

The Broiler Hatching Egg Marketing Plan Regulations, 2015

being

[Chapter A-15.21 Reg 22](#)

(effective September 24, 2015) as amended
by [Saskatchewan Regulations 2/2018](#).

NOTE:

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

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CHAPTER A-15.21 REG 22

The Agri-Food Act, 2004

PART I

Preliminary Matters

Title

- 1 These regulations may be cited as *The Broiler Hatching Egg Marketing Plan Regulations, 2015*.

Interpretation

- 2 In these regulations:

“**Act**” means *The Agri-Food Act, 2004*;

“**board**” means the marketing board known as the Saskatchewan Broiler Hatching Egg Producers continued pursuant to section 6;

“**broiler hatching egg**” means an egg that is suitable for incubation and is to be hatched as a chick for chicken production;

“**business day**” means a day other than a Saturday, Sunday or holiday;

“**chick**” means a chick hatched from a broiler hatching egg from the time of hatch until it is able to be marketed to a hatchery;

“**development fund**” means the Saskatchewan Broiler Hatching Egg Development Fund established pursuant to section 52;

“**director**” means a member of the board elected or appointed pursuant to Part VIII;

“**hatchery**” means any facility engaged in any of the following businesses:

- (a) hatching broiler hatching eggs;
- (b) marketing broiler hatching eggs and chicks purchased from licensed producers;

“**hatchery licence**” means a licence issued pursuant to Part VII;

“**licence**” means a licence issued pursuant to these regulations;

“**licensed hatchery**” means a hatchery licensed pursuant to Part VII;

“**licensed producer**” means a producer licensed pursuant to Part V;

“**plan**” means the Saskatchewan Broiler Hatching Egg Marketing Plan continued pursuant to section 3;

“producer” means:

- (a) any person engaged in the production, marketing, or production and marketing of broiler hatching eggs, chicks or broiler hatching eggs and chicks;
- (b) a person who, under any lease or agreement, is entitled to a share of the broiler hatching eggs, chicks or broiler hatching eggs and chicks produced or the proceeds of their sale; and
- (c) a person who takes possession of any broiler hatching eggs, chicks or broiler hatching eggs and chicks under any form of security or legal proceedings for a debt;

“producer licence” means a licence issued pursuant to Part V;

“production limit” means the percentage of each licensed producer’s quota holdings that may be executed in a production period;

“production period” means the period commencing on January 1 and ending on December 31 of that year;

“production unit” means any equipment, land, building or other structure used by a licensed producer for the production, marketing or production and marketing of broiler hatching eggs;

“quota” means the number of broiler hatching eggs that a licensed producer is authorized to produce and market as either a broiler hatching egg or a chick in a particular year subject to the production limits as determined by the board.

2 Oct 2015 cA-15.21 Reg 22 s2.

PART II Plan

Plan continued

3 The Saskatchewan Broiler Hatching Egg Marketing Plan is continued.

2 Oct 2015 cA-15.21 Reg 22 s3.

Application

4 Subject to any exemptions made by order of the board, the plan and the orders of the board made pursuant to the plan apply:

- (a) throughout Saskatchewan; and
- (b) to any person who produces, markets or produces and markets more than 999 broiler hatching eggs, chicks or broiler hatching eggs and chicks per year in Saskatchewan.

2 Oct 2015 cA-15.21 Reg 22 s4.

Purpose

5 The purposes of the plan are:

- (a) to control and regulate the production and marketing of broiler hatching eggs and chicks in Saskatchewan;
- (b) to maintain a fair and stable price for broiler hatching eggs and chicks in Saskatchewan that relates to the cost of production;
- (c) to initiate, support and conduct studies and research connected with the production, marketing or production and marketing of broiler hatching eggs and chicks;
- (d) to initiate, support and conduct activities to promote the production, marketing or production and marketing of broiler hatching eggs and chicks in Saskatchewan; and
- (e) to cooperate with the Governments of Saskatchewan and Canada and with any bodies empowered by an Act or an Act of the Parliament of Canada or of a province or territory of Canada to market broiler hatching eggs and chicks or to promote, facilitate, control, regulate or prohibit the production or marketing of broiler hatching eggs and chicks.

2 Oct 2015 cA-15.21 Reg 22 s5.

PART III
Board

Board continued and duties of board

- 6(1)** The marketing board known as the Saskatchewan Broiler Hatching Egg Producers' Marketing Board continued as a marketing board pursuant to section 45 of the Act is continued as the Saskatchewan Broiler Hatching Egg Producers.
- (2) The board shall consist of a maximum of four directors elected or appointed in accordance with Part VIII.
- (3) A vacancy in the office of a director does not impair the power of the remaining directors to act.
- (4) The board shall administer the plan.

2 Oct 2015 cA-15.21 Reg 22 s6.

Powers of the board

- 7(1)** Subject to the other provisions of these regulations, the board may exercise the following powers that are set out in section 8 of the Act:
- (a) the power to carry out educational, research and developmental programs related to broiler hatching eggs and chicks;
 - (b) the power to require any or all persons engaged in the production, marketing or production and marketing of broiler hatching eggs and chicks to register with the board;

- (c) the power to set and collect registration fees and charges for services rendered by the board from any person engaged in the production, marketing or production and marketing of broiler hatching eggs and chicks;
- (d) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of broiler hatching eggs and chicks;
- (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of broiler hatching eggs and chicks for the purpose of setting and collecting the fees, charges or levies mentioned in clauses (c) and (d);
- (f) the power to set and collect penalties from any person who:
 - (i) is engaged in the production, marketing or production and marketing of broiler hatching eggs and chicks; and
 - (ii) contravenes an order of the board;
- (g) the power to recover any unpaid fees, charges, levies or penalties mentioned in clause (c), (d) or (f) by an action in a court of competent jurisdiction;
- (h) the power to require any person engaged in the production, marketing or production and marketing of broiler hatching eggs and chicks to furnish the board with any information or records relating to that production or marketing that the board considers necessary;
- (i) the power to market, grade or insure broiler hatching eggs and chicks, either as principal or agent;
- (j) the power to:
 - (i) employ any officers and employees that it considers necessary to administer the plan; and
 - (ii) determine the duties, conditions of employment and remuneration of its officers and employees;
- (k) the power to establish or support a group insurance plan, a pension plan or any other employee benefit programs for its officers and employees mentioned in clause (j) and their dependants;
- (l) the power to use any money received by the board to carry out the purposes of the plan and to pay the expenses of the board;
- (m) the power to borrow, raise or secure the payment of money in any manner that the board considers appropriate for the purpose of administering the plan;
- (n) the power to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange or other negotiable or transferable instruments;

- (o) subject to subsection (2), the power to make grants or loans to any person, organization, agency, institution or body within or outside Saskatchewan, for the purposes of the plan;
- (p) subject to subsection (3), the power to give financial guarantees respecting the indebtedness of any person if the board considers it necessary or advisable for the purposes of the plan;
- (q) the power to purchase, take on lease or exchange or otherwise acquire real and personal property related to the business of the board, and to insure, sell or otherwise dispose of any of its property;
- (r) the power to grant a mortgage or security interest in any of the board's real or personal property;
- (s) subject to section 35 of the Act, the power to enter into any agreement with any person, agency, organization, institution or body within or outside Saskatchewan for any purpose related to the exercise of any of the powers or the carrying out of any of the duties of the board in relation to the plan;
- (t) the power to:
 - (i) require any person who owes money to a producer with respect to the sale by the producer of broiler hatching eggs and chicks to pay the moneys to the board; and
 - (ii) distribute the moneys paid to the board pursuant to subclause (i), in the manner determined by the board, to the producer to whom the moneys are owing;
- (u) the power to:
 - (i) purchase or acquire by any other means, in the open market or otherwise, any securities of any corporation; and
 - (ii) hold membership in any corporation;
- (v) the power to:
 - (i) hold, sell, transfer or otherwise deal with any of the securities mentioned in clause (u); and
 - (ii) exercise any rights, including the right to vote, as:
 - (A) an owner of the securities mentioned in clause (u); or
 - (B) a member;
- (w) the power to register a business name pursuant to *The Business Names Registration Act*;
- (x) the power to prescribe the manner in which reimbursement for expenses of the directors is to be determined and paid;
- (y) the power to control, regulate or control and regulate all or any of the following:
 - (i) the manner of distributing broiler hatching eggs and chicks;

- (ii) the quantity of broiler hatching eggs and chicks that may be produced or marketed by any person at any time;
- (iii) the quality or the variety, class or grade of broiler hatching eggs and chicks that may be produced or marketed by any person at any time;
- (z) the power to prohibit in whole or in part the production or marketing of any variety, class or grade of broiler hatching eggs and chicks;
- (aa) the power to regulate the time and place at which, and the legal entity through which, broiler hatching eggs and chicks or any variety, class or grade of broiler hatching eggs and chicks is to be marketed;
- (bb) the power to set or determine the price, the maximum price, the minimum price or any combination of the maximum price and minimum price at which broiler hatching eggs and chicks or any variety, class or grade of broiler hatching eggs and chicks may be bought or offered for sale in Saskatchewan;
- (cc) for the purposes of clause (bb), the power to set or determine different prices for different areas of Saskatchewan;
- (dd) the power to establish the manner in which returns from the market are to be distributed to producers of broiler hatching eggs and chicks;
- (ee) the power to require any or all persons engaged in the production, marketing or production and marketing of broiler hatching eggs and chicks to do all or any of the following:
 - (i) obtain a licence from the board;
 - (ii) provide any guarantees of financial responsibility that the board considers necessary;
- (ff) the power to:
 - (i) issue licences to any or all persons producing, marketing or producing and marketing broiler hatching eggs and chicks in accordance with criteria set out in an order of the board;
 - (ii) determine the fees payable for a licence and to require payment of those fees;
 - (iii) categorize persons producing, marketing or producing and marketing broiler hatching eggs and chicks for the purpose of determining the fees mentioned in subclause (ii); and
 - (iv) recover the fees mentioned in subclause (ii) by an action in a court of competent jurisdiction;
- (gg) subject to section 9 of the Act, the power to suspend, cancel or reinstate a licence mentioned in clause (ff) in accordance with criteria established by order of the board for the suspension, cancellation or reinstatement of licences.

(2) The sum of the loans mentioned in clause (1)(o) must not exceed 10% of the board's current assets as reported in the audited financial statement in the board's most recent annual report at the time the loan is made.

(3) The board shall not give financial guarantees mentioned in clause (1)(p) to a producer or hatchery.

2 Oct 2015 cA-15.21 Reg 22 s7.

Books and records

8(1) The board shall:

- (a) maintain any books and records that may be required for the administration of the plan; and
 - (b) keep those books and records open for inspection by the council at any reasonable time.
- (2) The board shall maintain a head office in Saskatchewan.
- (3) The head office of the board must not be located at a place:
- (a) that is owned or leased by a producer; or
 - (b) in which a producer has a direct or indirect interest.
- (4) The board shall prepare an annual report containing:
- (a) a copy of the audited financial statement of the board for its previous fiscal year;
 - (b) a description of:
 - (i) the state of the industry; and
 - (ii) the activities of the board for its previous fiscal year; and
 - (c) a list of the names of the directors.
- (5) The board shall make the annual report mentioned in subsection (4) available:
- (a) to the council;
 - (b) at the annual general meeting of licensed producers; and
 - (c) on request to any licensed producer.

2 Oct 2015 cA-15.21 Reg 22 s8.

Appointment of auditor

9(1) The licensed producers:

- (a) shall, at each annual general meeting, appoint an auditor to audit the books, records and financial statements of the board for the current fiscal year; and
- (b) may, at any special general meeting, appoint an auditor to audit the books, records and financial statements of the board for the current fiscal year.

(2) If the licensed producers fail to appoint an auditor pursuant to clause (1)(a) for a fiscal year, the council shall appoint an auditor to audit the books, records and financial statements of the board for that fiscal year.

(3) Any person appointed as auditor pursuant to this section must:

- (a) be independent of:
 - (i) the board; and
 - (ii) the directors and officers of the board; and
- (b) be a member in good standing of a recognized accounting profession that is regulated by an Act.

2 Oct 2015 cA-15.21 Reg 22 s9.

Committees

10(1) The board may appoint any committee that it considers necessary or desirable for the proper operation of the plan.

(2) The members of a committee appointed pursuant to this section are entitled to any remuneration and reimbursement for expenses that the board may determine.

2 Oct 2015 cA-15.21 Reg 22 s10.

Chairperson and vice-chairperson

11(1) The board shall elect a chairperson and vice-chairperson from among the directors at their first meeting in each year after new directors have been elected.

(2) The chairperson and vice-chairperson hold office at the pleasure of the board.

(3) The chairperson, or in the absence of the chairperson the vice-chairperson, shall preside over all meetings of the board.

(4) Subject to subsection (5), the chairperson or vice-chairperson presiding at a meeting of the board shall not vote on any matter before the board other than the election of a chairperson or vice-chairperson.

(5) The presiding officer at a meeting may only vote on a matter to break a tie.

2 Oct 2015 cA-15.21 Reg 22 s11.

Quorum

12 For the transaction of business at a duly called meeting of the board:

- (a) three directors constitute a quorum; and
- (b) a decision of a majority of those directors constituting a quorum is a decision of the board.

2 Oct 2015 cA-15.21 Reg 22 s12.

Policies re conflict of interest and code of conduct

13 Within six months after the coming into force of these regulations, the board shall prepare and submit the following to the council:

- (a) a conflict of interest policy for the directors;
- (b) a policy respecting a code of conduct for the directors.

2 Oct 2015 cA-15.21 Reg 22 s13.

Conflict of interest

14(1) No director shall:

- (a) fail to disclose to the board any conflict of interest that the director may have; or
 - (b) vote on any matter with respect to which the director has any direct or indirect financial interest that is different from the financial interest of other producers.
- (2) If the board is uncertain whether or not a director has a conflict of interest mentioned in clause (1)(a) or (b), the board must adjourn the matter until the conflict of interest issue is resolved pursuant to the policies mentioned in section 13.

2 Oct 2015 cA-15.21 Reg 22 s14.

Bank accounts

15 The board may open accounts in the name of the board in a bank, credit union or trust corporation licensed pursuant to *The Trust and Loan Corporations Act, 1997* and appoint signing officers.

2 Oct 2015 cA-15.21 Reg 22 s15.

Investments

16 The board may:

- (a) invest any money in its possession or control that is not immediately required for the purposes of the plan or its operations in any security or class of securities authorized for investment of money in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
- (b) dispose of any investment made pursuant to clause (a) in any manner, on any terms and in any amount that the board considers expedient.

2 Oct 2015 cA-15.21 Reg 22 s16.

Fiscal year

17 The fiscal year of the board is the period commencing on January 1 in one year and ending on December 31 of that year.

2 Oct 2015 cA-15.21 Reg 22 s17.

Financial plan

18 The board shall prepare and approve a financial plan of its operations at the beginning of each fiscal year.

2 Oct 2015 cA-15.21 Reg 22 s18.

Meetings of licensed producers

- 19(1)** An annual general meeting of licensed producers:
- (a) is to be held on or before April 30 in each year; and
 - (b) is to be held at a place and time determined by the board.
- (2) The board:
- (a) may call a special general meeting of licensed producers at any time; and
 - (b) shall call a special general meeting on the written request of not less than four licensed producers.
- (3) The board shall notify all licensed producers, in writing:
- (a) for an annual general meeting of licensed producers, of the date, time, location and agenda not less than 30 days before the date on which the annual general meeting commences; and
 - (b) for a special general meeting of licensed producers, of the date, time, location and agenda not less than 15 days before the date on which the special general meeting commences.
- (4) The notice mentioned in subsection (3) may be sent:
- (a) by ordinary or registered mail; or
 - (b) at the request of a licensed producer, by fax or email.
- (5) If a notice is sent pursuant to clause (4)(b), it is deemed to have been received on the next business day after it was sent.
- (6) The quorum at an annual or special general meeting of licensed producers is five licensed producers.
- (7) The board shall present to the annual general meeting of licensed producers:
- (a) the financial plan it has approved for the current fiscal year; and
 - (b) an outline of programs and activities it has planned for the current fiscal year.
- (8) Any change to the remuneration to be paid to the directors is to be determined by motion of the board and approved by a vote of licensed producers at the next annual general meeting or special general meeting.
- (9) At an annual general meeting or special general meeting, licensed producers may debate and take a vote by show of hands on any questions or resolutions respecting the purposes of the plan.

PART IV
Board Orders

Board orders

20(1) The chairperson, or in the absence of the chairperson the vice-chairperson, shall sign every order issued by the board pursuant to section 12 of the Act.

(2) The board shall number in consecutive order, retain and make available for inspection at its head office by any licensed producer or any other person designated by the council original copies of all orders that have been approved by the council pursuant to section 12 of the Act.

(3) The board shall:

- (a) cause all orders of the board to be published in the Gazette and in any other media it considers appropriate;
- (b) cause every order of the board to be sent to any person the board considers affected by the order; and
- (c) annually review the orders of the board and consolidate them.

2 Oct 2015 cA-15.21 Reg 22 s20.

PART V
Producer Licensing

Producer licence required

21 No person shall produce and market broiler hatching eggs and chicks unless that person has a producer licence authorizing the person to produce and market broiler hatching eggs and chicks.

2 Oct 2015 cA-15.21 Reg 22 s21.

Application for producer licence or renewal of producer licence

22 Every applicant for a producer licence or a renewal of a producer licence shall:

- (a) apply to the board in the form provided by the board;
- (b) provide the board with:
 - (i) an address, telephone number and any fax number or email address at which the applicant can be contacted;
 - (ii) the following information for each production unit at which the applicant wishes to operate:
 - (A) the legal land description for the land on which the production unit is located;
 - (B) a site plan for the production unit; and
 - (iii) any other information or material that the board may reasonably require;

- (c) submit to the board any fees required pursuant to a board order; and
- (d) satisfy any other criteria set out in an order of the board.

2 Oct 2015 cA-15.21 Reg 22 s22.

Issuance or renewal of producer licence

23(1) The board may:

- (a) issue a producer licence to an applicant, or renew the producer licence of an applicant, if the board:
 - (i) receives an application pursuant to section 22;
 - (ii) is satisfied that the applicant satisfies the criteria for the producer licence set out in an order of the board and has otherwise complied with the Act and these regulations;
 - (iii) is satisfied that the applicant has the experience, equipment and financial responsibility to engage in or to continue to engage in the activity to which the application relates; and
 - (iv) is satisfied that the applicant is suitable to be licensed and the proposed licensing is not for any reason objectionable; or
- (b) refuse to issue or renew a producer licence.

(2) The board shall keep and maintain at its head office a register containing:

- (a) the name and address of every licensed producer;
- (b) the legal land description for the land on which each production unit of every licensed producer is located; and
- (c) the quota and production limit of every licensed producer.

2 Oct 2015 cA-15.21 Reg 22 s23.

Effect of producer licence

24 A producer licence authorizes the licensed producer:

- (a) to produce broiler hatching eggs up to the production limit allotted pursuant to Part VI; and
- (b) to market the broiler hatching eggs, chicks or broiler hatching eggs and chicks produced in accordance with clause (a) to:
 - (i) hatcheries licensed pursuant to section 40; and
 - (ii) consumers.

2 Oct 2015 cA-15.21 Reg 22 s24.

Terms and conditions

- 25(1)** On the issuance of a new or renewed producer licence, the board may:
- (a) issue a production limit in accordance with Part VI; and
 - (b) impose any other terms and conditions that the board considers necessary.
- (2) Subject to subsection (4), at any time after a producer licence is issued, the board may do all or any of the following:
- (a) amend, modify or vary terms and conditions imposed on a producer licence;
 - (b) impose new terms and conditions on a producer licence;
 - (c) repeal terms and conditions imposed on a producer licence and substitute new terms and conditions in their place.
- (3) No licensed producer shall fail to comply with the terms and conditions imposed on his or her producer licence.
- (4) The board shall not take any action mentioned in clauses (2)(a) to (c) without giving the holder of the producer licence an opportunity to be heard at least 15 business days before it takes action.

2 Oct 2015 cA-15.21 Reg 22 s25.

Suspension or cancellation of producer licence

- 26(1)** Subject to section 9 of the Act, the board may suspend or cancel a producer licence:
- (a) on any ground on which the board might have refused to issue or renew the producer licence pursuant to section 23;
 - (b) if a licensed producer has failed to comply with the Act or any regulations made pursuant to the Act, the plan, or an order or direction of the board or the council;
 - (c) if there is a change in ownership of the licensed producer; or
 - (d) if a licensed producer has not produced any broiler hatching eggs or chicks.
- (2) If the board suspends or cancels a producer licence pursuant to this section, the board must immediately advise the licensed producer in writing of its decision.
- (3) If the board considers it appropriate to do so, and on receipt of any reinstatement required by board order, the board may reinstate a producer licence that has been suspended.

2 Oct 2015 cA-15.21 Reg 22 s26.

Producer licence not transferable

- 27** A producer licence issued, renewed or reinstated pursuant to these regulations is not transferable or assignable.

2 Oct 2015 cA-15.21 Reg 22 s27.

Expiry of producer licence

28 Every producer licence expires on the date set out in a board order, unless the licence has been renewed.

2 Oct 2015 cA-15.21 Reg 22 s28.

Licensed producer to notify board re new production unit

29 If a licensed producer acquires a new production unit that is not noted on his or her producer licence, the licensed producer shall notify the board in writing within 10 business days of the acquisition and provide the board with the following information:

- (a) the legal land description for the land on which the production unit is located;
- (b) a site plan for the production unit;
- (c) any other information or material that the board may reasonably require.

2 Oct 2015 cA-15.21 Reg 22 s29.

New entrants

30 The board shall develop and maintain a policy that enables qualified persons to enter the industry and become licensed producers.

19 Jan 2018 SR 2/2018 s3.

PART VI
Quota**Quota**

31(1) When the board issues or renews a producer licence pursuant to section 23, the producer licence must include the licensed producer's quota for that year.

(2) The board shall issue a notification to each licensed producer on an annual basis respecting the allocation of production limits to that licensed producer.

2 Oct 2015 cA-15.21 Reg 22 s31.

Quotas property of board

32 All quotas are the property of the board.

2 Oct 2015 cA-15.21 Reg 22 s32.

Transfer of quota

33(1) The board may, on the request of a licensed producer, approve the transfer of all or part of a licensed producer's quota to another licensed producer on any terms and conditions that the board considers appropriate.

(2) If the board approves the transfer of all or part of a licensed producer's quota to another licensed producer:

- (a) the board shall amend the producer licence of each producer to reflect the new quota holdings; and
- (b) the transfer is not effective until the producer licence of each producer is amended in accordance with clause (a).

2 Oct 2015 cA-15.21 Reg 22 s33.

Lease of quota

34(1) No licensed producer shall lease all or any part of the licensed producer's quota without the prior approval of the board.

(2) Any lease of a licensed producer's quota that does not comply with this section is void.

(3) Subject to these regulations, the board shall issue an order respecting the lease of a quota including:

- (a) rules respecting the application for approval to lease; and
- (b) eligibility requirements that prospective lessees must meet.

(4) The board shall not approve any application to lease a quota unless the prospective lessee is a licensed producer.

2 Oct 2015 cA-15.21 Reg 22 s34

Acquiring quotas

35(1) The board shall offer quotas for sale in accordance with this section if:

- (a) a licensed producer's quota is cancelled;
- (b) production is expanded; or
- (c) the board determines that a sale is otherwise required.

(2) If a sale is required, the board shall offer quotas for sale:

- (a) by auction;
- (b) rateably based on the licensed producer's existing quota with a set price per unit of quota; or
- (c) by a combination of the methods set out in clauses (a) and (b).

(3) Within six months after the coming into force of these regulations, the board shall issue an order respecting the conditions under which a sale is to be conducted.

(4) When a sale is required, the board shall issue an order respecting:

- (a) the manner of acquiring additional quotas through a sale;
- (b) the time, date and place of a sale;
- (c) subject to these regulations, the eligibility requirements to participate in a sale;

- (d) procedures and rules governing sales; and
 - (e) if applicable, the price per unit of quota.
- (5) The board shall deposit in the development fund all moneys it collects from the sale of quotas pursuant to clause (1)(b) or (c).
- (6) The board shall return to the licensed producer all moneys it collects from the sale of the licensed producer's quota pursuant to clause (1)(a) less the costs associated with administering the sale.

19 Jan 2018 SR 2/2018 s4.

Adjustments to quota allocations

- 36(1)** If a licensed producer fails to adhere to an issued production limit, the board may apply a penalty to the licensed producer as set out in an approved board order.
- (2) Subject to these regulations, the board shall make an order establishing procedures and rules respecting the setting and adjusting of production limits.

2 Oct 2015 cA-15.21 Reg 22 s36.

Production efficiency zones

- 37** The board may make an order:
- (a) designating a geographic area of Saskatchewan as a production efficiency zone; and
 - (b) directing that a licensed producer that has a production unit outside of a production efficiency zone is subject to additional freight charges for the delivery of broiler hatching eggs or chicks from that production unit to a hatchery.

2 Oct 2015 cA-15.21 Reg 22 s37.

Production units

- 38** The board may make an order establishing policies and procedures respecting production units, or any component of a production unit, including the following:
- (a) setting out a minimum and maximum size;
 - (b) setting out the formula for determining the size.

2 Oct 2015 cA-15.21 Reg 22 s38.

Production maximums

- 39** The board may make an order limiting the amount of quota held in total by all production units located within a production efficiency zone designated by the board for the purpose of limiting economic losses due to disease outbreak or other natural disasters that may affect the production and marketing of broiler hatching eggs and chicks.

2 Oct 2015 cA-15.21 Reg 22 s39.

PART VII
Hatcheries

Hatchery licence required

40(1) No hatchery shall hatch broiler hatching eggs and market broiler hatching eggs and chicks unless the hatchery has a hatchery licence authorizing the hatchery to hatch broiler hatching eggs and market broiler hatching eggs and chicks.

(2) The board shall keep and maintain at its head office a register containing the name and address of every licensed hatchery.

(3) Every applicant for a hatchery licence or a renewal of a hatchery licence shall:

- (a) apply to the board in the form provided by the board;
- (b) provide the board with:
 - (i) an address, telephone number and any fax number or email address at which the applicant can be contacted; and
 - (ii) any other information or material that the board may reasonably require;
- (c) submit to the board any fees required pursuant to a board order; and
- (d) satisfy any other criteria set out in an order of the board.

(4) The board may:

- (a) issue a hatchery licence to an applicant, or renew the hatchery licence of an applicant, if the board:
 - (i) receives an application pursuant to this section;
 - (ii) is satisfied that the applicant satisfies the criteria for the hatchery licence set out in an order of the board and has otherwise complied with the Act and these regulations; and
 - (iii) is satisfied that the applicant is suitable to be licensed and the proposed licensing is not for any reason objectionable; or
- (b) refuse to issue or renew a hatchery licence.

(5) A hatchery licence authorizes the licensed hatchery to do the following:

- (a) to hatch broiler hatching eggs;
- (b) to market broiler hatching eggs and chicks purchased from licensed producers.

(6) On the issuance of a new or renewed hatchery licence, the board may impose any terms and conditions that the board considers necessary.

(7) Subject to subsection (6), at any time after a hatchery licence is issued, the board may do all or any of the following:

- (a) amend, modify or vary terms and conditions imposed on a hatchery licence;
- (b) impose new terms and conditions on a hatchery;
- (c) repeal terms and conditions imposed on a hatchery licence and substitute new terms and conditions in their place.

- (8) No licensed hatchery shall fail to comply with the terms and conditions imposed on its hatchery licence.
- (9) The board shall not take any action mentioned in clauses (7)(a) to (c) without giving the licensed hatchery an opportunity to be heard at least 15 business days before it takes action.
- (10) A hatchery licence issued, renewed or reinstated pursuant to these regulations is not transferable or assignable.
- (11) Every hatchery licence expires on the date set out in a board order, unless the hatchery licence has been renewed.

2 Oct 2015 cA-15.21 Reg 22 s40.

Suspension and cancellation of hatchery licence

41(1) Subject to section 9 of the Act, the board may suspend or cancel a hatchery licence:

- (a) on any ground on which the board might have refused to issue or renew the hatchery licence pursuant to section 40;
 - (b) if a licensed hatchery failed to comply with the Act or any regulations made pursuant to the Act, the plan, or an order or direction of the board or the council; or
 - (c) if there is a change in ownership of the licensed hatchery.
- (2) If the board suspends or cancels a hatchery licence pursuant to this section, the board must immediately advise the licensed hatchery in writing of its decision.
- (3) If the board considers it appropriate to do so, and on receipt of any reinstatement fee required by board order, the board may reinstate a hatchery licence that has been suspended.

2 Oct 2015 cA-15.21 Reg 22 s41.

Restrictions on hatcheries

42(1) No hatchery shall purchase broiler hatching eggs or chicks produced in Saskatchewan for hatching or for resale from persons other than licensed producers or licensed hatcheries.

(2) No hatchery shall purchase any broiler hatching eggs or chicks for an amount that is less than the minimum price established by board order.

2 Oct 2015 cA-15.21 Reg 22 s42.

PART VIII

Elections

Eligibility to vote and hold office

- 43(1)** Every licensed producer is entitled to one vote.
- (2) Voting by proxy is prohibited.
- (3) Every licensed producer is eligible to hold office as a director.

- (4) If a licensed producer is a corporation, partnership or other organization, it must appoint an individual who is a director, partner, shareholder, member or officer as its representative.
- (5) The appointment of a representative pursuant to subsection (4) must be filed with the board in a form and manner acceptable to the board.
- (6) A corporation, partnership or other organization is entitled to hold office only through a representative appointed pursuant to subsection (4).

19 Jan 2018 SR 2/2018 s5.

Nominations

- 44(1) Any licensed producer is eligible to be nominated for election as a director.
- (2) The board shall:
 - (a) on or before November 15 of each year, fix the last date for receipt of nominations for election to the board; and
 - (b) at least 30 days before the last date for receipt of nominations, notify licensed producers that nominations are being accepted for the board and of the last date for receipt of nominations.
- (3) Every nomination must:
 - (a) be made in writing in the form required by the board;
 - (b) be signed by:
 - (i) two licensed producers;
 - (ii) two representatives of licensed producers mentioned in subsection 43(4); or
 - (iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling two persons;
 - (c) include a candidate profile, as required by the returning officer; and
 - (d) be delivered to the returning officer on or before the date fixed pursuant to clause (2)(a) as the last date for receipt of nominations.
- (4) Any information provided pursuant to subsection (3) is confidential and is not to be disclosed to any person until after the date fixed pursuant to clause (2)(a).
- (5) After the date fixed pursuant to clause (2)(a), the returning officer shall forward copies of all nominations to the board.

2 Oct 2015 cA-15.21 Reg 22 s44; 19 Jan 2018 SR 2/2018 s6.

Returning officer and scrutineers

- 45(1) Subject to subsection (2), the board shall appoint a returning officer to conduct an election pursuant to section 46.
- (2) Producers, buyers, owners and operators of hatcheries and officers and employees of the board are not eligible to be appointed pursuant to subsection (1).

(3) The returning officer appointed pursuant to subsection (1) is responsible for all administrative procedures relating to conducting an election.

(4) Any licensed producer nominated pursuant to section 44 may provide a scrutineer to scrutinize the ballot verification and vote count that follow the close of an election.

19 Jan 2018 SR 2/2018 s7.

Conduct of elections

46(1) If not more than the required number of candidates is nominated pursuant to section 44, the candidates nominated are deemed to be elected by acclamation.

(2) If more than the required number of candidates is nominated pursuant to section 44, the board shall:

- (a) fix a date for the completion of the election; and
- (b) at least 15 business days before the date fixed pursuant to clause (a), provide to every licensed producer:
 - (i) a numbered ballot;
 - (ii) the candidate profile submitted pursuant to clause 44(3)(c); and
 - (iii) a notice that states the date and time by which and the place to which the ballot is to be returned; and
- (c) if the board provides ballots pursuant to subclause (b)(i) in paper form, provide an envelope with the ballot.

(3) Every licensed producer that intends to vote in an election shall:

- (a) complete the ballot provided by the board; and
- (b) return the ballot to the returning officer in the manner stated in the notice sent pursuant to subclause (2)(b)(iii) by the date fixed for them to be returned.

(4) If a tie does not occur between candidates, the returning officer shall prepare and submit a written report to the chairperson that declares those candidates receiving the greatest number of votes, up to the number of director positions to be filled, to be directors.

(5) The ballot of a licensed producer is not valid if:

- (a) the licensed producer votes for more than the specified number of candidates;
- (b) it is defaced;
- (c) it is marked in any way other than to vote for candidates;
- (d) it is not the original ballot provided by the board; or
- (e) the individual who voted on behalf of the licensed producer voted more than once on behalf of that licensed producer.

(6) Ties are to be decided by the drawing of lots.

(7) If the number of candidates nominated pursuant to section 44 is greater than the number of director positions to be filled, the board shall not advertise in any manner any funding announcement, new program or new service provided by or delivered on behalf of the board during the period from the date fixed pursuant to clause 44(2)(a) to the date fixed pursuant to clause (2)(a).

19 Jan 2018 SR 2/2018 s7.

Failure to receive documents does not invalidate election

47 The failure of any licensed producer to receive the documents mentioned in clause 46(2)(b) does not invalidate the election.

2 Oct 2015 cA-15.21 Reg 22 s47.

Election results

48(1) The chairperson shall read the written report prepared pursuant to subsection 46(4) at the first annual general meeting of licensed producers after the election, immediately after the minutes of the previous meeting have been dealt with.

(2) The reading of the written report pursuant to subsection (1) is deemed to be the declaration of the election of the directors.

(3) The board shall:

(a) within 10 business days after receiving the returning officer's written report, provide to candidates notification of the election results, including total vote counts for all candidates; and

(b) make the written report of the returning officer available on request to any licensed producer.

19 Jan 2018 SR 2/2018 s8.

Term of office, vacancy

49(1) Subject to subsection (4), a director holds office:

(a) in the case of an elected director, for a term of three years commencing with the declaration of the director's election by the chairperson or returning officer, as the case may be, and until the director's successor is elected or appointed; or

(b) in the case of an appointed director, until the next election is held after he or she is appointed and until the director's successor is elected or appointed, as the case may be.

(2) Subject to subsection (3), a director is eligible for re-election.

(3) If a director has completed four consecutive terms as set out in clause (1)(a), he or she is not eligible for re-election or reappointment until one year has passed since the completion of the director's fourth consecutive term.

(4) The office of a director becomes vacant if a director:

(a) ceases to qualify as a licensed producer;

(b) resigns, dies or is unable to act;

- (c) is absent from three consecutive meetings of the board without being excused by a resolution of the board; or
 - (d) fails to fulfil his or her duties as established by the policy of the board and approved by the council.
- (5) If the office of a director becomes vacant, the board may appoint a licensed producer as a director to fill the vacancy until the next election.

2 Oct 2015 cA-15.21 Reg 22 s49 19 Jan 2018 SR
2/2018 s9.

Retention of election records

50 The returning officer shall:

- (a) retain the following in his or her possession:
 - (i) the original nominations made pursuant to clause 44(3)(a);
 - (ii) the original candidate profiles submitted pursuant to clause 44(3)(c);
 - (iii) the ballots; and
- (b) not destroy any nomination, candidate profile, ballot or other record respecting an election of directors until 35 days after the annual general meeting of licensed producers at which the results of the election were declared.

19 Jan 2018 SR 2/2018 s10.

Challenge to election results

51(1) Any licensed producer nominated pursuant to section 44 may challenge the results of an election of directors, as provided pursuant to clause 48(3)(a), by submitting a written objection to the council.

(2) A written objection submitted pursuant to subsection (1) must:

- (a) set out the grounds for the objection; and
- (b) be received by the council within 30 days after notification of the election results pursuant to clause 48(3)(a).

(3) If the council receives a written objection in accordance with this section and is satisfied that the objection is neither frivolous nor vexatious, the council may appoint a vote recount officer to conduct a recount of the votes cast in the election.

(4) If the council appoints a vote recount officer pursuant to subsection (3), the results of the election as determined by the vote recount officer are final.

2 Oct 2015 cA-15.21 Reg 22 s51; 19 Jan 2018 SR
2/2018 s11.

PART IX
Saskatchewan Broiler Hatching Egg Development Fund

Development fund established

52(1) The Saskatchewan Broiler Hatching Egg Development Fund is established.

- (2) The development fund consists of:
- (a) all moneys collected by the board pursuant to section 35;
 - (b) all earnings on investments of the development fund; and
 - (c) all moneys received for inclusion in the development fund by way of grant, bequest, donation or otherwise for the purposes of these regulations.
- (3) On the day on which this section comes into force, the following are transferred to and become the assets and liabilities of the development fund:
- (a) the assets and liabilities of the Saskatchewan Broiler Hatching Egg Producers' Trust Fund held by the Chicken Farmers of Saskatchewan on the day on which this section comes into force;
 - (b) any interest accrued on the trust fund mentioned in clause (a), less any administration costs, as agreed between the Chicken Farmers of Saskatchewan and the board.

2 Oct 2015 cA-15.21 Reg 22 s52.

Purpose of development fund

53 The purposes of the development fund are:

- (a) to assist in research connected with the production, marketing or production and marketing of broiler hatching eggs and chicks;
- (b) to support and conduct activities to promote and develop the production, marketing or production and marketing of broiler hatching eggs and chicks in Saskatchewan; and
- (c) to support and conduct any further activities that contribute to the well-being of the broiler hatching egg and chick industry in Saskatchewan.

2 Oct 2015 cA-15.21 Reg 22 s53.

Administration and use of development fund

54(1) The board shall administer the development fund in accordance with these regulations.

- (2) Subject to subsection (3), the board may use moneys in the development fund for the following purposes:
- (a) to make any payment that the board is satisfied is consistent with the purposes of the development fund;
 - (b) to pay for the expenses of administering the development fund.

- (3) The board may not use money in the development fund:
- (a) for political advocacy, promotion or action of any kind;
 - (b) to undertake any initiative that entitles an individual producer to a benefit that is not available to all producers; or
 - (c) to offset or rebate any contribution made to the development fund by a producer.

2 Oct 2015 cA-15.21 Reg 22 s54.

Investments re moneys in development fund

55 The board may invest any moneys in the development fund not presently required for the purposes of the fund in any investments that trustees are authorized to invest in pursuant to The Trustee Act, 2009 and may dispose of those investments and reinvest the proceeds of disposition in similar investments.

2 Oct 2015 cA-15.21 Reg 22 s55.

Fiscal year

56 The fiscal year of the development fund is the period commencing on January 1 in one year and ending on December 31 of that year.

2 Oct 2015 cA-15.21 Reg 22 s56.

Audit

57 The auditor appointed in accordance with section 9 shall audit the accounts and financial statements of the development fund:

- (a) annually; and
- (b) at any other times that the board, the council or the minister may require.

2 Oct 2015 cA-15.21 Reg 22 s57.

Annual report

58(1) Within 90 days after the end of each fiscal year, the board shall submit the following to the council and the minister:

- (a) a report on the activities of the development fund for the preceding fiscal year;
 - (b) a financial statement showing the business of the development fund for the preceding fiscal year, in any form that may be required by the council or the minister;
 - (c) any other information that the council or the minister requires.
- (2) The board shall make available to licensed producers a copy of each report and financial statement prepared pursuant to subsection (1):
- (a) at each annual general meeting; and
 - (b) at any other time on request.

2 Oct 2015 cA-15.21 Reg 22 s58.

PART X
Repeal, Transitional and Coming into Force

R.R.S. N-3 Reg 1 repealed

59 *The Broiler Hatching Egg Marketing Plan Regulations* are repealed.

2 Oct 2015 cA-15.21 Reg 22 s59.

Transitional - board

60 On the coming into force of these regulations, the board is to consist of the directors of the board who held office pursuant to *The Broiler Hatching Egg Marketing Plan Regulations* on the day before these regulations came into force, and those directors continue to hold office as if they had been elected or appointed pursuant to these regulations until their successors are elected or appointed pursuant to these regulations.

2 Oct 2015 cA-15.21 Reg 22 s60.

Coming into force

61(1) Subject to subsection (2), these regulations come into force on August 1, 2015.

(2) If these regulations are filed with the Registrar of Regulations after August 1, 2015, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

2 Oct 2015 cA-15.21 Reg 22 s61.

