

# *The Farm Financial Stability Act*

*being*

Chapter F-8.001\* of the *Statutes of Saskatchewan, 1989-90* (consult Table of Saskatchewan Statutes for effective date) as amended by the *Statutes of Saskatchewan, 1990-91, c.28* and *c.36*; *1992, c.50, c.67 and c.68*; *1993, c.P-6.2 and c.6*; *1994, c.P-37.1*; *1995, c.9*; *1997, c.36*; *1998, c.C-45.2 and c.P-42.1*; *1999, c.N-4.001*; *2000, c.44*; *2002, c.6 and c.19*; *2003, c.22*; *2004, c.10*; *2005, c.13 and c.36*, *2014, c.E-13.1*; *2018, c.42*; and *2021, c.6*.

**\*NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

## **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

### An Act to provide for the Financial Stability of Agriculture

#### PART I

##### Title and Interpretation

###### Short title

1 This Act may be cited as *The Farm Financial Stability Act*.

###### Interpretation

2 In this Act:

- (a) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (b) “**prescribed**” means prescribed in the regulations.

1989-90, c.F-8.001, s.2.

#### PART II

##### Financial Provisions

###### Financial assistance

3 The minister, for any purpose relating to the financial stability of Saskatchewan farms, may provide financial assistance by way of grant, loan or other similar means in accordance with prescribed terms and conditions to any person, agency, organization, association, institution or other body within Saskatchewan.

1989-90, c.F-8.001, s.3.

###### Guarantees

4 The Lieutenant Governor in Council, on the recommendation of the minister, may authorize the Minister of Finance to guarantee agricultural loans:

- (a) for prescribed purposes;
- (b) in prescribed maximum amounts; and
- (c) in accordance with prescribed terms and conditions.

1989-90, c.F-8.001, s.4.

###### Regulations

5 For the purpose of carrying out this Part according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) prescribing the terms and conditions of the provision of financial assistance pursuant to section 3;

- (b) prescribing:
  - (i) the purposes for which a guarantee may be authorized;
  - (ii) the maximum amount of a loan for which a guarantee may be authorized; and
  - (iii) the terms and conditions on which a guarantee may be authorized;
 pursuant to section 4.

1989-90, c.F-8.001, s.5.

### PART III Counselling and Assistance

#### Interpretation

#### 6 In this Part:

- (a) **“applicant”** means a farmer who applies pursuant to section 11:
  - (i) **Repealed.** 1992, c.67, s.3.
  - (ii) for a guarantee on:
    - (A) an operating loan; or
    - (B) a consolidation loan;
  - (iii) **Repealed.** 1992, c.67, s.3.
- (b) **“committee”** means the Provincial Farmers’ Counselling and Assistance Program Committee continued pursuant to section 7 as that section existed on July 31, 1992;
- (c) **“consolidation loan”** means a loan acquired for the purpose of consolidating liabilities that:
  - (i) are incurred in purchasing goods and services necessary in the production of farm commodities; and
  - (ii) are permitted by the regulations to be consolidated;
- (c.1) **“corporation”** means the Agricultural Credit Corporation of Saskatchewan continued pursuant to section 3 of *The Agricultural Credit Corporation of Saskatchewan Act*;
- (d) **Repealed.** 1992, c.67, s.3.
- (d.1) **“debtor”** means a farmer who has obtained, from a designated lending institution, an operating loan with respect to which a guarantee has been authorized or extended pursuant to section 16;
- (e) **“designated lending institution”** means any:
  - (i) bank;
  - (ii) credit union; or
  - (iii) other prescribed lending institution;

designated by an applicant as the lending institution from which he or she intends to obtain an operating loan or a consolidation loan;

- (f) **“farmer”** means:
- (i) an individual:
    - (A) who is a resident; and
    - (B) who is farming; or
  - (ii) a corporation, co-operative or partnership, at least one member or shareholder of which is an individual described in subclause (i);
- (g) **“guarantee”** means a guarantee of a loan under which the minister or the corporation may make a payment pursuant to section 16;
- (h) **“guaranteed loan”** means:
- (i) an operating loan; or
  - (ii) a consolidation loan;

with respect to which a guarantee has been authorized pursuant to section 16;

- (i) **“net worth”** means the amount by which the value of all assets owned by the applicant and his or her spouse and children under 18 years exceeds the value of all liabilities of the applicant and his or her spouse and children under 18 years;
- (j) **“operating loan”** means a loan for the purpose of purchasing goods and services of a kind normally used in the production of farm commodities;
- (k) **“panel”** means a panel of members of the committee designated pursuant to section 12 as that section existed on July 31, 1992;
- (l) **“program board”** means the board appointed pursuant to section 8 as that section existed on July 31, 1992;
- (m) **“program chairperson”** means the chairperson of the program board appointed pursuant to section 9 as that section existed on July 31, 1992.

1989-90, c.F-8.001, s.6; 1992, c.67, s.3 and  
c.68, s.3.

**7 Repealed.** 1992, c.68, s.4.

**Committee disestablished**

**7.1** The committee is disestablished.

1992, c.68, s.5.

**8 to 10 Repealed.** 1992, c.68, s.6.

**Application for assistance**

**11(1) Repealed.** 1992, c.67, s.4.

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- (2) A farmer who:
- (a) is unable to obtain sufficient operating funds; and
  - (b) has a net worth not exceeding the prescribed maximum amount;
- may apply to the program chairperson for a guarantee of an operating loan or a guarantee of a consolidation loan.
- (3) An applicant who makes an application pursuant to subsection (2) shall:
- (a) apply in the form required by the program chairperson; and
  - (b) provide the program chairperson with any information the program chairperson considers necessary.

1989-90, c.F-8.001, s.11; 1992, c.67, s.4.

**Establishment of panel**

- 12(1)** Where an application is made in accordance with section 11:
- (a) the program chairperson shall:
    - (i) take into consideration the applicant's situation and geographical location; and
    - (ii) where the application is made pursuant to subsection 11(2), determine whether the applicant meets the criteria established in that subsection; and
  - (b) the program chairperson may:
    - (i) designate a maximum of three members of the committee to sit as a panel to review the application; and
    - (ii) designate one of the members as chairperson of the panel.

1989-90, c.F-8.001, s.12.

**Farm plan**

- 13(1)** Every applicant shall:
- (a) develop an initial farm plan:
    - (i) in the form required by the program chairperson; and
    - (ii) containing the prescribed information; and
  - (b) submit the initial farm plan to the program chairperson.
- (2) Where a panel is designated pursuant to section 12, the program chairperson shall forward:
- (a) the application; and
  - (b) the initial farm plan;
- to the chairperson of the panel.

1989-90, c.F-8.001, s.13.

**Counselling assistance**

14(1) When the chairperson of a panel has received an application and an initial farm plan, the panel:

- (a) shall meet with the applicant; and
- (b) may meet with a representative of the applicant's designated lending institution, if any.

(2) The panel and the designated lending institution may provide suggestions and recommendations to the applicant on:

- (a) changes to be made to the applicant's farm plan; and
- (b) financial and production matters.

1989-90, c.F-8.001, s.14.

**Report**

15(1) Where an application is made for a loan guarantee pursuant to section 11 and:

(a) a panel is designated pursuant to section 12, the panel shall provide a written report to the program chairperson containing:

- (i) its assessment and recommendations relating to the applicant's production practices and financial management;
- (ii) the farm plan prepared by the farmer in accordance with section 13;
- (iii) its recommendations concerning the advisability of authorizing a guarantee of the loan for the applicant;
- (iv) the reasons for its recommendations made pursuant to subclause (iii);
- (v) any conditions attached to its recommendations made pursuant to subclause (iii); and
- (vi) any additional information requested by the program chairperson;

(b) no panel is designated pursuant to section 12, the designated lending institution shall comply with the requirements imposed pursuant to clause (a).

(2) **Repealed.** 1992, c.67, s.5.

(3) Where the applicant has applied for a loan guarantee, the program chairperson shall provide the report required pursuant to subsection (1) to:

- (a) the applicant; and
- (b) the designated lending institution of the applicant.

1989-90, c.F-8.001, s.15; 1992, c.67, s.5.

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**16(1)** When the program chairperson receives a report from a panel or designated lending institution pursuant to section 15, the program board or the program chairperson may:

- (a) subject to subsections (2) to (2.5), authorize a guarantee of an operating loan or a consolidation loan;
  - (b) request the panel or designated lending institution to reconsider or reassess any assessments, recommendations or conditions contained in its report made pursuant to section 15 or to submit a new report after further inquiry;
  - (c) make changes to the farm plan as may be required in order to authorize a guarantee pursuant to clause (a); and
  - (d) do all or any combination of the things mentioned in clauses (a) to (c).
- (2) The program board or program chairperson may only authorize guarantees pursuant to subsection (1):
- (a) to a prescribed maximum number of loans per applicant;
  - (b) to a prescribed maximum amount per guarantee; and
  - (c) to a prescribed maximum amount for all guarantees authorized per applicant.

(2.1) On or after April 1, 1992, the program board or program chairperson may authorize a guarantee of an operating loan pursuant to subsection (1) only where:

- (a) the guarantee is authorized with respect to an operating loan obtained by a farmer who had a guaranteed operating loan on March 31, 1992; or
- (b) the application for the guarantee:
  - (i) is post-marked on or before March 31, 1992; or
  - (ii) is received by the program chairperson on or before March 31, 1992.

(2.2) On or after April 1, 1992, the program board or program chairperson may authorize a guarantee of a consolidation loan pursuant to subsection (1) only where the application for the guarantee:

- (a) is post-marked on or before March 31, 1992; or
- (b) is received by the program chairperson on or before March 31, 1992.

(2.3) Any operating loan guarantee authorized on or before July 31, 1992 by the program board or program chairperson, may, at the discretion of the program board or program chairperson, be extended on or before July 31, 1992, by the program board or program chairperson, to a date not later than March 31, 1995.

(2.4) The program board or program chairperson shall not authorize any operating loan guarantee or consolidation loan guarantee or any extension of any operating loan guarantee after July 31, 1992.

(2.5) Any operating loan guarantee or consolidation loan guarantee or any extension of any operating loan guarantee purporting to be authorized by the program board or program chairperson after July 31, 1992 is void, unenforceable and of no effect.

(2.6) Any operating loan guarantee authorized or extended on or before July 31, 1992 by the program board or program chairperson may, on the application of the debtor to the corporation, where the corporation considers it appropriate, be extended by the corporation, in its original amount or in any lesser amount that the corporation considers appropriate, to a date not later than March 31, 1995.

(2.7) Every debtor who makes an application to the corporation requesting that the corporation extend an operating loan guarantee pursuant to subsection (2.6) shall:

- (a) apply in the form required by the corporation;
- (b) provide the corporation with any information the corporation considers necessary; and
- (c) provide the corporation with any security that the corporation may request.

(3) A farm plan may be changed at any time if:

- (a) the program board, the program chairperson or the corporation;
- (b) the applicant; and
- (c) the applicant's designated lending institution;

authorize the change in writing.

(4) **Repealed.** 1992, c.68, s.7.

(4.1) Subject to subsection (5), a payment shall be made to the designated lending institution in accordance with subsections (4.3) and (4.4) where:

- (a) the program board or program chairperson, on or before July 31, 1992:
  - (i) authorizes or extends a guarantee of an operating loan provided to an applicant by the applicant's designated lending institution; or
  - (ii) authorizes a guarantee of a consolidation loan provided to an applicant by the applicant's designated lending institution; and
- (b) the designated lending institution sustains a loss as a result of:
  - (i) making the loan mentioned in subclause (a)(i) to the applicant; or
  - (ii) making the loan mentioned in subclause (a)(ii) to the applicant.

(4.2) Subject to subsection (5), a payment shall be made to the designated lending institution in accordance with subsections (4.3) and (4.4) where:

- (a) the corporation, on or after August 1, 1992, pursuant to subsection (2.6), extends a guarantee of an operating loan provided to an applicant by the applicant's designated lending institution; and
- (b) the designated lending institution sustains a loss as a result of making that loan to the applicant.

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(4.3) A payment mentioned in subsection (4.1) or (4.2) shall be made in the amount specified in subsection (4.4) by:

- (a) the minister, on the request of the program board or program chairperson, where the payment is made on or before July 31, 1992; or
- (b) the corporation, where the payment is made on or after August 1, 1992.

(4.4) A payment mentioned in subsection (4.3) shall be made to the designated lending institution by the appropriate person mentioned in subsection (4.3), in an amount which is the sum of:

- (a) the actual loss sustained by the designated lending institution up to an amount that is not greater than the amount of the guarantee that was:
  - (i) authorized or extended by the program board or program chairperson on or before July 31, 1992, where the guarantee was not extended by the corporation pursuant to subsection (2.6); or
  - (ii) extended by the corporation pursuant to subsection (2.6);
- (b) all costs of retaining a solicitor in connection with pursuing a claim against the holder of the guaranteed loan; and
- (c) interest at the prescribed rate on the amount of the claim on the guarantee calculated as and from a day that is 30 days after the day the claim arose and until the day that payment is made pursuant to this subsection and subsections (4.1) to (4.3).

(5) The minister or the corporation, as the case may be, may only make a payment to a designated lending institution pursuant to subsections (4.1) to (4.4) with respect to a guaranteed loan if:

- (a) the guarantee was authorized during the period commencing on the day on which *The Farmers' Counselling and Assistance Act* came into force and ending on July 31, 1992;
- (b) the proceeds of the guaranteed loan were expended in the manner specified in the farm plan:
  - (i) submitted by the applicant pursuant to section 13 as that section existed on July 31, 1992; and
  - (ii) where the farm plan has been changed, as changed pursuant to:
    - (A) clause (1)(c); or
    - (B) subsection (3);
- (c) the guaranteed loan was made subject to the prescribed terms and conditions;
- (d) the making and the status of the guaranteed loan was reported to the program chairperson or the corporation by the designated lending institution within the time and in the manner determined by the program chairperson or the corporation;
- (e) the rate of interest charged by the designated lending institution on the guaranteed loan is not more than the prescribed maximum rate;

- (f) the designated lending institution had obtained:
    - (i) any security for the loan that a lender is able to obtain pursuant to:
      - (A) the *Bank Act* (Canada); or
      - (B) *The Personal Property Security Act, 1993*; and
    - (ii) any additional security for the loan that the program board, the program chairperson or the corporation, the designated lending institution and the applicant had agreed to; and
  - (g) the designated lending institution:
    - (i) has taken any action required by the program board, the program chairperson or the corporation to enforce payment of the guaranteed loan; and
    - (ii) followed the prescribed procedures for making claims for losses sustained as a result of making the guaranteed loan.
- (6) **Repealed.** 1992, c.67, s.6.
- (7) **Repealed.** 1992, c.67, s.6.
- (8) The maximum amount payable to any one lending institution pursuant to subsections (4.1) to (4.4) is to be determined in the prescribed manner.
- (9) No lending institution is entitled to claim on a guarantee made pursuant to this Part unless the claim is made within 60 days or within any further period authorized by the program chairperson or the corporation:
- (a) in the case of an operating loan, after the expiration of:
    - (i) one year from the date that the guarantee of the loan with respect to which the claim is made was authorized by the program board or the program chairperson; or
    - (ii) the last day to which the guarantee on the loan is extended, where the guarantee is extended by the program board, the program chairperson or the corporation; and
  - (b) in the case of a consolidation loan, after the expiration of a period of seven years from the date that the guarantee of the loan with respect to which the claim is made was authorized by the program board or the program chairperson.
- (10) For the purposes of subsection (8), “**lending institution**” means:
- (a) in the case of a bank that is subject to the *Bank Act* (Canada), all of the branches of that bank;
  - (b) in the case of a credit union that is subject to *The Credit Union Act, 1998*, all of the credit unions in Saskatchewan that are subject to that Act; and

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(c) in the case of a lending institution prescribed pursuant to section 19, all of the branches of that lending institution designated by the Lieutenant Governor in Council.

1989-90, c.F-8.001, s.16; 1990-91, c.36, s.3; 1992, c.67, s.6 and c.68, s.7; 1993, c.P-6.2, s.75; 1998, c.C-45.2, s.476; 2018, c.42, s.24.

**Release of information**

**17(1)** Subject to subsection (2), each member of the committee shall hold all information received by him or her pursuant to this Part in confidence.

(2) Information acquired by a member of the committee pursuant to this Part may be released to any person on the authorization of the person to whom the information relates.

(3) The program chairperson may release to the Crown or its agents any information acquired pursuant to this Part.

(4) The Crown or its agents shall hold all information received by it pursuant to subsection (3) in confidence.

(5) The committee, the program board and the program chairperson shall, on August 1, 1992, provide the corporation with all information acquired or received pursuant to this Part.

1989-90, c.F-8.001, s.17; 1992, c.68, s.8.

**Corporation subrogated**

**18** If the minister has made or the corporation makes a payment pursuant to section 16 to a designated lending institution with respect to a guarantee:

(a) the corporation is subrogated to all the rights, powers, remedies and securities of the designated lending institution with respect to the guaranteed loan;

(b) the payment does not affect any liability of the applicant or release any security given by the applicant with respect to the guaranteed loan; and

(c) notwithstanding the payment, the liability and security:

(i) remain and continue in full force and effect; and

(ii) may be enforced against the applicant by the corporation.

1992, c.68, s.9

**Corporation assumes all rights and obligations**

**18.1** Effective August 1, 1992, all rights and obligations of the Government of Saskatchewan with respect to the following matters are assumed by the corporation:

(a) the collection of any guaranteed loan from an applicant;

(b) the repayment of a guaranteed loan by any applicant;

- (c) the collection from a designated lending institution of any overpayment made to the designated lending institution by the Government of Saskatchewan; and
- (d) any other matter related to any guaranteed loan.

1992, c.68, s.9.

**Regulations**

**19** For the purpose of carrying out this Part according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) prescribing the liabilities that are permitted to be consolidated for the purpose of obtaining a guarantee pursuant to section 16;
- (b) prescribing lending institutions or categories of lending institutions eligible to be designated by an applicant for the purposes of this Part;
- (c) prescribing the maximum net worth a farmer may have for the purpose of obtaining a guarantee pursuant to section 16;
- (d) prescribing the information to be contained in a farm plan required pursuant to section 13;
- (e) prescribing:

- (i) the maximum:

- (A) number of loan guarantees;
- (B) amount per guarantee; and
- (C) amount of all loan guarantees;

that may be authorized per applicant;

- (ii) the terms and conditions under which a guaranteed loan may be made to an applicant;
- (iii) the maximum amount of a guaranteed loan;
- (iv) the maximum rate of interest a designated lending institution may charge on a guaranteed loan;
- (v) the procedure a designated lending institution is to follow in making a claim for losses sustained as a result of making a guaranteed loan;
- (vi) the manner in which the maximum amount payable to a designated lending institution is to be determined;

for the purposes of section 16.

1989-90, c.F-8.001, s.19.

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**Transitional**

**20** Notwithstanding any other Act or law or any agreement entered into before, on or after the coming into force of this Part:

(a) all guarantees authorized and payments required pursuant to section 11 of *The Farmers' Counselling and Assistance Act*, as that Act existed on the day before this Part comes into force, are continued as if made pursuant to section 16 of this Act and may be dealt with as if made pursuant to this Part; and

(b) all judgments received with respect to actions instituted against any person with respect to a guarantee made pursuant to *The Farmers' Counselling and Assistance Act*, as that Act existed on the day before this Part comes into force, are deemed to be valid and of full force and effect.

1989-90, c.F-8.001, s.20; 1992, c.67, s.7.

**Enforcement and execution by corporation**

**20.1** Effective August 1, 1992:

(a) all judgments and writs of execution issued pursuant to actions instituted against any person:

(i) with respect to a guarantee authorized pursuant to *The Farmers' Counselling and Assistance Act*, as that Act existed on the day on which the guarantee was authorized, that have been obtained by or assigned to the Government of Saskatchewan; or

(ii) with respect to a guarantee authorized or extended pursuant to this Act that have been obtained by or assigned to the Government of Saskatchewan;

(b) all security interests given by a debtor to a designated lending institution:

(i) with respect to a loan for which a guarantee was authorized pursuant to *The Farmers' Counselling and Assistance Act*, as that Act existed on the day on which the guarantee was authorized, that have been obtained by or assigned to the Government of Saskatchewan; or

(ii) with respect to a guaranteed loan, that have been obtained by or assigned to the Government of Saskatchewan;

are deemed to be valid and of full force and effect and vested in the corporation.

1992, c. 68, s.10.

PART IV  
Agricultural Price and Income Stabilization

**Interpretation****21** In this Part:

- (a) **“commodity”** means any prescribed agricultural commodity or class of agricultural commodities;
- (b) **“fund”** means the Saskatchewan Agricultural Stabilization Fund continued pursuant to section 23;
- (c) **“producer”** means any prescribed:
  - (i) producer of commodities; or
  - (ii) category of producers of commodities;
- (d) **“program”** includes any program, arrangement, proposal, plan, scheme or similar measure established or administered pursuant to section 22;
- (e) **“returns”** means prescribed returns on commodities.

1989-90, c.F-8.001, s.21.

**Programs established and administered**

**22(1)** The Lieutenant Governor in Council, on the recommendation of the minister, may establish, by regulation, any program to enhance or stabilize:

- (a) the incomes of Saskatchewan farmers; or
- (b) the returns from agricultural commodities produced by Saskatchewan farmers.

(2) The minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Saskatchewan, enter into agreements with the Government of Canada or any of its agencies, or with the Government of Canada together with the government of any province of Canada or agency of the government of any province of Canada to establish and administer programs.

1989-90, c.F-8.001, s.22.

**Fund continued**

**23(1)** The Saskatchewan Agricultural Returns Stabilization Fund established by the Lieutenant Governor in Council pursuant to *The Saskatchewan Agricultural Returns Stabilization Act* is continued as the Saskatchewan Agricultural Stabilization Fund.

(2) All charges and assessments collected pursuant to this Part and all other moneys received or appropriated for the purposes of this Part form part of the fund.

1989-90, c.F-8.001, s.23.

**c. F-8.001****FARM FINANCIAL STABILITY****Administration of fund**

**24(1)** Subject to subsection (2), the Treasury Board may make orders and issue directives respecting the financial operation of the fund.

(2) The Lieutenant Governor in Council, on the recommendation of the minister, may make regulations:

- (a) establishing accounts in the fund for programs established pursuant to this Part;
  - (b) prescribing the procedures for the administration of those accounts;
  - (c) prescribing the terms and conditions on which moneys are to be paid out of those accounts; and
  - (d) continuing programs established pursuant to:
    - (i) *The Saskatchewan Agricultural Returns Stabilization Act*; and
    - (ii) *The Beef Stabilization Act*.
- (3) Subject to any orders, directives or regulations made pursuant to subsections (1) and (2), the minister may make payments or authorize the making of payments out of the fund for the purposes of this Part.

1989-90, c.F-8.001, s.24.

**Contributions to fund**

**25** The Lieutenant Governor in Council may authorize the Minister of Finance to pay contributions into the fund pursuant to an agreement made pursuant to subsection 22(2).

1989-90, c.F-8.001, s.25.

**Powers of minister to establish and appoint agencies and boards to administer programs**

**26(1)** The Lieutenant Governor in Council, on the recommendation of the minister, by regulation, may:

- (a) establish an agency or a board or continue an agency or a board previously established in the regulations to:
  - (i) administer any program;
  - (ii) administer an account established pursuant to section 24 for the purposes of any program; or
  - (iii) do both of the things mentioned in subclauses (i) and (ii);
- (b) appoint one or more corporations, boards, commissions, committees, associations, organizations or individuals to:
  - (i) administer any program;
  - (ii) administer an account established pursuant to section 24 for the purposes of any program; or
  - (iii) do both of the things mentioned in subclauses (i) and (ii).

(2) The Lieutenant Governor in Council, on the recommendation of the minister, by regulation, may:

(a) vest any or all of the following powers in an agency or board established or continued pursuant to clause (1)(a) or a corporation, board, commission, association, organization or individual appointed pursuant to clause (1)(b):

(i) to appoint or engage any professional and technical personnel that may be required for its purposes and determine their salaries and other remuneration;

(ii) to employ any officers and other employees that it considers necessary for its purposes;

(iii) to make bylaws respecting the conduct of its proceedings and generally for the conduct of its activities;

(iv) to collect any levy or premium due pursuant to any program;

(v) to make any payment pursuant to any program;

(vi) to police and audit program compliance;

(vii) to market any commodity;

(viii) to borrow or raise moneys for its activities;

(ix) to purchase, or otherwise acquire, and sell, or otherwise dispose of, real property;

(x) to invest its surplus moneys;

(xi) to execute any bills of exchange, promissory notes and other negotiable or transferable instruments that may be required to carry out its activities;

(xii) to obtain and publish information for producers on the marketing of commodities;

(xiii) to undertake research, conduct studies and provide information to producers in relation to commodities;

(xiv) to establish and support any or all of:

(A) a superannuation plan;

(B) a group insurance plan; and

(C) any other pension, superannuation or employee benefit program;

for the benefit of the members of the agency or board or the officers, employees and professional and technical personnel of the agency or board or their dependants;

(xv) any other powers necessary to administer programs established or administered pursuant to this Part; and

(b) prescribe the terms and conditions pursuant to which the powers mentioned in clause (a) are to be exercised.

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## FARM FINANCIAL STABILITY

(3) Where an agency or a board is established or continued pursuant to clause (1)(a):

- (a) the agency or board is to consist of any number of members appointed by the Lieutenant Governor in Council;
- (b) the Lieutenant Governor in Council shall fix the remuneration and allowances to be paid to each member of the agency or board;
- (c) the Lieutenant Governor in Council may designate one member of the agency or board to be the chairperson and one member of the agency or board to be the vice-chairperson;
- (d) a majority of the agency or board constitutes a quorum;
- (e) the chairperson, vice-chairperson or any other person authorized by the agency or board may call a meeting of the agency or board; and
- (f) the head office of the agency or board is to be established in any place in Saskatchewan that is designated by the Lieutenant Governor in Council.

(4) Where an agency or a board is established or continued pursuant to clause (1)(a), the Lieutenant Governor in Council, by regulation, may:

- (a) designate the agency or board as an employer within the meaning of *The Superannuation (Supplementary Provisions) Act*; and
- (b) designate the members of the agency or board and its employees as employees within the meaning of:
  - (i) *The Public Service Act, 1998*; or
  - (ii) *The Superannuation (Supplementary Provisions) Act*.

(5) Subject to the approval of the Lieutenant Governor in Council, an agency or a board established or continued pursuant to clause (1)(a) may authorize any person to perform any duties or exercise any powers imposed or conferred on it.

1989-90, c.F-8.001, s.26; 1998, c.P-42.1, s.42.

**Loans**

**27** Subject to:

- (a) the approval of the Lieutenant Governor in Council; and
- (b) any prescribed terms and conditions;

the Minister of Finance, without any other or further authority that is provided by this section, may make loans out of the general revenue fund to any agency, board, corporation, commission, committee, association, organization or individual charged with the administration of the fund pursuant to section 26 for any of the purposes of the fund.

1989-90, c.F-8.001, s.27, 2004, c.10, s.17.

**Borrowing powers**

**28(1)** The Lieutenant Governor in Council may authorize the Minister of Finance from time to time to raise by way of loan on the credit of the Government of Saskatchewan any moneys the Lieutenant Governor in Council considers necessary for the purposes of this Part.

(2) Loans authorized pursuant to subsection (1) shall be raised in accordance with *The Financial Administration Act, 1993* and may be borrowed for any term or terms not exceeding 30 years.

1989-90, c.F-8.001, s.28; 2004, c.10, s.18.

**Moneys raised**

**29(1)** Moneys raised pursuant to section 28 shall be paid into the general revenue fund and the balance, after deduction and payment of discount and commission applicable to the loan, shall be advanced by the Minister of Finance to the fund for the purposes of this Part by way of advances in those amounts, at those times and on those terms that may be determined by the Lieutenant Governor in Council.

(2) The Minister of Finance shall be reimbursed from moneys in the fund for all charges and expenses incurred in raising moneys pursuant to section 28.

1989-90, c.F-8.001, s.29; 2004, c.10, s.17.

**Appropriation**

**30** Moneys required for the purposes of this Part may be paid out of moneys appropriated by the Legislature for those purposes.

1989-90, c.F-8.001, s.30.

**Audit**

**31(1)** Subject to subsection (2) the Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall:

- (a) annually; and
  - (b) at any other time that the Lieutenant Governor in Council may require;
- audit the accounts and financial statements of the fund.

(2) Where the minister has entered into an agreement pursuant to subsection 22(2) and that agreement provides for the auditing of the accounts and financial statements relating to that agreement, the audit of the accounts and financial statements relating to that agreement shall be conducted in the manner provided for in that agreement.

1989-90, c.F-8.001, s.31.

**Appeals committee**

**32(1)** The Lieutenant Governor in Council may make regulations:

- (a) establishing an appeals committee to hear appeals from participants in any program established or administered pursuant to this Part;

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## FARM FINANCIAL STABILITY

- (b) respecting the number of members who are to sit on the committee;
  - (c) respecting the amount of remuneration to be paid to the members of the committee; and
  - (d) prescribing the procedure and manner by which appeals are to be conducted pursuant to this Part.
- (2) Subject to the regulations, where an appeals committee is established pursuant to subsection (1), the committee may:
- (a) set the time 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, disallow or stay a decision of an agency, board, commission, committee, association, organization or individual charged with the administration of a program pursuant to this Part.
- (3) An appeal may be taken to a judge of the Court of Queen's Bench on a question of law with respect to a decision of the appeals committee made pursuant to clause (2)(e).

1989-90, c.F-8.001, s.32; 2018, c 42, s.65.

**Regulations**

**33(1)** For the purpose of carrying out this Part according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) specifying:
  - (i) the producers or categories of producers; and
  - (ii) the commodities or classes of commodities;
 to which any program established pursuant to section 22 is to apply;
- (b) prescribing returns on commodities for the purposes of this Part;
- (c) prescribing the basis and amount of any charges or assessments required to be paid under a program established or administered pursuant to this Part;
- (d) prescribing the manner of payment and collection of charges or assessments required to be paid under a program established or administered pursuant to this Part;
- (e) prescribing formulas respecting adjustments to payments made pursuant to section 24;

- (f) exempting:
    - (i) any producer or category of producers; or
    - (ii) any commodity or class of commodities;
 from the provisions of this Part or a program established pursuant to this Part and prescribing the terms and conditions of the exemption;
  - (g) prescribing the duties of:
    - (i) an agency or a board established; or
    - (ii) a corporation, board, commission, committee, association, organization or individual appointed;
 pursuant to section 26;
  - (h) prescribing a minimum period of time for which a producer is required to participate in a program;
  - (i) prescribing the terms and conditions of the provision of a loan pursuant to section 27.
- (2) Regulations made pursuant to clause (1)(e) may be made retroactive to a day not earlier than March 31, 1984.

1989-90, c.F-8.001, s.33; 1990-91, c.28, s.4.

## PART V Production Refunds

### Interpretation

#### 34 In this Part:

- (a) **“application”** means an application for a refund made pursuant to section 36;
- (b) **“eligible farmer”** means an individual, partnership, co-operative or corporation that:
  - (i) is resident in Saskatchewan;
  - (ii) is actively engaged in farming; and
  - (iii) meets the prescribed criteria of eligibility;
- (c) **“eligible product”** means any product used in agriculture and food production that is prescribed as an eligible product;
- (d) **“refund”** means a refund made pursuant to section 35.

1989-90, c.F-8.001, s.34.

### Refunds

- 35** The minister may make refunds to eligible farmers in accordance with prescribed terms and conditions to reimburse them in part for eligible products purchased by them.

1989-90, c.F-8.001, s.35.

**c. F-8.001****FARM FINANCIAL STABILITY****Application**

**36** An applicant for a refund pursuant to this Part shall apply:

- (a) in the form required by the minister;
- (b) in the prescribed manner; and
- (c) by providing the prescribed information.

1989-90, c.F-8.001, s.36.

**Calculation of refund**

**37** The amounts payable as refunds pursuant to this Part are to be calculated in the prescribed manner.

1989-90, c.F-8.001, s.37.

**Records**

**38(1)** The minister may require an applicant for a refund to maintain and keep any records that the minister considers necessary in any form that the minister considers appropriate.

(2) The minister may require an applicant for a refund to:

- (a) forward; or
- (b) make available;

to the minister, or to persons authorized by him or her, records required to be maintained or kept pursuant to subsection (1), or extracts from those records, at any time, in any place and in any manner that the minister considers appropriate.

1989-90, c.F-8.001, s.38.

**Manner of payment**

**39(1)** Refunds made to an eligible farmer pursuant to this Part are to be made in the prescribed manner.

(2) Where an overpayment of a refund to a person pursuant to this Part occurs for any reason, the overpayment is a debt due to the Crown in right of Saskatchewan and may be recovered:

- (a) by deducting the amount of the overpayment from future refunds for which the person is eligible; or
- (b) by filing a certificate of the minister certifying the amount of the overpayment, together with interest at the prescribed rate to the date of the certificate, with the local registrar of the Court of Queen's Bench at any judicial centre.

(3) A certificate filed pursuant to clause (2)(b) has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount specified in the certificate, together with any reasonable costs and charges with respect to its filing.

1989-90, c.F-8.001, s.39; 2018, c 42, s.24; 2018, c 42, s.24 and s.65.

**Regulations**

**40** For the purpose of carrying out this Part according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) prescribing the criteria of eligibility for farmers for the purposes of section 35;
- (b) prescribing the products with respect to which farmers are eligible for refunds for the purposes of section 35;
- (c) prescribing the terms and conditions of the provision of refunds made pursuant to section 35;
- (d) respecting:
  - (i) the manner in which farmers are to apply for refunds; and
  - (ii) the information to be provided in an application for a refund;
 pursuant to section 36;
- (e) respecting the manner in which refunds are to be:
  - (i) calculated pursuant to section 37; and
  - (ii) paid pursuant to section 39; and
- (f) prescribing the rate of interest for the purposes of clause 39(2)(b).

1989-90, c.F-8.001, s.40.

**PART VI**  
**Production Associations Loan Guarantees**

**Interpretation**

**41** In this Part:

- (a) **“advance”** means that portion of a guaranteed loan made by a lender to a producer association, on behalf of a member producer or category of member producers, for the purchase of a commodity as described in a producer agreement;
- (a.1) **“assurance fund”** means a fund mentioned in section 59;
- (b) **“board”** means the board of directors of a producer association;
- (c) **“commodity”** means a prescribed:
  - (i) agricultural product or category of agricultural products; or
  - (ii) item or category of items used in the:
    - (A) growing;
    - (B) using;

- (C) producing; or
  - (D) finishing;
- of an agricultural product;
- (d) **“custom operator”** means any person or partnership that grows, uses, produces or finishes a commodity for a producer association on a fee-for-service basis, and includes any person who is or is claiming to be an animal keeper as defined in subsection 15.1(1) of *The Animal Products Act* with respect to the commodity;
- (d.1) **“feedlot”** means a feedlot approved by a provincial supervisor as a feedlot where livestock commodities may be produced, grown or finished for the purposes of this Part;
- (e) **“guaranteed loan”** means a loan with respect to which a guarantee is given pursuant to section 46;
- (f) **“lender”** means a bank, credit union or any other prescribed lending institution;
- (g) **“licensed dealer”** means a dealer who holds a valid and subsisting licence issued pursuant to a prescribed Act;
- (h) **“local supervisor”** means a person appointed pursuant to section 44;
- (h.1) **“member producer”** means a producer who has entered into a producer agreement with a producer association;
- (i) **“producer”** means:
- (i) an individual who is:
    - (A) a resident of Saskatchewan; and
    - (B) at least 18 years of age; or
  - (ii) a corporation that is registered to carry on business in Saskatchewan;
- (j) **“producer agreement”** means an agreement, in the form determined by the minister, between one or more producers and a producer association regarding the growing, using, finishing or producing of a commodity;
- (k) **“producer association”** means an association composed of the prescribed number of members that:
- (i) is incorporated or continued pursuant to:
    - (A) *The Co-operatives Act*;
    - (A.1) *The New Generation Co-operatives Act*; or
    - (B) *The Business Corporations Act, 2021*;

- (ii) is comprised of members or shareholders who are producers; and
  - (iii) is a party to a producer agreement;
- (l) “**provincial supervisor**” means a person appointed pursuant to section 43.

1989-90, c.F-8.001, s.41; 1990-91, c.36, s.4; 1993, c.6, s.3; 1995, c.9, s.3; 1997, c.36, s.3; 1999, c.N-4.001, s.353; 2000, c.44, s.3; 2002, c.6, s.3 and c.19, s.3; 2021, c6, s.23-26.

#### **Exemption**

**41.1** Notwithstanding section 110 of *The Saskatchewan Farm Security Act*, no provision of a producer agreement, including a producer agreement entered into prior to the coming into force of this section, shall be considered a guarantee for the purposes of section 31 of that Act.

2005, c.13, s.3.

#### **Producer associations**

**42(1)** Any group of producers may form a producer association for the purposes of obtaining a guaranteed loan pursuant to this Part.

(2) No producer association shall fail to conduct its business in the manner prescribed in this Part and in the regulations.

1989-90, c.F-8.001, s.42.

#### **Provincial supervisors**

**43(1)** The minister shall appoint one or more provincial supervisors for each commodity.

(2) The provincial supervisor shall perform the duties assigned to him or her by this Part and by the regulations.

(3) Notwithstanding subsection 50(4), any custom operator used by a producer association to grow, use, produce or finish a commodity on a fee-for-service basis must be approved by the provincial supervisor.

1989-90, c.F-8.001, s.43; 1992, c.50, s.3; 1997, c.36, s.4.

#### **Local supervisors**

**44(1)** Every producer association, subject to the approval of the provincial supervisor, shall appoint a local supervisor and a secretary-treasurer.

(2) Every local supervisor shall perform the duties assigned to him or her by this Part and by the regulations.

1989-90, c.F-8.001, s.44.

**c. F-8.001****FARM FINANCIAL STABILITY****Application**

**45(1)** A producer association may apply to the provincial supervisor for a guarantee with respect to a loan for the purchase of commodities by the producer association to be grown, used, finished or produced by its member producers:

- (a) on farms or feedlots operated by member producers;
  - (b) with custom operators.
- (2) The producer association shall provide the provincial supervisor with:
- (a) any information that the provincial supervisor may require to determine the amount of the guarantee to which the association is entitled;
  - (b) the prescribed information; and
  - (c) any fee that may be prescribed for a guarantee application.

1989-90, c.F-8.001, s.45; 1993, c.6, s.4; 1997, c.36, s.5; 2002, c.19, s.4.

**Guarantee**

**46(1)** The Minister of Finance may guarantee loans from lenders to producer associations:

- (a) in accordance with prescribed terms and conditions;
  - (b) to a prescribed maximum amount for each loan to an association; and
  - (c) to a prescribed maximum amount for all loans to all associations.
- (2) For the purpose of obtaining a guarantee pursuant to this Part, a producer association may borrow with respect to each of its member producers and each category of member producers the lesser of:
- (a) the prescribed maximum amount; and
  - (b) the maximum amount established by the board of the producer association.
- (3) A guarantee made pursuant to subsection (1) shall be signed:
- (a) by the Minister of Finance; or
  - (b) by any other person designated by the Lieutenant Governor in Council.
- (4) A guarantee given pursuant to subsection (1) is:
- (a) a continuing guarantee; and
  - (b) subject to the prescribed terms and conditions.

1989-90, c.F-8.001, s.46; 1993, c.6, s.5; 2000, c.44, s.4; 2002, c.19, s.5.

**Repayment**

**47(1)** Subject to section 55, a producer association shall repay in the prescribed manner advances made pursuant to a guaranteed loan within the prescribed time period for the commodity grown, used, produced or finished by the association.

(2) No producer association shall use any portion of a guaranteed loan for any purpose other than the purposes mentioned in subsection 45(1).

(2.1) In the event of a default or a potential default of repayment of any advances or loans by the association, the lender shall follow the prescribed procedures, and any procedures designated by the provincial supervisor in writing, with respect to recovering the amounts defaulted on or remedying the potential default, and is not eligible to submit a claim on the guarantee until after those procedures have been followed.

(3) The Minister of Finance may only make a payment to a lender under a guarantee authorized pursuant to subsection 46(1) in proportion to the amount of the proceeds of the guaranteed loan that were expended for the purposes mentioned in subsection 45(1).

(4) Notwithstanding subsection (3) or any other provision of this Act, where the producer association uses a guaranteed loan, or any portion of it, for a purpose other than those mentioned in subsection 45(1), the rights of the lender with respect to the guarantee given pursuant to section 46 are not affected where the lender:

- (a) followed the procedures specified by the provincial supervisor for determining the use of the guaranteed loan; and
- (b) could not reasonably have known that the producer association would use the guaranteed loan, or any portion of it, for a purpose other than those mentioned in subsection 45(1).

1989-90, c.F-8.001, s.47; 1993, c.6, s.6; 1995, c.9, s.4; 1997, c.36, s.6.

#### **Second guarantee**

**47.1** The Minister of Finance may give a second guarantee for an advance in a prescribed percentage and subject to prescribed terms and conditions.

2005, c.36, s.3.

#### **Non-compliance by producer associations**

**48(1)** Where a producer association does not comply with this Part, the minister, by order, may direct that a guarantee shall not be in effect with respect to any future advances to be made on a guaranteed loan.

(2) The minister shall cause a copy of an order made pursuant to subsection (1) to be served personally or by registered mail on:

- (a) the Minister of Finance; and
- (b) the:
  - (i) lender; and
  - (ii) producer association;

named in the order.

1989-90, c.F-8.001, s.48.

**Non-compliance by producers**

49(1) In this section, “**future advance**” means any advance made by a lender on a guaranteed loan mentioned in subsection (2) that is made after the lender receives or is deemed to have received a notice from the provincial supervisor pursuant to subsections (2), (3) and (4).

(2) Where, in the opinion of a provincial supervisor, the guarantee on a guaranteed loan to a producer association with respect to a particular member producer or category of member producers is unduly at risk because of the activities of that member producer or those member producers, the provincial supervisor may give notice to the lender and the producer association that the guarantee shall not be effective with respect to any future advances that are made on that guaranteed loan.

(3) Any notice to a lender pursuant to subsection (2):

(a) shall be in writing; and

(b) shall be:

(i) sent to the lender by registered mail; or

(ii) delivered in person by the provincial supervisor to the lender.

(4) A notice mentioned in subsections (2) and (3) that is sent by registered mail is deemed to have been received by the lender on the seventh day following the day on which it was mailed unless the lender to whom it was mailed establishes that, through no fault of the lender, the lender did not receive the notice or document or received it at a later date.

(5) The Crown in right of Saskatchewan and any person who provided a guarantee pursuant to section 46 is not liable, pursuant to any guarantee, with respect to any future advances on a guaranteed loan described in a notice sent by a provincial supervisor to a lender pursuant to this section.

1992, c.50, s.4; 2002, c.19, s.6.

**Purchases by association**

50(1) The Lieutenant Governor in Council may require, by regulation, that a particular commodity be purchased through a licensed dealer.

(2) No producer association shall purchase, without the approval of the provincial supervisor, a commodity prescribed pursuant to subsection (1) other than through a licensed dealer.

(2.1) In this section, “**future advance**” means any advance made by a lender on a guaranteed loan mentioned in subsection (2.2) that is made after the lender receives or is deemed to have received a notice from the provincial supervisor pursuant to subsections (2.2), (2.3) and (2.4).

(2.2) Where, in the opinion of a provincial supervisor, the guarantee on a guaranteed loan to any producer association may be unduly at risk because of the activities of a licensed dealer, the provincial supervisor may give notice to any producer association and any lenders that may be affected that the guarantee shall not be effective with respect to any future advances that are made on a guaranteed loan to a producer association for the purchase of a commodity through that licensed dealer.

- (2.3) Any notice to a lender pursuant to subsection (2.2):
- (a) shall be in writing; and
  - (b) shall be:
    - (i) sent to the lender by registered mail; or
    - (ii) delivered in person by the provincial supervisor to the lender.
- (2.4) A notice mentioned in subsections (2.2) and (2.3) that is sent by registered mail is deemed to have been received by the lender on the seventh day following the day on which it was mailed unless the lender to whom it was mailed establishes that, through no fault of the lender, the lender did not receive the notice or document or received it at a later date.
- (2.5) The Crown in right of Saskatchewan and any person who provided a guarantee pursuant to section 46 is not liable, pursuant to any guarantee, with respect to any future advances on a guaranteed loan described in a notice sent by a provincial supervisor to a lender pursuant to this section.
- (3) Where:
- (a) a producer does not use a custom operator, no producer association shall purchase a commodity for or deliver a commodity to a producer who:
    - (i) is indebted to any other producer association that has received a guaranteed loan for that same commodity;
    - (ii) in the opinion of the local supervisor, does not have proper facilities for growing, using, producing, or finishing the commodity; or
    - (iii) in the opinion of the local supervisor, cannot be properly supervised by him or her;
  - (b) a producer uses a custom operator, no producer association shall purchase a commodity for or deliver a commodity to or on behalf of a producer who:
    - (i) is indebted to any other producer association that has received a guaranteed loan for that same commodity;
    - (ii) in the opinion of the local supervisor, cannot be properly supervised by him or her; or
    - (iii) uses a custom operator that is not designated by the local supervisor pursuant to subsection (4).
- (4) The local supervisor, on behalf of the producer association, shall designate the custom operators to whom commodities are to be delivered.
- (5) A producer association shall:
- (a) obtain a bill of sale for any commodity purchased by it; and
  - (b) issue a bill of sale for any commodity sold by it.
- (6) A producer association may place a commodity purchased by it:
- (a) with custom operators; or
  - (b) on farms or feedlots operated by member producers.

**c. F-8.001**

## FARM FINANCIAL STABILITY

(7) Subject to subsection (8), when a commodity purchased by a producer association is placed with a custom operator, the producer on whose behalf the commodity was purchased shall:

- (a) pay the custom operator the amount of any costs associated with the growing, using, producing or finishing of the commodity; and
- (b) submit a report and receipts to the producer association on or before the last day of each month confirming that the costs mentioned in clause (a) have been paid to the end of the previous month.

(8) When a commodity purchased by a producer association is placed with a custom operator, the producer on whose behalf the commodity was purchased may make an agreement in writing, on a form provided by the provincial supervisor, with the custom operator that the custom operator will carry the costs associated with the growing, using, producing or finishing of the commodity until an agreed to payment date, and the collection and payment of such costs is a matter between the custom operator and the producer.

(9) Where an agreement mentioned in subsection (8) exists the custom operator relinquishes any lien rights provided pursuant to section 15.1 of *The Animal Products Act*.

(10) Notwithstanding any other provision of this Act or any other Act or law, a custom operator is deemed not to be an animal keeper and does not have any lien rights pursuant to section 15.1 of *The Animal Products Act* with respect to a commodity unless, before beginning custom feeding of the commodity, the custom operator provides the producer association and the provincial supervisor with a copy of a statement of intent to custom feed between the custom operator and the member on whose behalf the commodity is being grown, used, produced or finished.

1989-90, c.F-8.001, s.50; 1992, c.50, s.5; 1993, c.6, s.7; 1995, c.9, s.5; 1997, c.36, s.7; 2000, c.44, s.5; 2002, c.19, s.8.

**Purchase from member producer or category of member producers**

**51** A producer association may purchase a commodity from any of its member producers or from a prescribed category of its member producers if:

- (a) permitted to do so by the regulations; and
- (b) the price of that commodity does not exceed the prescribed percentage of the value of that commodity.

2003, c.22, s.3.

**Sales by associations**

**52(1)** A producer who purchases or sells a commodity in the name of a producer association shall do so in accordance with any prescribed terms and conditions.

(2) A producer association shall sell any commodity belonging to it in the name of the producer association.

(3) All proceeds of any sale of a producer association shall be paid to the producer association.

(3.1) A producer association shall apply all proceeds from the sale of a commodity by the producer association towards repaying the advance made by a lender on a guaranteed loan that enabled the producer association to purchase the commodity:

- (a) in accordance with any prescribed terms and conditions; and
- (b) to a maximum amount set in accordance with the regulations.

(4) Where a producer association purchases a commodity for a producer who is a party to a producer agreement, the producer association shall cause the commodity to be sold within:

- (a) a prescribed period from the time it purchased the commodity; or
- (b) a prescribed greater period of time authorized by the provincial supervisor.

(5) No producer association shall make a payment to a vendor for the purchase of a commodity, by the producer association from the vendor on behalf of a producer, until a producer agreement has been completed by the producer association and the producer on whose behalf the commodity is being purchased.

(6) No producer who has entered into a producer agreement with a producer association shall sell a commodity belonging to the producer association other than in the name of the producer association.

1989-90, c.F-8.001, s.52; 1992, c.50, s.6; 1993, c.6, s.9; 1995, c.9, s.6; 2000, c.44, s.6.

#### **Marking**

**53(1)** A producer association shall cause any commodity that is required by the regulations to be marked to be permanently marked for identification in the prescribed manner.

(2) No producer association shall pay for a commodity that is required by the regulations to be marked until the commodity is permanently marked for identification in the prescribed manner.

1989-90, c.F-8.001, s.53; 1992, c.50, s.7; 1997, c.36, s.8.

#### **Access for the purpose of inspection**

**54(1)** Every person who is in charge of any place or premises where a commodity with respect to which a producer association has obtained a guaranteed loan is kept shall permit access to the place or premises at any reasonable time by the persons mentioned in subsection (2) for the purpose of inspecting, removing or marking the commodity, or for any other purpose related to the duties of those persons pursuant to this Act or the regulations.

(2) For the purposes of subsection (1), the following persons shall be permitted access:

- (a) the local supervisor;
- (b) any provincial supervisor;

- (c) any member of the board of the producer association;
  - (d) any other person who accompanies a person mentioned in clauses (a) to (c) for the purpose of assisting in the performance of the duties of the person mentioned in clauses (a) to (c).
- (3) If a provincial supervisor, for the purpose of carrying out his or her duties, has at a reasonable time requested access to a place or premises mentioned in subsection (1) and has been refused access, the provincial supervisor may apply to a justice of the peace or a judge of the Provincial Court of Saskatchewan for a warrant authorizing any provincial supervisor to enter and search the place or premises:
- (a) for the purpose of inspecting, removing or marking a commodity with respect to which a producer association has obtained a guaranteed loan; or
  - (b) for any other purpose related to the duties of provincial supervisors pursuant to this Act and the regulations.
- (3.1) If a provincial supervisor, for the purpose of carrying out his or her duties, has made reasonable efforts to locate the person who is in charge of a place or premises mentioned in subsection (1) and has been unable to locate that person and the provincial supervisor has reasonable grounds to believe a commodity with respect to which a producer association has obtained a guaranteed loan is in that place or premises, the provincial supervisor may apply to a justice of the peace or a judge of the Provincial Court of Saskatchewan for a warrant authorizing any provincial supervisor to enter and search the place or premises:
- (a) for the purpose of inspecting, removing or marking a commodity with respect to which a producer association has obtained a guaranteed loan; or
  - (b) for any other purpose related to the duties of provincial supervisors pursuant to this Act and the regulations.
- (4) If a justice of the peace or a judge of the Provincial Court of Saskatchewan receives or hears an application from a provincial supervisor pursuant to subsection (3) or (3.1), the justice of the peace or judge, as the case may be, may issue a warrant authorizing any provincial supervisor to enter and search the place or premises mentioned in subsection (1):
- (a) for the purpose of inspecting, removing or marking a commodity with respect to which a producer association has obtained a guaranteed loan; or
  - (b) for any other purpose related to the duties of provincial supervisors pursuant to this Act and the regulations.
- (5) A provincial supervisor executing a warrant issued pursuant to this section may be accompanied by any other person who, in the opinion of that provincial supervisor, may be of assistance in carrying out the warrant.

**Overdue accounts**

**55** The provincial supervisor may authorize a producer association to carry an overdue account with a lender with respect to a commodity purchased by the producer association for growing, using, producing or finishing by producers.

1989-90, c.F-8.001, s.55.

**Regular reporting required**

**56(1)** Every producer association and lender shall provide the provincial supervisor with a report setting out the prescribed information.

(2) A report mentioned in subsection (1) must be provided:

- (a) on or before a prescribed date or dates; or
- (b) within a prescribed period or periods.

2003, c.22, s.5.

**Subrogation**

**57(1)** Where:

- (a) a producer association defaults in repaying an amount due pursuant to a guaranteed loan; and
- (b) the Minister of Finance makes payment to a lender pursuant to a guaranteed loan on which a producer association has defaulted;

the Minister of Finance is subrogated with respect to that guaranteed loan:

- (c) to all rights of the lender under any security or negotiable instrument given to the lender by the producer association;
- (d) to any action that the lender may have against the producer association;
- (e) to all rights of the producer association under any security or negotiable instrument given to the producer association by its member producers; and
- (f) to any action that the producer association may have against its member producers or any other person.

(2) A payment made by the Minister of Finance pursuant to a guarantee due to a default by a producer association does not affect the liability of or security given by the producer association pursuant to the guarantee and, notwithstanding that a payment was made pursuant to the guarantee, the liability of and the security given by the producer association remains in effect and may be enforced by the Minister of Finance against the producer association.

(3) Notwithstanding subsections (1) and (2), where the Minister of Finance considers it in the public interest, the Minister of Finance may enter into an agreement with a lender who has submitted a claim pursuant to a guarantee, and that agreement may provide:

- (a) that the lender may receive payment of any portion of the amount pursuant to the guarantee;

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- (b) that the lender is entitled to exercise its rights under any security or negotiable instrument given to the lender by the producer association and to any action that the lender may have against the producer association; and
  - (c) any other terms or conditions that may be agreed to.
- (4) Notwithstanding subsections (1) and (2), if the Minister of Finance considers it in the public interest and a guarantee payment has been or will be made for a producer association, the Minister of Finance may enter into an agreement with that producer association to provide:
- (a) that the producer association may pursue against one or more of its member producers any rights or action mentioned in clause (1)(e) or (f); and
  - (b) any other terms or conditions.

1989-90, c.F-8.001, s.57; 1993, c.6, s.10; 2000, c.44, s.8; 2005, c.13, s.4.

**Books and records**

- 58(1)** The books and records of a producer association shall:
- (a) subject to subsection (2), be audited annually in accordance with generally accepted auditing standards; and
  - (b) be open and available for inspection by the provincial supervisor or an auditor appointed by the minister.
- (2) Where the provincial supervisor considers it advisable in the circumstances, he or she may exempt a producer association from:
- (a) the requirement that a full audit be conducted pursuant to clause (1)(a); or
  - (b) the requirement that a member of a recognized professional accounting association be used for the conduct of audits as prescribed in subsection (3).
- (3) Audits conducted pursuant to subsection (1) are to be conducted by a member of a recognized professional accounting association.
- (4) The lender shall, on request by the provincial supervisor, provide the following information related to an association's loans and operations:
- (a) security documentation;
  - (b) loan agreements;
  - (c) loan records;
  - (d) deposit and cheque records; and
  - (e) any other information the provincial supervisor may require.
- (5) The books and records of any custom operator or feedlot operator or of any person that a producer association wishes to be approved by a provincial supervisor as a custom operator or feedlot operator shall be open and available for inspection by a provincial supervisor or an auditor appointed by the minister.

(6) Notwithstanding subsection (5), any person who does not want to be approved by a provincial supervisor as a custom operator or feedlot operator is not required to produce his or her books and records for inspection.

1989-90, c.F-8.001, s.58; 1993, c.6, s.11; 1995, c.9, s.7; 2003, c.22, s.6.

**Assurance fund**

**59(1)** Every producer association shall maintain an assurance fund for each commodity in accordance with this section consisting of moneys contributed by member producers:

- (a) at the prescribed times; and
- (b) in the prescribed amounts for each category of member producers.

(1.1) A producer association shall maintain each assurance fund that it has established pursuant to subsection (1) separate from any other assurance fund for any other commodity that it has established.

(2) A producer association shall place contributions made pursuant to subsection (1) in an assurance fund that the association shall:

- (a) keep separate from all the association's other funds or accounts; and
- (b) use solely to pay debts of the producer association with respect to the purchase of a commodity by the producer association that are due to a lender and cannot otherwise be paid.

(2.1) Notwithstanding any other Act or law but subject to subsection (9), the assurance fund maintained pursuant to this section is not subject to seizure, garnishment, attachment or claim by any person, except as prescribed in the regulations.

(3) No producer association that has a due or overdue account with a lender and for which moneys from the assurance fund have not been paid shall refund the contribution mentioned in subsection (1) to any producer.

(4) Subject to subsections (3) and (9), where a producer resigns from a producer association, the association shall refund the contribution mentioned in subsection (1) to the producer in the prescribed manner.

(5) Subject to subsections (3) and (9), where a producer is expelled from a producer association, the producer association may refund the contribution mentioned in subsection (1) to the expelled producer in the manner prescribed pursuant to subsection (4).

(6) Subject to subsections (3) and (9), if a producer remains a member producer but has been inactive in the affairs of the producer association for a prescribed period, the producer association may:

- (a) refund the contribution mentioned in subsection (1) to the producer in the prescribed manner; or
- (b) allow the producer to elect not to receive a refund of his or her contribution mentioned in subsection (1) and retain it in the assurance fund.

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(7) Any contribution retained in the assurance fund pursuant to clause (6)(b) must not be applied to any account that becomes due or overdue after the period prescribed pursuant to subsection (6).

(8) Subject to subsections (3) and (9), if a member producer has made all required payments on an advance, the producer association may refund the contribution mentioned in subsection (1) with respect to that particular advance to the producer in the prescribed manner and after the prescribed period.

(9) If a member producer is entitled to a refund of a contribution or elects to have the producer association retain his or her contribution in the assurance fund, the amount refundable or retained is subject to enforcement of any maintenance order as defined in *The Enforcement of Maintenance Orders Act, 1997*.

1989-90, c.F-8.001, s.59; 1990-91, c.36, s.6; 1992, c.50, s.9; 2002, c.19, s.8; 2005, c.13, s.5.

**Producer association is owner of commodity**

**59.1(1)** In this section, “**producer agreement**” means either of the following:

- (a) a producer agreement that was entered into before August 30, 2002 and pursuant to which a commodity was being grown, used, produced or finished by a member producer or custom operator on August 30, 2002;
- (b) a producer agreement entered into on or after August 30, 2002.

(1.1) Subject to section 60, this section applies notwithstanding any other Act or law.

(2) A producer association is the owner of any commodity with respect to which it has entered into a producer agreement.

(3) Notwithstanding any terms of a producer agreement and without limiting the generality of subsection (2), a producer association may, as owner of a commodity, in its absolute discretion, do all or any of the following with respect to that commodity:

- (a) take possession of the commodity;
- (b) encumber the commodity;
- (c) sell the commodity;
- (d) mark the commodity.

(4) Subject to subsection (6), *The Personal Property Security Act, 1993* does not apply to the transaction between a producer association and a member producer pursuant to a producer agreement.

(5) Subject to subsection (6), a producer association’s interest in a commodity is not defeated or affected by a member producer’s dealings with the commodity.

(6) Subsections (4) and (5) only apply to:

- (a) prescribed commodities; and
- (b) producer agreements respecting prescribed commodities.

2002, c.6, s.4; 2003, c.22, s.7.

**Purposes for which a member producer is deemed the owner of a commodity**

**60** Notwithstanding section 59.1, a commodity is deemed to be owned by a member producer:

- (a) for the purposes of any program established with respect to that commodity pursuant to:
  - (i) section 22; or
  - (ii) *The Saskatchewan Agricultural Returns Stabilization Act*; and
- (b) for any other purposes that the Lieutenant Governor in Council may prescribe.

2002, c.6, s.5.

**Provincial supervisor may act where guarantee unduly at risk**

**60.1(1)** Where a producer association that has received a guaranteed loan is inactive, and where, in the opinion of the provincial supervisor, the guarantee on the guaranteed loan is unduly at risk, the provincial supervisor may exercise any or all of the following powers or functions of the producer association:

- (a) marking commodities;
- (b) confirming inventory;
- (c) removing or selling commodities pursuant to a producer agreement;
- (d) recovering commodities from third parties;
- (e) doing any other act or thing necessary, incidental or conducive to exercising the powers and functions mentioned in clauses (a) to (d);
- (f.1) prescribing, for the purposes of section 47.1:
  - (i) the percentage of each advance that may be guaranteed with a second guarantee; and
  - (ii) the terms and conditions on which a second guarantee may be given.

(2) For the purpose of exercising any power or function mentioned in subsection (1), the provincial supervisor may apply to a judge of the Court of Queen's Bench for any order mentioned in subsection (3).

(3) On hearing an application pursuant to subsection (2), the judge may make any order that he or she considers appropriate, including:

- (a) an order prohibiting a person in possession of a commodity from selling or otherwise disposing of that commodity;
- (b) an order directing the sale of a commodity and the payment of the proceeds from the sale of that commodity into court, pending the issuance of an order pursuant to clause (c);
- (c) an order determining the entitlement to a commodity or to the proceeds from the sale of the commodity.

2000, c.44, s.9.

**Regulations**

**61** For the purpose of carrying out this Part according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) prescribing lending institutions for the purposes of clause 41(f);
  - (a.01) governing producer agreements between two or more member producers and a producer association;
  - (a.1) prescribing the manner in which producer associations are to conduct their business for the purposes of section 42;
  - (a.2) respecting the participation of corporate producers in producer associations, including prescribing the rules pursuant to which corporate producers may participate, as member producers, in programs established pursuant to this Part;
  - (a.3) prescribing categories of producers or member producers;
- (b) prescribing the duties of provincial and local supervisors;
- (c) prescribing for the purposes of section 45:
  - (i) the commodities with respect to which a guarantee on a loan made to purchase those commodities may be made;
  - (ii) the information to be provided to the provincial supervisor, including information to be provided to the provincial supervisor for release to the lender; and
  - (iii) the fees that may be charged for a guarantee application;
- (d) prescribing for the purposes of section 46:
  - (i) the percentage of each loan that may be guaranteed with respect to a commodity, producer association, category of member producers or category of producer associations; and
  - (ii) the maximum amount of each loan that may be guaranteed with respect to a commodity, producer association, category of member producers or category of producer associations;
- (e) prescribing for the purposes of section 46:
  - (i) the terms and conditions on which a guarantee may be made; and
  - (ii) the maximum amount a producer association may borrow with respect to each member producer and each category of member producers for the purpose of obtaining a guarantee;
- (f) prescribing, for the purposes of section 47:
  - (i) the period within which a producer association is required to repay advances;
  - (ii) the manner in which a producer association is required to repay advances;

- (iii) in the event of a default or a potential default of repayment of any advances or loans made by the association, the procedures lenders shall follow with respect to recovering any amounts defaulted on or remedying a potential default before being eligible to submit a claim on the guarantee;
- (f.1) prescribing, for the purposes of section 47.1:
  - (i) the percentage of each advance that may be guaranteed with a second guarantee; and
  - (ii) the terms and conditions on which a second guarantee may be given;
- (g) prescribing the commodities that are required to be purchased through a licensed dealer pursuant to section 50;
- (g.1) prescribing, for the purposes of section 51, circumstances in which a producer association may purchase a commodity;
- (h) prescribing the percentage of the value of a commodity for the purpose of section 51;
- (i) prescribing, for the purposes of section 52:
  - (i) the terms and conditions mentioned in subsection (1) of that section;
  - (ii) the terms and conditions mentioned in clause (3.1)(a) of that section, and the manner in which the maximum amount mentioned in clause (3.1)(b) of that section is to be determined;
  - (iii) the period within which a commodity purchased by a producer association for a member producer is required to be sold;
  - (iv) the greater period that the provincial supervisor may authorize for the sale of a commodity purchased by a producer association for a member producer;
- (j) prescribing:
  - (i) the commodities that are required to be permanently marked for identification; and
  - (ii) the manner in which those commodities are to be permanently marked for identification;

pursuant to section 53;
- (j.1) prescribing pursuant to section 53 the method of replacing or identifying commodities that are the subject of a producer agreement;
- (k) prescribing, for the purposes of section 56:
  - (i) the information producer associations and lenders are required to provide in their reports; and
  - (ii) the dates by which or the periods within which those reports are to be provided to the provincial supervisor;

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- (l) prescribing, for the purposes of section 59:
  - (i) the time at which member producers are to make contributions to the assurance fund;
  - (ii) the amounts of contributions each member producer and category of member producers is required to make to the assurance fund; and
  - (iii) the period for which:
    - (A) a producer must remain inactive in the affairs of a producer association before he or she is eligible:
      - (I) for a refund of the contribution mentioned in subsection 59(1); or
      - (II) to elect not to receive a refund of his or her contribution mentioned in subsection 59(1); or
    - (B) a producer who has made all required payments on an advance must wait before he or she is eligible for a refund of his or her contribution mentioned in subsection 59(1) with respect to that particular advance;
- (l.1) respecting the manner in which assurance funds are to be maintained by a lender and are to be applied by a lender to any outstanding advances of a producer association;
- (l.2) respecting any other matters involving assurance funds that the Lieutenant Governor in Council considers necessary or appropriate;
- (m) **Repealed.** 2003, c.22, s.8.
- (n) prescribing the manner in which refunds of contributions are to be made to producers who:
  - (i) resign from;
  - (ii) are expelled from;
  - (iii) remain inactive in the affairs of; or
  - (iv) make all required payments for an advance to;
 a producer association pursuant to section 59;
- (n.1) authorizing producer associations to deduct any amount owing to the association by a producer or any expenses incurred by the association with respect to the producer from:
  - (i) the proceeds of sale of a commodity; or
  - (ii) a refund of the producer's contributions to the assurance fund;
- (n.2) prescribing the circumstances under which a producer association may prorate commodities, or the proceeds from the sale of commodities, among different producer agreements;
- (n.3) designating the expenses that lenders may:
  - (i) deduct from the proceeds of sale of a commodity; or
  - (ii) claim against a guarantee;

- (n.4) prescribing commodities for the purposes of subsection 59.1(6);
- (o) prescribing the purposes for which producer association commodities are deemed to be owned by member producers pursuant to section 60;
- (p) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

1989-90, c.F-8.001, s.61; 1993, c.6, s.12; 1995, c.9, s.8; 1997, c.36, s.10; 2000, c.44, s.10; 2002, c.6, s.6 and c.19, s.9; 2003, c.22, s.8; 2005, c.13, s.6.

#### Guarantees continued

**62** All guarantees authorized pursuant to section 7 of *The Feeder Associations Loan Guarantee Act* as that Act existed on the day before the coming into force of this Part are continued pursuant to section 46 of this Act and may be dealt with as if made pursuant to this Part.

1989-90, c.F-8.001, s.62.

#### Orders continued

**63** Orders prohibiting further loans against a guarantee issued pursuant to section 9 of *The Feeder Associations Loan Guarantee Act*, as that Act existed on the day before the coming into force of this Part, are continued pursuant to section 48 of this Act.

1989-90, c.F-8.001, s.63.

## PART VI.1 Individual Loan Guarantees

#### Interpretation

**63.1** In this Part:

- (a) “**advance**” means that portion of a guaranteed loan made by a lender to a producer, for the purchase of a commodity;
- (b) “**assurance fund**” means a fund mentioned in section 63.81;
- (c) “**commodity**” means a:
  - (i) prescribed agricultural product or category of agricultural products; or
  - (ii) prescribed item or category of items used in the growing, using, producing or finishing of an agricultural product;
- (d) “**custom operator**” means any person or partnership that grows, uses, produces or finishes a commodity for a producer on a fee-for-service basis, and includes any person who is or is claiming to be an animal keeper as defined in subsection 15.1(1) of *The Animal Products Act* with respect to the commodity;

- (e) **“guaranteed loan”** means a loan with respect to which a guarantee is given pursuant to section 63.3;
- (f) **“lender”** means a bank, credit union or any other prescribed lending institution;
- (g) **“licensed dealer”** means a dealer who holds a valid licence issued pursuant to a prescribed Act;
- (h) **“local supervisor”** means a person appointed pursuant to section 63.2;
- (i) **“producer”** means:
  - (i) an individual who is a resident of Saskatchewan and who is at least 18 years of age; or
  - (ii) a corporation that is registered to carry on business in Saskatchewan;
- (j) **“provincial association”** means an association incorporated by or pursuant to a Saskatchewan Act whose members or shareholders are producers who have obtained or who propose to obtain guaranteed loans;
- (k) **“provincial supervisor”** means a person appointed pursuant to section 63.12.

2003, c.22, s.9.

#### **Provincial association**

- 63.11(1)** Any group of producers may form a provincial association for the purposes of assisting those producers in obtaining a guaranteed loan pursuant to this Part.
- (2) If required to do so by the regulations, producers who have obtained guaranteed loans shall form a provincial association for the purpose of assisting in the administration and supervision of those guaranteed loans.
- (3) A provincial association shall:
- (a) fulfil those duties and exercise those powers prescribed in this Part and in the regulations; and
  - (b) conduct its business in the manner prescribed in this Part and in the regulations.

2003, c.22, s.9.

#### **Provincial supervisors**

- 63.12(1)** The minister shall appoint one or more provincial supervisors for each commodity.
- (2) A provincial supervisor shall perform the duties assigned to him or her by this Part and by the regulations.
- (3) Any custom operator used by a producer to grow, use, produce or finish a commodity on a fee-for-service basis must be approved by a provincial supervisor.

2003, c.22, s.9.

**Local supervisor**

**63.2(1)** When requested to do so by a provincial supervisor, a provincial association shall appoint one or more local supervisors and one or more secretary-treasurers.

(2) The provincial association shall obtain the approval of a provincial supervisor before appointing a person as a local supervisor or a secretary-treasurer pursuant to subsection (1).

(3) Every local supervisor and every secretary-treasurer shall perform the duties assigned to him or her by this Part and by the regulations.

2003, c.22, s.9.

**Application**

**63.21(1)** A producer may apply to a provincial supervisor for a guarantee with respect to a loan for the purchase of commodities by the producer to be grown, used, produced or finished by the producer:

- (a) on farms or feedlots operated by the producer; or
- (b) with custom operators.

(2) The producer shall provide the provincial supervisor with all of the following:

- (a) any information that the provincial supervisor may require to determine:
  - (i) whether or not a guaranteed loan should be provided; or
  - (ii) the amount of the guarantee to which the producer is entitled;
- (b) the prescribed information;
- (c) any fee that may be prescribed for a guarantee application.

2003, c.22, s.9.

**Guarantee**

**63.3(1)** On the recommendation of a provincial supervisor, the Minister of Finance may guarantee loans from lenders to producers:

- (a) in accordance with prescribed terms and conditions; and
- (b) to a prescribed maximum amount for each loan to a producer.

(2) A guarantee made pursuant to subsection (1) shall be signed:

- (a) by the Minister of Finance; or
- (b) by any other person designated by the Lieutenant Governor in Council.

(3) A guarantee made pursuant to subsection (1) is:

- (a) a continuing guarantee; and
- (b) subject to the prescribed terms and conditions.

2003, c.22, s.9.

**Repayment**

**63.31(1)** Subject to section 63.61, a producer shall repay in the prescribed manner advances made pursuant to the producer's guaranteed loan within the prescribed period for the commodity grown, used, produced or finished by the producer.

(2) No producer shall use any portion of a guaranteed loan for any purpose other than the purposes mentioned in subsection 63.21(1).

(3) In the event of a default or a potential default of repayment of any advances or loans by a producer, the lender:

(a) shall follow, within the prescribed periods, the prescribed procedures and any procedures designated by the provincial supervisor in writing with respect to recovering the amounts defaulted on or remedying the potential default; and

(b) is not eligible to submit a claim on the guarantee until after the procedures mentioned in clause (a) have been followed.

(4) The Minister of Finance may only make a payment to a lender under a guarantee made pursuant to subsection 63.3(1) in proportion to the amount of the proceeds of the guaranteed loan that were expended for the purposes mentioned in subsection 63.21(1).

(5) Notwithstanding subsection (4) or any other provision of this Act, if the producer uses a guaranteed loan, or any portion of it, for a purpose other than those mentioned in subsection 63.21(1), the rights of the lender with respect to the guarantee given pursuant to section 63.3 are not affected if the lender:

(a) followed the procedures designated in writing by the provincial supervisor for determining the use of the guaranteed loan; and

(b) could not reasonably have known that the producer would use the guaranteed loan, or any portion of it, for a purpose other than those mentioned in subsection 63.21(1).

2003, c.22, s.9.

**Non-compliance by producers**

**63.4(1)** In this section, "**future advance**" means any advance made by a lender on a guaranteed loan mentioned in subsection (2) that is made after the lender receives a notice from the provincial supervisor pursuant to subsection (2).

(2) If, in the opinion of a provincial supervisor, the guarantee on a guaranteed loan to a producer is unduly at risk because of the activities of that producer, the provincial supervisor may give notice to the lender and the producer that the guarantee is not effective with respect to any future advances that are made on that guaranteed loan.

(3) The Crown in right of Saskatchewan and any person who provided a guarantee pursuant to section 63.3 are not liable, pursuant to any guarantee, with respect to any future advances on a guaranteed loan described in a notice sent by a provincial supervisor to a lender pursuant to this section.

2003, c.22, s.9.

**Purchases by producers**

- 63.41(1)** The Lieutenant Governor in Council may require, by regulation, that a particular commodity be purchased through a licensed dealer.
- (2) No producer shall purchase, without the approval of the provincial supervisor, a commodity prescribed pursuant to subsection (1) other than through a licensed dealer.
- (3) In this section “**future advance**” means any advance made by a lender on a guaranteed loan mentioned in subsection (4) that is made after the lender receives a notice from the provincial supervisor pursuant to subsection (4).
- (4) If, in the opinion of a provincial supervisor, the guarantee on a guaranteed loan to any producer may be unduly at risk because of the activities of a licensed dealer, the provincial supervisor may give notice to any producers and any lenders that may be affected that the guarantee is not effective with respect to any future advances that are made on a guaranteed loan to a producer for the purchase of a commodity through that licensed dealer.
- (5) The Crown in right of Saskatchewan and any person who provided a guarantee pursuant to section 63.3 are not liable, pursuant to any guarantee, with respect to any future advances on a guaranteed loan described in a notice sent by a provincial supervisor to a lender pursuant to this section.
- (6) Subject to subsection (7), when a commodity purchased by a producer is placed with a custom operator, the producer who purchased the commodity shall:
- (a) pay the custom operator the amount of any costs associated with the growing, using, producing or finishing of the commodity; and
  - (b) submit a report and receipts to the provincial supervisor on or before the last day of each month confirming that the costs mentioned in clause (a) have been paid to the end of the previous month.
- (7) If a commodity purchased by a producer is placed with a custom operator:
- (a) the producer may make a written agreement with the custom operator that the custom operator will carry the costs associated with the growing, using, producing or finishing of the commodity until an agreed payment date; and
  - (b) if a written agreement is made pursuant to clause (a), the collection and payment of those costs is a matter between the custom operator and the producer.
- (8) For the purposes of clause (7)(a), the written agreement must be on a form provided by the provincial supervisor.
- (9) If an agreement mentioned in subsection (7) exists, the custom operator relinquishes any lien rights provided pursuant to section 15.1 of *The Animal Products Act*.

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(10) Notwithstanding any other provision of this Act or any other Act or law, a custom operator is deemed not to be an animal keeper and does not have any lien rights pursuant to section 15.1 of *The Animal Products Act* with respect to a commodity unless, before beginning custom feeding of the commodity, the custom operator provides the provincial supervisor with a copy of a statement of intent to custom feed between the custom operator and the producer.

(11) A producer shall purchase a commodity only in accordance with the prescribed terms and conditions.

2003, c.22, s.9.

**Sales by producers**

**63.5(1)** A producer who sells a commodity shall do so only in accordance with any prescribed terms and conditions.

(2) A producer shall sell any commodity purchased with a guaranteed loan in the names of prescribed parties.

(3) All proceeds of any sale by a producer are payable to prescribed parties.

(4) The proceeds from the sale of a commodity by the producer are to be forwarded to the producer's lender.

(5) On receipt of sale proceeds, the lender shall first apply the proceeds towards repaying the advance made by the lender on a guaranteed loan that enabled the producer to purchase the commodity:

- (a) in accordance with any prescribed terms and conditions; and
- (b) to a maximum amount set in accordance with the regulations.

(6) If a producer purchases a commodity using funds guaranteed pursuant to this Act, the producer shall cause the commodity to be sold within:

- (a) a prescribed period from the time the commodity was purchased; or
- (b) a prescribed greater period authorized by the provincial supervisor.

2003, c.22, s.9.

**Marking**

**63.51(1)** In this section, “**required commodity**” means a commodity that is required by the regulations to be permanently marked.

(2) Every producer shall cause a required commodity to be permanently marked for identification in the prescribed manner.

(3) Unless a provincial supervisor authorizes otherwise in writing, no guarantee provided to a lender for a loan made for the purchase of a required commodity is effective with respect to a particular advance unless that lender has received confirmation from a prescribed party that the required commodity that is the subject of the advance has been permanently marked for identification in the prescribed manner.

2003, c.22, s.9.

**Access for the purpose of inspection, removal or marking**

**63.6(1)** Every person who is in charge of any place or premises where a commodity with respect to which a producer has obtained a guaranteed loan is kept shall permit access to the place or premises at any reasonable time by the persons mentioned in subsection (2):

- (a) for the purpose of inspecting, removing or marking, the commodity; or
- (b) for any purpose related to the duties of those persons pursuant to this Act and the regulations.

(2) For the purposes of subsection (1), the following persons must be permitted access:

- (a) any local supervisor;
- (b) any provincial supervisor;
- (c) a representative of the lender;
- (d) any other person who accompanies a person mentioned in clauses (a) to (c) for the purpose of assisting in the performance of the duties of the person mentioned in clauses (a) to (c).

(3) If a provincial supervisor, for the purpose of carrying out his or her duties, has at a reasonable time requested access to a place or premises mentioned in subsection (1) and has been refused access, the provincial supervisor may apply to a justice of the peace or a judge of the Provincial Court of Saskatchewan for a warrant authorizing any provincial supervisor to enter and search the place or premises:

- (a) for the purpose of inspecting, removing or marking a commodity with respect to which a producer has obtained a guaranteed loan; or
- (b) for any other purpose related to the duties of provincial supervisors pursuant to this Act and the regulations.

(4) If a justice of the peace or a judge of the Provincial Court of Saskatchewan receives or hears an application from a provincial supervisor pursuant to subsection (3), the justice of the peace or judge, as the case may be, may issue a warrant authorizing any provincial supervisor to enter and search the place or premises mentioned in subsection (1):

- (a) for the purpose of inspecting, removing or marking a commodity with respect to which a producer has obtained a guaranteed loan; or
- (b) for any other purpose related to the duties of provincial supervisors pursuant to this Act and the regulations.

(5) A provincial supervisor executing a warrant issued pursuant to this section may be accompanied by any other person who, in the opinion of that provincial supervisor, may be of assistance in carrying out the warrant.

**Overdue accounts**

**63.61** The provincial supervisor may authorize a producer to carry an overdue account with a lender with respect to a commodity purchased by the producer for growing, using, producing or finishing by that producer.

2003, c.22, s.9.

**Regular reporting required**

**63.7(1)** Every producer, lender and provincial association shall provide the provincial supervisor with a report setting out the prescribed information.

(2) A report mentioned in subsection (1) must be provided:

- (a) on or before a prescribed date or dates; or
- (b) within a prescribed period or periods.

2003, c.22, s.9.

**Subrogation**

**63.71(1)** If a producer defaults in repaying an amount due pursuant to a guaranteed loan and the Minister of Finance makes payment to a lender pursuant to a guaranteed loan on which a producer has defaulted, the Minister of Finance is subrogated with respect to that guaranteed loan:

- (a) to all rights of the lender under any security or negotiable instrument given to the lender by the producer;
- (b) to any action that the lender may have against the producer or any other person; and
- (c) to any action that the producer may have against any person whose acts or omissions may have caused or contributed to the producer's default.

(2) If the Minister of Finance makes a payment pursuant to a guarantee due to a default by a producer:

- (a) the payment does not affect the liability of or security given by the producer pursuant to the guarantee; and
- (b) notwithstanding that the payment was made pursuant to the guarantee, the liability of and the security given by the producer remain in effect and may be enforced by the Minister of Finance against the producer.

(3) Notwithstanding subsections (1) and (2), if the Minister of Finance considers it to be in the public interest, the Minister of Finance may enter into an agreement with a lender who has submitted a claim pursuant to a guarantee, and that agreement may:

- (a) provide:
  - (i) that the lender may receive payment of any portion of the amount pursuant to the guarantee; and

- (ii) that the lender is entitled to exercise its rights under any security or negotiable instrument given to the lender by the producer and to any action that the lender may have against the producer or any other person; and
- (b) contain any other terms and conditions that may be agreed to.

2003, c.22, s.9.

**Books and records**

**63.8(1)** Subject to subsection (2), the books and records of a provincial association must be audited in accordance with generally accepted auditing standards.

(2) If the provincial supervisor considers it advisable in the circumstances, he or she may exempt a provincial association from:

- (a) the requirement that a full audit be conducted pursuant to subsection (1); or
- (b) the requirement that a member of a recognized professional accounting association be used for the conduct of audits as prescribed in subsection (3).

(3) Audits conducted pursuant to subsection (1) are to be conducted by a member of a recognized professional accounting association.

(4) On request by the provincial supervisor, the lender shall provide the following information to the provincial supervisor related to a producer's loans and operations:

- (a) security documentation;
- (b) loan agreements;
- (c) loan records;
- (d) deposit and cheque records;
- (e) any other information the provincial supervisor may require.

(5) On request by the provincial supervisor, the producer shall provide the following information to the provincial supervisor related to the producer's loans and operations:

- (a) records of purchases of the commodity;
- (b) records of sales of the commodity;
- (c) records of deposits and withdrawals;
- (d) any other information the provincial supervisor may require.

(6) The books and records of the following persons shall be open and available for inspection by a provincial supervisor or an auditor appointed by the minister:

- (a) a producer;
- (b) a provincial association;

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- (c) any custom operator;
- (d) any person that a producer wishes to be approved by a provincial supervisor as a custom operator.

(7) Notwithstanding subsection (6), any person who does not want to be approved by a provincial supervisor as a custom operator is not required to produce his or her books and records for inspection.

2003, c.22, s.9.

**Assurance fund**

**63.81(1)** The Lieutenant Governor in Council may, by regulation, require the establishment of one or more assurance funds by one or more of the following:

- (a) producers;
- (b) lenders;
- (c) provincial associations;
- (d) the minister;
- (e) any person in addition to those mentioned in clauses (a) to (d).

(2) 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, guaranteed loans that are not repaid by a producer; 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.

2003, c.22, s.9.

**Regulations**

**63.9** For the purpose of carrying out this Part according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) prescribing lending institutions for the purposes of clause 63.1(f);
- (b) prescribing Acts for the purposes of clause 63.1(g);
- (c) prescribing categories of producers;
- (d) prescribing the duties of provincial supervisors and local supervisors;
- (e) prescribing the rules pursuant to which corporate producers may participate in loan guarantee programs established pursuant to this Part;
- (f) requiring, for the purposes of section 63.11, that producers with guaranteed loans must form one or more provincial associations, and specifying the provincial association or provincial associations that any producer or category of producers must participate in and the manner of that participation;

- (g) governing the establishment and operation of a provincial association, including rules as to membership or ownership of a provincial association;
- (h) governing agreements between producers and a provincial association;
- (i) prescribing the duties and powers of a provincial association, including authorizing the provincial association to confirm commodity inventories, mark commodities, manage assurance funds and carry out any other activities and exercise any other powers that the Lieutenant Governor in Council considers necessary and appropriate;
- (j) prescribing for the purposes of section 63.21:
  - (i) the commodities with respect to which a guarantee on a loan made to purchase those commodities may be made;
  - (ii) the information to be provided to the provincial supervisor, including information to be provided to the provincial supervisor for release to the lender; and
  - (iii) the fees that may be charged for a guarantee application;
- (k) prescribing for the purposes of section 63.3:
  - (i) the percentage of each loan that may be guaranteed with respect to a commodity, a producer or category of producers; and
  - (ii) the maximum amount of each loan that may be guaranteed with respect to a commodity, a producer or category of producers;
- (l) prescribing for the purposes of section 63.3:
  - (i) the terms and conditions on which a guarantee may be made; and
  - (ii) the maximum amount a producer may borrow for the purpose of obtaining a guarantee;
- (m) prescribing for the purposes of section 63.31:
  - (i) the period within which a producer is required to repay advances;
  - (ii) the manner in which a producer is required to repay advances; and
  - (iii) in the event of a default or a potential default by a producer of repayment of any advances or loans, the procedures lenders shall follow, within prescribed periods, with respect to recovering any amounts defaulted on or remedying a potential default before being eligible to submit a claim on the guarantee;
- (n) prescribing for the purposes of section 63.41:
  - (i) the commodities that are required to be purchased through a licensed dealer; and
  - (ii) the purchase documents required for the purchase of a commodity;

- (o) prescribing for the purposes of section 63.5:
  - (i) the terms and conditions mentioned in subsection 63.5(1);
  - (ii) parties for the purposes of subsections 63.5(2) and (3);
  - (iii) the terms and conditions mentioned in clause 63.5(5)(a), and the manner in which the maximum amount mentioned in clause 63.5(5)(b) is to be determined;
  - (iv) the period within which a commodity purchased by a producer is required to be sold; and
  - (v) the procedures and documents required for the sale of a commodity;
- (p) prescribing the greater period that the provincial supervisor may authorize for the sale of a commodity purchased by a producer;
- (q) prescribing, for the purposes of section 63.51:
  - (i) the commodities that are required to be permanently marked for identification;
  - (ii) the manner in which those commodities are to be permanently marked for identification; and
  - (iii) the method of replacing or identifying commodities that are the subject of a guaranteed loan;
- (r) prescribing, for the purposes of section 63.7:
  - (i) the information producers and lenders are required to provide in their reports; and
  - (ii) the dates by which or the periods within which those reports are to be provided to the provincial supervisor;
- (s) for the purposes of section 63.81:
  - (i) respecting the establishment and operation of assurance funds;
  - (ii) respecting the amount, timing and method of making contributions to an assurance fund by producers, including specifying any contributions that are to be refundable;
  - (iii) respecting the administration of an assurance fund, including the investments that may be made using moneys in the assurance fund and the disposition of the income earned from those investments;
  - (iv) respecting the circumstances and manner in which claims on the assurance fund are to be paid;
  - (v) respecting the replenishment of contributions in an assurance fund by producers following a payment of a claim out of the assurance fund and respecting the circumstances in which the person administering the assurance fund may pursue a subrogated claim to recover that payment;

- (vi) respecting the entitlement to, and timing and method of paying, refunds of moneys in an assurance fund, including any set-offs of amounts that may be made against those refunds; and
- (vii) respecting any other matters involving assurance funds that the Lieutenant Governor in Council considers necessary or appropriate;
- (t) designating the expenses that lenders may:
  - (i) deduct from the proceeds of the sale of a commodity; or
  - (ii) claim against a guarantee;
- (u) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

2003, c.22, s.9.

## PART VII Tax Credits

### Interpretation

**64** In this Part:

- (a) **“commodity”** means any agricultural product or class of agricultural products as designated in the regulations for the purpose of this Part;
- (b) **“corporation”** means a corporation other than a distributing corporation as defined in *The Business Corporations Act, 2021*;
- (c) **“claimant”** means an individual, partnership or corporation resident in Saskatchewan;
- (d) **“eligible claimant”** means a claimant who is eligible for a tax credit pursuant to section 65;
- (e) **“eligible commodity”** means a commodity that an eligible claimant has:
  - (i) grown, used, finished, produced or harvested in Saskatchewan; and
  - (ii) owned for a prescribed minimum period of time;
- (f) **“eligible facility”** means any facility or improvement to a facility that:
  - (i) is being used in the business of growing, using, finishing or producing a facilities commodity; and
  - (ii) meets the prescribed requirements;

and includes related equipment used in the business of growing, using, finishing or producing that facilities commodity;

- (g) **“facilities commodity”** means any agricultural product or category of agricultural product designated in the regulations for the purposes of this Part;
- (h) **“tax credit”** means a deduction from tax otherwise payable in accordance with section 8.3 of *The Income Tax Act*;
- (i) **“tax otherwise payable”** means the tax otherwise payable pursuant to *The Income Tax Act*;
- (j) **“ungraded abattoir”** means a slaughter house that is licensed pursuant to *The Public Health Act, 1994*.

1989-90, c.F-8.001, s.64; 1994, c.P-37.1, s.76;  
2021, c.6, s.23-26.

#### Application and eligibility

##### 65(1) Where an application is made:

- (a) with respect to an eligible facility, a claimant is eligible to receive a tax credit pursuant to this Part if he or she submits to the minister an application:
  - (i) in the form required by the minister;
  - (ii) containing the prescribed information; and
  - (iii) within the prescribed time period; and
- (b) with respect to an eligible commodity, a claimant is eligible to receive a tax credit pursuant to this Part if he or she:
  - (i) submits to the minister an application:
    - (A) in the form required by the minister; and
    - (B) within the prescribed period of time;
  - (ii) meets the prescribed criteria for:
    - (A) growing, using, finishing, producing or harvesting of;
    - (B) grades for;
    - (C) points of sale for; or
    - (D) slaughter for;
 that commodity; and
  - (iii) provides prescribed information verified by:
    - (A) declaration; or
    - (B) any other means that the minister considers appropriate.

(2) A claimant for a tax credit with respect to an eligible facility shall invest to the prescribed minimum amount for the facilities commodity grown, used, produced or finished in that facility.

(3) A claimant for a tax credit pursuant to either clause (1)(a) or (b) shall meet any other prescribed criteria in order to be eligible for a tax credit.

1989-90, c.F-8.001, s.65.

#### Tax credits

**66(1)** Where the minister:

- (a) receives an application from a claimant pursuant to section 65; and
- (b) is satisfied that the claimant has complied with this Part and the regulations;

the minister, subject to subsections (2) and (3), may allow the claimant a tax credit for the claimant's taxation year equal to the prescribed amount for the eligible facility or eligible commodity.

(2) Where a deductible has been prescribed for a commodity or a facility, there is to be deducted from a tax credit allowed to an eligible claimant in a taxation year pursuant to subsection (1) the lesser of:

- (a) the eligible claimant's total tax credit for the taxation year; and
- (b) the prescribed deductible for that commodity or that facility.

(3) To be eligible to receive a tax credit under this Part, the claimant must have:

(a) where the claim is with respect to an eligible facility, invested in the eligible facility:

- (i) on or after January 1, 1986; and
- (ii) on or before a date prescribed in the regulations; or

(b) where the claim is with respect to an eligible commodity, grown, used, finished or produced the eligible commodity in the period commencing on March 22, 1984 and ending on a date prescribed in the regulations.

(4) Where the amount of money allowed by the minister by way of tax credit pursuant to subsection (1) reaches the maximum amount of money prescribed in the regulations for the allowance of tax credits, the minister may, with the approval of the Lieutenant Governor in Council, by order, suspend the allowance of tax credits pursuant to that subsection for any period of time that may be specified in the order.

1989-90, c.F-8.001, s.66.

**c. F-8.001****FARM FINANCIAL STABILITY****Ownership requirement**

**67(1)** Where a claimant fails to:

- (a) maintain ownership of the eligible facility; or
- (b) use the eligible facility in the growing, using, finishing or producing of a facilities commodity;

for any prescribed period for that commodity, he or she is not entitled to a tax credit pursuant to this Part.

(2) The Lieutenant Governor in Council may make regulations respecting the prorating of the tax credit over the period prescribed pursuant to subsection (1).

1989-90, c.F-8.001, s.67.

**Claiming tax credit**

**68(1)** Subject to subsection (2), a claimant who is allowed a tax credit pursuant to section 66 is entitled, in accordance with any procedures that may be determined by the Minister of Finance, to apply that tax credit pursuant to section 8.3 of *The Income Tax Act*.

(2) Where a claimant claims a tax credit pursuant to section 8.3 of *The Income Tax Act* for a taxation year with respect to a tax credit allowed pursuant to section 66, the annual return required pursuant to *The Income Tax Act* for the taxation year shall be accompanied by a completed form certified by the minister.

1989-90, c.F-8.001, s.68.

**Carry forward of tax credit**

**69** The unused portion of the tax credit obtained pursuant to section 66 may be carried forward by the claimant and deducted from the tax otherwise payable by the claimant in any one or more of the claimant's seven subsequent taxation years.

1989-90, c.F-8.001, s.69.

**Persons having interest in commodity or facility**

**70(1)** The Lieutenant Governor in Council may make regulations permitting any persons or categories of persons who, in the opinion of the minister, have an interest in a commodity or facility to apply for and receive a tax credit in accordance with this Part where no tax credit is payable to any other claimant with respect to that commodity or facility.

(2) The provisions of this Part apply, with any necessary modification, to any person who is permitted to apply for and receive a tax credit pursuant to regulations made pursuant to subsection (1).

1989-90, c.F-8.001, s.70.

**No double credit**

**71** No corporation that has received investment capital from a venture capital corporation, as defined in *The Venture Capital Tax Credit Act*, for a particular eligible facility is eligible for a tax credit pursuant to this Part with respect to the same facility.

1989-90, c.F-8.001, s.71.

**Debt due**

**72** Where a claimant obtains a tax credit pursuant to this Part:

- (a) on the basis of:
  - (i) information that is false or misleading; or
  - (ii) an application that contains any false or misleading statement; or
- (b) in contravention of section 67;

the amount of the tax credit is a debt due to the Crown in right of Saskatchewan and may be recovered by:

- (c) deducting the amount from future tax credits to which the claimant is eligible pursuant to this Part;
- (d) deducting that amount from tax credits that the eligible claimant is eligible to carry forward pursuant to section 69; or
- (e) suit in a court of competent jurisdiction.

1989-90, c.F-8.001, s.72.

**Regulations**

**73** The Lieutenant Governor in Council may make regulations:

- (a) designating agricultural products or classes of agricultural products as:
  - (i) commodities; or
  - (ii) facilities commodities;

for the purposes of this Part;

- (b) prescribing the minimum period of time for which a commodity is required to be owned by a claimant in order to be an eligible commodity;
- (c) prescribing the requirements for a facility to be an eligible facility;
- (d) prescribing:
  - (i) the information to be provided with an application made;
  - (ii) the time period within which an application is required to be submitted;
  - (iii) the criteria for growing, using, finishing, producing or harvesting a commodity or for grades, points of sale or slaughter for a commodity;
  - (iv) the minimum investment in a facility for the growing, using, producing or finishing of a commodity required;
  - (v) any other criteria a claimant is required to meet;

pursuant to section 65;

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- (e) prescribing:
  - (i) the amount of a tax credit that a claimant is eligible to receive with respect to an eligible commodity or facility;
  - (ii) the deductible to be deducted from a tax credit; and
  - (iii) the time period within which:
    - (A) an investment in an eligible facility is to be made; and
    - (B) an eligible commodity is to be grown, used, finished or produced; and
  - (iv) the maximum amount of money that may be allowed by way of tax credit;

pursuant to section 66;

- (f) prescribing the period of time for which a claimant is to:
  - (i) maintain ownership of an eligible facility; and
  - (ii) use an eligible facility;

pursuant to section 67.

1989-90, c.F-8.001, s.73.

PART VIII  
**Miscellaneous**

**Offences**

74(1) Every person who:

- (a) makes or assists in making a statement in any document required to be kept or submitted pursuant to this Act that:
  - (i) at the time and in light of the circumstances under which it was made, is false or misleading with respect to any material fact; or
  - (ii) omits to state any material fact, the omission of which makes the statement false or misleading; or
- (b) contravenes any provision of this Act or the regulations;

is guilty of an offence and liable on summary conviction to a fine, in the case of an individual, of not more than \$20,000 and, in the case of a person other than an individual, of not more than \$50,000.

- (2) A person is not guilty of an offence pursuant to subsection (1) where:
- (a) he or she did not know that the statement was false or misleading; and
  - (b) in the exercise of reasonable diligence, he or she could not have known that the statement was false or misleading.
- (3) Where a person has been convicted pursuant to subsection (1), the court may order restitution of any benefits provided to that person by any program established pursuant to this Act.
- (4) No prosecution with respect to an alleged offence pursuant to subsection (1) shall be commenced after two years from the day of the commission of the alleged offence.

1989-90, c.F-8.001, s.74; 1997, c.36, s.11.

#### **Non-liability**

**75** No action lies or shall be instituted against any member of the Executive Council charged with the administration of all or any of the provisions of this Act, the department over which that member of the Executive Council presides or, any member, officer, employee or advisor of that department, or any other person appointed pursuant to this Act to administer all or any of the provisions of this Act, who is acting pursuant to the authority of this Act or the regulations for any loss or damage suffered by any person 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, pursuant to or in exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

1989-90, c.F-8.001, s.75.

#### **Proof of benefits received**

**76** In a prosecution for a contravention of this Act or the regulations, a certificate of the person having charge of the appropriate records stating:

- (a) that benefits were received by the person charged; and
- (b) the amount of those benefits;

is admissible in evidence and, in the absence of proof to the contrary, is proof of the facts stated in the certificate without proof of the signature or official capacity of the person signing the certificate.

1989-90, c.F-8.001, s.76.

#### **Service**

**77** An order served by registered mail is deemed to be received on the third day following the date of its mailing unless the person to whom it was mailed established that:

- (a) through no fault of his or her own, that person did not receive the order; or
- (b) that he or she received it at a later date.

1989-90, c.F-8.001, s.77.

**Verification of information**

**78** Where information is required to be provided to the minister pursuant to this Act, the minister may require that information to be verified:

- (a) by declaration; or
- (b) by any other means that the minister considers appropriate.

1989-90, c.F-8.001, s.78.

**Enforcement**

**79(1)** Any person authorized in writing by the minister for the purpose of administering and enforcing this Act may:

- (a) at any reasonable time, enter any place or premises, other than a residence;
- (b) audit and examine the books, records and documents that relate to or may relate to:
  - (i) the information that is required to be kept; or
  - (ii) the amount of a benefit a person is entitled to receive;

pursuant to this Act;

- (c) demand, in writing, the production of and make copies of the books, records or documents or any entry in a book, record or document described in clause (b); and
- (d) examine:
  - (i) property described in an inventory; or
  - (ii) any property, process or matter, an examination of which, in his or her opinion, may assist him or her:
    - (A) in determining the accuracy of an inventory or any information required to be kept pursuant to this Act; or
    - (B) in ascertaining the amount of a benefit a person is entitled to receive pursuant to this Act.

(2) The:

- (a) individual; or
- (b) in the case of a partnership or corporation, the president, manager, director, secretary, agent or other representative of the corporation or partnership;

whose books, records or documents are audited or property examined pursuant to subsection (1) shall provide the person conducting the audit or examination with all reasonable assistance in the conduct of the audit or examination.

- (3) Where:
- (a) a person authorized by the minister:
    - (i) has demanded entry into any place or premises for the purpose of administering or enforcing this Act; or
    - (ii) made a demand pursuant to clause (1)(c);
  - (b) any person has refused:
    - (i) to permit entry to the person mentioned in subclause (a)(i); or
    - (ii) the production of books, records or documents pursuant to a demand made under clause (1)(c); and
  - (c) there are reasonable and probable grounds to believe that there is, in that place or premises:
    - (i) books, records and documents that relate to or may relate to:
      - (A) the information that is required to be kept; or
      - (B) the amount of a benefit a person is entitled to receive;pursuant to this Act; or
    - (ii) any property, the examination of which, may assist in determining:
      - (A) the accuracy of information required to be kept; or
      - (B) the amount of a benefit a person is entitled to receive;pursuant to this Act;

the person authorized by the minister may apply to a justice of the peace or a judge of the Provincial Court for Saskatchewan for a warrant authorizing him or her to enter into and search any place or premises and conduct the audit and examination described in subsection (1).

- (4) No person shall:
- (a) hinder, molest or interfere with a person; or
  - (b) prevent or attempt to prevent a person from;
- doing anything he or she is authorized to do pursuant to this section or section 80 or 81.

**Search and seizure**

**80** If satisfied by evidence given on the oath of a person authorized by the minister that:

- (a) there are reasonable grounds for believing that a violation of this Act or the regulations has occurred; and
- (b) there is evidence to be found at the place or premises to be searched;

a justice of the peace or a judge of the Provincial Court for Saskatchewan may issue a warrant under his or her hand authorizing the person named in the warrant to enter the place or premises named in the warrant and every part of that place and of the premises connected with that place to examine that place and connected premises and search for and seize and take possession of any document or other materials that may constitute evidence of a violation of this Act or the regulations.

1989-90, c.F-8.001, s.80.

**Books and records**

**81(1)** Where any book, record or other document has been:

- (a) produced pursuant to section 79; or
- (b) seized pursuant to section 80;

a person authorized by the minister may make or cause to be made one or more copies of the book, record or document seized and shall return the originals to the person who produced them or from whom they were seized with reasonable dispatch.

(2) A copy made pursuant to subsection (1) certified by:

- (a) the minister; or
- (b) the person authorized by the minister;

is admissible as *prima facie* evidence of the contents of the book, record or document, without proof of the office or signature of the person having certified the document.

1989-90, c.F-8.001, s.81.

**Fiscal year**

**82** Subject to the regulations, the fiscal year of all agencies and boards established pursuant to this Act or the regulations is the period:

- (a) commencing on April 1 in one year; and
- (b) ending on March 31 in the next year.

1989-90, c.F-8.001, s.82.

**Tabling of documents**

**83(1)** The provincial supervisor mentioned in section 43 shall, in accordance with section 13 of *The Executive Government Administration Act*, prepare and submit to the minister a report with respect to the administration of Part VI of this Act for each fiscal year.

(2) The minister, in accordance with section 13 of *The Executive Government Administration Act*, shall cause to be prepared a report and financial statements on the administration of the Saskatchewan Agricultural Stabilization Fund for the immediately preceding fiscal year.

(3) The financial statements prepared pursuant to subsection (2) shall be in the form required by Treasury Board.

(4) The minister, in accordance with section 13 of *The Executive Government Administration Act*, shall lay before the Legislative Assembly each report and financial statement:

- (a) received by him or her pursuant to subsection (1); or
- (b) caused to be prepared by him or her pursuant to subsection (2).

1989-90, c.F-8.001, s.83; 2014, c.E-13.1, s.62.

#### Regulations

84 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting, for the purposes of all or any part of this Act, the meaning of any word or expression used in this Act but not defined in section 2;
- (b) prescribing the contents of forms used or required for the purposes of this Act;
- (c) establishing the fiscal year for any agency or board established pursuant to section 26;
- (d) requiring that a report and financial statements of an agency or a board established pursuant to section 26 be prepared and tabled in accordance with section 13 of *The Executive Government Administration Act*;
- (e) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations.

1989-90, c.F-8.001, s.84; 2014, c.E-13.1, s.62.

PART IX  
Repeal and Coming into Force

**Repeal and transitional**

**85(1) Not yet proclaimed.**

(2) *The Farmers' Counselling and Assistance Act is repealed.*

(3) to (6) **Dispensed.** These sections make consequential amendments to other Acts. The amendments have been incorporated into the corresponding Acts.

(7) **Not yet proclaimed.**

(8) **Repealed.** 2000, c.44, s.11.

1989-90, c.F-8.001, s.85; 2000, c.44, s.11.