

The Ruminant (Non-bovine) Industry Transitional Program Regulations

Repealed

by Saskatchewan Regulations 26/2010
(effective April 1, 2010)

Formerly

Chapter F-8.001 Reg 28 (effective February 3, 2005).

NOTE:

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

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CHAPTER F-8.001 REG 28

The Farm Financial Stability Act

Title

- 1 These regulations may be cited as *The Ruminant (Non-bovine) Industry Transitional Program Regulations*.

Interpretation

- 2 In these regulations:

- (a) **“account”** means the account as defined in *The Canada Saskatchewan BSE Recovery Program Regulations, 2003 (No. 2)*;
- (b) **“Act”** means *The Farm Financial Stability Act*;
- (c) **“applicant”** means a livestock producer who applies for a program payment;
- (d) **“application”** means an application for a program payment;
- (e) **“breeder association”** means a breeder association as defined in *The Sheep Breeder Associations Loan Guarantee Regulations*;
- (f) **“eligible livestock”** means any of the following:
 - (i) ewes of the genus species *Ovis aries* over 12 months of age or that have lambed (sheep);
 - (ii) bulls, cull bulls, heifers, or cows of the genus species *Bison bison* over 30 months of age or cows that have calved (bison);
 - (iii) does of the genus species *Capra hircus* over 12 months of age or that have kidded (goats);
 - (iv) elk of the genus species *Cervus elaphus nelsoni*, *Cervus elaphus roosevelti*, *Cervus elaphus manitobensis*, *Cervus elaphus nannodes* or any crosses between these subspecies that are over 24 months of age or females that have calved;
 - (v) mule deer of the genus species *Odocoileus hemionus* that are over 24 months of age or females that have fawned;
 - (vi) white-tailed deer of the genus species *Odocoileus virginianus* that are over 24 months of age or females that have fawned;
 - (vii) fallow deer of the genus species *Dama dama* that are over 24 months of age or females that have fawned;
 - (viii) caribou and reindeer of the genus species *Rangifer tarandus* that are over 24 months of age or females that have fawned;

- (g) **“feeder association”** means:
 - (i) a feeder association as defined in *The Bison Feeder Associations Loan Guarantee Regulations*; or
 - (ii) a feeder association as defined in *The Sheep Feeder Associations Loan Guarantee Regulations*;
- (h) **“Indian band”** means a band as defined in the *Indian Act* (Canada) and includes the council of a band;
- (i) **“livestock producer”** means:
 - (i) an individual who is:
 - (A) a Saskatchewan resident;
 - (B) 18 years of age or older; and
 - (C) as of September 1, 2004, the operator of eligible livestock that are the subject of an application; or
 - (ii) a corporation, co-operative, partnership, communal organization or Indian band that is:
 - (A) a Saskatchewan resident; and
 - (B) as of September 1, 2004, the operator of eligible livestock that are the subject of an application;
- (j) **“operator of eligible livestock”** means:
 - (i) the owner, as of September 1, 2004, of eligible livestock; or
 - (ii) a member of a feeder association or breeder association;
- (k) **“program”** means the Other Ruminant Industry Transitional Program;
- (l) **“program payment”** means a payment pursuant to the Other Ruminant Industry Transitional Program;
- (m) **“review committee”** means any review committee established by the minister pursuant to *The Government Organization Act* for the purposes of these regulations;
- (n) **“Saskatchewan resident”** means:
 - (i) an individual who is a Canadian resident who:
 - (A) filed an income tax return respecting farm income in Saskatchewan in the year preceding the year for which an application is made; or
 - (B) filed or will file an income tax return respecting farm income in Saskatchewan for the year for which an application is made;
 - (ii) an Indian band whose reserve lands are in Saskatchewan; or

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- (iii) a corporation, communal organization, partnership or co-operative:
 - (A) that is registered to carry on business in Saskatchewan; and
 - (B) that:
 - (I) filed an income tax return respecting farm income in Saskatchewan in the year preceding the year for which an application is made; or
 - (II) filed or will file an income tax return respecting farm income in Saskatchewan for the year for which an application is made.

11 Feb 2005 cF-8.001 Reg 28 s2.

Program established

- 3(1) The Other Ruminant Industry Transitional Program is established.
- (2) The purpose of the program is to provide financial assistance to livestock producers to relieve financial hardship during the period that the market for eligible livestock remains disrupted by the closure of the Canada/United States border to eligible livestock exports.

11 Feb 2005 cF-8.001 Reg 28 s3.

Account

- 4(1) The Minister of Finance is authorized to deposit into the account:
 - (a) all contributions from the Government of Canada that are directed to the account for the purposes of the program pursuant to an agreement made pursuant to subsection 22(2) of the Act; and
 - (b) from moneys appropriated by the Legislature, all contributions of the Government of Saskatchewan to the program pursuant to an agreement made pursuant to subsection 22(2) of the Act.
- (2) The account includes:
 - (a) all contributions mentioned in subsection (1);
 - (b) all other moneys appropriated by the Legislature for the purposes of the program; and
 - (c) all other moneys received in the account for the purposes of the program.
- (3) All program payments are to be paid from the account.
- (4) Notwithstanding subsection 4(5) in *The Canada Saskatchewan BSE Recovery Program Regulations, 2003 (No.2)*, any surplus remaining in the account when the assistance program, incentive program, set-aside program, the fed livestock competitive market adjustment program, the fed cattle set-aside program, the feeder calf set-aside program, the cull animal program and the program are completed is to be returned to the Government of Canada and the Government of Saskatchewan in proportion to each government's contribution to the account.

11 Feb 2005 cF-8.001 Reg 28 s4.

Minister to administer program

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

11 Feb 2005 cF-8.001 Reg 28 s5.

Application

- 6(1) Any person who wants to apply for a program payment must apply to the minister by completing an application form supplied by the minister.
- (2) On an application form, the applicant must:
- (a) specify the species and number of the eligible livestock with respect to which the application is made;
 - (b) confirm that the applicant, as of September 1, 2004, was the operator of eligible livestock with respect to which the application is made;
 - (c) specify the location where the applicant's eligible livestock are fed;
 - (d) provide any evidence that the minister may require to determine, to the satisfaction of the minister, that the livestock with respect to which the application is made are eligible livestock;

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- (e) declare that no other application for a program payment has been made or is to be made for the eligible livestock that are the subject of the application pursuant to any other, similar program offered by the Government of Saskatchewan or by the government of any other province or territory of Canada that provides assistance with respect to eligible livestock; and
 - (f) provide the minister with any additional information that the minister may require to determine the applicant's eligibility for a program payment or the amount of the applicant's program payment.
- (3) An applicant who is an individual must provide his or her date of birth and social insurance number for the purpose of verifying the applicant's residency, age and compliance with these regulations.
- (4) If the applicant is a corporation, co-operative, partnership, communal organization or Indian band, the applicant on its application form must provide:
- (a) the names of its shareholders, partners or members; and
 - (b) evidence respecting the shareholders, partners or members that the minister may require to determine the eligibility of the applicant for a program payment.

11 Feb 2005 cF-8.001 Reg 28 s6.

Deadline

- 7(1) Subject to subsection (2), an application must be received by the minister on or before March 31, 2005 or, in the case of an application that is mailed, be postmarked on or before March 31, 2005.
- (2) The minister may consider an application received or postmarked after March 31, 2005 if:
- (a) the minister is satisfied that extenuating circumstances exist making it unreasonable or impossible for the application to have been received or postmarked on or before March 31, 2005; or
 - (b) a review committee has been established, the review committee determines that extenuating circumstances exist and recommends to the minister that the application be considered.

11 Feb 2005 cF-8.001 Reg 28 s7.

Approval of application

- 8(1) If the minister is satisfied that an applicant meets the eligibility requirements set out in these regulations and has complied with these regulations, the minister may approve a program payment to the applicant.
- (2) Not more than one program payment is payable with respect to the same eligible livestock.
- (3) An applicant is not entitled to receive any program payment with respect to eligible livestock that are the subject of an application if the applicant has applied for or received any payment with respect to the eligible livestock pursuant to any other, similar government program offered by the Government of Saskatchewan or by the government of any other province or territory of Canada that provides assistance with respect to eligible livestock.

11 Feb 2005 cF-8.001 Reg 28 s8.

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Amount and terms of program payment

9(1) The amount of an applicant's approved program payment is the amount PP calculated in accordance with the following formula:

$$PP = EL \times 0.80 \times A$$

where:

EL is the number of eligible livestock; and

A is the relevant amount mentioned in subsection (2).

(2) The following amounts apply for eligible livestock:

- (a) with respect to bison, \$40;
- (b) with respect to elk, \$20;
- (c) with respect to ewes and does, \$8;
- (d) with respect to mule deer, white-tailed deer, fallow deer, reindeer and caribou, \$10.

(3) The minimum program payment for any type of eligible livestock that an applicant may apply for is \$20.

(4) No transfer or assignment of a program payment is valid.

11 Feb 2005 cF-8.001 Reg 28 s9.

Termination if moneys fully utilized

10(1) If the minister determines that moneys in the account have been fully utilized, the minister may refuse to approve any application and the applicant is not eligible to receive any program payment with respect to that application.

(2) If the minister makes a determination pursuant to subsection (1), the minister may cause the effective date of the determination:

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

(3) The effective date of the determination may be an earlier date than the date on which the minister makes public the effective date of the determination.

(4) The program is terminated on the effective date of the determination as made public by the minister.

11 Feb 2005 cF-8.001 Reg 28 s10.

Conditions of participating in program

11(1) As a condition of participating in the program and receiving a program payment, an applicant shall:

- (a) grant access, at any reasonable time, to land on which the applicant conducts his, her or its livestock operations to any persons designated by the minister to verify:
 - (i) information required to substantiate the applicant's eligibility;
 - (ii) the amount of a program payment that may be paid to the applicant; or
 - (iii) the applicant's compliance with these regulations;

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- (b) consent to the release by any other person, agency, organization, association, institution or body of information to the minister respecting the applicant's livestock operations;
 - (c) consent to the minister sharing any information provided by the applicant and any information respecting any program payment paid to the applicant with any other person, agency, organization, association, institution or body; and
 - (d) provide to the minister, on the minister's request and within the period set by the minister, the applicant's income tax records for one or more years, or any other information that the minister may require, to verify:
 - (i) the applicant's eligibility;
 - (ii) the amount of a program payment that may be paid to the applicant; or
 - (iii) the applicant's compliance with these regulations.
- (2) No applicant shall fail to comply with any condition set out in subsection (1).
- (3) No person shall supply any false or misleading information to the minister on any application or in response to any request for information from the minister.

11 Feb 2005 cF-8.001 Reg 28 s11.

Reconsideration

12(1) Within 90 days after an applicant receives written notice of the minister's decision with respect to his or her application for a program payment, the applicant may:

- (a) request, in writing, that the minister reconsider the decision; and
 - (b) along with the written request mentioned in clause (a), provide the minister with any further information that the applicant considers relevant with respect to the application.
- (2) If a review committee has been established, the minister may refer any request pursuant to subsection (1) to the review committee for a recommendation as to whether the minister's initial decision was made in accordance with these regulations.
- (3) On receipt of a request pursuant to subsection (1) and after considering any recommendation of the review committee made pursuant to subsection (2), the minister shall:
- (a) reconsider the minister's initial decision;
 - (b) confirm, reverse or vary that decision; and
 - (c) notify the applicant in writing of the reconsideration.
- (4) The minister's decision pursuant to subsection (3) is final.
- (5) Nothing in these regulations entitles an applicant to a hearing before the minister or the review committee.

11 Feb 2005 cF-8.001 Reg 28 s12.

Overpayment

13(1) The minister may declare all or any program payments made to an applicant to be an overpayment if, in the minister's opinion:

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

11 Feb 2005 cF-8.001 Reg 28 s13.

Coming into force

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

11 Feb 2005 cF-8.001 Reg 28 s14.