

# *The Pulse Crop Development Plan Regulations, 2014*

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Chapter A-15.21 Reg 19 (effective March 28, 2014) as  
amended by Saskatchewan Regulations 84/2020.

## **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.

## Table of Contents

|   |  |
|---|--|
| <p style="text-align: center;">PART I<br/><b>Title and Interpretation</b></p> <p>1 Title</p> <p>2 Interpretation</p> <p style="text-align: center;">PART II<br/><b>Plan</b></p> <p>3 Plan continued</p> <p>4 Application</p> <p>5 Purposes</p> <p style="text-align: center;">PART III<br/><b>Board</b></p> <p>6 Board</p> <p>7 Powers of board</p> <p>8 Books and records</p> <p>9 Appointment of auditor</p> <p>10 Committees</p> <p>11 Chairperson and vice-chairperson</p> <p>12 Policies re conflict of interest and code of conduct</p> <p>13 Conflicts of interest</p> <p>14 Bank accounts</p> <p>15 Investments</p> <p>16 Fiscal year</p> <p>17 Financial plan</p> <p>18 Meetings of registered producers</p> <p>19 Notices</p> | <p style="text-align: center;">PART IV<br/><b>Registration</b></p> <p>20 Registration of producers</p> <p>21 Registration of marketers</p> <p>22 Suspension and cancellation of registrations</p> <p style="text-align: center;">PART V<br/><b>Levies</b></p> <p>23 Collection of levies</p> <p style="text-align: center;">PART VI<br/><b>Board Orders</b></p> <p>24 Board orders</p> <p style="text-align: center;">PART VII<br/><b>Elections</b></p> <p>25 Eligibility</p> <p>26 Nominations</p> <p>27 Returning officer and scrutineer</p> <p>28 Acclamations</p> <p>29 Conduct of elections</p> <p>30 Election results</p> <p>31 Term of office, vacancy</p> <p>32 Varied terms</p> <p>33 Retention of election documents</p> <p>34 Challenge to election results</p> <p style="text-align: center;">PART VIII<br/><b>Repeal, Transitional and Coming into Force</b></p> <p>35 R.R.S. c.N-3 Reg 7 repealed</p> <p>36 Repealed</p> <p>37 Coming into force</p> |
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## CHAPTER A-15.21 REG 19

### *The Agri-Food Act, 2004*

#### PART 1

#### Title and Interpretation

##### Title

- 1 These regulations may be cited as *The Pulse Crop Development Plan Regulations, 2014*.

##### Interpretation

- 2 In these regulations:

- (a) **“Act”** means *The Agri-Food Act, 2004*;
- (b) **“board”** means the Saskatchewan Pulse Crop Development Board continued pursuant to section 6;
- (c) **Repealed.** 24 Jly 2020 SR 84/2020 s2.
- (d) **“director”** means a director of the board elected or appointed in accordance with these regulations;
- (e) **“marketer”** means any person engaged, either directly or on behalf of a producer, in the marketing of pulses or pulse products;
- (f) **“plan”** means the Saskatchewan Pulse Crop Development Plan continued pursuant to section 3;
- (g) **“processing”** means changing the physical nature, size, quality or condition of pulses by any means, including by mechanical or thermal means;
- (h) **“producer”** means:
  - (i) any person engaged in the production of pulses in Saskatchewan and includes the employer or principal of that person;
  - (ii) a person who, under any lease or agreement, is entitled to a share of the pulses produced in Saskatchewan or the proceeds of their sale; and
  - (iii) a person who takes possession of any pulses produced in Saskatchewan under any form of security or legal proceeding for a debt;
- (i) **“pulse”** means the seeds of peas, beans, fababeans, chickpeas, broad beans, lentils, soybeans, cowpeas, pigeon peas, lupins, vetches, lathyrus or fenugreek;
- (j) **“registered marketer”** means a marketer who is registered with the board pursuant to section 21 and whose registration has not been suspended or cancelled;

- (k) **“registered producer”** means a producer:
- (i) who is registered with the board pursuant to section 20;
  - (ii) who has paid a levy pursuant to subsection 23(1);
  - (iii) whose registration had not been suspended or cancelled.

11 Apr 2014 cA-15.21 Reg 19 s2; 24 Jly 2020 SR  
84/2020 s3.

## PART II Plan

### Plan continued

- 3** The Saskatchewan Pulse Crop Development Plan is continued.

11 Apr 2014 cA-15.21 Reg 19 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;
- (b) to all grades, classes or varieties of pulses; and
- (c) to all persons engaged in the production, marketing or production and marketing of pulses in Saskatchewan.

11 Apr 2014 cA-15.21 Reg 19 s4.

### Purposes

- 5(1)** The purpose of the plan is to develop the pulse industry in Saskatchewan.
- (2)** Without limiting the generality of subsection (1), the specific purposes of the plan are:

- (a) to support research and development respecting pulses, including:
  - (i) advising governments on matters pertaining to pulse research and development; and
  - (ii) conducting or encouraging research on the production, marketing and consumption of pulses;
- (b) to encourage production and processing of pulses, including:
  - (i) developing procedures to maximize returns to producers; and
  - (ii) encouraging the production of a high-quality product to meet market demands;
- (c) to promote market development respecting pulses, including:
  - (i) assisting in the promotion and development of the pulse industry in the domestic and international marketplaces; and
  - (ii) promoting increased consumption of pulses and pulse products; and

- (d) to communicate with stakeholders, including:
  - (i) gathering, compiling and distributing information related to the production, consumption and marketing of pulses;
  - (ii) promoting and improving understanding among individuals and organizations within the pulse industry; and
  - (iii) working in cooperation with any person who has objectives similar to those of the plan.

11 Apr 2014 cA-15.21 Reg 19 s5.

### PART III Board

#### Board

- 6(1) The Saskatchewan Pulse Crop Development Board is continued as a development board pursuant to the Act.
- (2) Unless the number of directors is otherwise set by an order of the board, the board consists of a maximum of 9 directors elected in accordance with Part VII.
- (3) If fewer than 9 directors, or fewer than the number of directors set by an order of the board, are elected pursuant to Part VII, the board may appoint as directors the registered producers eligible to hold office that it considers necessary to fill those positions.
- (4) The board shall administer the plan.
- (5) The board may carry on business under the name Saskatchewan Pulse Growers.

11 Apr 2014 cA-15.21 Reg 19 s6; 24 Jly 2020 SR  
84/2020 s4.

#### Powers of board

- 7(1) Subject to the other provisions of these regulations, the board may exercise the following powers that are set out in subsection 8(1) of the Act:
  - (a) the power to carry out educational, research and developmental programs related to pulses and pulse products;
  - (b) the power to require any or all persons engaged in the production, marketing or production and marketing of pulses 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 pulses;
  - (d) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of pulses;
  - (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of pulses 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 pulses; 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 pulses 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 pulses, 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 moneys 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 moneys 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 (3), 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 any pulse 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 remuneration and reimbursement for expenses of the directors are to be determined and paid;
  - (y) the power to set the number of directors elected to the board and the terms of office of those directors;
  - (z) the power to develop, deliver or develop and deliver traceability, animal welfare and food safety strategies, programs and initiatives.
- (2) The board shall not regulate or control in any way the production, marketing or production and marketing of pulses.
- (3) Neither the sum of the loans mentioned in clause (1)(o) nor the sum of the financial guarantees mentioned in clause (1)(p) shall exceed 25% each 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 or the financial guarantee is made or given.

11 Apr 2014 cA-15.21 Reg 19 s7; 24 Jly 2020 SR  
84/2020 s5.

#### **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 registered office and head office in Saskatchewan.

**A-15.21 REG 19** PULSE CROP DEVELOPMENT PLAN, 2014

- (3) 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 pulse industry; and
    - (ii) the activities of the board for its previous fiscal year; and
  - (c) a list of the names and cities or towns of the directors of the board.
- (4) The board shall make the annual report available:
  - (a) to the council;
  - (b) at the annual general meeting of registered producers; and
  - (c) on request to:
    - (i) any registered producer; or
    - (ii) any registered marketer.

11 Apr 2014 cA-15.21 Reg 19 s8; 24 Jly 2020 SR  
84/2020 s6.

**Appointment of auditor**

- 9(1)** The registered 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 registered producers fail to appoint an auditor pursuant to clause (1) (a) for a fiscal year, or if there is a vacancy in the office of the auditor for any other reason, 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.

11 Apr 2014 cA-15.21 Reg 19 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.

11 Apr 2014 cA-15.21 Reg 19 s10.



**Chairperson and vice-chairperson**

- 11(1)** The board shall elect a chairperson and vice-chairperson from among the directors of the board 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.

11 Apr 2014 cA-15.21 Reg 19 s11.

**Policies re conflict of interest and code of conduct**

- 12(1)** Within 18 months after the coming into force of these regulations, the board shall prepare and submit to the council:
- (a) a conflict of interest policy for the directors; and
  - (b) a policy respecting a code of conduct for the directors.
- (2) Any amendment the board makes to a policy set out in subsection (1) shall be submitted to the council within 90 days after the amendment.

11 Apr 2014 cA-15.21 Reg 19 s12.

**Conflicts of interest**

- 13(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 12.

11 Apr 2014 cA-15.21 Reg 19 s13.

**Bank accounts**

- 14** 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.

11 Apr 2014 cA-15.21 Reg 19 s14.

**Investments**

- 15** The board may:
- (a) invest any money in its possession or control that is not immediately required for a purpose 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.

11 Apr 2014 cA-15.21 Reg 19 s15.

**A-15.21 REG 19** PULSE CROP DEVELOPMENT PLAN, 2014**Fiscal year**

**16** The fiscal year of the board is the period commencing on September 1 in one year and ending on August 31 in the following year.

11 Apr 2014 cA-15.21 Reg 19 s16.

**Financial plan**

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

11 Apr 2014 cA-15.21 Reg 19 s17.

**Meetings of registered producers**

**18(1)** An annual general meeting of registered 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 registered producers at any time; and
- (b) shall call a special general meeting on the written request of not less than 50 registered producers.

**(3)** The board shall notify all registered producers, in writing:

- (a) for an annual general meeting of registered 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 registered producers, of the date, time, location and agenda not less than 15 days before the date on which the special general meeting commences.

**(4)** Unless otherwise set by an order of the board, the quorum at an annual or special general meeting of registered producers is 25 registered producers.

**(5)** The board shall present to the annual general meeting of registered producers:

- (a) a summary of 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.

**(6)** Any change to the remuneration to be paid to the directors of the board is to be determined by motion of the board and approved by a vote of registered producers at the next annual general meeting or special general meeting.

**(7)** A resolution, the subject matter of which falls within the purposes of the plan as described in section 5, may be proposed for consideration at the annual general meeting or at a special general meeting by either:

- (a) delivering to the board, not later than 60 days before the date of the meeting, a written request signed by 10 registered producers requesting that the resolution be placed on the agenda for the next annual general meeting or special general meeting, as the case may be; or

- (b) a submission by a registered producer at an annual general meeting or special general meeting, which may be brought forward verbally or in writing.
- (8) One or several registered producers may attend an annual general meeting or special general meeting by means of a telephonic, electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting.
- (9) If all registered producers are to attend an annual general meeting or special general meeting by the means mentioned in subsection (8), permission from the council must first be obtained

11 Apr 2014 cA-15.21 Reg 19 s18; 24 Jly 2020  
SR 84/2020 s7.

#### Notices

- 19(1)** Any notice required by these regulations to be given is to be sent:
  - (a) in accordance with section 39 of the Act; or
  - (b) at the request of a registered producer, by facsimile or electronic mail.
- (2) If a notice is sent in accordance with clause (1)(b), it is deemed to be received on the next business day after it was sent.

11 Apr 2014 cA-15.21 Reg 19 s19.

## PART IV Registration

#### Registration of producers

- 20(1)** Every producer shall register with the board at the time and in the manner determined by order of the board.
- (2) The board shall keep and maintain at its head office a register containing the name and address of every registered producer.
- (3) Registration of a producer takes effect at the date of the payment of the levy required pursuant to subsection 23(1).
- (4) Registration remains in effect until:
  - (a) the board has not received a levy payment from the producer for 3 consecutive fiscal years;
  - (b) the death of a producer who is an individual; or
  - (c) the dissolution of a corporation, partnership or other organization that is a registered producer.

11 Apr 2014 cA-15.21 Reg 19 s20; 24 Jly 2020  
SR 84/2020 s8.

**A-15.21 REG 19 PULSE CROP DEVELOPMENT PLAN, 2014****Registration of marketers**

**21(1)** Every marketer shall register with the board at the time and in the manner determined by order of the board.

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

11 Apr 2014 cA-15.21 Reg 19 s21.

**Suspension and cancellation of registrations**

**22(1)** The board may cancel or suspend a registration if the registered producer or registered marketer, as the case may be, has contravened:

- (a) the Act;
- (b) the plan;
- (c) these regulations; or
- (d) an order or direction of the board.

(2) The board shall establish, by order, procedures respecting the cancellation or suspension of a registration pursuant to this section.

(3) If the board suspends or cancels a registration pursuant to this section, the board must advise the registered producer or registered marketer, as the case may be, in writing of its decision.

11 Apr 2014 cA-15.21 Reg 19 s22.

## PART V

### Levies

**Collection of levies**

**23(1)** Every producer shall pay to the board, at the times and in the manner determined by the board, a levy in an amount determined by order of the board.

(2) The board shall provide registered producers with an opportunity to discuss the rate of the levy at annual general meetings and special general meetings.

(3) The board may require any marketer of pulses to:

- (a) deduct the levy mentioned in subsection (1), and other fees and charges on pulses levied pursuant to these regulations, from any payment made to a producer or another marketer; and
- (b) forward the levy and other fees and charges to the board.

(4) The board may require any producer of pulses to:

- (a) deduct the levy mentioned in subsection (1), and other fees and charges on pulses levied pursuant to these regulations, from any payment from another producer; and
- (b) forward the levy and other fees and charges to the board.

(5) The board may recover in a court of competent jurisdiction the levies, fees and charges mentioned in this section from producers and marketers.

11 Apr 2014 cA-15.21 Reg 19 s23.

## PART VI Board Orders

### Board orders

**24(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 registered producer, registered marketer 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; and
- (b) annually review the orders of the board and consolidate them.

11 Apr 2014 cA-15.21 Reg 19 s24.

## PART VII Elections

### Eligibility

**25(1)** In this section, “**family member**” means any of the following with respect to the individual:

- (a) the spouse or person with whom the individual is cohabiting as a spouse;
- (b) a son or daughter;
- (c) a parent or legal guardian;
- (d) a brother or sister;
- (e) a grandparent;
- (f) a grandchild;
- (g) an uncle or aunt;
- (h) a nephew or niece;
- (i) a cousin;
- (j) a mother-in-law, father-in-law, sister-in-law or brother-in-law;
- (k) a person who is related by legal adoption.

(2) Every registered producer is eligible to hold office as a director of the board.

(3) If a registered producer is a corporation, partnership or other organization, it must appoint as its representative to vote or hold office on behalf of the registered producer an individual who is:

- (a) a director, partner, shareholder, member, officer or employee of that corporation, partnership or other organization, or a family member of any of those individuals; and
- (b) involved in the farming operation of the registered producer.

**A-15.21 REG 19** PULSE CROP DEVELOPMENT PLAN, 2014

- (4) A registered producer who is an individual may appoint as that individual's representative to vote or hold office on behalf of the registered producer an individual who is:
- (a) an employee or family member of the registered producer; and
  - (b) involved in the farming operation of the registered producer.
- (5) The appointment of a representative pursuant to subsection (3) or (4) must be:
- (a) in writing; and
  - (b) filed with the board in a form and manner acceptable to the board.
- (6) A corporation, partnership or other organization is entitled to vote or hold office only through a representative appointed pursuant to subsections (3) and (5).
- (7) After an individual is duly appointed as a representative in accordance with subsections (4) and (5) and until the registered producer or the representative terminates the appointment by filing a notice in writing with the board:
- (a) the representative is entitled to vote or hold office as the representative of the registered producer and to receive any notice required to be given pursuant to this Part; and
  - (b) the registered producer is not entitled to vote or hold office.
- (8) A representative appointed to vote pursuant to subsection (3) or (4) must, at the time of voting, declare that the representative has been appointed by the registered producer to vote on behalf of the registered producer.
- (9) Except as provided in this section, voting by proxy is prohibited.
- (10) Every registered producer is entitled to one vote.

24 Jly 2020 SR 84/2020 s9.

**Nominations**

- 26(1)** Subject to section 25, every registered producer is eligible to be nominated for election as a director of the board.
- (2) The board shall:
- (a) 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 registered 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) 2 registered producers;
    - (ii) 2 representatives of registered producers appointed pursuant to subsection 25(3) or (4); or
    - (iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling 2 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) must be considered confidential and must not 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.

24 Jly 2020 SR 84/2020 s9.

#### **Returning officer and scrutineer**

- 27(1)** Subject to subsection (2), the board shall appoint a returning officer to conduct an election pursuant to section 29.
- (2) Producers, marketers, buyers, processors 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 the conduct of the election.
- (4) Any registered producer nominated pursuant to section 26 may provide a scrutineer to scrutinize the ballot verification and vote count that follows the close of the election.
- (5) Directors, officers and employees of the board are not eligible to act pursuant to subsection (4) as scrutineers.

24 Jly 2020 SR 84/2020 s9.

#### **Acclamations**

- 28(1)** If not more than the required number of candidates are nominated pursuant to section 26, the candidates nominated are deemed to be elected by acclamation.
- (2) If more than one position as a director is to be filled and the board determines that it is necessary to do so to ensure that there will be three or fewer vacancies to be filled by election on the expiry of the term of the directors, the board may designate that one or more of the directors are to hold office for a varied term in accordance with subsection (3).
- (3) The board may vary the term of a director to the following:
- (a) to four years, if the board determines that having one or more offices filled for a term of four years will result in three or fewer vacancies to be filled by election on the expiry of the four-year term;
  - (b) to two years, if the board determines that having one or more offices filled for a term of two years will result in three or fewer vacancies to be filled by election on the expiry of the two-year term.
- (4) If the board varies the term of a director pursuant to this section, which director is to fill a varied term is to be decided by the drawing of lots.

11 Apr 2014 cA-15.21 Reg 19 s28.

**Conduct of elections**

**29(1)** If more than the required number of candidates are nominated pursuant to section 26, the board shall:

- (a) fix a date for the completion of the election;
  - (b) at least 15 business days before the date fixed pursuant to clause (a), provide to every registered producer:
    - (i) a numbered ballot;
    - (ii) the candidate profiles, if any, submitted pursuant to clause 26(3)(c);
    - (iii) in the case of an election to which section 32 applies, the notice mentioned in subsection 32(4); and
    - (iv) a notice that states the date and time by which and 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.
- (2) Every registered producer who wishes 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 (1)(b)(iv) by the date and time fixed for it to be returned.
- (3) The ballot of a registered producer is not valid if the registered producer failed to comply with the voting instructions provided, including if:
- (a) the registered 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; or
  - (d) it is not the original ballot provided by the board.
- (4) Ties are decided by the drawing of lots.
- (5) The returning officer shall prepare and submit a written report to the board that announces those candidates receiving the greatest number of votes as directors, up to the number of director positions to be filled.
- (6) The returning officer must send the written report mentioned in subsection (5) to the board within 10 business days.
- (7) The board shall inform candidates of the election results within 10 business days after receiving the report mentioned in subsection (5).
- (8) The failure of any registered producer to receive the documents mentioned in clause (1)(b) does not invalidate the election.



(9) If the number of candidates nominated pursuant to section 26 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 26(1)(a) until the date fixed by clause (1)(a).

24 Jly 2020 SR 84/2020 s10.

#### **Election results**

**30(1)** The chairperson shall read the written report prepared pursuant to subsection 29(5) at the first annual general meeting of registered producers after the election.

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

(3) The board shall:

(a) within 10 business days after receiving the written report of the returning officer prepared pursuant to subsection 29(5):

(i) provide to candidates the election results, including total vote counts for all candidates;

(ii) provide to the council a complete list of candidates that clearly indicates the total vote count received by each candidate and the names of the candidates who were declared directors;

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

24 Jly 2020 SR 84/2020 s10.

#### **Term of office, vacancy**

**31(1)** Subject to subsection (4) and sections 28 and 32, a director of the board 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 returning officer, and until the director's successor is elected or appointed, as the case may be; or

(b) in the case of a director appointed pursuant to subsection 6(3), for a term of one year commencing with the appointment of the director, 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 or reappointment.

(3) If a director has completed 3 consecutive full terms, not including any portion of a term for which a director was appointed, that director is not eligible for re-election or reappointment until 3 years have passed since the completion of that director's third full term.

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

(a) the director's registration as a registered producer has been cancelled or suspended in accordance with section 22;

(b) the director becomes bankrupt;

(c) the director resigns, dies or is unable to act;

- (d) the director is absent from three consecutive meetings of the board without being excused by resolution of the board; or
  - (e) the board resolves to remove the director from office as a result of the director's failure to fulfil his or her duties as established by the policy of the board and approved by the council.
- (5) Notwithstanding subsection 6(2), if the office of a director becomes vacant, the board may appoint a registered producer as a director to fill the vacancy until the close of the annual meeting following the next election of directors.

11 Apr 2014 cA-15.21 Reg 19 s31; 24 Jly 2020  
SR 84/2020 s11.

#### Varied terms

- 32(1)** If an election is held to fill more than two vacancies, the board may, in accordance with this section, designate that one or more of the directors to be elected are to hold office for a varied term in accordance with subsection (2).
- (2) The board may vary the term of a director to the following:
- (a) to four years, if the board determines that having one or more offices filled for a term of four years will result in three or fewer vacancies to be filled by election on the expiry of the four-year term;
  - (b) to two years, if the board determines that having one or more offices filled for a term of two years will result in three or fewer vacancies to be filled by election on the expiry of the two-year term.
- (3) In any election to which this section applies, the terms of the directors elected is to be determined as follows:
- (a) if one or more offices has been designated as having a four-year term pursuant to this section, those offices will be filled by the directors receiving the largest number of votes;
  - (b) if there are any offices for which a designation of a four-year term or a two-year term has not been made pursuant to this section, those offices will be filled by the directors receiving the next largest number of votes for the term of three years mentioned in clause 31(1)(a); and
  - (c) if one or more offices has been designated as having a two-year term pursuant to this section, those offices will be filled by the directors receiving the next largest number of votes.
- (4) The board shall provide notice of any intended variance to term lengths pursuant to this section with the notification of the election provided to registered producers pursuant to clause 29(1)(b).
- (5) The notice mentioned in subsection (4) must set out:
- (a) the number of vacancies available to be filled by election;
  - (b) the intended term length for each vacancy; and
  - (c) the process for determining the terms of elected directors set out in subsection (3).

11 Apr 2014 cA-15.21 Reg 19 s32.

**Retention of election documents**

**33(1)** The returning officer shall:

- (a) retain the following in the officer's possession:
    - (i) the original nominations submitted pursuant to clause 26(3)(a);
    - (ii) the original candidate profiles submitted pursuant to clause 26(3)(c);
    - (iii) the ballots; and
  - (b) subject to subsection (2), not destroy any nomination, candidate profile, ballot or other record respecting an election of directors until 35 days after the annual general meeting of registered producers at which the results of the election were declared.
- (2) If a registered producer submits a written objection to the council pursuant to section 34, the period mentioned in clause (1)(b) is extended until the challenge has been determined.

24 Jly 2020 SR 84/2020 s12.

**Challenge to election results**

**34(1)** Any registered producer nominated pursuant to section 26 may submit a written objection to the council to challenge the results of an election of directors as provided pursuant to subsection 29(7).

(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 the date on which the candidates were informed of the election results pursuant to subsection 29(7).
- (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.

11 Apr 2014 cA-15.21 Reg 19 s34; 24 Jly 2020 SR 84/2020 s13.

**PART VIII****Repeal, Transitional and Coming into Force****R.R.S. c.N-3 Reg 7 repealed**

**35** *The Pulse Crop Development Plan Regulations* are repealed.

11 Apr 2014 cA-15.21 Reg 19 s35.

**36 Repealed.** 24 Jly 2020 SR 84/2020 s14.

**Coming into force**

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

11 Apr 2014 cA-15.21 Reg 19 s37.

