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PART II/PARTIE II

REVISED REGULATIONS OF SASKATCHEWAN/ RÈGLEMENTS RÉVISÉS DE LA SASKATCHEWAN

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REVISED REGULATIONS OF SASKATCHEWAN

CHAPTER A-15.21 REG 2*The Agri-Food Act, 2004*

Section 43

Order in Council 875/2004, dated December 21, 2004

(Filed December 22, 2004)

PART I

Title and Interpretation**Title**

1 These regulations may be cited as *The Commercial Egg Marketing Plan Regulations*.

Interpretation

2 In these regulations:

- (a) “**Act**” means *The Agri-Food Act, 2004*;
- (b) “**board**” means Saskatchewan Egg Producers continued pursuant to section 7;
- (c) “**broiler hatching eggs**” means hatching eggs as defined in *The Broiler Hatching Egg Marketing Plan Regulations*;
- (d) “**CEMA**” means the Canadian Egg Marketing Agency;
- (e) “**CEMA regulations**” means the *Canadian Egg Marketing Agency Quota Regulations, 1986, SOR/86-8*;
- (f) “**designated representative**” means an officer or employee who:
 - (i) is employed by a licensed producer;
 - (ii) is appointed in writing by that licensed producer to represent the licensed producer; and
 - (iii) is recognized by the board in accordance with section 35;
- (g) “**director**” means a member of the board;
- (h) “**eggs**” means any class of eggs or egg products produced from eggs laid by a hen, but does not include broiler hatching eggs;
- (i) “**exempt producer**” means a producer mentioned in section 6;
- (j) “**hen**” means a female common domestic fowl of the species *Gallus domesticus* that is producing eggs;
- (k) “**licence**” means a valid licence issued pursuant to Part V;
- (l) “**licensed producer**” means a producer to whom a licence has been issued and whose licence is in good standing;
- (m) “**plan**” means the Saskatchewan Commercial Egg Producers’ Marketing Plan continued pursuant to section 3;

- (n) “**producer**” means a person who is engaged in the production, marketing or production and marketing of eggs in Saskatchewan;
- (o) “**production limit**” means the number of dozens of eggs that a licensed producer is authorized to produce per year in accordance with Part VII and that is set out in the licensed producer’s licence;
- (p) “**production location**” means the location where a licensed producer produces eggs as set out in the producer’s licence or as identified by the producer and recorded by the board;
- (q) “**trust fund**” means the Commercial Egg Producers’ Trust Fund established pursuant to Part VIII.

PART II Plan

Plan continued

3 The Saskatchewan Commercial Egg Producers’ Marketing Plan governed by Saskatchewan Regulations 270/76 is continued.

Purposes of plan

4 The purposes of the plan are the following:

- (a) to control and regulate the production and marketing of eggs in Saskatchewan;
- (b) to maintain a fair, stable price for eggs in Saskatchewan;
- (c) to initiate, support and conduct studies and research connected with the production, marketing or production and marketing of eggs, including studies and research respecting consumer demand for eggs;
- (d) to initiate, support and conduct activities to promote the production, marketing or production and marketing of eggs in Saskatchewan;
- (e) to co-operate with the Governments of Saskatchewan and of 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 eggs or to promote, facilitate, control, regulate or prohibit the production or marketing of eggs.

Application of plan

5 The plan applies:

- (a) throughout Saskatchewan; and
- (b) subject to section 6, to every person engaged in the production, marketing or production and marketing of eggs in Saskatchewan.

Exempt producers

6(1) The following producers are exempt from the plan and are not required to hold a licence in order to produce or market eggs:

- (a) every producer who possesses, whether by ownership, lease or any other means, fewer than 300 hens;
- (b) every producer who is exempted by the board pursuant to the board’s authority given by the Act, these regulations or the plan.

(2) Without limiting the board's authority mentioned in clause (1)(b) to exempt, the board may, by order, exempt persons from the requirement to obtain a licence to produce, market or produce and market eggs for the purposes of research or market development.

(3) The maximum exemption that the board may grant pursuant to subsection (2) is production equal to 1.5% of the total provincial allotment as defined in section 46.

PART III Board

DIVISION 1 General Matters

Board continued

7(1) The marketing board entitled Saskatchewan Egg Producers is continued.

(2) The board is responsible for administering the plan.

Composition of board

8(1) The board consists of six directors to be elected in accordance with Part VI.

(2) Only licensed producers and designated representatives are eligible to be directors.

Term of directors

9(1) Every director holds office for a period of three years and until a successor is elected in accordance with Part VI or appointed.

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

(3) If a director has served four consecutive terms, that director is not eligible for re-election or re-appointment for at least one year after the expiry of that director's fourth consecutive term.

(4) If the office of a director is vacant, the remaining directors may appoint another producer or designated representative as a director until:

- (a) the expiry of the term of the director whose office is vacant; or
- (b) if the directors hold a by-election to fill the vacant position, the by-election is completed and the new director is elected.

Records of board

10 The board shall:

- (a) maintain any books and records that may be required for the proper administration of the plan;
- (b) maintain a register containing the name, address and licence number of each person to whom the board has issued a licence pursuant to these regulations; and
- (c) keep those books and records and that register open for inspection by the council and the public during normal office hours at the head office of the board.

Head office of board

- 11(1) The board shall maintain a head office in Saskatchewan.
- (2) The head office of the board must not be located at a place:
- (a) that is owned or leased by a licensed producer; or
 - (b) in which a licensed producer has a direct or indirect interest.

Committees

- 12(1) The board may appoint any committees that it considers necessary or desirable for the proper administration 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.

Chairperson and vice-chairperson of board

- 13(1) The board shall elect a chairperson and vice-chairperson from among the directors.
- (2) The chairperson or, in the chairperson's absence, the vice-chairperson shall preside at all meetings of the board.

Quorum and voting

- 14(1) A majority of the board constitutes a quorum at any meeting of the board.
- (2) A resolution of the board is to be passed by a majority vote of the directors present at the meeting.
- (3) In the case of a tie vote, the chairperson or, in the chairperson's absence, the vice-chairperson may cast a second, deciding vote.

Board policies re conflict-of-interest and code of conduct

- 15 Within 18 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 board of directors;
 - (b) a policy respecting a code of conduct for the board of directors.

Conflicts of interest

- 16(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 pursuant to subsection (1), the board must adjourn the matter until the conflict of interest issue is resolved pursuant to the policies mentioned in section 15.

Employees

17(1) The board may:

- (a) employ any employees that it considers necessary to administer the plan; and
 - (b) determine the duties, conditions of employment and remuneration of each employee.
- (2) The board may establish or provide for the following for the benefit of its employees and the dependants of those employees:
- (a) a group insurance plan;
 - (b) any other pension or employee benefit program.

Board orders

18(1) Every order issued by the board pursuant to the Act or these regulations is to be signed by the officers designated by the board under the seal of the board.

(2) The board shall cause every order issued by it:

- (a) to be sent to any person whom the board considers affected by the order; and
 - (b) to be published as soon as is practicable in the Gazette and in any other media considered necessary by the board.
- (3) The board shall cause all orders issued by it to be made open for inspection at the head office of the board during regular business hours.
- (4) The board shall annually review and consolidate all orders issued by it, and shall maintain the original copies of the orders at its head office.

DIVISION 2
Financial Matters

Bank accounts

19 The board may open accounts in banks, credit unions or trust corporations in its name and appoint signing officers.

Investments

20 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 investments of moneys 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.

Fiscal year

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

Financial plan

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

Audit

23 A qualified auditor or firm of auditors, appointed pursuant to section 34, shall audit the books, records and financial statements of the board:

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

Annual and other reports

24(1) Within four months after the end of a fiscal year, the board shall submit to the council and the minister, in accordance with the Act:

- (a) a report on the business of the board for the fiscal year;
- (b) an audited financial statement showing the business of the board for the fiscal year; and
- (c) the names and addresses of the directors.

(2) The financial statement mentioned in clause (1)(b) is to be in a form acceptable to the council and the minister.

(3) The board shall provide any other reports and information that the council or the minister may require.

(4) The board shall provide the reports and information required pursuant to subsection (3) on or before any date that the council or the minister may require.

Annual report to licensed producers

25 Within four months after the end of a fiscal year, the board shall provide to every licensed producer:

- (a) a copy of the annual report for the fiscal year that is required to be sent to the minister and the council pursuant to section 24; and
- (b) the report and financial statement of the trust fund that it is required to send pursuant to section 63.

PART IV Board Powers

Board powers

26 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 egg production, marketing or production and marketing;
- (b) subject to the other provisions of these regulations, the power to require any or all persons engaged in the production, marketing or production and marketing of eggs 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 eggs;
- (d) the power to set and collect a levy that is not refundable from any person engaged in the production, marketing or production and marketing of eggs;
- (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of eggs for the purpose of setting and collecting the fees, charges or levies mentioned in clauses (c) and (d);
- (f) the power to set penalties and collect them from any person who:
 - (i) is engaged in the production, marketing or production and marketing of eggs; 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 eggs 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 eggs, either as principal or agent;
- (j) 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;
- (k) 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;
- (l) the power to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange or other negotiable or transferable instruments;
- (m) 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;
- (n) 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;
- (o) 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;
- (p) the power to grant a mortgage or security interest in any of the board's real or personal property;

- (q) 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;
- (r) the power to:
 - (i) require any person who owes money to a licensed producer with respect to the sale by the licensed producer of any eggs 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 licensed producer to whom the moneys are owing;
- (s) 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;
- (t) the power to:
 - (i) hold, sell, transfer, or otherwise deal with any of the securities mentioned in clause (s); and
 - (ii) exercise any rights, including the right to vote, as:
 - (A) an owner of the securities mentioned in clause (s); or
 - (B) a member;
- (u) the power to register a business name pursuant to *The Business Names Registration Act*;
- (v) the power to prescribe the manner in which remuneration and reimbursement for expenses of the directors are to be determined and paid;
- (w) the power to control, regulate or control and regulate all or any of the following:
 - (i) the manner of distributing eggs;
 - (ii) the quantity of eggs that may be produced or marketed by any person at any time;
 - (iii) the quality or the variety, class or grade of eggs that may be produced or marketed by any person at any time;
- (x) the power to prohibit in whole or in part the production or marketing of any variety, class or grade of eggs;
- (y) the power to regulate the time and place at which, and the legal entity through which, eggs or any variety, class or grade of eggs are to be marketed;

(z) 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 eggs, or any variety, class or grade of eggs, may be bought or offered for sale in Saskatchewan;

(aa) for the purposes of clause (z), the power to set or determine different prices for different areas of Saskatchewan;

(bb) the power to establish the manner in which returns from the market are to be distributed to licensed producers;

(cc) the power to require any or all persons engaged in the production, marketing or production and marketing of eggs to do all or any of the following:

(i) to obtain a licence from the board;

(ii) to provide any guarantees of financial responsibility that the board considers necessary;

(dd) the power to:

(i) issue licences to any or all persons producing, marketing or producing and marketing eggs 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 eggs 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;

(ee) subject to section 9 of the Act, the power to suspend, cancel or reinstate a licence mentioned in clause (dd) in accordance with criteria established by order of the board for the suspension, cancellation or reinstatement of licences.

PART V Licensing

DIVISION 1 Rules re Licensing

Licence required

27 No person, other than an exempt producer, shall produce or market eggs unless the person is a licenced producer.

Application for licence

28(1) A person may apply to the board to be issued a licence to produce and market eggs.

(2) An application for a licence must contain the information required by the board.

- (3) The board may require an applicant for a licence to submit any additional information the board considers necessary.
- (4) The board shall consider every application that it receives.
- (5) A producer shall obtain a separate licence for each production location that is owned or operated by that producer.

Issue of licence

29(1) Subject to section 30, the board shall issue or refuse to issue a licence to the applicant within 90 days after the date of receipt of the application by the board.

(2) If the board issues a licence to an applicant, the board shall state in the licence:

- (a) the name and address of the licensee;
- (b) the licence number;
- (c) the production limit allotted pursuant to Part VII to the licensed producer;
- (d) the maximum number of hens the licensed producer may possess at any one time; and
- (e) the production location for which the licence is issued.

(3) The board may issue the licence subject to any terms and conditions the board considers appropriate.

(4) No licensed producer shall fail to comply with the terms and conditions mentioned in subsection (3).

(5) If the board allots an additional production limit or reduces the production limit of a licensed producer, the board shall issue a new licence to the licensed producer with the new production limit.

(6) A licence issued by the board is not transferable without the prior written consent of the board.

(7) A licence issued by the board:

- (a) is a licence to be engaged in the activity stated in the licence;
- (b) is not an endorsement by the board of the licence holder; and
- (c) shall not be represented by the licence holder or any other person as an endorsement by the board.

Refusal, cancellation and suspension

30(1) The board may refuse to issue a licence:

- (a) if the applicant fails to provide information or additional information required by the board pursuant to section 28(2) or (3);
- (b) if the applicant has contravened:
 - (i) the Act;
 - (ii) the plan;
 - (iii) these regulations;

- (iv) any other regulation made pursuant to the Act respecting the plan;
or
 - (v) an order or direction of the board or the council;
 - (c) if the applicant, in the board's opinion, lacks the experience, equipment or financial responsibility to engage in or to continue to engage in the activity to which the application relates; or
 - (d) for any other reason that the board considers appropriate.
- (2) The board may refuse to renew a licence or, subject to section 9 of the Act, cancel or suspend a licence:
- (a) if the licensed producer has contravened:
 - (i) the Act;
 - (ii) the plan;
 - (iii) these regulations;
 - (iv) any other regulation made pursuant to the Act respecting the plan;
or
 - (v) an order or direction of the board or the council;
 - (b) if the licensed producer has sold, leased, transferred or otherwise assigned that licensed producer's production location to another person without the prior written consent of the board;
 - (c) if the licensed producer's quota of eggs is not being produced; or
 - (d) if the licensed producer:
 - (i) is a corporation, partnership or other unincorporated body of persons and there is a change in the beneficial or legal ownership or membership of the corporation, partnership or unincorporated body; and
 - (ii) has failed to obtain the board's approval for that change.
- (3) The board shall establish, by order, procedures respecting the refusal to issue or renew a licence or the cancellation or suspension of a licence.
- (4) If the board refuses, cancels, suspends or refuses to renew a licence, the board must advise the applicant or licensed producer in writing of its decision.
- (5) The board may:
- (a) suspend a licence for a period that it considers appropriate; or
 - (b) in the case of a licence that is suspended, remove the suspension.
- (6) If the board refuses to issue, cancels, suspends or refuses to renew a licence:
- (a) the licensed producer shall, on receiving notice of the board's decision, immediately cease carrying on the activity authorized by the licence; and
 - (b) the licensed producer or applicant, as the case may be, may appeal that decision pursuant to Division 2 of Part V of the Act.
- (7) If the licence of a licensed producer expires, or is cancelled or not renewed by the board, that producer's production limit reverts to the board.

DIVISION 2
Rights and Responsibilities of Licensed Producers

Compliance with Act, regulations and orders

31 No licensed producer shall fail to comply with the Act, these regulations and all lawful orders or directions given by the board or the council.

Eligibility to vote

32(1) Every licensed producer is eligible to vote and to elect directors in accordance with Part VI.

(2) Every licensed producer is entitled to only one vote at any meeting of licensed producers.

(3) A licensed producer is entitled to only one vote pursuant to this section regardless of the number of licences that have been issued to that licensed producer.

Meetings of licensed producers

33(1) An annual general meeting of licensed producers must be held before the end of April in each year at a time and place to be determined by the board.

(2) Special general meetings of licensed producers:

(a) may be called by the board at any time; and

(b) must be called by the board within 30 days after receiving a written request from 10 or more licensed producers.

(3) The board shall give notice of an annual general meeting of licensed producers by sending a written notice, by ordinary mail, to each licensed producer at least seven days before the date of the meeting.

(4) The board shall give notice of a special general meeting of licensed producers by sending a written notice, by ordinary mail, to each licensed producer at least 30 days before the date of the meeting.

(5) The notice mentioned in subsection (3) or (4) must set out the time, date and place of the meeting and the business to be transacted at the meeting.

(6) The quorum at a general meeting of licensed producers is 10 licensed producers.

(7) The board shall submit to the annual general meeting of licensed producers:

(a) a report on the business of the board for the preceding fiscal year;

(b) an audited financial statement showing the business of the board for the preceding fiscal year; and

(c) the financial plan of the board's operations for the current fiscal year that has been approved by the board pursuant to section 22.

(8) Licensed producers may debate and take a poll at general meetings on any question or resolution.

Appointment of auditor

34(1) At each annual general meeting of licensed producers, the licensed producers shall 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 subsection (1) 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 professional accounting association that is governed by an Act.

Designated representatives

35(1) A licensed producer may file with the board a written appointment designating one of its officers or employees to represent the licensed producer at all meetings of licensed producers and to exercise, on behalf of the licensed producer, the rights that the licensed producer may exercise pursuant to the plan or these regulations.

(2) The board may require the licensed producer to file any additional information that the board considers appropriate in order to determine whether or not to recognize the person designated in the written appointment as a designated representative.

(3) On receipt of the written appointment and any required additional information, the board may recognize the person designated in the written appointment as the designated representative for the licensed producer that filed the written appointment.

(4) If the board decides to recognize a person as a designated representative, the board shall, as soon as is practicable after the decision, give the licensed producer who designated the person a written notice confirming the board's recognition.

(5) On the recognition by the board of a person as a designated representative of a licensed producer, that designated representative may:

(a) represent the licensed producer at all meetings of licensed producers; and

(b) exercise, on behalf of the licensed producer, the rights that the licensed producer may exercise pursuant to the plan or these regulations.

PART VI
Elections of Directors

Election of directors each year

36 Two directors are to be elected each year in accordance with this Part.

When directors commence holding office

37 The directors elected in a year hold office commencing on the day of the annual general meeting of licensed producers of the year in which they are elected.

Appointment of chief returning officer

38(1) At each annual general meeting of licensed producers, the licensed producers shall appoint a chief returning officer for the next scheduled election of directors.

(2) The chief returning officer shall not be a licensed producer or an employee of the board.

(3) If the licensed producers fail to appoint a chief returning officer for an election, the council may appoint the chief returning officer.

Nominations

39(1) At least 25 days before the date fixed for receiving nominations, the board shall send to each licensed producer, by ordinary mail:

- (a) a list of the names of the current directors;
- (b) a request for nominations for the office of director;
- (c) a notice respecting the date, as fixed by the board, by which nomination papers must be in the hands of the chief returning officer; and
- (d) a notice stating that nomination papers may be obtained from the board.

(2) Every nomination for director must:

- (a) be in writing, in the form prescribed by the board; and
- (b) be signed by two licensed producers.

(3) The nomination papers must be in the hands of the chief returning officer by the date fixed by the board.

Conduct of elections

40(1) If not more than the required number of candidates is nominated for the office of director, the chief returning officer shall declare those candidates elected by acclamation in accordance with section 41.

(2) If more than the required number of candidates is nominated, the chief returning officer shall:

- (a) fix the date by which and the place to which a ballot and a certificate of eligibility to vote are to be returned; and

(b) at least 10 days before the date fixed pursuant to clause (a), send to each licensed producer, by ordinary mail:

- (i) one ballot;
- (ii) a certificate of eligibility to vote;
- (iii) a plain envelope; and
- (iv) a notice of the date by which and the place to which, pursuant to clause (a), the ballot and certificate of eligibility to vote are to be returned.

(3) Voting is to be by ballot, and the ballot, sealed in the plain envelope provided, is to be returned to the board either in person or by mail, together with the certificate of eligibility to vote signed by the licensed producer casting the ballot.

(4) Any ballot not returned to the board by the date fixed pursuant to clause (2)(a) is disqualified.

Election results

41 The chief returning officer shall announce the names of the persons elected as directors at the first annual general meeting of licensed producers after the election, immediately after the minutes of the previous meeting have been dealt with.

Tie votes

42(1) If a tie occurs between candidates, the successful candidate is to be determined by a vote of licensed producers conducted at the annual general meeting of licensed producers.

(2) Voting pursuant to subsection (1) is to be by secret ballot.

(3) Only licensed producers who are in attendance at the annual general meeting are entitled to vote pursuant to subsection (1), and each of those licensed producers is entitled to one vote for that purpose.

(4) The chief returning officer shall count the votes cast pursuant to subsection (1) and announce the winner of the tie vote before moving on to any further business at the annual general meeting.

Retention of ballots

43 The chief returning officer shall:

- (a) retain all ballots in his or her possession; and
- (b) not destroy any ballot or other record connected with an election of directors until 90 days have elapsed after the annual general meeting of licensed producers at which the chief returning officer announced the results of the election.

Challenge to election results

- 44(1) Any licensed producer may challenge the results of an election of directors, as announced by the chief returning officer pursuant to section 41 or subsection 42(4), by submitting a written objection to the council.
- (2) A written objection submitted to the council pursuant to subsection (1) must:
- (a) set out the grounds for the objection; and
 - (b) be received by the council within 90 days after the annual general meeting of licensed producers at which the chief returning officer announced the results of the election.
- (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 announced by the vote recount officer are final.

Deemed notice of election

- 45(1) A licensed producer is conclusively deemed to have received any notice, nomination paper or ballot that is sent, by ordinary mail, to the licensed producer at the producer's last address registered with the board.
- (2) The failure of any person to receive a notice, nomination paper or ballot does not invalidate the election.

PART VII**Production Limits and Rules respecting Operation of Production Facilities****Interpretation of Part**

46 In this Part and in section 65:

- (a) **“base production limit”** means the maximum number of hens that a licensed producer may possess to produce the number of dozens of eggs per year as set out in the licensed producer's licence;
- (b) **“production facilities”** means the buildings, improvements, equipment and other facilities where eggs are produced and the land on which those buildings, improvements, equipment and facilities are located;
- (c) **“productive capacity per hen”** means the number of dozens of eggs per year that a hen is deemed to produce as set by CEMA under the authority of the most recent Canadian Egg Marketing Agency Proclamation issued pursuant to the *Farm Marketing Agencies Act* (Canada);
- (d) **“total provincial allotment”** means the number of dozens of eggs that Saskatchewan may produce per year as authorized by the CEMA regulations and that may be expressed as the number of hens required to produce those eggs.

Rules re expressing production limit

47(1) For the purposes of these regulations and in a licensed producer's licence, a licensed producer's production limit may be set out in the licensed producer's licence as a base production limit and expressed in terms of the number of hens that are required to produce the number of dozens of eggs set out in the licensed producer's production limit.

(2) For the purposes of these regulations and the licence, the number of hens required to produce the number of dozens of eggs in a licensed producer's production limit is to be based on the productive capacity per hen.

Prohibitions – no production or marketing in excess of production limit

48 No licensed producer shall:

- (a) possess a number of hens in excess of the number of hens that are set out in the licensed producer's licence as the licensed producer's base production limit; or
- (b) sell, lease or transfer the licensed producer's production limit without the prior approval of the board.

Board orders – fixing and allotting production limits and standards for licensed producers

49 Subject to these regulations, the board:

- (a) shall fix, allot, reduce and cancel production limits in accordance with this Part;
- (b) may set a limit on the size of a production facility; and
- (c) shall issue an order respecting:
 - (i) the experience, equipment and financial responsibility that a licensed producer must have to engage in or to continue to engage in the activity to which the licence relates; and
 - (ii) the production and marketing standards that the licensed producer's production location must meet.

Allotting production limits

50(1) If the total provincial allotment is increased or decreased by CEMA, the board must implement that increase or decrease in accordance with this section and sections 51 and 52.

(2) If the total provincial allotment is increased based on an increase in the productive capacity per hen, the board shall:

- (a) calculate the number of hens that the licensed producer requires to produce the number of dozens of eggs set out in the licensed producer's production limit based on the new productive capacity per hen;
- (b) if the board calculates that, because the productive capacity per hen is increased, the number of hens that a licensed producer requires to produce the number of dozens of eggs set out in the producer's current licence is less than the number of hens stated in the licensed producer's current licence:
 - (i) decrease the licensed producer's base production limit, being the maximum number of hens that the licensed producer may possess; and
 - (ii) issue a new licence to the licensed producer containing a new base production limit with that new number of hens;

- (c) calculate the number of additional hens that is required to meet the increase in provincial allotment over the previous provincial allotment;
 - (d) offer for sale to licensed producers on a *pro rata* basis the additional production limits based on the number of additional hens; and
 - (e) if licensed producers do not purchase additional production limits to meet the new total provincial allotment, offer for sale in accordance with section 52 the remaining production limits based on the number of additional hens.
- (3) Notwithstanding subsection (2):
- (a) in the case of the first increase in total provincial allotment after the coming into force of these regulations, a licensed producer:
 - (i) is entitled to receive 75% of the licensed producer's *pro rata* share of the increase as calculated by the board without payment; and
 - (ii) if the licensed producer wishes to obtain the remaining 25% of the licensed producer's *pro rata* share, shall purchase the additional production limit from the board;
 - (b) in the case of the second increase in total provincial allotment after the coming into force of these regulations, a licensed producer:
 - (i) is entitled to receive 50% of the licensed producer's *pro rata* share of the increase as calculated by the board without payment; and
 - (ii) if the licensed producer wishes to obtain the remaining 50% of the licensed producer's *pro rata* share, shall purchase the additional production limit from the board;
 - (c) in the case of the third increase in total provincial allotment after the coming into force of these regulations, a licensed producer:
 - (i) is entitled to receive 25% of the licensed producer's *pro rata* share of the increase as calculated by the board without payment; and
 - (ii) if the licensed producer wishes to obtain the remaining 75% of the licensed producer's *pro rata* share, shall purchase the additional production limit from the board.
- (4) For the purposes of clause (2)(d) and subsection (3), the purchase price for the additional production limits is the price set by the board and approved by the council.
- (5) If the total provincial allotment is increased but the increase is not based on an increase in the productive capacity per hen, the board shall offer the production limits for sale by auction in accordance with section 51.
- (6) If the total provincial allotment is decreased, the board shall reduce the production limits of all licensed producers on a *pro rata* basis.

(7) For the purposes of these regulations, if the total provincial allotment is decreased and then later increased:

- (a) any subsequent increase up to the level that was in existence before the decrease is not to be considered as a new production limit; and
- (b) licensed producers are entitled to receive a *pro rata* share of the increase mentioned in clause (a) to return their base production limits to the level that was in existence before the decrease.

Sale of production units

51(1) If the board offers production limits for sale pursuant to section 50 or 65, the board shall offer the production limits for sale by auction in accordance with this section.

- (2) The board shall issue an order respecting:
 - (a) the manner, time, date and place of a sale;
 - (b) subject to these regulations, the eligibility requirements to participate in a sale; and
 - (c) procedures and rules governing sales by auctions.
- (3) The board shall deposit in the trust fund all moneys it collects from sales.
- (4) No person, other than a licensed producer, is eligible to purchase a production limit unless that person satisfies the board that the person:
 - (a) has the experience, equipment and financial responsibility to engage in or to continue to engage in the activity to which the licence relates; and
 - (b) meets the production and marketing standards set out by the board.

Transfer of production limits

52(1) No licensed producer shall transfer all or any part of that producer's production limit, with or without a production location, except in accordance with this section.

- (2) Any transfer other than in accordance with this section is void.
- (3) A licensed producer may apply to the board for a transfer of a production limit.
- (4) An application for a transfer of a production limit must be made to the board before completion of the transfer.
- (5) The licensed producer shall apply in the manner specified by the board in an order and shall pay a fee in an amount that the board, in the order, may specify.
- (6) If the board approves an application to transfer a production limit pursuant to this section, the transferee's new production limit does not take effect and the transferor's old production limit is not deemed to be cancelled until:
 - (a) the completion of the transaction; and
 - (b) the filing of any proof of the completion of the transaction that the board may require.

- (7) The board shall not approve any application to transfer a production limit unless:
- (a) the transferee is a licensed producer or qualifies for a licence to operate as a licensed producer pursuant to these regulations;
 - (b) the transferee undertakes to the board that the production limits acquired will be in production in the production facilities of that transferee within three years from the date of acquisition; and
 - (c) the licensed producer applying to transfer the production limit has paid the fee required pursuant to subsection (5).
- (8) The board may make an approval pursuant to subsection (6) subject to any terms and conditions that it considers appropriate.
- (9) No licensed producer and no other person mentioned in clause (7)(a) shall fail to comply with any terms and conditions that are set out pursuant to subsection (8).

Lease of production limits

- 53(1)** No licensed producer shall lease all or any part of a production limit without the approval of the board.
- (2) Any lease of production limits other than in accordance with this section is void.
- (3) Subject to these regulations, the board shall issue an order respecting leasing of production limits including:
- (a) rules respecting application for approval to lease; and
 - (b) eligibility requirements that lessees must meet.
- (4) The licensed producer that wishes to lease its production limit shall apply in the manner specified by the board in an order and shall pay a fee in an amount that the board, in the order, may specify.
- (5) On an application to approve a lease, the board shall approve the application or refuse to approve the application.
- (6) The board may make an approval pursuant to subsection (5) subject to any terms and conditions that it consider appropriate.
- (7) No licensed producer and no lessee shall fail to comply with any terms and conditions that are set pursuant to subsection (6).
- (8) The board shall not approve any application to lease a production limit unless:
- (a) the lessee is a licensed producer or qualifies for a licence to operate as a licensed producer pursuant to these regulations;
 - (b) the lessee undertakes to the board that the production limits acquired will be in production in the production facilities of that lessee within three years from the date of acquisition; and
 - (c) the licensed producer applying to lease the production limit has paid the fee required pursuant to subsection (4).

Cancellation, suspension, reduction of production limits

54(1) The board may suspend, cancel or reduce all or part of a licensed producer's production limit:

- (a) if the licensed producer has contravened:
 - (i) the Act;
 - (ii) the plan;
 - (iii) these regulations;
 - (iv) any other regulation made pursuant to the Act respecting the plan;
or
 - (v) an order or direction of the board or the council;
 - (b) if the licensed producer has not used all or any part of that producer's production limit;
 - (c) if the licensed producer fails to possess the maximum number of hens permitted pursuant to that producer's licence;
 - (d) if the licence of the licensed producer has been cancelled or suspended; or
 - (e) if the board has not approved a change of ownership interest in the licensed producer's production facilities to which the production limit relates.
- (2) The board shall establish, by order, procedures respecting the suspension, cancellation or reduction of a licensed producer's production limit.
- (3) If a licensed producer possesses more hens than is permitted by that producer's licence, the board may reduce that producer's production limit in the manner prescribed by the board.

Reversion of production limits

55 If the board cancels or reduces a production limit pursuant to section 54, that production limit, or the reduction of the production limit, as the case may be, reverts to the board.

PART VIII Trust Fund

Trust Fund

56 The Commercial Egg Producers' Trust Fund is established.

Assents of trust fund

57(1) The trust fund consists of:

- (a) amounts deposited by the board pursuant to subsection 51(3); and
 - (b) income earned by investment of the amounts in the fund.
- (2) No licensed producer is entitled to access or withdraw any moneys that the licensed producer may have contributed or paid into the trust fund.

Trustees

- 58(1)** The board shall appoint at least three persons as trustees of the fund.
- (2) At least one of the trustees must be a person who:
- (a) is not a director or a producer; and
 - (b) is independent of the board.
- (3) If the board fails to appoint trustees or if there are not at least three trustees for any reason, the council may appoint trustees to ensure that there are at least three qualified trustees.
- (4) The trustees shall administer the trust fund in accordance with these regulations, any orders of the board, any direction of the council and any direction of the minister.
- (5) A direction of the council or of the minister prevails in case of any conflict between:
- (a) an order of the board; and
 - (b) the direction of the council or of the minister.

Purposes of trust fund

- 59** The purposes of the trust fund are the following:
- (a) to assist in research connected with the production and marketing of eggs, including studies and research respecting consumer demand for eggs;
 - (b) to support and conduct activities to promote and develop the production and marketing of eggs in Saskatchewan;
 - (c) to assist in increasing the total provincial allotment as defined in Part VII;
 - (d) to assist in undertaking any further activities that the board, with the approval of the council and the minister, may direct.

Fiscal year of trust fund

- 60** The fiscal year of the trust fund is the fiscal year of the board.

Investments of trust fund

- 61** The trustees may:
- (a) invest any moneys in the trust fund in any security or class of securities authorized for investment of moneys 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 trustees consider expedient.

Expenditures from the trust fund

- 62(1)** Subject to subsection (2) and to any directions of the council or the minister, the trustees may pay moneys out of the trust fund for the following:
- (a) to pay for any expense that the trustees agree is consistent with the purposes of the trust fund;
 - (b) to pay for the costs of administering the trust fund;
 - (c) to pay for any expense that the council or the minister may approve.

- (2) Not more than 20% of the assets of the trust fund may be used:
- (a) to support and conduct activities to promote and develop the production and marketing of eggs in Saskatchewan; or
 - (b) to assist in increasing the total provincial allotment as defined in Part VII.

Annual report of trust fund

63(1) Within 90 days after the end of a fiscal year, the trustees shall submit to the board:

- (a) a report on the activities of the trust fund for the fiscal year; and
 - (b) a financial statement showing the business of the trust fund for the fiscal year in any form that may be required by the council or the minister.
- (2) Immediately on receiving the report and financial statement of the trust fund pursuant to subsection (1), the board shall provide the report and the financial statement to:
- (a) the council; and
 - (b) the minister.
- (3) The board shall keep each report and financial statement received by it pursuant to this section open for inspection by the council and the public during normal office hours at the head office of the board.
- (4) The board shall include a copy of the report and financial statement for a fiscal year along with the report that it sends to licensed producers pursuant to section 25.

Audit

64 The board's auditor shall audit the accounts and financial statements of the trust fund:

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

PART IX

Transitional, Repeal and Coming into Force

Transitional – special sale

65(1) In this section, “**special allotment**” means the number of dozens of eggs that may be produced per year by 50,963 hens based on the productive capacity per hen.

- (2) Notwithstanding section 51, the board shall offer production limits for sale based on the special allotment in the following manner:
- (a) the board shall conduct the sale as soon as is practicable after the coming into force of these regulations;
 - (b) 70% of those production limits must be offered to existing licensed producers on a *pro rata* basis;

- (c) existing licensed producers may purchase their *pro rata* share of production limits at a price that is 50% of the market value of the production limits as determined by the board and agreed to by the council;
- (d) the board shall offer the remaining production limits for sale to the public in accordance with section 52;
- (e) the board shall give notice of the impending sale to persons who are not licensed producers and who, at the time these regulations have come into force, have expressed an interest in acquiring production limits.
- (3) The board shall place all moneys raised by the sale pursuant to this section in the trust fund.

Sask. Reg. 270/76 repealed

66 The Saskatchewan Commercial Egg Producers' Marketing Plan, 1976, being Saskatchewan Regulations 270/76, is repealed.

Coming into force

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

SASKATCHEWAN REGULATIONS 126/2004

The Securities Act, 1988

Section 154

Commission Order dated November 26, 2004

(Filed December 22, 2004)

Title

1 These regulations may be cited as *The Securities Commission (Local Instruments) Amendment Regulations, 2004 (No. 2)*.

R.R.S. c.S-42.2 Reg 5 amended

2 *The Securities Commission (Local Instruments) Regulations* are amended in the manner set forth in these regulations.

Part III of the Appendix

3(1) Part III of the Appendix is amended in the manner set forth in this section.

(2) Part 1 is repealed and the following substituted:

“PART 1 - Interpretation

1 Subject to Part 4, in this Local Instrument, ‘**seller**’ means a partner, director, officer and salesperson of a registered dealer”.

(3) Section 12 is repealed and the following substituted:

“Interpretation

12 In this Part:

(a) **‘labour-sponsored venture capital fund security’** means a security issued by:

(i) a labour-sponsored venture capital corporation as defined in *The Labour-sponsored Venture Capital Corporations Act*, (Saskatchewan); or

(ii) a registered labour-sponsored venture capital corporation as defined in the *Income Tax Act* (Canada);

(b) **‘seller’** means the seller of the labour-sponsored venture capital fund security but does not include a partner, director, officer or salesperson of a registered investment dealer”.

Part VIII of Appendix repealed

4 Part VIII of the Appendix is repealed.

Part IX of Appendix amended

5(1) Part IX of the Appendix is amended in the manner set forth in this section.

(2) Clause 1(a) is repealed and the following substituted:

“(a) **‘NRD firm’** means a registered firm that participates in the National Registration Database and has a bank account set up for the payment of fees through the National Registration Database;

“(a.1) **‘non-NRD firm’** means a registered firm that does not participate in the National Registration Database;

“(a.2) **‘registered firm’** means a person who or company that is registered as a dealer or advisor”.

(2) Subsection 3(1) is amended by striking out “registered” and substituting “non-NRD”.

(3) The following subsection is added after subsection 3(1):

“(1.1) An NRD firm shall pay the annual registration fees required under *The Securities Regulations* for itself and each individual it is required to register through the National Registration Database”.

(4) Subsections 4(1) and (2) re repealed and the following substituted:

“(1) If a non-NRD firm does not deliver the fees on December 15 of any year as required under subsection 3(1), the firm’s registration is suspended at the end of the day on January 15 of the following year.

“(2) Notwithstanding subsection (1), if a non-NRD firm delivers the annual registration fees required for itself and each individual it is required to registered after December 15 of any year, but before the end of the day on January 15 of the following year, the Director may approve the continuation of the firm’s registration”.

(5) The following section is added after section 4:

“Suspension of NRD firms

4.1(1) If an NRD firm does not deliver the fees on December 31 of any year as required by subsection 3(1.1), the firm’s registration is suspended at the end of the day on January 15 of the following year.

(2) Notwithstanding subsection (1), if an NRD firm delivers the annual registration fees required for itself and its registered individuals after December 31, but before the end of the day on January 15 of the following year, the Director may approve the continuation of the firm’s registration.

(3) A registration that is suspended under subsection (1) expires on the second anniversary of the suspension unless an application for reinstatement of registration is filed in the interim.

(4) An NRD firm that wishes to apply to reinstate its registration shall:

(a) apply in the form that is prescribed in *The Securities Regulations* for an application for registration; and

(b) ensure that the application is accompanied by the fee required pursuant to *The Securities Regulations*”.

Coming into force

6(1) Subject to subsection (2), these regulations come into force on December 31, 2004.

(2) If these regulations are filed with the Registrar of Regulations after December 31, 2004, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 127/2004

The Assessment Management Agency Act

Section 38

Order in Council 876/2004, dated December 21, 2004

(Filed December 22, 2004)

Title

1 These regulations may be cited as *The Assessment Management Agency Amendment Regulations, 2004*.

R.R.S. c.A-28.1 Reg 1 amended

2 *The Assessment Management Agency Regulations* are amended in the manner set forth in these regulations.

New section 3.5**3 The following section is added after section 3.4:****“Maximum amount for school division requisitions**

3.5 The total amount requisitioned by the agency pursuant to subsection 18(3.1) of the Act and payable by the Minister of Learning to the agency pursuant to subsection 18(3.3) of the Act shall not exceed the following annual amounts for the following fiscal years of the Government of Saskatchewan:

- (a) for the 2004-2005 fiscal year, \$750,000;
- (b) for the 2005-2006 fiscal year, \$1,625,000;
- (c) for the 2006-2007 fiscal year and for each subsequent fiscal year, \$2,500,000”.

New section 3.6**4 The following section is added after section 3.5:****“Acceptable range for primary audits**

3.6 For the purposes of subsection 22.1(2) of the Act, the acceptable range for primary audits is 0.98 to 1.02”.

Coming into force

5(1) Subject to subsection (2), these regulations come into force on the day on which they are filed with the Registrar of Regulations.

(2) Section 4 of these regulations comes into force on January 1, 2005.

SASKATCHEWAN REGULATIONS 128/2004*The Condominium Property Act, 1993*

Section 112

Order in Council 877/2004, dated December 21, 2004

(Filed December 22, 2004)

Title

1 These regulations may be cited as *The Condominium Property Amendment Regulations, 2004*.

R.R.S. c.C-26.1 Reg 2 amended

2 *The Condominium Property Regulations, 2001* are amended in the manner set forth in these regulations.

Section 13 amended**3 The following subsection is added after subsection 13(1):**

“(1.1) If applicable, the holder of a registered interest based on a mortgage of the unit who is first entitled to priority must approve the redesignation by completing Form C”.

New sections 39 and 39.1**4 Section 39 is repealed and the following substituted:****“Redivision of units by plan amendment**

39(1) Pursuant to section 25 of the Act, if the Controller of Surveys permits a redivision to occur by amendment to the existing condominium plan, the amendment must be submitted for approval.

(2) An application for approval pursuant to subsection (1) must be made in the manner required by the Controller and include:

- (a) unit factor information as required by subsection 25(3) of the Act;
- (b) redivision information as required by subsection 25(4) of the Act;
- (c) a request to amend the existing plan pursuant to section 42 of *The Land Surveys Act, 2000*; and
- (d) any other documents required by the Controller.

(3) For the purposes of this section, the unit or units created on a redivision shall not be numbered in a manner that uses numbers already assigned to units in the existing condominium plan.

(4) An application for issuance of titles pursuant to the amendment must be made in the manner required by the Registrar of Titles and include:

- (a) written consent of the owner of the unit being redivided and of any holder of an interest based on a mortgage registered against the title to the unit;
- (b) confirmation that the Controller of Surveys has approved the plan amendment;
- (c) applications for issuance of titles to the new units being created; and
- (d) any other application or information the Registrar may require.

(5) On receipt of an application pursuant to subsection (4), the Registrar of Titles may cancel the titles to each unit being redivided, and issue titles to each new unit being created, subject to all interests affecting that unit that were registered on the cancelled title or titles.

(6) After titles are issued pursuant to subsection (5), the Controller of Surveys may indicate on the condominium plan any information about the redivision that the Controller considers necessary.

“Redivision of units by new plan

39.1(1) Pursuant to section 25 of the Act, if the Controller of Surveys considers it useful or necessary that a proposed redivision occur by a new plan, a new condominium plan must be submitted for approval.

(2) The application for approval pursuant to subsection (1) must be made in the manner required by the Controller and include:

- (a) unit factor information as required by subsection 25(3) of the Act;
- (b) redivision information as required by subsection 25(4) of the Act; and
- (c) any other documents or information required by the Controller.

(3) An application for issuance of titles pursuant to the new plan must be made in the manner required by the Registrar of Titles and include:

- (a) written consent of the owner of the unit being redivided and of any holder of an interest based on a mortgage registered against the title to the unit;
- (b) applications to surrender the titles to the units in the existing plan and to set up titles to the units being created by the approved plan;
- (c) information to update the records for the condominium corporation for the Director appointed pursuant to *The Business Corporations Act*; and
- (d) any other application or information the Registrar may require.

(4) On receipt of an application pursuant to subsection (3), the Registrar of Titles may cancel the titles to the existing units, including the unit being redivided, and issue titles to each new unit, subject to all interests affecting those units that were registered on the cancelled title or titles”.

New sections 41.1 to 41.8

5 The following sections are added after section 41:

“Name reservation

41.1 The Director, on receiving a request in Form V.1, may reserve for 90 days a name for an intended corporation or for a corporation about to change its name.

“Application for titles with confirmation

41.2 If a corporation is to be constituted with a name approved by the Director and reserved pursuant to section 41.1 of these regulations, an application for titles pursuant to section 5.1 or 15 of the Act must include confirmation that the name has been approved and reserved.

“Application for titles without confirmation

41.3 If the application for titles pursuant to section 5.1 or 15 of the Act does not include confirmation of a name in accordance with section 41.2 of these regulations, but is otherwise acceptable to the Registrar, the corporation will be constituted under the name “The Owners: Condominium Corporation No. (*number given by the Director*)”.

“Application for change of name

41.4 A corporation may apply to the Director in Form V.2 to change the name of the corporation pursuant to subsection 34(2.1) of the Act.

“Names

41.5(1) The following words must be part of the name of every corporation:

- (a) ‘condominium’ or ‘condominiums’; and
- (b) ‘Corporation’.

(2) A corporation shall set out its name in legible characters in all contracts, invoices, negotiable instruments and orders for goods or services issued or made by or on behalf of the corporation.

(3) If requested to do so by the developer or a corporation, the Director shall assign to the corporation a designating number determined by the Director as the corporation's name.

(4) No corporation shall have, carry on its activities under, identify itself by or be incorporated with a name:

- (a) that is prohibited pursuant to section 41.6; or
- (b) that is reserved for another corporation or intended corporation pursuant to section 41.1.

(5) The Director may direct a corporation to change its name if through inadvertence or otherwise:

- (a) the corporation comes into existence with a name that contravenes this section; or
- (b) on an application to change its name, the corporation is granted a name that contravenes this section.

(6) If a corporation has been directed to change its name pursuant to subsection (5) and has not within 60 days from the service of the directive to that effect changed its name to a name that complies with this Act, the Director may revoke the name of the corporation and assign to it a name and, until changed in accordance with this section, the name of the corporation is the name that the Director assigned.

“Use of names

41.6 The name of a corporation must not:

- (a) be the same as or similar to the name of any other corporation if the use of that name would be likely to confuse or mislead, unless:
 - (i) the other corporation consents in writing to the use of the name in whole or in part; and
 - (ii) if required by the Director, the other corporation undertakes to change its name to a dissimilar name within six months after receiving the direction from the Director;
- (b) suggest or imply a connection with any of the following persons, entities or groups unless consent in writing is obtained from that person, entity or group, as the case may be:
 - (i) the Crown;
 - (ii) the Government of Canada;
 - (iii) the government of any municipality, province or territory of Canada;
 - (iv) any department, branch, bureau, service, or agency of the Government of Canada or the government of any municipality, province or territory;

- (v) a political party;
 - (vi) a leader of a political party;
 - (vii) a university;
 - (viii) a professional association recognized by the laws of Canada or of a province or territory of Canada; or
- (c) be a name that is refused by the Director.

“Refusal of names

41.7(1) Unless an applicant establishes that a name has through use acquired and continues to have secondary meaning, the Director may refuse to approve the name of a corporation contained in the application if the name is not distinctive because it is:

- (a) too general; or
 - (b) primarily or only a geographic name used alone.
- (2) The Director may refuse to approve the name of a corporation if the name:
- (a) is likely to be confused with a corporation that has been dissolved;
 - (b) is likely to be confused with any known corporation, association, partnership, society, club or firm;
 - (c) contains any words or phrases that imply a co-operative venture, including ‘credit union’, ‘co-operative’ or ‘co-op’;
 - (d) contains the word ‘Canada’ or the name of any province or territory;
 - (e) contains a word or phrase that is obscene or implies an undertaking that is scandalous, obscene or immoral; or
 - (f) is, in the opinion of the Director, objectionable for any reason.

“Amalgamated corporations

41.8(1) If two or more corporations amalgamate, the amalgamated corporation may have:

- (a) the name of one of the amalgamating corporations;
 - (b) a combination of the names of the amalgamating corporations; or
 - (c) a distinctive new name that is not confusing.
- (2) If the application for titles pursuant to section 15 of the Act does not include confirmation of a name mentioned in clauses (1)(a) to (c), but is otherwise acceptable, the amalgamated corporation will be constituted under the name ‘The Owners: Condominium Corporation No. *(number given by the Director)*’.

New section 51

6 Section 51 is repealed and the following substituted:

“Reserve fund contributions

51 The corporation shall determine the amount required for the reserve fund by taking into account:

- (a) the anticipated repair and replacement requirements of the common property; and
- (b) the most recent reserve fund study and report, if any”.

New sections 51.1 to 51.7

7 The following sections are added after section 51:

“Reserve fund studies

51.1 In this section:

(a) **‘component’** means an individual item that is included in the physical analysis portion of a reserve fund study as described in section 51.3, and includes any thing:

(i) that is the responsibility of the corporation;

(ii) for which major repair or replacement costs are anticipated to be incurred during its useful life; and

(iii) for which the costs of repair or replacement will not be covered as part of the annual operating or maintenance budget;

(b) **‘master reserve fund spread sheet’** means a list of the components, the cost for major repair or replacement of each component, and the normal life expectancy and remaining useful life of each component;

(c) **‘projected cash flow tables’** means tables that demonstrate the effect of interest earned on investments and inflation of expenses and validate that a shortfall option will not jeopardize the funding plan;

(d) **‘qualified person’** means an individual who, based on reasonable and objective criteria, is knowledgeable with respect to:

(i) components or a particular type of component;

(ii) the operation and maintenance of components or a particular type of component; and

(iii) the costs of replacement of or repairs to components or a particular type of component;

and includes:

(iv) a licensed applied science technologist within the meaning of *The Saskatchewan Applied Science Technologists and Technicians Act*;

(v) a member of the Appraisal Institute of Canada holding the designation of Accredited Appraiser Canadian Institute;

(vi) a person who holds a certificate of practice within the meaning of *The Architects Act, 1996*;

(vii) a member of the Real Estate Institute of Canada holding the designation of Certified Reserve Planner; and

(viii) a licensed professional engineer within the meaning of *The Engineering and Geoscience Professions Act*.

“Reserve fund study requirements

51.2 For the purposes of section 58.1 of the Act, a corporation shall ensure that a reserve fund study is conducted and a written report prepared every 10 years.

“Contents of reserve fund study

51.3(1) A person conducting a reserve fund study shall include:

- (a) a statement of assumptions regarding inflation, interest, maintenance and affordability in the context of quality and expense that were made in making the report;
 - (b) a funding plan based on:
 - (i) a physical analysis; and
 - (ii) a financial analysis that shows the amount of the annual contribution required to be paid into the reserve fund to adequately offset expenditures for the major repair or replacement of a component; and
 - (c) the opinion of the person conducting the study that the fund should be adequate to offset the expenditures for the major repair or replacement of the components if the corporation makes contributions recommended as a result of the study.
- (2) The physical analysis mentioned in subclause (1)(b)(i) shall be based on a component assessment report containing:
- (a) the component inventory;
 - (b) the component assessment;
 - (c) the anticipated useful life of each component;
 - (d) the remaining useful life of each component, including maintenance and repairs; and
 - (e) the current replacement cost of each component.
- (3) A component that is scheduled for major repair or replacement in the year of the reserve fund study is deemed to have no remaining useful life.
- (4) The component inventory mentioned in clause (2)(a) shall be based on:
- (a) a visual site review;
 - (b) a review of the corporation’s architectural, structural, mechanical, electrical, landscaping and site services plans;
 - (c) a review of the condominium plan and bylaws; and
 - (d) a review of the corporation’s history with respect to the maintenance, replacement and repair of its components and any planned changes to its components.
- (5) The component assessment mentioned in clause (2)(b) shall be based on:
- (a) an on-site review of the major common property components, including consideration of aesthetics;
 - (b) a review of:
 - (i) structural and architectural plans;
 - (ii) previous inspection reports; and
 - (iii) maintenance records; and
 - (c) interviews with the directors, employees and agents of the corporation.

(6) The financial analysis mentioned in subclause (1)(b)(ii) shall consist of an evaluation and analysis of the corporation's reserve fund income and expenses, and shall include:

- (a) the current reserve fund balance;
- (b) the estimated interest payable on the reserve fund balance over the period of the study;
- (c) the repair and replacement schedule, including dates and cost outlay;
- (d) the anticipated effect of inflation on reserve fund expenses over the period of the study;
- (e) a master reserve fund spread sheet; and
- (f) projected cash flow tables, including:
 - (i) data indicating whether the current annual contribution is adequate, over a period of at least 25 consecutive years, to address the repair and replacement schedule; and
 - (ii) details of several possible fund accumulation scenarios covering a period of at least 25 consecutive years:
 - (A) indicating a recommended annual contribution adequate to address the repair and replacement schedule;
 - (B) demonstrating the compounding of the interest earned on the fund into the fund; and
 - (C) demonstrating the utilization of the interest as a portion of the contributions to the fund.

“Reserve fund study report

51.4(1) The person conducting the reserve fund study shall complete a reserve fund study report in Form Y.1 at the time the study is completed.

(2) The reserve fund report shall include a statement as to whether the person conducting the study and preparing the report is an owner, employee or agent of the corporation or is a property manager of or otherwise associated with the corporation.

“Availability of reserve fund study report

51.5 The board shall ensure that a copy of the reserve fund study report is appended to the annual report with respect to the reserve fund mentioned in section 58.2 of the Act, and made available to each owner at the next annual meeting of the corporation.

“Exception

51.6 If a corporation has, as one of its objects, the management of less than 12 units, the corporation is exempted from the requirement to conduct a reserve fund study and to prepare a reserve fund study report.

“Exception

51.7(1) The corporation is exempted from conducting a reserve fund study, preparing a reserve fund study report and maintaining a reserve fund, if:

- (a) the certificate of title to each of the units included in a condominium plan is registered in the name of the same owner; and
 - (b) those units are rented or offered for rent to persons as tenants who are not purchasers and are not intended to be purchasers.
- (2) If the owner of units to which subsection (1) applies offers those units for sale and if, as a result of the sale of any of those units, subsection (1) would no longer apply with respect to those units, the owner shall not sell any of those units until a reserve fund study is carried out and a reserve fund study report is prepared.
- (3) The reserve fund study report must be made available for inspection by any person purchasing a unit mentioned in subsection (1)”.

Part IX repealed

8 Part IX is repealed.

New section 62.1

9 The following section is added after section 62:

“Interpretation re section 65 of the Act

62.1 For the purposes of section 65 of the Act, ‘**major perils**’ means the perils of fire, lightning, explosion or implosion, smoke, falling objects, impact by aircraft or land vehicles, riot, vandalism or malicious acts, water escape or rupture, windstorm or hail”.

New section 67

10 Section 67 is repealed and the following substituted:

“Fee for certificate or approval

67 The maximum fee that a local authority may charge for producing and providing any certificate or approval that the Act requires to be produced and provided is not to exceed the cost to the local authority of producing and providing the certificate or approval, including staff resources and material costs”.

Appendix, Part I amended

11(1) Part I of the Appendix is amended in the manner set forth in this section.

(2) Form Q is amended by striking out the portion containing the heading “SCHEDULE”.

(3) Form V is amended by striking out the portion containing the heading “SCHEDULE”.

(4) The following forms are added after Form V:

“

Request for Name Search and Reservation

The Condominium Property Act, 1993
[Section 34.1]

Form V.1

Name and mailing address of person (or company) requesting the name search:

_____ Contact Person

_____ Telephone number where you may be reached
from 8 a.m. to 5 p.m.

1. Condominium Plan Number, if approved, and legal land description of parcel:

2. Name(s) you would like to use (in order of preference):

(Only the first available name will be searched unless you ask for all names listed to be reserved.)

(a) _____

(b) _____

(c) _____

3. This name is to be used for:

Incorporation Amalgamation

Name change from:

The above name appears to be available for use and is reserved for the above person (or firm) for 90 days ending _____, 20 _____.

or

The above name is not available for the following reason(s):

Department Use Only

Searched by: _____

“

Application for Change of Corporation Name

The Condominium Property Act, 1993

[Section 34.1]

Form V.2

Corporation No. _____

1. Current name of corporation: _____

2. Requested name: _____

3. This change of name has been duly authorized pursuant to the requirements of the Act.

Date	Name	Office Held	Signature
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Completed documents, in duplicate, are to be sent to:

Director, Corporations Branch
1871 Smith Street
Regina, Saskatchewan

”

(5) The following form is added after Form Y:

“

Reserve Fund Study Report*The Condominium Property Act, 1993*
[Section 51.4]**Form Y.1**

1. Section 58.1 of *The Condominium Property Act, 1993* requires the corporation to conduct periodic studies to determine whether the amount of money in the reserve fund and the amount of contributions collected by the corporation are adequate to provide for the expected costs of major repair and replacement of the common elements and assets of the corporation.
2. The following is a report of the _____ reserve fund study,
(name of condominium corporation)
dated _____, prepared by _____
(name of person conducting the reserve fund study)
3. The qualifications of the person who conducted the reserve fund study are:

(describe qualifications)
4. The person who conducted the study and prepared this report is not (or is) an owner, employee or agent of the corporation, a property manager of or otherwise associated with the corporation. *(If applicable, describe relationship of the person who conducted the study to the corporation.)*

5. The repair, maintenance and replacement recommendations arising from the reserve fund study are:

(summarize the recommendations)
6. The estimated expenditures from the reserve fund for the repair and replacement of common property are set out in the CASH FLOW TABLE. In this report, the term ‘annual contribution’ means the total amount to be contributed each year to the reserve fund. The recommended total annual contribution for _____
(Set out the fiscal year following the year in which the study is completed, unless the contribution is to be increased in the current year; then set out the current fiscal year.) is \$ _____, based on the estimated expenditures and the following:

Opening Balance of the Reserve Fund:	\$ _____
Minimum Reserve Fund Balance during the projected period:	\$ _____
Assumed Annual Inflation Rate for Reserve Fund Expenditures:	_____ %
Assumed Annual Interest Rate for interest earned on the Reserve Fund:	_____ %

7. Cash Flow Table

Year <i>(show each of 25 consecutive years, beginning with the current fiscal year)</i>	Opening Balance	Recommended Annual Contribution	Estimated Inflation Adjusted Expenditures	Estimated Interest Earned	Percentage Increase in Recommended Annual Contribution	Closing Balance

8. The total annual contribution recommended for the current fiscal year is \$ _____,

(check applicable box)

which is the same amount that has already been budgeted.

or

which represents an increase of _____ % over the amount already budgeted.

9. At the present time the average contribution per unit per month to the reserve fund is \$ _____. If the recommendations arising from the reserve fund study are followed, the average increase in contribution per unit per month will be \$ _____. *(State the amount of the increase for each of the three fiscal years following the year in which the reserve fund study is completed. If the contribution is to be increased in the fiscal year in which the reserve fund study is completed, also state the amount of that increase.)*

10. In my opinion, the reserve fund should be adequate to offset the expenditures for the major repair or replacement of the components if the corporation makes contributions recommended as a result of the study.

(date)

(Signature of person who conducted reserve fund study) ”.

(6) Form Z is amended by adding the following paragraphs after paragraph 10:

“11. The corporation states that the unit factors among the units included in the condominium plan have been apportioned as follows: _____

“12. A reserve fund study report is available on request:

Yes Date of report: _____

No Why not? _____

“13. The qualifications of the person who conducted the reserve fund study are:

“14. The corporation states that the person who conducted the reserve fund study is not an owner, employee or agent of the corporation, nor is he or she a property manager of or otherwise associated with the corporation:

Yes

No If no, indicate relationship of person who did the study to the corporation.

“15. The corporation has adopted a funding plan in conformity with the recommendations in the reserve fund study report:

Yes

No Why not, or in what way is the funding plan not consistent with the recommendations in the report? ”.

(7) Form EE is amended by striking out “section 88” and substituting “section 83”.

Coming into force

12(1) Subject to subsection (2), these regulations come into force on the day on which section 27 of *The Condominium Property Amendment Act, 2003* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 27 of *The Condominium Property Amendment Act, 2003* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 129/2004*The Private Investigators and Security Guards Act, 1997*

Section 51

Order in Council 878/2004, dated December 21, 2004

(Filed December 22, 2004)

Title

1 These regulations may be cited as *The Private Investigators and Security Guards Amendment Regulations, 2004*.

R.R.S. c.P-26.01 Reg 1, new section 4.1

2 The following section is added after section 4 of *The Private Investigators and Security Guards Regulations, 2000*:

“Special exemption for certain public events

4.1(1) In this section, ‘**facility**’ means a building, establishment, place or location.

(2) The owner or manager of a facility holding an event to which the general public is invited or is permitted to attend may apply to the registrar to exempt persons or a class of persons who will be employed by the owner or manager as security guards at the public event from the licensing and training requirements of the Act and these regulations.

(3) An application pursuant to this section must:

- (a) be in writing;
- (b) be made at least seven days before the public event mentioned in subsection (2) is to be held;
- (c) include the following:
 - (i) the full name and address of each person proposed to be employed as a security guard;
 - (ii) the training and previous experience as a security guard of each person mentioned in subclause (i) in the form and with the details that the registrar may require;
- (d) be accompanied by proof satisfactory to the registrar that the owner or manager has personal liability coverage for the public event, or that there is personal liability coverage respecting the facility in which the public event is to be held, that:
 - (i) is satisfactory to the registrar; and
 - (ii) is in the amount of at least \$1,000,000; and
- (e) contain any other information that the registrar may reasonably require to determine whether or not adequate security services can be provided by persons other than those who are the subject of the application.

(4) The owner or manager who applies for an exemption pursuant to subsection (2) shall:

(a) ensure that the registrar has been provided, within the 12 months preceding the date of the application, with a criminal record check for each person to be employed as a security guard that:

(i) is satisfactory to the registrar;

(ii) has been completed by a police service not more than 30 days preceding the date that the criminal record check is provided to the registrar; and

(iii) discloses to the registrar if any person to be employed as a security guard has been charged with, discharged from or convicted of an offence pursuant to the *Criminal Code* or the *Controlled Drugs and Substances Act* (Canada); and

(b) disclose to the registrar if any person to be employed as a security guard has been charged with, discharged from or convicted of an offence pursuant to the *Criminal Code* (Canada) since the date of the completion of the criminal record check mentioned in clause (a) for that person.

(5) If the registrar receives an application pursuant to this section and is satisfied that the application is complete and that adequate security services cannot be provided by licensed security guards at the public event mentioned in subsection (2), the registrar may, in writing:

(a) exempt all or some of the persons who are the subject of the application from the licensing and training requirements of the Act and these regulations so that they may be employed as security guards at the public event mentioned in the application; and

(b) in the written exemption:

(i) specify the security guard functions that the exempted persons may perform and the locations in the facility where those security guard functions may be performed; and

(ii) impose any restrictions or conditions on the security guard functions that the exempted persons may perform that the registrar considers appropriate.

(6) Each person who is exempted pursuant to subsection (5):

(a) may act as a security guard only at the public event that is mentioned in the application;

(b) shall perform only:

(i) the security guard functions that the registrar specifies pursuant to subclause (5)(b)(i) at the locations in the facility specified by the registrar; and

(ii) any other actions that are otherwise lawful at common law or pursuant to the *Criminal Code*;

- (c) shall comply with any restrictions or conditions imposed by the registrar pursuant to subclause (5)(b)(ii);
- (d) shall carry with him or her at the public event:
 - (i) a copy of the registrar's written exemption; and
 - (ii) a photo identification card issued by a government agency to him or her or by the owner or manager employing him or her as a security guard; and
- (e) shall produce:
 - (i) a copy of the registrar's written exemption to any of the following at the request of that person:
 - (A) any peace officer;
 - (B) any licensed security guard who is employed at the public event;
 - (C) the registrar;
 - (D) any employee of the department over which the minister presides; and
 - (ii) the photo identification card mentioned in subclause (d)(ii) to any person who so requests".

Coming into force

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

SASKATCHEWAN REGULATIONS 130/2004

The Summary Offences Procedure Act, 1990

Section 55

Order in Council 879/2004, dated December 21, 2004

(Filed December 22, 2004)

Title

1 These regulations may be cited as *The Summary Offences Procedure Amendment Regulations, 2004 (No. 2)*.

R.R.S. c.S-63.1 Reg 2 amended

2 *The Summary Offences Procedure Regulations, 1991* are amended in the manner set forth in these regulations.

Section 4 amended

3 The following clauses are added after clause 4(k):

“(l) the registrar mentioned in clause 2(f) of *The Auctioneers Act*, or a person authorized by the registrar, while enforcing the provisions of that Act;

“(m) the registrar appointed pursuant to section 82 of *The Cemeteries Act, 1999*, or a person authorized by the registrar, while enforcing the provisions of that Act;

“(n) the registrar appointed pursuant to section 4 of *The Charitable Fund-raising Businesses Act*, or a person authorized by the registrar, while enforcing the provisions of that Act;

“(o) the registrar designated pursuant to section 3 of *The Collection Agents Act*, or a person authorized by the registrar, while enforcing the provisions of that Act;

“(p) the registrar appointed pursuant to section 23.1 of *The Direct Sellers Act*, or a person authorized by the registrar, while enforcing the provisions of that Act;

“(q) the person authorized by the board pursuant to section 7 of *The Film and Video Classification Act*, while enforcing the provisions of that Act;

“(r) the registrar as defined in clause 2(d) of *The Motor Dealers Act*, or a person authorized by the registrar, while enforcing the provisions of that Act;

“(s) the registrar as defined in clause 2(d) of *The Sale of Training Courses Act*, while enforcing the provisions of that Act”.

Section 5 amended

4 The following clauses are added after clause 5(y):

“(z) *The Auctioneers Act*;

“(aa) *The Cemeteries Act, 1999*;

“(bb) *The Charitable Fund-raising Businesses Act*;

“(cc) *The Collection Agents Act*;

“(dd) *The Direct Sellers Act*;

“(ee) *The Film and Video Classification Act* and the regulations made pursuant to that Act;

“(ff) *The Motor Dealers Act*;

“(gg) *The Sale of Training Courses Act*”.

Section 8 amended

5 Clause 8(a) is amended:

(a) by striking out “Tables 1 to 32” and substituting “Tables 1 to 41”; and

(b) by adding the following subclauses after subclause (xxxii):

“(xxxiii) the offences pursuant to *The Auctioneers Act* set out in Table 33;

“(xxxiv) the offences pursuant to *The Cemeteries Act, 1999* set out in Table 34;

“(xxxv) the offences pursuant to *The Charitable Fund-raising Businesses Act* set out in Table 35;

“(xxxvi) the offences pursuant to *The Collection Agents Act* set out in Table 36;

“(xxxvii) the offences pursuant to *The Direct Sellers Act* set out in Table 37;

“(xxxviii) the offences pursuant to *The Film and Video Classification Act* set out in Table 38;

“(xxix) the offences pursuant to *The Film and Video Classification Regulations, 1997* set out in Table 39;

“(xl) the offences pursuant to *The Motor Dealers Act* set out in Table 40;

“(xli) the offences pursuant to *The Sale of Training Courses Act* set out in Table 41”.

Section 13 amended

6 Clause 13(2)(b) is amended by striking out “23 to 32” and substituting “23 to 41”.

Part 2 of the Appendix amended

7(1) Table 22 of Part 2 of the Appendix is repealed and the following substituted:

“TABLE 22
The Tobacco Control Act”

The provisions set out in Column 3 are the provisions of *The Tobacco Control Act* that impose the prohibitions or requirements describe in Column 2. The provisions of that Act listed in Column 4 provide that contraventions of the corresponding provisions in Column 3 are offences. The provisions in Column 3 that are marked with an asterisk are the provisions for which a peace officer may withdraw the specified penalty sum option and require the defendant to appear in court.

<i>Column 1 Item Number</i>	<i>Column 2 Description of Offence</i>	<i>Column 3 Section</i>	<i>Column 4 Offence</i>	<i>Column 5 Penalty Sum in Dollars</i>
1	Furnishing tobacco or a tobacco-related product to a young person	4*	20	\$250
2	Selling cigarettes in packages of less than 20	5*	20	250
3	Selling cigarillos in packages of less than five	5(2)	20	250
4	Selling tobacco or tobacco-related products in packages that do not contain prescribed quantities or prescribed numbers of units	5(3)	20	250
5	Advertising or promoting tobacco or tobacco-related products in a place in which the products are sold and to which young persons are permitted access	6(1)*	20	250

6	Advertising or promoting tobacco or tobacco-related products in windows of any place where the tobacco or tobacco-related products are sold	6(2)	20	150
7	Displaying tobacco or tobacco-related products that are visible to the public in business premises where young persons are permitted access	6(3)*	20	250
8	Displaying unauthorized signs where tobacco or tobacco-related products are sold	7(1)	20	150
9	Failing to display sign respecting legal age to purchase tobacco or tobacco-related products or health warnings respecting tobacco	7(2)	20	150
10	Selling tobacco or tobacco-related products in prohibited place	8*	20	250
11	Permitting a vending machine to be located in prohibited place	9(2)(a)*	20	250
12	Placing a vending machine in prohibited place	9(2)(b)*	20	250
13	Smoking or holding lighted tobacco in an enclosed public place	11	25	150
14	Failing to ensure that no things designed to facilitate smoking are provided in enclosed public places	11.1(1)(a)	25(2)	500
15	Failing to ensure that signs are posted as required	11.1(1)(b)	25(2)	500

16	Failing to request that a person immediately stop smoking or holding lighted tobacco and to immediately extinguish the lighted tobacco, to inform the person that he or she was committing an offence and to refuse to provide the person with a good or service customarily provided until the person ceases smoking or holding lighted tobacco	11.1(3)	25(2)	500
17	Failing to post signs respecting the prohibition against smoking as required	13	25(2)	100
18	Removing, covering up, mutilating, defacing or altering a sign required to be displayed or posted	19	25(3)	150”.

(2) The following Tables are added after Table 32 of Part 2 of the Appendix:

“TABLE 33
The Auctioneers Act”

The provisions set out in Column 3 are the provisions of *The Auctioneers Act* that impose the prohibitions or requirements described in Column 2. Section 23 of that Act provides that a contravention of those provisions is an offence. The provisions in Column 3 that are marked with an asterisk are the provisions for which a peace officer may withdraw the specified penalty sum option and require the defendant to appear in court.

<i>Column 1</i> <i>Item Number</i>	<i>Column 2</i> <i>Description of Offence</i>	<i>Column 3</i> <i>Provision</i>	<i>Column 4</i> <i>Penalty Sum in Dollars</i>
1	Carrying on the business of an auction sales company without licence	3(1)(a)*	\$250 for individuals; \$500 for corporations
2	Carrying on the business of an auctioneer without licence	3(1)(b)*	250
3	Holding oneself to be an auction sales company without having a licence	7(1)*	250 for individuals; 500 for corporations

4	Engaging, employing, appointing, authorizing or permitting any person, without a licence, to do any of the things with respect to which a licence is required	7(2)	250 for individuals; 500 for corporations
5	Not complying with the terms, conditions and restrictions to which the licence is subject	11(3)	250 for individuals; 500 for corporations
6	Failing to provide information as requested	12	250 for individuals; 500 for corporations
7	Putting an advertisement in print without the name of the auction company and the provincial licence number	22	250 for individuals; 500 for corporations

“TABLE 34
The Cemeteries Act, 1999”

The provisions set out in Column 3 are the provisions of *The Cemeteries Act, 1999*, that impose the prohibitions or requirements described in Column 2. Section 64 of that Act provides that a contravention of those provisions is an offence. The provisions in Column 3 that are marked with an asterisk are the provisions for which a peace officer may withdraw the specified penalty sum option and require the defendant to appear in court.

<i>Column 1</i> <i>Item Number</i>	<i>Column 2</i> <i>Description of Offence</i>	<i>Column 3</i> <i>Provision</i>	<i>Column 4</i> <i>Penalty Sum in Dollars</i>
1	Failing to provide notice of changes	19(1)	\$100
2	Failing to deliver a financial statement to the registrar within 60 days after the end of the owner's fiscal year	20(1)	350
3	Offering a prepaid cemetery contract for sale if not an owner, salesperson or person prescribed in the regulations	31(1)*	300

4	Failing to maintain a cemetery, including lots, structures and memorials, in a manner that ensures the safety of the public and is compatible with community standards	53(1)	200
5	Soliciting, offering for sale or selling cemetery services or supplies by telephone between 9:00 p.m. and 9:00 a.m.	59(1)(a)	200
6	Representing that specified goods or services are required by law or by the bylaws of a cemetery when they are not	59(1)(b)	200
7	Soliciting in any manner a resident of a hospital, residential-service facility, special-care home or personal-care home without having received a specific request from that resident to do so	59(1)(c)	200
8	Soliciting in any manner that may harass or appear to harass an individual	59(1)(d)	200
9	Creating a nuisance in a cemetery or destroying, mutilating, defacing, injuring or, without the authority of the owner, removing any building, structure, memorial, plant, road, walk or other enhancement from the cemetery	62(2)	250

“TABLE 35
The Charitable Fund-raising Businesses Act

The provisions set out in Column 3 are the provisions of *The Charitable Fund-raising Businesses Act* that impose the prohibitions or requirements described in Column 2. Section 46 of that Act provides that a contravention of those provisions is an offence. The provisions in Column 3 that are marked with an asterisk are the provisions for which a peace officer may withdraw the specified penalty sum option and require the defendant to appear in court.

<i>Column 1 Item Number</i>	<i>Column 2 Description of Offence</i>	<i>Column 3 Provision</i>	<i>Column 4 Penalty Sum in Dollars</i>
1	Acting as a fund-raising business without holding a licence	5*	\$500
2	Commencing a campaign of solicitation without providing the registrar with the prescribed information within the prescribed period	18	500
3	Failing to provide identification card to each representative who makes a door-to-door solicitation	20(1)	500
4	Making a door-to-door solicitation without displaying in the prescribed manner the identification card provided by the licensee	20(3)	250
5	Making a false statement or material misrepresentation in a solicitation	45(4)*	250
6	Failing to comply with the terms and conditions of a licence	46(2)*	500

“TABLE 36
The Collection Agents Act

The provisions set out in Column 3 are the provisions of *The Collection Agents Act* that impose the prohibitions or requirements described in Column 2. Section 34 of that Act provides that a contravention of those provisions is an offence. The provisions in Column 3 that are marked with an asterisk are the provisions for which a peace officer may withdraw the specified penalty sum option and require the defendant to appear in court.

<i>Column 1 Item Number</i>	<i>Column 2 Description of Offence</i>	<i>Column 3 Provision</i>	<i>Column 4 Penalty Sum in Dollars</i>
1	Carrying on business as a collection agent without collection agent licence	4(a)*	\$500
2	Acting as a collector without licence as a collector	4(b)*	500
3	Holding oneself out to be a collection agent or collector without having a licence	5*	250
4	Not complying with the terms, conditions and restrictions	15(3)	250
5	Failing to supply the registrar with further information or material within time requested or failing to provide any requested affidavits	19	350
6	Committing an unlawful practice	29	200

“TABLE 37
The Direct Sellers Act

The provisions set out in Column 3 are the provisions of *The Direct Sellers Act* that impose the prohibitions or requirements described in Column 2. Section 36 of that Act provides that a contravention of those provisions is an offence. The provisions in Column 3 that are marked with an asterisk are the provisions for which a peace officer may withdraw the specified penalty sum option and require the defendant to appear in court.

<i>Column 1 Item Number</i>	<i>Column 2 Description of Offence</i>	<i>Column 3 Provision</i>	<i>Column 4 Penalty Sum in Dollars</i>
1	Carrying on the business of a direct seller (vendor) (salesman) without a licence	4*	\$400
2	Acting as a salesman of another vendor	5(2)	400
3	Acting as a vendor or a salesman for or on behalf of a vendor whose name is not specified in the licence	5(3)	400
4	Selling or offering for sale or soliciting offers for the future delivery of goods or services of any class or sort other than those specified in the licence	5(4)	400
5	Failing to provide a copy of the direct sales contract to the purchaser at the time it is made	6(2)	400
6	Failing to provide a direct sales contract that conforms to the requirements in the Act or regulations	6(3)	400
7	Failing to comply with the terms, conditions and restrictions prescribed on the licence to which the licence is subject	15	400
8	Failing to refund to the purchaser all money received under the contract within 15 days of the cancellation	23(1)(a)*	400

9	Failing to return within 15 days of the cancellation to the purchaser any trade-in received or an amount equal to the value of the trade-in received under the contract	23(1)(b)*	400
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“TABLE 38
The Film and Video Classification Act”

The provisions set out in Column 3 are the provisions of *The Film and Video Classification Act* that impose the prohibitions or requirements described in Column 2. Section 14 of the Act provides that a contravention of those provisions is an offence. The provisions in Column 3 that are marked with an asterisk are the provisions for which a peace officer may withdraw the specified penalty sum option and require the defendant to appear in court.

<i>Column 1 Item Number</i>	<i>Column 2 Description of Offence</i>	<i>Column 3 Provision</i>	<i>Column 4 Penalty Sum in Dollars</i>
1	Failure of an exhibitor, retail distributor or wholesale distributor, as the case may be, who intends to exhibit or distribute a film approved by the board to remove any portions of the film that the board does not approve of	4(1)(b)*	\$500
2	Failure of the owner of a film or any other person proposing to exhibit or distribute a film to ensure that the film and any advertising associated with the film display the classification for that film given or approved by the board and any additional information that the board may require	6(1)(b)*	500
3	Prohibiting the board, or any person authorized by the board, at any reasonable time without a warrant, from entering any theatre or any place connected with that theatre, other than a private dwelling place, where a film or advertising associated with a film is or may be located	7(1)(a)*	500

4	Refusing the board, or any person authorized by the board, entrance to any premises, other than a private dwelling place, where a film is or is to be distributed	7(1)(b)*	500
5	Refusing to produce to the board, or any person authorized by the board, the production of a film and any advertising associated with the film that the board or person considers necessary	7(1)(c)*	500
6	Failure of a retail distributor or an owner, lessee, manager of the theatre or of the premises, or as the case may be, to refuse to permit any person under the permitted age for that film to view or purchase, lease or exchange that film	12*	500

"TABLE 39

The Film and Video Classification Regulations, 1997

The provisions set out in Column 3 are the provisions of *The Film and Video Classification Regulations, 1997*, made pursuant to *The Film and Video Classification Act*, that impose the prohibitions or requirements described in Columns 2. Section 14 of that Act provides that a contravention of those regulations is an offence.

<i>Column 1 Item Number</i>	<i>Column 2 Description of Offence</i>	<i>Column 3 Provision</i>	<i>Column 4 Penalty Sum in Dollars</i>
1	Failing to notify the board in writing of a change, either before or within seven days after its occurrence, of:		
	(a) the address for service of the registrant;	3(3)(a)	\$50
	(b) the name under which the registrant is incorporated, continued or registered pursuant to <i>The Business Corporations Act</i> or <i>The Business Names Registration Act</i> , as the case may be;	3(3)(b)	50

	(c) the registrant's inventory caused by adding the category of films classified as "Adult" to the inventory or by removing that category of film from the inventory	3(3)(d)	50
2	Failure of a retail distributor who offers for sale, rent, lease or exchange only films classified as "Adult" to display in a conspicuous manner at all entrances to his or her business premises a sign reading "No Admittance to Persons Under Age 18"	14(1)	50
3	Allowing a person under 18 years of age to enter a retail distributor's business premises where only films classified as "Adult" are offered for sale, rent, lease or exchange	14(1)	500
4	Failure of a retail distributor who offers for sale, rent, lease or exchange films classified as "Adult", in addition to films in other classifications, to offer the 'Adult' films in such a manner that:		
	(a) the "Adult" film product and/or explicit advertising is segregated visually and physically from persons under 18 years of age;	14(2)(a)	500
	(b) a person under 18 years of age is not admitted into the segregated area;	14(2)(b)	500
	(c) the prescribed sign is displayed at every entrance to the segregated area	14(2)(c)	50

“TABLE 40
The Motor Dealers Act

The provisions set out in Column 3 are the provisions of *The Motor Dealers Act* that impose the prohibitions or requirements described in Column 2. Section 34 of that Act provides that a contravention of those provisions is an offence. The provisions in Column 3 that are marked with an asterisk are the provisions for which a peace officer may withdraw the specified penalty sum option and require the defendant to appear in court.

<i>Column 1 Item Number</i>	<i>Column 2 Description of Offence</i>	<i>Column 3 Provision</i>	<i>Column 4 Penalty Sum in Dollars</i>
1	Acting as a dealer without holding a licence under the Act	3*	\$400
2	Holding self out as a dealer without holding a licence under the Act	4*	200
3	Not complying with the terms, conditions or restrictions to which the licence is subject	12(3)	400
4	Failing to maintain in the province a place of business satisfactory to the registrar	13	200
5	Failing to give further information when requested	17	250
6	Failing to provide books, documents, papers, correspondence or records for investigator	24	250
7	Failing to keep records for period and in manner found in regulations	25	250
8	Failing to use a contract approved by the registrar for evidencing a sale	26	250
9	Putting advertisement in print without name of dealer and Dealer Licence Number	29	200

“TABLE 41
The Sale of Training Courses Act

The provisions set out in Column 3 are the provisions of *The Sale of Training Course Act* that impose the prohibitions or requirements described in Column 2. Section 37 of that Act provides that a contravention of those provisions is an offence. The provisions in Column 3 that are marked with an asterisk are the provisions for which a peace officer may withdraw the specified penalty sum option and require the defendant to appear in court.

<i>Column 1 Item Number</i>	<i>Column 2 Description of Offence</i>	<i>Column 3 Provision</i>	<i>Column 4 Penalty Sum in Dollars</i>
1	Providing training courses without licence	3(a)*	\$200
2	Acting as a salesman without a salesman's licence	3(b)*	200
3	Holding self out as engaged in the business of providing training courses without a licence	4*	200
4	Selling or offering for sale a training course other than that specified in the licence	5	200 for individuals; 500 for corporations
5	Failing to comply with terms, conditions or restrictions of the licence	15	200 for individuals; 500 for corporations
6	Using a form of training contract that has not been approved by the registrar	23	200
7	Failing to keep proper records or account books	24	250
8	Failing to deliver a true copy of the contract to the purchaser	25	200
9	Contracting to commence training on a date more than 3 months after the signing of the contract by the purchaser	26	200

- 10 Guaranteeing a position of
employment or obtaining a
position of employment to any
person for the purpose of
inducing that person to enter
into a training course 28 200”.

Coming into force

8(1) Subject to subsection 2, these regulations come into force on January 1, 2005.

(2) If these regulations are filed with the Registrar of Regulations after January 1, 2005, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 131/2004

The Milk Control Act, 1992

Section 10

Board Order, dated December 22, 2004

(Filed December 23, 2004)

Title

1 These regulations may be cited as *The Milk Control Amendment Regulations, 2004 (No. 12)*.

R.R.S. c.M-15 Reg 1, Appendix amended

2 **Clauses 3(1)(m) and (n) of Part II of the Appendix of *The Milk Control Regulations* are repealed and the following substituted:**

“(m) in the case of class 5a milk:

- (i) \$5.4028 per kilogram of butterfat;
- (ii) \$6.0545 per kilogram of protein; and
- (iii) \$0.2177 per kilogram of other solids;

“(n) in the case of class 5b milk:

- (i) \$5.4028 per kilogram of butterfat;
- (ii) \$1.8704 per kilogram of protein; and
- (iii) \$1.8704 per kilogram of other solids”.

Coming into force

3 These regulations come into force on January 1, 2005.