

The Short-term Cattle Loan Program Regulations, 2008

being

Chapter A-8.1 Reg 6 (effective January 10, 2008) as amended
by Saskatchewan Regulations [116/2008](#) and [106/2009](#).

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-8.1 REG 6

The Agricultural Credit Corporation of Saskatchewan Act

Title

1 These regulations may be cited as *The Short-term Cattle Loan Program Regulations, 2008*.

Interpretation

2(1) In these regulations:

- (a) “**Act**” means *The Agricultural Credit Corporation of Saskatchewan Act*;
- (b) “**approved loan**” means a loan approved by the corporation pursuant to section 5;
- (c) “**breeder association**” means a cattle breeder association within the meaning of *The Cattle Breeder Associations Loan Guarantee Regulations, 1991*;
- (d) “**cattle**” means beef or dairy animals of genus species *Bos taurus* or *Bos indicus*;
- (e) “**eligible cattle**” means cattle that are born after January 1, 2006 and that have not had any offspring;
- (f) “**eligible loan**” means a loan that meets the requirements set out in section 4;
- (g) “**entity**” means a corporation, co-operative, partnership or communal organization;
- (h) “**feeder association**” means:
 - (i) a cattle feeder association within the meaning of *The Cattle Feeder Associations Loan Guarantee Regulations, 1989*; or
 - (ii) an enhanced feeder association within the meaning of *The Enhanced Cattle Feeder Associations Loan Guarantee Regulations*;
- (i) “**Indian band**” means a band as defined in the *Indian Act* (Canada), and includes the council of a band;
- (j) “**participant**” means:
 - (i) an individual who:
 - (A) is 18 years of age or more;
 - (B) resides in Saskatchewan and can provide evidence satisfactory to the corporation of the individual’s Saskatchewan residency;
 - (C) maintains, grows or finishes the eligible cattle that are included in the individual’s application pursuant to these regulations and owns or leases those eligible cattle;

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- (D) is not an undischarged bankrupt;
 - (E) is not subject to any outstanding judgments for which suitable payment arrangements are not in effect; and
 - (F) is not in default on any loans or debt payments owed to the Government of Saskatchewan or any agent of the Government of Saskatchewan;
 - (ii) an entity that:
 - (A) has its head office in Saskatchewan and carries on business principally in Saskatchewan;
 - (B) maintains, grows or finishes the eligible cattle that are included in the entity's application and owns or leases those eligible cattle;
 - (C) is not an undischarged bankrupt;
 - (D) is not subject to any outstanding judgments for which suitable payment arrangements are not in effect; and
 - (E) is not in default on any loans or debt payments owed to the Government of Saskatchewan or any agent of the Government of Saskatchewan; or
 - (iii) an Indian band that:
 - (A) is situated in Saskatchewan;
 - (B) maintains, grows or finishes the eligible cattle that are included in the Indian band's application and owns or leases those eligible cattle;
 - (C) is not subject to any outstanding judgments for which suitable payment arrangements are not in effect; and
 - (D) is not in default on any loans or debt payments owed to the Government of Saskatchewan or any agent of the Government of Saskatchewan;
- (k) “**program**” means the Short-term Cattle Loan Program established pursuant to section 3.
- (2) For the purposes of these regulations, eligible cattle are deemed to be owned by a participant if the participant:
- (a) maintains, grows or finishes the eligible cattle for a feeder association or a breeder association; and
 - (b) is a member of that feeder association or breeder association.
- (3) A participant, as defined in these regulations, is designated as a participant for the purposes of the Act and these regulations.

Program established

- 3(1)** The Short-term Cattle Loan Program is established.
- (2)** The purpose of the program is to make available to participants, who are affected by high input costs and low returns, loans to maintain, grow or finish eligible cattle.
- (3)** All approved loans are prescribed as loans for the purposes of section 9 of the Act and are to be governed by that section of the Act.

18 Jan 2008 cA-8.1 Reg 6 s3.

Eligible loans

- 4** A loan from the corporation to a participant is an eligible loan for the purposes of these regulations if all of the following requirements are met:
- (a)** the loan is made for the purpose of assisting or enabling the participant to maintain, grow or finish eligible cattle owned by the participant;
 - (b)** the maximum amount of all loans that the corporation makes to the participant pursuant to these regulations does not exceed the applicable maximum amount set out in subsections 5(6) and (7);
 - (c)** the eligible cattle that are included in the participant's loan application have not been included by any participant in any previous loan application pursuant to these regulations;
 - (d)** the participant declares the participant was maintaining, growing or finishing the eligible cattle included in the participant's loan application as of August 1, 2007.

18 Jan 2008 cA-8.1 Reg 6 s4.

Loan application and approval

- 5(1)** A participant who wishes to apply to the corporation for an eligible loan must apply on the form supplied by the corporation.
- (2)** A participant must apply to the corporation for an eligible loan on or before March 31, 2008.
- (3)** A participant must:
- (a)** complete the loan application, including signing any declarations that may be required;
 - (b)** sign any loan agreement that the corporation considers necessary to ensure the repayment of any eligible loan that may be made by the corporation to the participant;
 - (c)** provide the corporation with any other information that the corporation may require to consider whether or not to approve the loan application;
 - (d)** specify in the loan application the number of eligible cattle with respect to which the eligible loan is to be made; and
 - (e)** declare in the loan application that the participant was maintaining, growing or finishing the eligible cattle included in the loan application as of August 1, 2007.

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- (4) If the corporation receives an application pursuant to this section and is satisfied that the participant has complied with these regulations and that any loan to be made pursuant to the application would be an eligible loan, the corporation may:
- (a) approve the application and make a loan to the participant that does not exceed the amounts mentioned in subsections (6) and (7); and
 - (b) impose any terms and conditions respecting the loan, including terms and conditions respecting repayment, that the corporation considers appropriate or necessary.
- (5) If the corporation imposes any terms and conditions on a loan, the participant shall comply with those terms and conditions.
- (6) The amount of a loan that the corporation may make to a participant pursuant to these regulations is an amount equal to the product of:
- (a) \$75; and
 - (b) the number of the participant's eligible cattle included in the loan application.
- (7) The total of all loans that may be made to a participant pursuant to these regulations is not to exceed \$5,000,000.

18 Jan 2008 cA-8.1 Reg 6 s5.

Interest rates

6(1) Subject to subsection (2), every loan made pursuant to these regulations is to bear interest at a floating rate determined at the beginning of each quarter by the Minister of Finance to represent the cost of borrowing by the Government of Saskatchewan for that quarter.

(2) If a participant is in default, as set out in section 8, on a loan made pursuant to these regulations, the loan, together with accrued interest, is to bear interest at the rate mentioned in subsection (1) plus 2%.

18 Jan 2008 cA-8.1 Reg 6 s6.

Repayment

7(1) Subject to section 7.1, every participant shall repay an approved loan made by the corporation with interest and in instalments, beginning on the later of:

- (a) one year from the date on which the approved loan was made to the participant; or
- (b) January 15, 2009.

(2) Subject to subsection (3), the corporation may establish the frequency of instalment payments on an approved loan made to a participant.

(3) On and after the date on which an approved loan was made to a participant to the date on which a participant begins to repay an approved loan pursuant to subsection (1), interest shall accrue and the accrued interest shall be paid to the corporation, less any accrued interest paid pursuant to section 7.1, in accordance with the terms of the approved loan by the participant:

- (a) on the day on which the participant begins to repay the approved loan to the corporation; or
- (b) at those periods set by the corporation.

(4) Subject to clause 8(2)(b) and section 9, a participant shall repay the principal amount of the participant's approved loan with interest by not later than three years after the date on which the participant began to repay the approved loan pursuant to subsection (1) or section 7.1 as the case may be.

18 Jan 2008 cA-8.1 Reg 6 s7; 28 Nov 2008
SR 116/2008 s3.

Extension of repayment re initial instalment

7.1(1) A participant who wishes to apply for an extension of the initial instalment date set pursuant to subsection 7(1) must:

- (a) apply to the corporation on the form supplied by the corporation;
- (b) sign an amendment to the loan agreement that sets out the amendments to the loan repayment schedule;
- (c) submit to the corporation the accrued interest owing for the period commencing on the date the loan was made pursuant to clause 5(4)(a) and ending on the date that is two years from that date; and
- (d) provide the corporation with any other information that the corporation may require to consider whether or not to approve the extension application.

(2) A participant must apply to the corporation for an extension mentioned in subsection (1) on or before the day that is 60 days after two years from the date the loan was made pursuant to clause 5(4)(a).

(3) If the corporation receives an application for extension pursuant to this section and is satisfied that the participant has complied with these regulations, the corporation may:

- (a) approve the application and grant the extension to the participant; and
- (b) impose any terms and conditions respecting the extension that the corporation considers appropriate or necessary.

28 Nov 2008 SR 116/2008 s4; 11 Dec 2009 SR
106/2009 s2.

Default

8(1) A participant is in default on a loan made pursuant to these regulations if:

- (a) the participant defaults with respect to any payment of principal or interest due on the loan;
- (b) the participant fails to comply with any term or condition imposed on the loan by the corporation;
- (c) **Repealed.** 28 Nov 2008 SR 116/2008 s5.

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- (d) after giving the participant an opportunity to be heard, the corporation determines that the participant knowingly made a false or misleading statement on the application for the loan or on any form or in any information or document provided to the corporation pursuant to these regulations; or
 - (e) any bankruptcy, receivership, reorganization, compromise, arrangement, insolvency or liquidation proceedings, or any other actions by or for the benefit of creditors, are instituted by or against the participant.
- (2) If a participant is in default pursuant to subsection (1):
- (a) the principal remaining on the loan, together with accrued interest:
 - (i) becomes immediately due and payable to the corporation; and
 - (ii) bears interest at the rate mentioned in subsection 6(2); and
 - (b) in addition to any other powers the corporation may have pursuant to the Act and to *The Financial Administration Act, 1993*, the corporation may take any action authorized at law that it considers necessary:
 - (i) to effect collection of the principal and interest owing;
 - (ii) to obtain any additional security;
 - (iii) to realize on its security; or
 - (iv) to effect any compromise with, or grant any concession to, any participant or to any other person to the extent that it considers advisable.

18 Jan 2008 cA-8.1 Reg 6 s8; 28 Nov 2008 SR
116/2008 s4.

Waiver of default

- 9** If a participant is in default, as set out in section 8, on a loan made pursuant to these regulations and if the corporation considers that it is not contrary to the public interest to do so, the corporation may waive the default on any terms and conditions that the corporation considers appropriate.

18 Jan 2008 cA-8.1 Reg 6 s9.

Coming into force

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

18 Jan 2008 cA-8.1 Reg 6 s10.