated by an officer of the minister by notice in writing which shall be sufficiently given if mailed addressed to such owner at his last known address.
- (3) The owner of such land, in gaining access thereto, shall:
- (a) cause no damage, disturbance, nuisance or mischief;
 - (b) open and securely close the entrance gate to the pasture upon each entry and leaving of the pasture;
 - (c) keep the gate at the entrance of his land securely closed during his absence to the extent necessary to prevent entry by livestock or intruders.
- (4) The owner of such land shall, before the use thereof for pasture purposes, construct a fence within or along the boundary thereof and thereafter maintain such fence and contain the livestock which he causes to be pastured thereon at all times and such owner shall make arrangements satisfactory to the minister's pasture manager in respect of the transportation of the livestock on foot to and from his land.
- (5) Where the minister has not excluded the land of an owner in the manner mentioned in paragraph (1) of this section and such land is used for the pasturing of livestock maintained in the pasture, the minister shall not be under liability in respect of such use prior to the expiration of the period of sixty days next following the receipt by the minister of a notice from such owner prohibiting such use.

25 Apr 69 SR 87/69 Part III s9.

10 The minister may in any year pay to a rural municipality a sum of money in lieu of taxes in respect of provincial lands within such municipality which are included in a pasture and he may recover such payment, in whole or in part, by increasing the fees, or charging additional fees, for livestock pastured during the year in respect of which such payment is made.

25 Apr 69 SR 87/69 Part III s10.