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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 2014/ Règlements Révisés de la Saskatchewan 2014

## January 3, 2014

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# REVISED REGULATIONS OF SASKATCHEWAN

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## CHAPTER A-15.21 REG 16

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

Sections 7, 8 and 43

Order in Council 717/2013, dated December 19, 2013

(Filed December 20, 2013)

#### PART I

#### Title and Interpretation

##### Title

1 These regulations may be cited as *The Sheep Development Plan Regulations, 2013*.

##### Interpretation

2(1) In these regulations:

- (a) “**Act**” means *The Agri-Food Act, 2004*;
- (b) “**board**” means the development board known as the Saskatchewan Sheep Development Board continued pursuant to section 6;
- (c) “**business day**” means a day other than a Saturday, Sunday or holiday;
- (d) “**dealer**” means a person who buys or sells sheep, or who offers to buy or sell sheep, on his or her own account or on account of some other person, either directly from producers or from others having sheep for sale, regardless of the use to which the sheep are to be put, but does not include a Saskatchewan farmer or rancher who purchases sheep required for the development or maintenance of his or her farm or ranch, provided that the majority of those sheep are not sold within 30 days after purchase;
- (e) “**director**” means a director of the board elected or appointed in accordance with these regulations;
- (f) “**plan**” means the Saskatchewan Sheep Development Plan continued pursuant to section 3;
- (g) “**processing**” means changing the nature, size, quality or condition of sheep by mechanical or other means and includes slaughter;
- (h) “**processor**” means any person engaged in the business of processing sheep;
- (i) “**producer**” means:
  - (i) any person engaged in the production, marketing or production and marketing of sheep, not including a dealer or a processor, and includes the employer of that person;
  - (ii) a person who, under any lease or agreement, is entitled to a share of the sheep raised by a person mentioned in subclause (i) or the proceeds from the sale of those sheep;
  - (iii) a person who takes possession of any sheep under any form of security or legal proceeding for a debt;

- (j) **“region”** means a region established pursuant to subsection (4);
  - (k) **“registered dealer”** means a dealer:
    - (i) who is registered with the board pursuant to section 22; and
    - (ii) whose registration has not been suspended or cancelled pursuant to section 23;
  - (l) **“registered producer”** means a producer:
    - (i) who is registered with the board pursuant to section 21; and
    - (ii) whose registration has not been suspended or cancelled pursuant to section 23;
  - (m) **“sheep”** means a sheep of any variety, grade or class and includes:
    - (i) a live sheep;
    - (ii) a sheep carcass;
    - (iii) a part of a sheep carcass;
    - (iv) a live lamb, a lamb carcass or part of a lamb carcass.
- (2) Notwithstanding that a registered producer may have production or marketing facilities in more than one region, no registered producer is entitled to be registered in more than one region.
- (3) If a registered producer has production or marketing facilities in more than one region, the registered producer shall elect, on registration pursuant to section 21, the region in which he or she will be registered.
- (4) Saskatchewan is divided into five regions for the purposes of these regulations and the board shall, by board order:
- (a) taking into consideration the number of producers and production numbers for each region, determine the boundaries of the five regions; and
  - (b) provide a map of the five regions.

## PART II Plan

### Plan continued

**3** The Saskatchewan Sheep Development Plan is continued.

### Application

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

- (a) throughout Saskatchewan; and
- (b) to all persons engaged in the production, marketing or production and marketing of sheep in Saskatchewan.

**Purpose**

- 5(1) The general purpose of the plan is to establish a system to provide for the orderly and effective development of the Saskatchewan sheep industry.
- (2) Without limiting the generality of subsection (1), the specific purposes of the plan are:
- (a) to coordinate and inform sheep producers on matters relating to the production and marketing of sheep;
  - (b) to promote harmony and communication within the sheep industry;
  - (c) to develop the potential of the sheep industry through extension and development of the marketing and promotion of sheep; and
  - (d) to ensure the provision of services required to promote the profitable marketing of sheep.

**PART III**  
**Board**

**Board**

- 6(1) The Sheep Development Board, continued as a development board pursuant to *The Sheep Development Plan Regulations, 1996*, as those regulations existed before the coming into force of these regulations, is continued as a development board pursuant to the Act under the name of the Saskatchewan Sheep Development Board.
- (2) The board consists of six directors.
- (3) Subject to clause (4)(b), one director is to be elected in accordance with Part VII from each region.
- (4) The board:
- (a) may appoint one director; and
  - (b) if less than five directors are elected pursuant to Part VII, may appoint registered producers as directors as it considers necessary to fill those positions.
- (5) A director appointed by the board pursuant to clause (4)(a) may be any individual.
- (6) The board shall administer the plan.

**Powers of board**

- 7(1) Subject to the other provisions of these regulations, the board may exercise the following powers that are set out in subsection 8(1) of the Act:
- (a) the power to carry out educational, research and developmental programs related to sheep;
  - (b) the power to require any or all persons engaged in the production, marketing or production and marketing of sheep 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 sheep;
- (d) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of sheep;
- (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of sheep for the purpose of setting and collecting the fees, charges or levies mentioned in clauses (c) and (d);
- (f) the power to set and collect penalties from any person who:
  - (i) is engaged in the production, marketing or production and marketing of sheep; 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 sheep 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 sheep, either as principal or agent;
- (j) the power to:
  - (i) employ any officers and employees that it considers necessary to administer the plan; and
  - (ii) determine the duties, conditions of employment and remuneration of its officers and employees;
- (k) the power to establish or support a group insurance plan, a pension plan, or any other employee benefit programs for its officers and employees mentioned in clause (j) and their dependants;
- (l) the power to use any money received by the board to carry out the purposes of the plan and to pay the expenses of the board;
- (m) the power to borrow, raise or secure the payment of money in any manner that the board considers appropriate for the purpose of administering the plan;
- (n) the power to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange or other negotiable or transferable instruments;
- (o) subject to subsection (3), the power to make grants or loans to any person, organization, agency, institution or body within or outside Saskatchewan, for the purposes of the plan;

(p) subject to subsection (3), the power to give financial guarantees respecting the indebtedness of any person if the board considers it necessary or advisable for the purposes of the plan;

(q) the power to purchase, take on lease or exchange or otherwise acquire real and personal property related to the business of the board, and to insure, sell or otherwise dispose of any of its property;

(r) the power to grant a mortgage or security interest in any of the board's real or personal property;

(s) subject to section 35 of the Act, the power to enter into any agreement with any person, agency, organization, institution or body within or outside Saskatchewan for any purpose related to the exercise of any of the powers or the carrying out of any of the duties of the board in relation to the plan;

(t) the power to:

(i) require any person who owes money to a producer with respect to the sale by the producer of sheep to pay the money to the board; and

(ii) distribute the money paid to the board pursuant to subclause (i), in the manner determined by the board, to the producer to whom the money is owing;

(u) the power to:

(i) purchase or acquire by any other means, in the open market or otherwise, any securities of any corporation; and

(ii) hold membership in any corporation;

(v) the power to:

(i) hold, sell, transfer, or otherwise deal with any of the securities mentioned in clause (u); and

(ii) exercise any rights, including the right to vote, as:

(A) an owner of the securities mentioned in clause (u); or

(B) a member;

(w) the power to register a business name pursuant to *The Business Names Registration Act*;

(x) the power to prescribe the manner in which remuneration and reimbursement for expenses of the directors are to be determined and paid.

(2) The board shall not regulate or control in any way the production, marketing or production and marketing of sheep.

(3) Neither the sum of the loans mentioned in clause (1)(o) nor the sum of the financial guarantees mentioned in clause (1)(p) shall exceed 10% each of the board's current assets as reported in the audited financial statement in the board's most recent annual report at the time the loan or the financial guarantee is made or given.

**Books and records****8(1)** The board shall:

- (a) maintain any books and records that may be required for the administration of the plan; and
  - (b) keep those books and records open for inspection by the council at any reasonable time.
- (2) The board shall maintain a registered office and a head office in Saskatchewan.
- (3) The board shall prepare an annual report containing:
- (a) a copy of the audited financial statement of the board for its previous fiscal year;
  - (b) a description of:
    - (i) the state of the industry; and
    - (ii) the activities of the board for its previous fiscal year; and
  - (c) a list of the names and addresses of the directors.
- (4) The board shall make the annual report available:
- (a) to the council;
  - (b) at the next annual general meeting of registered producers; and
  - (c) on request to any registered producer.

**Appointment of auditor****9(1)** The registered producers:

- (a) shall, at each annual general meeting, appoint an auditor to audit the books, records and financial statements of the board for the current fiscal year; and
  - (b) may, at any special general meeting, appoint an auditor to audit the books, records and financial statements of the board for the current fiscal year.
- (2) If the registered producers fail to appoint an auditor pursuant to clause (1)(a) for a fiscal year, the council shall appoint an auditor to audit the books, records and financial statements of the board for that fiscal year.
- (3) Any person appointed as auditor pursuant to this section must:
- (a) be independent of:
    - (i) the board; and
    - (ii) the directors and officers of the board; and
  - (b) be a member in good standing of a recognized accounting profession that is regulated by an Act.

**Committees**

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

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

**Chairperson and vice-chairperson**

11(1) The board shall elect a chairperson and vice-chairperson from among the directors at their first meeting in each year after new directors have been elected, not including any by-election that may be held in accordance with section 32.

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

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

**Quorum**

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

(a) a majority of the directors constitutes a quorum; and

(b) a decision of a majority of those directors constituting a quorum is a decision of the board.

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

13 Within 18 months after the coming into force of these regulations, the board shall prepare and submit to the council:

(a) a conflict of interest policy for the directors; and

(b) a policy respecting a code of conduct for the directors.

**Conflicts of interest**

14(1) No director shall:

(a) fail to disclose to the board any conflict of interest that the director may have; or

(b) vote on any matter with respect to which the director has any direct or indirect financial interest that is different from the financial interest of other producers.

(2) If the board is uncertain whether or not a director has a conflict of interest mentioned in clause (1)(a) or (b), the board must adjourn the matter until the conflict of interest issue is resolved pursuant to the policies mentioned in section 13.

**Bank accounts**

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

**Investments**

**16** The board may:

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

**Fiscal year**

**17** The fiscal year of the board is the period commencing on October 1 in one year and ending on September 30 in the following year.

**Financial Plan**

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

**Meetings of registered producers**

**19(1)** An annual general meeting of registered producers:

- (a) is to be held no later than 13 weeks after the first day of the fiscal year; and
- (b) is to be held at a place and time determined by the board.

(2) The board:

- (a) may call a special general meeting of registered producers at any time; and
- (b) shall call a special general meeting on the written request of:
  - (i) the council; or
  - (ii) not less than 10 registered producers.

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

- (a) for an annual general meeting of registered producers, of the date, time, location and agenda not less than 30 days before the date on which the annual general meeting commences; and
- (b) for a special general meeting of registered producers, of the date, time, location and agenda not less than 15 days before the date on which the special general meeting commences.

(4) The notice mentioned in subsection (3) may be sent:

- (a) by ordinary or registered mail; or
- (b) at the request of a registered producer, by facsimile or electronic mail.

(5) If a notice is sent pursuant to clause (4)(b), it is deemed to be received on the next business day after it was sent.

(6) The quorum at an annual or special general meeting of registered producers is 10 registered producers.

- (7) The board shall present to the annual general meeting:
- (a) a proposed budget for the current fiscal year;
  - (b) an annual report for the previous fiscal year; and
  - (c) an outline of programs and activities it has planned for the current fiscal year.
- (8) Any change to the remuneration to be paid to the directors is to be determined by motion of the board and approved by a vote of registered producers at the next annual general meeting or special general meeting.

**Regional meetings**

- 20(1)** The board may, at any time, call a meeting of the registered producers in a region for the purpose of discussing any business placed on the agenda by the board.
- (2) The board shall give reasonable notice of a meeting held pursuant to this section to the registered producers in the region.
- (3) The quorum at a meeting held pursuant to this section is 10 registered producers from the region.

## PART IV Registration

**Registration of producers**

- 21(1)** Every producer shall register with the board at the time and in the manner determined by order of the board.
- (2) The board shall keep and maintain at its head office a register containing the name, address and registration number of each registered producer.

**Registration of dealers**

- 22(1)** Every dealer shall register with the board at the time and in the manner determined by the board.
- (2) The board shall keep and maintain at its head office a register containing the name, address and registration number of each registered dealer.

**Suspension and cancellation of registrations**

- 23(1)** The board may cancel or suspend a registration if the registered producer or registered dealer, as the case may be, has contravened:
- (a) the Act;
  - (b) the plan;
  - (c) these regulations; or
  - (d) an order or direction of the board.
- (2) The board shall establish, by order, procedures respecting the cancellation or suspension of a registration pursuant to this section.
- (3) If the board suspends or cancels a registration pursuant to this section, the board must advise the registered producer or registered dealer, as the case may be, in writing of its decision.

**PART V**  
**Levies**

**Collection of levies**

- 24(1)** Every producer shall pay to the board, at the times and in the manner determined by the board, a levy in an amount determined by order of the board.
- (2) The board shall provide registered producers and registered dealers:
- (a) an opportunity to discuss the rate of the levy at annual general meetings and special general meetings; and
  - (b) at least 10 business days' notice that the rate of the levy is to be discussed at an annual general meeting or special general meeting.
- (3) The board may require any dealer to:
- (a) deduct the levy mentioned in subsection (1), and other fees and charges on sheep levied pursuant to these regulations, from any payment made to a producer; and
  - (b) forward the levy and other fees and charges to the board.
- (4) The board may require any producer to:
- (a) deduct the levy mentioned in subsection (1), and other fees and charges on sheep levied pursuant to these regulations, from any payment from another producer; and
  - (b) forward the levy and other fees and charges to the board.
- (5) The board may recover in a court of competent jurisdiction the levies, fees and charges mentioned in this section from producers and dealers.

**PART VI**  
**Board Orders**

**Board orders**

- 25(1)** The chairperson, or in the absence of the chairperson the vice-chairperson, shall sign every order issued by the board pursuant to section 12 of the Act.
- (2) The board shall number in consecutive order, retain and make available for inspection at its head office by any registered producer, registered dealer or any other person designated by the council original copies of all orders that have been approved by the council pursuant to section 12 of the Act.
- (3) The board shall:
- (a) cause all orders of the board to be published in the Gazette and in any other media it considers appropriate; and
  - (b) annually review the orders of the board and consolidate them.

**PART VII**  
**Elections**

**Voting**

- 26(1)** A registered producer is eligible to vote at an election only in the region in which that registered producer is registered in accordance with subsections 2(2) and (3).
- (2) Subject to subsection (5), a registered producer that is a corporation, association, society or other designation is entitled to vote or hold office:
- (a) only through a designated representative appointed in writing; and
  - (b) only if notice of that appointment has been filed with the board in a form and manner acceptable to the board.
- (3) Except as provided in subsection (2), voting by proxy is prohibited.
- (4) Subject to subsection (5), every registered producer is entitled to one vote.
- (5) No individual shall be entitled to more than one vote regardless of whether he or she is voting as an individual registered producer or as a designated representative.

**Nominations**

- 27(1)** A registered producer is eligible to be nominated for election as a director representing the region in which the registered producer is registered in accordance with subsections 2(2) and (3).
- (2) The board shall:
- (a) arrange for the conduct of regional elections;
  - (b) fix the last date for receipt of nominations for election to the board; and
  - (c) at least 30 days before the date set pursuant to clause (b), send to each registered producer in the region where the election is being held a notice that:
    - (i) states that nominations are being accepted for election to the board; and
    - (ii) sets out the last date for receiving nominations.
- (3) Every nomination of a candidate for election as a director to represent a region is to be:
- (a) in writing in the form required by the board;
  - (b) signed by:
    - (i) two registered producers from that region;
    - (ii) two designated representatives of registered producers from that region; or
    - (iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling two persons; and
  - (c) delivered to the returning officer on or before the date fixed pursuant to clause (2)(b) for receipt of nominations.

**Returning officer and scrutineer**

**28(1)** Subject to subsection (2), the board shall appoint a returning officer and a scrutineer to conduct an election pursuant to section 29.

(2) Producers, dealers, and officers and employees of the board are not eligible to be appointed pursuant to subsection (1).

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

(4) The scrutineer appointed pursuant to subsection (1) is responsible for scrutinizing all actions related to conducting an election.

**Conduct of elections**

**29(1)** If not more than the required number of candidates are nominated pursuant to section 27, the candidates nominated are deemed to be elected by acclamation.

(2) If more than one nomination is made for any position to be filled by election, the board shall:

(a) fix a date for a regional election, which shall be no later than eight weeks after the last day of the previous fiscal year; and

(b) at least 15 business days before the date fixed pursuant to clause (a), send to every registered producer in the region:

(i) the ballot;

(ii) a profile of every candidate in the region;

(iii) a certificate of eligibility to vote; and

(iv) a notice that states the time, date and place to which the ballot and certificate of eligibility to vote are to be returned.

(3) The documents and notice mentioned in clause (2)(b) may be sent by ordinary or registered mail.

(4) Every registered producer that intends to vote in an election shall:

(a) complete and sign the certificate of eligibility to vote;

(b) complete the ballot provided by the board; and

(c) seal the ballot and certificate of eligibility to vote in an envelope and return it to the returning officer, either in person or by mail, by the date fixed for them to be returned.

(5) The returning officer shall prepare and submit a written report to the chairperson that declares the candidate receiving the greatest number of votes in the region to be the director of the board representing that region.

(6) The ballot of a registered producer is not valid if:

(a) the certificate of eligibility is not returned with the ballot;

(b) the registered producer votes for more than one candidate;

(c) it is defaced;

- (d) it is marked in any way other than to vote for a candidate;
- (e) it is not the original ballot provided by the board; or
- (f) the individual who voted for the registered producer voted more than once.

(7) Ties between candidates are to be decided by the drawing of lots.

**Failure to receive documents does not invalidate election**

**30** The failure of any registered producer to receive the documents mentioned in clause 29(2)(b) does not invalidate the election.

**Election results**

**31(1)** The chairperson shall read the written report prepared pursuant to subsection 29(5) at the first annual general meeting of registered producers after the election, immediately after the minutes of the previous meeting have been dealt with.

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

**Terms of office, vacancy**

**32(1)** Subject to subsection (4), a director holds office:

- (a) in the case of an elected director, for a term of two years commencing with the declaration of the director's election by the chairperson and until the director's successor is elected or appointed; or
- (b) in the case of a director appointed pursuant to clause 6(4)(a), for a term of two years commencing at the close of the first annual general meeting held following the appointment, and until the director's successor is appointed.

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

(3) If a director has completed three consecutive terms, he or she is not eligible for re-election or reappointment until one year has passed since the completion of the director's third consecutive term.

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

- (a) ceases to qualify as a registered producer;
- (b) resigns, dies or is unable to act;
- (c) is absent from two consecutive meetings of the board without being excused by resolution of the board; or
- (d) fails to fulfil his or her duties as established by the policy of the board and approved by the council.

(5) If the office of a director for a region becomes vacant, the board may:

- (a) appoint a registered producer from that region as a director to fill the vacancy until the next election; or
- (b) call a by-election for that region, within seven business days, to fill the vacancy if there are more than 90 days remaining before the expiry of the term of the director whose office is vacant.

(6) Subject to subsection (7), sections 26 to 30, 33 and 34 apply, with any necessary modification, to the conduct of a by-election pursuant to subsection (5).

(7) The returning officer shall declare the candidate receiving the greatest number of votes to be a director.

(8) Subject to subsection (4), a director elected at a by-election held pursuant to subsection (5) holds office commencing with the declaration of the director's election by the returning officer and until the director's successor is elected at the expiry of the term of the director whose office became vacant.

**Retention of ballots**

**33** The returning officer shall:

- (a) retain the ballots in his or her possession; and
- (b) not destroy any ballot or other record respecting an election of directors until 95 days after the annual general meeting of registered producers at which the chairperson declared the results of the election.

**Challenge to election results**

**34(1)** Any registered producer may challenge the results of an election of directors, as declared by the chairperson pursuant to section 31, by submitting a written objection to the council.

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

- (a) set out the grounds for the objection; and
- (b) be received by the council within 90 days after the annual general meeting of registered producers at which the chairperson declared 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 determined by the vote recount officer are final.

## PART VIII

### Repeal, Transitional and Coming into Force

**R.R.S. c.A-15.2 Reg 3 repealed**

**35** *The Sheep Development Plan Regulations, 1996* are repealed.

**Transitional**

**36** On the coming into force of these regulations, the board is to consist of the directors of the board who held office pursuant to *The Sheep Development Plan Regulations, 1996* on the day before these regulations came into force, and those directors continue to hold office as if they had been elected or appointed pursuant to these regulations until their successors are elected or appointed pursuant to these regulations.

**Coming into force**

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

**CHAPTER A-15.21 REG 17***The Agri-Food Act, 2004*

Sections 7, 8 and 43

Order in Council 716/2013, dated December 19, 2013

(Filed December 20, 2013)

**PART I  
Preliminary Matters****Title**

**1** These regulations may be cited as *The Pork Industry Development Plan Regulations, 2013*.

**Interpretation**

**2** In these regulations:

- (a) **“Act”** means *The Agri-Food Act, 2004*;
- (b) **“assemble”** means to gather hogs or pork in one place for the purpose of transporting it or selling it to a processor;
- (c) **“assembler”** means any person who, either directly or on behalf of a producer:
  - (i) transports hogs or pork;
  - (ii) assembles hogs or pork;
  - (iii) arranges for assembly of hogs or pork; or
  - (iv) brokers a sale of hogs or pork;
- (d) **“board”** means the development board known as the Saskatchewan Pork Development Board continued pursuant to section 6;
- (e) **“business day”** means a day other than a Saturday, Sunday or holiday;
- (f) **“director”** means a director of the board elected or appointed in accordance with these regulations;
- (g) **“hog”** means a live hog;
- (h) **“plan”** means the Saskatchewan Pork Industry Development Plan continued pursuant to section 3;
- (i) **“pork”** means a hog carcass of any grade, class or variety, or any part of the carcass, and includes processed products derived from the carcass;
- (j) **“processing”** means changing the nature, size, quality or condition of hogs or pork, and includes slaughtering;
- (k) **“processor”** means any person engaged in the business of processing hogs or pork;

- (l) **“producer”** means:
- (i) any person engaged in the production, marketing, or production and marketing of hogs, and includes the employer of that person;
  - (ii) a person who, under any lease or agreement, is entitled to a share of the hogs or the proceeds of their sale; and
  - (iii) a person who takes possession of any hog under any form of security or legal proceeding for a debt;
- (m) **“producer vote”** means a producer vote cast in accordance with sections 31 and 32;
- (n) **“production unit”** means the buildings, structures, equipment and land used by a producer for the production of hogs, whether located at one or more sites;
- (o) **“production vote”** means a production vote cast in accordance with sections 31 and 33;
- (p) **“promoted product”** means:
- (i) any hog produced for feeding, breeding or slaughter; and
  - (ii) any pork;
- (q) **“registered producer”** means a producer:
- (i) who is registered with the board pursuant to section 21;
  - (ii) whose registration has not been suspended or cancelled pursuant to section 25; and
  - (iii) who has marketed hogs within the preceding calendar year.

## PART II Plan

### Plan continued

3 The Saskatchewan Pork Industry Development Plan is continued.

### Application

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

- (a) throughout Saskatchewan; and
- (b) to all persons engaged in the production, marketing or production and marketing of hogs or pork in Saskatchewan.

### Purpose

5(1) The general purpose of the plan is to provide for the effective development of the Saskatchewan pork industry and the promotion of hogs and pork produced in Saskatchewan.

(2) Without limiting the generality of subsection (1), the specific purposes of the plan are:

- (a) to encourage production of uniform high-quality hogs and pork;
- (b) to encourage, assist and carry out market development and promotion of hogs and pork in domestic and export markets;

- (c) to encourage a continuous supply of high-quality hogs and pork for effective industry development;
- (d) to compile and distribute statistical data and information relating to the production, consumption and marketing of hogs and pork;
- (e) to conduct, encourage or assist in the carrying out of studies and research relating to the production, quality improvement, marketing or consumption of hogs and pork;
- (f) to promote and improve communications among persons within the pork industry, and between the pork industry and processors, consumers or others;
- (g) to cooperate and work in partnership with marketing boards, commissions or other agencies, organizations or bodies that have objectives consistent with those set out in the plan;
- (h) to contribute to industry improvement and the growth, development and success of the pork industry and producers;
- (i) to undertake and provide services and functions that contribute to the purposes of the plan.

### PART III Board

#### Board

- 6(1)** Sask Pork, continued as a development board pursuant to *The Pork Industry Development Plan Regulations*, as those regulations existed before the coming into force of these regulations, is continued as a development board pursuant to the Act under the name of the Saskatchewan Pork Development Board.
- (2) The board consists of six directors elected in accordance with Part VII:
- (a) three of whom are to be elected by producer vote; and
  - (b) three of whom are to be elected by production vote.
- (3) If fewer than six directors are elected pursuant to Part VII, the board may appoint registered producers as directors as it considers necessary to fill those positions.
- (4) The board shall administer the plan.

#### Powers of board

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

- (d) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of hogs or pork;
- (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of hogs or pork for the purpose of setting and collecting the fees, charges or levies mentioned in clauses (c) and (d);
- (f) the power to set and collect penalties from any person who:
  - (i) is engaged in the production, marketing or production and marketing of hogs or pork; 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 hogs or pork 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 hogs or pork, either as principal or agent;
- (j) the power to:
  - (i) employ any officers and employees that it considers necessary to administer the plan; and
  - (ii) determine the duties, conditions of employment and remuneration of its officers and employees;
- (k) the power to establish or support a group insurance plan, a pension plan or any other employee benefit programs for its officers and employees mentioned in clause (j) and their dependants;
- (l) the power to use any moneys received by the board to carry out the purposes of the plan and to pay the expenses of the board;
- (m) the power to borrow, raise or secure the payment of moneys in any manner that the board considers appropriate for the purpose of administering the plan;
- (n) the power to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange or other negotiable or transferable instruments;
- (o) the power to make grants or loans to any person, organization, agency, institution or body within or outside Saskatchewan, for the purposes of the plan;
- (p) the power to give financial guarantees respecting the indebtedness of any person if the board considers it necessary or advisable for the purposes of the plan;
- (q) the power to purchase, take on lease or exchange or otherwise acquire real and personal property related to the business of the board, and to insure, sell or otherwise dispose of any of its property;

- (r) the power to grant a mortgage or security interest in any of the board's real or personal property;
  - (s) subject to section 35 of the Act, the power to enter into any agreement with any person, agency, organization, institution or body within or outside Saskatchewan for any purpose related to the exercise of any of the powers or the carrying out of any of the duties of the board in relation to the plan;
  - (t) the power to:
    - (i) require any person who owes money to a producer with respect to the sale by the producer of any hogs or pork to pay the moneys to the board; and
    - (ii) distribute the moneys paid to the board pursuant to subclause (i), in the manner determined by the board, to the producer to whom the moneys are owing;
  - (u) the power to:
    - (i) purchase or acquire by any other means, in the open market or otherwise, any securities of any corporation; and
    - (ii) hold membership in any corporation;
  - (v) the power to:
    - (i) hold, sell, transfer or otherwise deal with any of the securities mentioned in clause (u); and
    - (ii) exercise any rights, including the right to vote, as:
      - (A) an owner of the securities mentioned in clause (u); or
      - (B) a member;
  - (w) the power to register a business name pursuant to *The Business Names Registration Act*;
  - (x) the power to prescribe the manner in which remuneration and reimbursement for expenses of the directors are to be determined and paid.
- (2) The board shall not regulate or control in any way the production, marketing or production and marketing of hogs or pork.

**Books and records****8(1) The board shall:**

- (a) maintain any books and records that may be required for the administration of the plan; and
  - (b) keep those books and records open for inspection by the council at any reasonable time.
- (2) The board shall maintain a registered office and head office in Saskatchewan.
- (3) The board shall prepare an annual report containing:
- (a) a copy of the audited financial statement of the board for its previous fiscal year;

- (b) a description of:
    - (i) the state of the pork industry; and
    - (ii) the activities of the board for its previous fiscal year; and
  - (c) a list of the names and addresses of the directors.
- (4) The board shall make the annual report available:
- (a) to the council;
  - (b) at the annual general meeting of registered producers; and
  - (c) on request to:
    - (i) any registered producer;
    - (ii) any registered processor; or
    - (iii) any registered commercial trucker, assembler or sales agent of hogs.

**Appointment of auditor**

**9(1)** The registered producers:

- (a) shall, at each annual general meeting, appoint an auditor to audit the books, records and financial statements of the board for the current fiscal year; and
  - (b) may, at any special general meeting, appoint an auditor to audit the books, records and financial statements of the board for the current fiscal year.
- (2) If the registered producers fail to appoint an auditor pursuant to clause (1)(a) for a fiscal year, or if there is a vacancy in the office of the auditor for any other reason, the council shall appoint an auditor to audit the books, records and financial statements of the board for that fiscal year.
- (3) Any person appointed as auditor pursuant to this section must:
- (a) be independent of:
    - (i) the board; and
    - (ii) the directors and officers of the board; and
  - (b) be a member in good standing of a recognized accounting profession that is regulated by an Act.

**Committees**

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

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

**Chairperson and vice-chairperson**

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

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

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

**Quorum**

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

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

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

**13(1)** Within 18 months after the coming into force of these regulations, the board shall prepare and submit to the council:

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

(2) Any amendment the board makes to a policy set out in subsection (1) shall be submitted to the council within 90 days after the amendment.

**Conflicts of interest**

**14(1)** No director shall:

- (a) fail to disclose to the board any conflict of interest that the director may have; or
- (b) vote on any matter with respect to which the director has any direct or indirect financial interest that is different from the financial interest of other producers.

(2) If the board is uncertain whether or not a director has a conflict of interest mentioned in clause (1)(a) or (b), the board must adjourn the matter until the conflict of interest issue is resolved pursuant to the policies mentioned in section 13.

**Bank accounts**

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

**Investments**

**16** The board may:

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

**Fiscal year**

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

**Financial plan**

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

**Meetings of registered producers**

**19(1)** An annual general meeting of registered producers:

- (a) is to be held on or before December 31 in each year; and
- (b) is to be held at a place and time determined by the board.

(2) The board:

- (a) may call a special general meeting of registered producers at any time; and
- (b) shall call a special general meeting within 30 days after receiving a written request from at least 25 registered producers.

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

- (a) for an annual general meeting of registered producers, of the date, time, location and agenda not less than 30 days before the date on which the annual general meeting commences; and
- (b) for a special general meeting of registered producers, of the date, time, location and agenda not less than 15 days before the date on which the special general meeting commences.

(4) The quorum at an annual or special general meeting of registered producers is 10 registered producers.

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

- (a) the financial plan it has approved for the current fiscal year; and
- (b) an outline of programs and activities it has planned for the current fiscal year.

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

(7) At an annual general meeting or special general meeting, registered producers may debate and take a vote by show of hands on any questions or resolutions respecting the purposes of the plan.

**Notices**

**20(1)** Any notice required by these regulations to be given is to be sent:

- (a) in accordance with section 39 of the Act; or
- (b) at the request of the person who is to receive the notice, by facsimile or electronic mail.

(2) If a notice is sent in accordance with clause (1)(b), it is deemed to be received on the next business day after it was sent.

**PART IV**  
**Registration**

**Registration of producers**

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

(2) The board shall assign to each producer a production unit registration number on the first occasion on which the producer markets hogs, and the producer shall use that number on subsequent occasions to identify the production unit where the hogs being marketed were produced.

**Registration of processors**

**22** Every processor who slaughters hogs shall register with the board at the time and in the manner determined by order of the board.

**Registration of commercial truckers, assemblers and sales agents**

**23(1)** Every commercial trucker, assembler and sales agent of hogs shall register with the board at the time and in the manner determined by order of the board.

(2) Commercial truckers, assemblers and sales agents of hogs may be governed by order of the board, and the board shall provide a copy of any order to all registered commercial truckers, assemblers and sales agents at least 48 hours before the order takes effect.

**Register**

**24** The board shall keep and maintain at its head office a register containing the name, address and registration number of every person registered with the board.

**Suspension and cancellation of registrations**

**25(1)** The board may cancel or suspend a registration of any person mentioned in sections 21 to 23 who has contravened:

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

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

(3) If the board suspends or cancels a registration pursuant to this section, the board must advise the registered producer, processor, commercial trucker, assembler or sales agent of hogs, as the case may be, in writing of its decision.

**PART V**  
**Levies**

**Collection of levies**

- 26(1)** Every producer shall pay to the board, at the times and in the manner determined by the board, a levy in an amount determined by order of the board.
- (2) The board shall provide registered producers with:
- (a) an opportunity to discuss the rate of the levy at annual general meetings and special general meetings; and
  - (b) at least 10 business days' notice that the rate of the levy is to be discussed at an annual general meeting or special general meeting.
- (3) The board may require any marketer of hogs or pork to:
- (a) deduct the levy mentioned in subsection (1), and other fees and charges on hogs or pork levied pursuant to these regulations, from any payment made to a producer; and
  - (b) forward the levy and other fees and charges to the board.
- (4) The board may require any producer of hogs or pork to:
- (a) deduct the levy mentioned in subsection (1), and other fees and charges on hogs or pork levied pursuant to these regulations, from any payment from another producer; and
  - (b) forward the levy and other fees and charges to the board.
- (5) The board may recover in a court of competent jurisdiction the levies, fees and charges mentioned in this section from producers and marketers.

**PART VI**  
**Board Orders**

**Board orders**

- 27(1)** The chairperson, or in the absence of the chairperson the vice-chairperson, shall sign every order issued by the board pursuant to section 12 of the Act.
- (2) The board shall number in consecutive order, retain and make available for inspection at its head office by any person registered pursuant to section 21, 22 or 23, or any other person designated by the council, original copies of all orders that have been approved by the council pursuant to section 12 of the Act.
- (3) The board shall:
- (a) cause all orders of the board to be published in the Gazette and in any other media it considers appropriate; and
  - (b) annually review the orders of the board and consolidate them.

**PART VII**  
**Elections**

**Eligibility**

- 28(1)** Every registered producer is eligible to hold office as a director.
- (2) Subject to subsection (6), a registered producer that is a corporation, association, society or other designation is entitled to vote or hold office:
- (a) only through a designated representative appointed in writing; and
  - (b) only if notice of that appointment has been filed with the board in a form and manner acceptable to the board.
- (3) Except as provided in subsection (2), voting by proxy is prohibited.
- (4) Subject to subsections (5) and (6), every registered producer is entitled to one vote on any matter to be determined by vote other than the election of directors.
- (5) Subject to subsection (6), in an election of directors, every registered producer is entitled to:
- (a) three producer votes; and
  - (b) the number of production votes determined pursuant to section 33.
- (6) No individual shall:
- (a) in the case of a vote mentioned in subsection (4), be entitled to more than one vote regardless of whether he or she is voting as an individual registered producer or as a designated representative of a registered producer; and
  - (b) in the case of a vote mentioned in subsection (5), be entitled to more than three producer votes regardless of whether he or she is voting as an individual registered producer or as a designated representative of a registered producer.

**Nominations**

- 29(1)** Any registered producer is eligible to be nominated for election as a director of the board.
- (2) The board shall:
- (a) fix the last date for receipt of nominations for election to the board; and
  - (b) at least 30 days before the last date for receipt of nominations, notify registered producers that nominations are being accepted for the board and of the last date for receipt of nominations.
- (3) Every nomination is to be:
- (a) in writing in the form required by the board;
  - (b) signed by:
    - (i) three registered producers;
    - (ii) three representatives of registered producers appointed pursuant to subsection 28(2); or
    - (iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling three persons; and
  - (c) delivered to the returning officer on or before the date fixed pursuant to clause (2)(a) for receipt of nominations.

(4) Every person nominated pursuant to this section stands for election by both producer vote and production vote.

**Returning officer**

**30(1)** Subject to subsection (2), the board shall appoint a returning officer to conduct an election pursuant to section 31.

(2) Producers, processors, commercial truckers, assemblers, sales agents of hogs, and officers and employees of the board are not eligible to be appointed pursuant to subsection (1).

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

**Conduct of elections**

**31(1)** If not more than the required number of candidates are nominated pursuant to section 29, the candidates nominated are deemed to be elected by acclamation.

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

- (a) fix a date for the completion of the election; and
- (b) at least 15 business days before the date fixed pursuant to clause (a), send by ordinary or registered mail to every registered producer:
  - (i) the ballot and a plain envelope;
  - (ii) a profile of every candidate;
  - (iii) a certificate of eligibility to vote; and
  - (iv) a notice that states the time, date and place to which the ballot and certificate of eligibility to vote are to be returned.

(3) Every registered producer that wishes to vote in an election shall:

- (a) complete the ballot provided by the board; and
- (b) seal the ballot and certificate of eligibility to vote in the envelope provided and return it to the returning officer, either in person or by mail, by the date fixed for them to be returned.

**Casting producer votes**

**32** Every registered producer is entitled to vote for three candidates by producer vote.

**Casting production votes**

**33(1)** A registered producer is entitled to one production vote for each hog that the registered producer marketed or slaughtered in the board's previous fiscal year, as determined by the board based on the levies paid by the registered producer.

(2) The board shall indicate on the ballot sent to each registered producer the number of production votes to which the registered producer is entitled.

(3) A registered producer is entitled to cast his or her production votes for one or more candidates in any manner that the registered producer wishes.

(4) If a registered producer objects to the number of production votes to which he or she is entitled, as indicated on the ballot, the registered producer may request that the board reconsider its determination.

- (5) Any request made pursuant to subsection (4) must be made at least seven days before the date fixed pursuant to clause 31(2)(a) for the return of ballots.
- (6) On receipt of a request made in accordance with subsection (5), the board shall, as soon as possible:
- (a) reconsider the determination objected to and confirm or vary the determination; and
  - (b) notify the registered producer making the objection and the returning officer of the board's decision.
- (7) A decision of the board pursuant to subsection (6) is final, and there is no right of appeal from that decision.

**Election by production votes**

- 34(1)** Promptly after the date fixed pursuant to clause 31(2)(a) for the return of ballots, the returning officer shall count the votes cast in the election.
- (2) Production votes are to be counted before producer votes.
- (3) The three candidates receiving the most production votes are elected as directors for the purposes of clause 6(2)(b).
- (4) Neither the returning officer nor any person assisting the returning officer in counting production votes shall disclose the number of production votes cast in favour of any candidate.

**Election by producer votes**

- 35(1)** After determining the directors elected by production vote pursuant to section 34, the returning officer shall remove the names of the candidates elected by production vote from the list of candidates to be elected by producer vote pursuant to this section.
- (2) Of the candidates remaining on the list of candidates to be elected by producer vote, the three candidates receiving the most producer votes are elected as directors for the purposes of clause 6(2)(a).

**Validity of ballot**

- 36** The ballot of a registered producer is not valid, and the returning officer shall not count the producer votes or the production votes cast by that ballot, if:
- (a) the certificate of eligibility is not returned with the ballot;
  - (b) it is defaced;
  - (c) it is marked in any way other than to vote for candidates;
  - (d) it is not the original ballot provided by the board;
  - (e) it is marked with more than three producer votes;
  - (f) it is marked with more than one producer vote for any one candidate; or
  - (g) it is marked with more production votes than the registered producer is entitled to, as determined by the board pursuant to section 33.

**Failure to receive documents does not invalidate election**

- 37** The failure of any registered producer to receive the documents mentioned in clause 31(2)(b) does not invalidate the election.

**Election results**

**38** The returning officer shall declare the names of the persons elected as directors at the first annual general meeting of registered producers after the election, immediately after the minutes of the previous meeting have been dealt with.

**Term of office, vacancy**

**39(1)** Subject to subsection (4), a director holds office:

- (a) in the case of an elected director, for a term of two years commencing with the declaration of the director's election by the returning officer and until the director's successor is elected or appointed, as the case may be; or
  - (b) in the case of an appointed director, until the next election that is held after he or she is appointed and until the director's successor is elected or appointed, as the case may be.
- (2) Subject to subsection (3), a director is eligible for re-election or reappointment.
- (3) If a director has completed three consecutive terms, he or she is not eligible for re-election or reappointment until one year has passed since the completion of the director's third consecutive term.
- (4) The office of director becomes vacant if a director:
- (a) ceases to qualify as a registered producer;
  - (b) resigns, dies or is unable to act;
  - (c) is absent from three consecutive meetings of the board without being excused by resolution of the board; or
  - (d) fails to fulfil his or her duties as established by the policy of the board and approved by the council.
- (5) Notwithstanding subsection 6(2), if the office of a director becomes vacant, the board may appoint a registered producer as a director to fill the vacancy until the next election.

**Tie votes**

- 40(1)** A tie between candidates based on production votes is to be decided in favour of the candidate with the most producer votes.
- (2) A tie between candidates based on producer votes is to be decided in favour of the candidate with the most production votes.
- (3) If a tie occurs between candidates notwithstanding subsections (1) and (2), the successful candidate is to be determined by a producer vote conducted at the annual general meeting of registered producers.
- (4) Voting pursuant to subsection (3) is to be by secret ballot.
- (5) Only registered producers who are in attendance at the annual general meeting are entitled to vote pursuant to subsection (3), and each of those registered producers is entitled to one vote for that purpose.
- (6) The returning officer shall count the votes cast pursuant to subsection (3) and declare the winner of the tie vote before moving on to any further business at the annual general meeting.

**Retention of ballots**

41 The returning officer shall:

- (a) retain the ballots in his or her possession; and
- (b) not destroy any ballot or other record respecting an election of directors until 95 days after the annual general meeting of registered producers at which the returning officer declared the results of the election.

**Challenge to election results**

42(1) Any registered producer may challenge the results of an election of directors, as declared by the returning officer pursuant to section 38 or subsection 40(6), by submitting a written objection to the council.

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

- (a) set out the grounds for the objection; and
- (b) be received by the council within 90 days after the annual general meeting of registered producers at which the returning officer declared 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 determined by the vote recount officer are final.

**PART VIII****Repeal, Transitional and Coming into Force****R.R.S. c.A-15.2 Reg 7 repealed**

43 *The Pork Industry Development Plan Regulations* are repealed.

**Transitional**

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

**Coming into force**

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

**CHAPTER A-15.21 REG 18***The Agri-Food Act, 2004*

Sections 7, 8 and 43

Order in Council 715/2013, dated December 19, 2013

(Filed December 20, 2013)

**PART I****Title and Interpretation****Title**

- 1** These regulations may be cited as *The Turkey Marketing Plan Regulations*.

**Interpretation**

- 2** In these regulations:

- (a) “**Act**” means *The Agri-Food Act, 2004*;
- (b) “**agent**” means a person who facilitates the sale of turkeys;
- (c) “**board**” means the marketing board known as the Turkey Farmers of Saskatchewan continued pursuant to section 6;
- (d) “**business day**” means a day other than a Saturday, Sunday or holiday;
- (e) “**director**” means a member of the board elected or appointed pursuant to Part VIII;
- (f) “**hatchery**” means a place where turkey poults are hatched, including by artificial brooding and feeding, and from which live turkey eggs and poults are sold;
- (g) “**licence**” means a licence issued pursuant to these regulations;
- (h) “**licensed producer**” means a producer licensed pursuant to these regulations;
- (i) “**plan**” means the Saskatchewan Turkey Marketing Plan continued pursuant to section 3;
- (j) “**processor**” means any person engaged in the business of processing turkey;
- (k) “**producer**” means:
  - (i) any person engaged in the production, marketing, or production and marketing of turkey;
  - (ii) a person who, under any lease or agreement, is entitled to a share of the turkey produced or the proceeds of its sale; and
  - (iii) a person who takes possession of any turkey under any form of security or legal proceedings for a debt;
- (l) “**production unit**” means any equipment, land, building or other structure used by a licensed producer for the production or marketing of turkey;

- (m) “**production year**” means the period that corresponds to the control period as defined in the *Canadian Turkey Marketing Quota Regulations, 1990*;
- (n) “**quota**” means the quantity, expressed as kilograms of live turkey, that the board allocates to each licensed producer to be produced within the confines of a production unit for a specified production year;
- (o) “**turkey**” means any class of turkey raised or used for meat or egg production and includes poults, broilers, light hens, heavy hens, light toms, heavy toms or mature turkeys;
- (p) “**Turkey Farmers of Canada**” means the national turkey marketing agency established pursuant to the *Farm Products Agencies Act* (Canada) as the Canadian Turkey Marketing Agency;
- (q) “**turkey product**” means turkey that has been slaughtered and includes:
- (i) bagged or whole bird; and
  - (ii) further processed products.

## PART II Plan

### Plan continued

**3** The Saskatchewan Turkey Marketing Plan is continued.

### Application

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

- (a) throughout Saskatchewan; and
- (b) to all persons engaged in the production, marketing or production and marketing of more than 99 turkeys per year in Saskatchewan.

### Purpose

**5** The purposes of the plan are:

- (a) to control and regulate the production and marketing of turkey and turkey products in Saskatchewan;
- (b) to maintain a fair and stable price for turkey and turkey products in Saskatchewan that relates to the cost of production;
- (c) to initiate, support and conduct studies and research connected with the production, marketing or production and marketing of turkey and turkey products, including studies and research respecting consumer demand for Saskatchewan-grown turkey and turkey products;
- (d) to initiate, support and conduct activities to promote the production, marketing or production and marketing of turkey and turkey products in Saskatchewan; and

- (e) to cooperate with the Governments of Saskatchewan and Canada and with any bodies empowered by an Act or an Act of the Parliament of Canada or of a province or territory of Canada to market turkey and turkey products or to promote, facilitate, control, regulate or prohibit the production or marketing of turkey and turkey products.

### PART III

#### Board

##### Board continued

6(1) The marketing board known as the Saskatchewan Turkey Producers' Marketing Board is continued as the Turkey Farmers of Saskatchewan, a marketing board pursuant to the Act consisting of a maximum of five directors elected in accordance with Part VIII.

(2) A vacancy in the office of a director does not impair the power of the remaining directors of the board to act.

(3) The board shall administer the plan.

##### Powers of the board

7(1) Subject to the other provisions of these regulations, the board may exercise the following powers that are set out in section 8 of the Act:

- (a) the power to carry out educational, research and developmental programs related to turkey;
- (b) the power to require any or all persons engaged in the production, marketing or production and marketing of turkey 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 turkey;
- (d) the power to set and collect a levy from any person engaged in the production, marketing or production and marketing of turkey;
- (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of turkey for the purpose of setting and collecting the fees, charges or levies mentioned in clauses (c) and (d);
- (f) the power to set and collect penalties from any person who:
  - (i) is engaged in the production, marketing or production and marketing of turkey; 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 turkey 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 turkey, either as principal or agent;
- (j) the power to:
  - (i) employ any officers and employees that it considers necessary to administer the plan; and
  - (ii) determine the duties, conditions of employment and remuneration of its officers and employees;
- (k) the power to establish or support a group insurance plan, a pension plan or any other employee benefit programs for its officers and employees mentioned in clause (j) and their dependants;
- (l) the power to use any money received by the board to carry out the purposes of the plan and to pay the expenses of the board;
- (m) the power to borrow, raise or secure the payment of money in any manner that the board considers appropriate for the purpose of administering the plan;
- (n) the power to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange or other negotiable or transferable instruments;
- (o) the power to make grants or loans to any person, organization, agency, institution or body within or outside Saskatchewan, for the purposes of the plan;
- (p) 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;
- (q) the power to grant a mortgage or security interest in any of the board's real or personal property;
- (r) 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;
- (s) the power to:
  - (i) require any person who owes money to a producer with respect to the sale by the producer of turkey to pay the moneys to the board; and
  - (ii) distribute the moneys paid to the board pursuant to subclause (i), in the manner determined by the board, to the producer to whom the moneys are owing;
- (t) 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;

- (u) the power to:
  - (i) hold, sell, transfer or otherwise deal with any of the securities mentioned in clause (t); and
  - (ii) exercise any rights, including the right to vote, as:
    - (A) an owner of the securities mentioned in clause (t); or
    - (B) a member;
- (v) the power to register a business name pursuant to *The Business Names Registration Act*;
- (w) the power to prescribe the manner in which reimbursement for expenses of the directors is to be determined and paid;
- (x) the power to control, regulate or control and regulate all or any of the following:
  - (i) the manner of distributing turkey;
  - (ii) the quantity of turkey that may be produced or marketed by any person at any time;
  - (iii) the quality or the variety, class or grade of turkey that may be produced or marketed by any person at any time;
- (y) the power to prohibit in whole or in part the production or marketing of any variety, class or grade of turkey;
- (z) the power to regulate the time and place at which, and the legal entity through which, turkey or any variety, class or grade of turkey is to be marketed;
- (aa) 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 turkey or any variety, class or grade of turkey may be bought or offered for sale in Saskatchewan;
- (bb) the power to establish the manner in which returns from the market are to be distributed to producers of turkey;
- (cc) the power to require any or all persons engaged in the production, marketing or production and marketing of turkey to do all or any of the following:
  - (i) obtain a licence from the board;
  - (ii) provide any guarantees of financial responsibility that the board considers necessary;
- (dd) the power to:
  - (i) issue licences to any or all persons producing, marketing or producing and marketing turkey 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 turkey 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.

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

**Books and records**

8(1) The board shall:

(a) maintain any books and records that may be required for the administration of the plan; and

(b) keep those books and records open for inspection by the council at any reasonable time.

(2) The board shall maintain a head office in Saskatchewan.

(3) The board shall prepare an annual report containing:

(a) a copy of the audited financial statement of the board for its previous fiscal year;

(b) a description of:

(i) the state of the industry; and

(ii) the activities of the board for its previous fiscal year; and

(c) a list of the names of the directors.

(4) The board shall make the annual report mentioned in subsection (3) available:

(a) to the council;

(b) at the annual general meeting of licensed producers; and

(c) on request to any licensed producer.

**Appointment of auditor**

9(1) The licensed producers:

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

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

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

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

(a) be independent of:

(i) the board; and

(ii) the directors and officers of the board; and

(b) be a member in good standing of a recognized accounting profession that is regulated by an Act.

#### **Committees**

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

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

#### **Chairperson and vice-chairperson**

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

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

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

#### **Quorum**

**12(1)** For the transaction of business at a duly called meeting of the board:

(a) three board members constitute a quorum; and

(b) a decision of a majority of those directors constituting a quorum is a decision of the board.

(2) In the case of a tie vote the chairperson, or in the absence of the chairperson the vice-chairperson, may cast the deciding vote.

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

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

(a) a conflict of interest policy for the directors; and

(b) a policy respecting a code of conduct for the directors.

#### **Conflicts of interest**

**14(1)** No director shall:

(a) fail to disclose to the board any conflict of interest that the director may have; or

(b) vote on any matter with respect to which the director has any direct or indirect financial interest that is different from the financial interest of other producers.

(2) If the board is uncertain whether or not a director has a conflict of interest mentioned in clause (1)(a) or (b), the board must adjourn the matter until the conflict of interest issue is resolved pursuant to the policies mentioned in section 13.

**Bank accounts**

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

**Investments**

16 The board may:

- (a) invest any money in its possession or control that is not immediately required for the purposes of the plan or its operations in any class of investments authorized for the 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 and on any terms that the board considers advisable.

**Fiscal year**

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

**Financial plan**

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

**Meetings of licensed producers**

19(1) An annual general meeting of licensed producers:

- (a) is to be held on or before April 30 of each year; and
  - (b) is to be held at a place and time determined by the board.
- (2) The board:
- (a) may call a special general meeting of licensed producers at any time; and
  - (b) shall call a special general meeting on the written request of not less than 30% of licensed producers.
- (3) The board shall notify all licensed producers, in writing:
- (a) for an annual general meeting of licensed producers, of the date, time, location and agenda not less than 30 days before the date on which the annual general meeting commences; and
  - (b) for a special general meeting of licensed producers, of the date, time, location and agenda not less than 21 days before the date on which the special general meeting commences.
- (4) The notice mentioned in subsection (3) may be sent:
- (a) by ordinary or registered mail; or
  - (b) at the request of a licensed producer, by facsimile or electronic mail.
- (5) If a notice is sent pursuant to clause (4)(b), it is deemed to have been received on the next business day after it was sent.
- (6) The quorum at an annual or special general meeting of licensed producers is 60% of licensed producers.

- (7) The board shall present to the annual general meeting:
- (a) the financial plan it has approved for the current fiscal year; and
  - (b) an outline of programs and activities it has planned for the current fiscal year.
- (8) Any change to the remuneration to be paid to the directors is to be determined by motion of the board and approved by a vote of licensed producers at the next annual general meeting or special general meeting.
- (9) At an annual general meeting or special general meeting, licensed producers may debate and take a vote by show of hands on any questions or resolutions respecting the purposes of the plan.

#### PART IV Board orders

##### Board orders

- 20(1)** The chairperson, or in the absence of the chairperson the vice-chairperson, shall sign every order issued by the board pursuant to section 12 of the Act.
- (2) The board shall number in consecutive order, retain and make available for inspection at its head office by any licensed producer or any other person designated by the council original copies of all orders that have been approved by the council pursuant to section 12 of the Act.
- (3) The board shall:
- (a) cause all orders of the board to be published in the Gazette and in any other media it considers appropriate;
  - (b) cause every order of the board to be sent to any person the board considers affected by the order; and
  - (c) annually review the orders of the board and consolidate them.

#### PART V Licensing

##### Licence required

- 21** No person shall produce and sell turkey unless that person has a licence authorizing the person to produce and sell turkey.

##### Application for licence or renewal of licence

- 22** Every applicant for a licence or a renewal of a licence shall:
- (a) apply to the board in the form provided by the board;
  - (b) provide the board with:
    - (i) an address, telephone number and facsimile number or electronic mail address at which the applicant can be contacted;
    - (ii) the following information for each production unit at which the applicant wishes to operate:
      - (A) the legal land description for the land on which the production unit is located;
      - (B) a site plan for the production unit; and

- (iii) any other information or material that the board may reasonably require;
- (c) submit to the board any fees required pursuant to a board order; and
- (d) satisfy any other criteria set out in an order of the board.

**Issuance or renewal of licence**

**23(1)** In this section, “**quota unit**” means a unit of quota that is equivalent to the production, marketing or production and marketing of one kilogram of live turkey in a production year.

(2) The board may:

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

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

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

**Effect of licence**

**24** A producer licence authorizes the licensee:

- (a) to produce turkeys up to the quota allotted pursuant to Part VI and stated on the licence; and
- (b) to sell the turkeys produced in accordance with clause (a) to:
  - (i) registered processors; and
  - (ii) consumers.

**Terms and conditions**

**25(1)** At the time a licence is issued or renewed, the board may:

- (a) allocate a quota in accordance with Part VI that shall be stated on the licence; and
- (b) impose any other terms and conditions that the board considers necessary.

(2) Subject to subsection (4), at any time after a licence is issued, the board may do all or any of the following:

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

(3) No person who holds a producer licence shall fail to comply with the terms and conditions imposed on his or her licence.

(4) The board shall not take any action mentioned in clauses (2)(a) to (c) without giving the holder of the licence an opportunity to be heard at least 15 business days before it takes action.

**Suspension or cancellation of licence**

**26(1)** Subject to section 9 of the Act, the board may suspend or cancel a licence:

- (a) on any ground on which the board might have refused to issue or renew the licence pursuant to section 23;
- (b) if a licensee has failed to comply with the Act or any regulations made pursuant to the Act, the plan, or an order or direction of the board or the council;
- (c) if there is a change in ownership of the licensee; or
- (d) if a licensee has not produced any of the quota stated on the licence.

(2) If the board considers it appropriate to do so, and on receipt of any reinstatement fee required by board order, the board may reinstate a licence that has been suspended.

**Licence not transferable**

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

**Expiry of licence**

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

**Licensed producer to notify board re new production unit**

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

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

**New entrants**

**30** Within 18 months after the coming into force of these regulations, the board shall develop a policy that will assist persons who are qualified to become licensed producers but who are not licensed producers to apply for licences to produce turkey.

**PART VI**  
**Quota**

**Quota**

**31** When the board issues or renews a licence pursuant to section 23, the board shall allocate a quota to the licensee.

**Transfer of quota**

**32(1)** The board may, on the request of a licensed producer, approve the transfer of all or part of a licensed producer's quota to another licensed producer on any terms and conditions that the board considers appropriate.

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

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

**Lease of quota**

**33(1)** No licensed producer shall lease all or any part of the licensed producer's quota without the prior approval of the board.

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

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

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

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

**Acquiring quota by auction**

**34(1)** The board shall offer quota for sale by auction in accordance with this section:

- (a) if a licensed producer's quota is cancelled; or
- (b) if the board determines that an auction is required pursuant to subsection (2).

(2) Within six months after the coming into force of these regulations, the board shall issue an order respecting:

- (a) the conditions under which an auction is required, including an expansion of production; and
- (b) who may participate in an auction.

(3) When an auction is required, the board shall issue an order respecting:

- (a) the manner of acquiring additional quota by auction;
- (b) the time, date and place of the auction;

- (c) subject to these regulations, the eligibility requirements to participate in the auction; and
  - (d) procedures and rules governing sales by auction.
- (4) The board shall deposit in a separate bank account all moneys collected from the sale of quota pursuant to this section.
- (5) The statements of the separate bank account mentioned in subsection (4) must be included in the audited financial statements of the board.
- (6) The purposes of the auction moneys collected from the sale of quota are:
- (a) to assist in research connected with the production, marketing or production and marketing of turkey, including studies and research respecting consumer demand for turkey;
  - (b) to support and conduct activities to promote and develop the production, marketing or production and marketing of turkey in Saskatchewan; and
  - (c) to support and conduct any further activities that contribute to the well being of the turkey industry in Saskatchewan.
- (7) At each annual general meeting and included in each annual report, the board shall prepare a report outlining:
- (a) the activities funded through auction proceeds and the outcomes of those activities;
  - (b) plans for future expenditures; and
  - (c) the balance of remaining proceeds.
- (8) In the event of a discontinuance of the agency while funds remain in the account mentioned in subsection (4), the board shall determine how the remaining funds are to be disbursed by:
- (a) distributing the funds *pro rata* to all producers who hold valid licences at the time of the distribution; or
  - (b) making one or more grants that are consistent with the purposes set out in subsection (6).

**Adjustments to quota allocations**

- 35(1)** No licensed producer shall produce and sell turkeys in excess of the quota allocation stated in his or her licence.
- (2) If a licensed producer produces and sells turkeys in excess of the quota allocation stated in his or her licence, the board may do either or both of the following:
- (a) apply a penalty to the licensed producer as set out in an approved board order;
  - (b) amend, suspend or cancel the licence as set out in an approved board order.

(3) Subject to these regulations, the board shall make an order establishing procedures and rules respecting:

- (a) the imposition of a penalty to address excess production as set out in clause (2)(a), including the amount of the penalty and the payment deadlines; and
- (b) the amendment, suspension or cancellation of a licence in the circumstances set out in clause (2)(b), including the amendment, suspension and cancellation criteria.

**Production efficiency zones**

**36** The board may make an order:

- (a) designating a geographic area of Saskatchewan as a production efficiency zone; and
- (b) directing that a licensed producer that has a production unit outside of a production efficiency zone is subject to additional freight charges for the delivery of live turkeys from that production unit to a processor.

**Production units**

**37** The board may make an order establishing policies and procedures respecting production units, or any component of a production unit, including:

- (a) setting out a minimum and maximum size; and
- (b) setting out the formula for determining the size.

**Production limits**

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

## PART VII

### Processors, Hatcheries and Agents

**Registration of processors, hatcheries and agents**

**39(1)** Every processor, hatchery and agent shall register with the board at the time and in the manner determined by order of the board.

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

**Suspension and cancellation of registrations**

**40(1)** The board may cancel or suspend a registration if the registered processor, hatchery or agent has contravened:

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

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

(3) If the board suspends or cancels a registration pursuant to this section, the board shall advise the registered processor, hatchery or agent in writing of its decision.

**Restrictions on processors**

**41(1)** No processor shall purchase more than 99 turkeys produced in Saskatchewan in a calendar year for processing from persons other than licensed producers.

(2) No processor shall purchase any turkey for an amount that is less than the minimum price established by board order.

(3) No processor shall custom kill more than 99 turkeys in a calendar year for any person other than a licensed producer.

**PART VIII**  
**Elections**

**Eligibility**

**42(1)** Every licensed producer is eligible to hold office as a director.

(2) Subject to subsection (5), a licensed producer that is a corporation, association, society or other designation is entitled to vote or hold office:

- (a) only through a designated representative appointed in writing; and
- (b) only if notice of that appointment has been filed with the board in a form and manner acceptable to the board.

(3) Except as provided in subsection (2), voting by proxy is prohibited.

(4) Subject to subsection (5), every licensed producer is entitled to one vote.

(5) No individual shall be entitled to more than one vote regardless of whether he or she is voting as an individual licensed producer or as a designated representative of a licensed producer.

**Nominations**

**43(1)** Any licensed producer is eligible to be nominated for election as a director.

(2) The board shall:

- (a) on or before November 15 of each year, fix the last date for receipt of nominations for election to the board; and
- (b) at least 30 days before the last date for receipt of nominations, notify licensed producers that nominations are being accepted for the board and of the last date for receipt of nominations.

(3) Every nomination is to be:

- (a) in writing in the form required by the board;

- (b) signed by:
  - (i) two licensed producers;
  - (ii) two representatives of licensed producers appointed pursuant to subsection 42(2); or
  - (iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling two persons; and
- (c) delivered to the returning officer on or before the date fixed pursuant to clause (2)(a) for receipt of nominations.

**Returning officer**

- 44(1) Subject to subsection (2), the board shall appoint a returning officer to conduct an election pursuant to section 45.
- (2) Producers, buyers, processors, agents and officers and employees of the board are not eligible to be appointed pursuant to subsection (1).
  - (3) The returning officer appointed pursuant to subsection (1) is responsible for all administrative procedures relating to conducting an election.

**Conduct of elections**

- 45(1) If not more than the required number of candidates are nominated pursuant to section 43, the candidates nominated are deemed to be elected by acclamation.
- (2) If more than the required number of candidates are nominated pursuant to section 43, the board shall:
    - (a) fix a date for the completion of the election; and
    - (b) at least 15 business days before the date fixed pursuant to clause (a), send by ordinary or registered mail to every licensed producer:
      - (i) the ballot and a plain envelope;
      - (ii) a profile of every candidate;
      - (iii) a certificate of eligibility to vote; and
      - (iv) a notice that states the time and date by which, and the place to which, the ballot and certificate of eligibility to vote are to be returned.
  - (3) Every licensed producer that wishes to vote in an election shall:
    - (a) complete and sign the certificate of eligibility to vote;
    - (b) complete the ballot provided by the board; and
    - (c) seal the ballot and certificate of eligibility to vote in the envelope provided and return it to the returning officer, either in person or by mail, by the date fixed for them to be returned.

- (4) The ballot of a licensed producer is not valid if:
- (a) the certificate of eligibility is not returned with the ballot;
  - (b) the licensed producer votes for more than the specified number of candidates;
  - (c) it is defaced;
  - (d) it is marked in any way other than to vote for candidates;
  - (e) it is not the original ballot provided by the board; or
  - (f) the individual who voted for the licensed producer voted more than once.
- (5) Ties are to be decided by the drawing of lots.

**Failure to receive documents does not invalidate election**

**46** The failure of any licensed producer to receive the documents mentioned in clause 45(2)(b) does not invalidate the election.

**Election results**

**47(1)** Within seven business days after the date fixed for the return of ballots pursuant to clause 45(3)(c), the returning officer shall send a notice to the board that:

- (a) in the case of directors elected by acclamation, declares those candidates to be directors of the board; or
  - (b) in the case of an election, declares those candidates receiving the greatest number of votes, up to the number of director positions to be filled, to be directors of the board.
- (2) As soon as possible after receiving a notice pursuant to subsection (1), but in any case no later than December 31 in any year, the board shall notify every licensed producer of the results of the election by ordinary or registered mail or by any other means the board considers appropriate.

**Term of office, vacancy**

**48(1)** Subject to subsection (4), a director holds office:

- (a) in the case of an elected director, for a term of three years commencing on the first day of January following the election and until the director's successor is elected; or
  - (b) in the case of a director appointed pursuant to subsection (5), until the next election that is held after he or she is appointed and until the director's successor is elected.
- (2) Subject to subsection (3), a director is eligible for re-election.
- (3) If a director has completed three consecutive terms as set out in clause (1)(a), he or she is not eligible for re-election until one year has passed since the completion of the director's third consecutive term.
- (4) The office of a director becomes vacant if a director:
- (a) ceases to qualify as a licensed producer;
  - (b) resigns, dies or is unable to act;

(c) is absent from three consecutive meetings of the board without being excused by a resolution of the board; or

(d) fails to fulfil his or her duties as established by the policy of the board and approved by the council.

(5) Notwithstanding subsection 6(1), if the office of a director becomes vacant, the board may appoint a licensed producer as a director to fill the vacancy until the next election.

#### **Retention of ballots**

**49** The returning officer shall:

(a) retain the ballots in his or her possession; and

(b) not destroy any ballot or other record respecting an election of directors before April 6 in the year following the election.

#### **Challenge to election results**

**50(1)** Any licensed producer may challenge the results of an election of directors, as declared by the returning officer pursuant to section 47, by submitting a written objection to the council.

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

(a) set out the grounds for the objection; and

(b) be received by the council by March 31 in the year following 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 determined by the vote recount officer are final.

## **PART IX**

### **Repeal, Transitional and Coming into Force**

#### **Sask. Reg. 275/75 repealed**

**51** “The Saskatchewan Turkey Producers’ Marketing Plan, 1975”, being Saskatchewan Regulations 275/75, are repealed.

#### **Sask. Reg. 27/74 repealed**

**52** The “Saskatchewan Turkey Producers’ Marketing Plan, Part II”, being Saskatchewan Regulations 27/74, are repealed.

#### **Transitional - board**

**53** On the coming into force of these regulations, the board is to consist of the directors of the board who held office pursuant to “The Saskatchewan Turkey Producers’ Marketing Plan, 1975”, being Saskatchewan Regulations 275/75, on the day before these regulations came into force, and those directors continue to hold office as if they had been elected or appointed pursuant to these regulations until their successors are elected or appointed pursuant to these regulations.

#### **Coming into force**

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

**CHAPTER C-50.2 REG 29***The Crown Minerals Act*

## Section 22

Order in Council 711/2013, dated December 19, 2013

(Filed December 20, 2013)

**PART I  
Preliminary Matters****Title****1** These regulations may be cited as *The Crown Mineral Royalty Regulations*.**Interpretation****2(1)** In these regulations:

- (a) **“Act”** means *The Crown Minerals Act*;
- (b) **“affiliate”** means an affiliated body corporate within the meaning of subsection 2(2) of *The Business Corporations Act*, but does not include an organization designated by the minister as an industry sales organization that would otherwise be an affiliate within the meaning of this clause;
- (c) **“approved remote asset”** means a capital asset that:
  - (i) is located outside Saskatchewan;
  - (ii) is owned by a royalty payer or an affiliate of the royalty payer;
  - (iii) is used or intended to be used in the royalty payer’s Saskatchewan mining operations; and
  - (iv) is approved as a remote asset in writing by the minister;
- (d) **“capital asset”** means any real or personal property, whether tangible or intangible, including any plant or equipment, that:
  - (i) is held for use in the production or supply of goods or services; and
  - (ii) is expected to be used during more than one year;

but does not include:

- (iii) any interest in land or mineral rights;
- (iv) any property that, in the opinion of the minister, is properly referable to the production of any product other than the mineral for which the royalty payer is reporting; or
- (v) spare parts and servicing equipment unless the royalty payer expects to use them during more than one year and the parts or servicing equipment are only used in conjunction with an item of property, plant or equipment;

- (e) **“capital cost”** means the total of the following:
- (i) if:
    - (A) a capital asset is acquired from a person dealing at arm’s length with the royalty payer, the purchase price of the capital asset;
    - (B) a capital asset is acquired from an affiliate or from a person not dealing at arm’s length with the royalty payer, the lesser of:
      - (I) if the affiliate or person purchased the asset in an arm’s-length transaction, the purchase price of the capital asset paid by the affiliate or person, or, if the affiliate or person constructed the asset, the cost of construction; and
      - (II) the carrying value of the asset on the financial statements of the affiliate or person on the day on which the royalty payer acquires title to the asset;
    - (C) a capital asset is constructed by the royalty payer, the cost of construction; or
    - (D) a capital asset is approved as an approved remote asset subsequent to its acquisition, the least of:
      - (I) if the capital asset was acquired from a person dealing at arm’s length with the royalty payer and its affiliates, the amount that would be determined pursuant to paragraph (A);
      - (II) if a capital asset was acquired from an affiliate or from a person not dealing at arm’s length with the royalty payer, the amount that would be determined pursuant to paragraph (B); and
      - (III) the carrying value of the capital asset on the financial statements of the royalty payer or its affiliates at the time of the approval; and
  - (ii) all freight costs, installation charges and other costs incurred by the royalty payer and its affiliates for the purpose of putting the asset in place for the royalty payer, including:
    - (A) the cost of employee wages and benefits arising from the construction or acquisition of the asset;
    - (B) the costs of site preparation;
    - (C) initial delivery and handling costs;
    - (D) assembly costs;
    - (E) the costs of testing the asset; and
    - (F) the cost of services to provide health, safety and security during installation;

but does not include:

- (iii) any profit, gain, commission or overhead to an affiliate providing a capital asset to a royalty payer;
- (iv) except for approved remote assets, the cost of any capital asset that is not located in Saskatchewan;
- (v) except for approved remote assets, the cost of any capital asset that is not used exclusively with respect to a mineral produced from a mine;
- (vi) the cost of feasibility studies, except those related to exploration, new mines and expansions;
- (vii) interest;
- (viii) operating costs, operating losses or deficits;
- (ix) administrative and corporate expenditures;
- (x) fees or expenses for legal or accounting services; or
- (xi) the cost of directly or indirectly acquiring, from a person who is not dealing at arm's length with the royalty payer, any interest or right under or in relation to any patent, copyright, trademark, industrial design or other form of intellectual property or similar intangible;

(f) **“consideration”** means money paid or agreed to be paid, property delivered or exchanged or agreed to be delivered or exchanged or any other form of compensation with respect to the sale of a mineral;

(g) **“cost of construction”**, with respect to a capital asset, includes:

- (i) the costs of employee wages and benefits arising from the construction of the asset;
- (ii) direct material costs related to the construction of the asset;
- (iii) the costs of site preparation related to the construction of the asset;
- (iv) initial delivery and handling costs of parts and materials related to the construction of the asset;
- (v) the net costs of testing the asset;
- (vi) indirect construction costs that are required for the construction of the asset but that cannot be individually traced to the constructed asset, including power, supplies, materials, construction labour and project management;
- (vii) construction insurance;
- (viii) the costs of services to provide health, safety and security during the construction of the asset;
- (ix) the costs of design, engineering, procurement and construction management services related to the construction of the asset; and
- (x) the cost of contractors, subcontractors, trades and subtrades directly attributable to the construction of the asset;

but does not include:

- (xi) any profit, gain, commission or overhead to an affiliate providing capital assets to a royalty payer;
- (xii) the cost of any capital asset, other than approved new mines or expansions, until that asset is in use;
- (xiii) the cost of feasibility studies, except those related to approved new mines and expansions;
- (xiv) interest costs;
- (xv) operating costs, operating losses or deficits;
- (xvi) administrative and corporate expenditures;
- (xvii) fees or expenses for legal or accounting services; or
- (xviii) the cost of directly or indirectly acquiring from a person who is not dealing with the royalty payer at arm's length any interest or right under or in relation to any patent, copyright, trademark, industrial design or other form of intellectual property or similar intangible;

(h) **“decommissioning”** means the removal or permanent retirement from service of all or part of a production unit, and includes actions directly associated with the removal or retirement;

(i) **“disposal”** includes:

- (i) any transaction or event entitling a royalty payer to the price or proceeds, or part of the price or proceeds, of assets sold or contributed; and
- (ii) compensation for assets taken, destroyed, injuriously affected, damaged or otherwise removed from the royalty payer's possession or control;

but does not include:

- (iii) any transfer of assets for the purpose only of securing a debt or a loan; or
- (iv) any transfer of assets by virtue of which there is a change in the legal ownership of the asset without any change in the beneficial ownership;

(j) **“exploration expenses”** means the costs and expenses that are incurred by the royalty payer during the year for the purposes of determining the existence, location, quantity or grade of a mineral deposit under Crown mineral lands and includes expenses incurred in the course of:

- (i) prospecting;
- (ii) carrying out geological, geophysical or geochemical surveys;
- (iii) drilling; and
- (iv) trenching, digging test pits, and preliminary sampling;

but does not include:

- (v) interest expenditures;
  - (vi) acquisition costs of land or mineral rights;
  - (vii) any payment made or any royalty or overriding royalty paid to any person for the purchase or acquisition of, or the acquisition of an option to purchase or a right of first refusal for, mineral rights, any interest in mineral rights or the right to mine any mineral; or
  - (viii) any portion of expenses covered by a grant or subsidy or other third party contribution;
- (k) **“gross revenue”** means the total amount determined in accordance with section 9;
- (l) **“mineral disposition”** means a mineral disposition as defined in *The Mineral Tenure Registry Regulations*;
- (m) **“mineral disposition lands”** means mineral disposition lands as defined in *The Mineral Tenure Registry Regulations*;
- (n) **“mining operations”** means the extraction, recovery or production of minerals from mineral disposition lands and the transportation of those minerals to the point at which processing operations begin, but does not include any processing operations;
- (o) **“operating costs”** means the costs incurred at the royalty payer’s mine to mine, refine and produce minerals in a saleable form, and includes:
- (i) salary payroll;
  - (ii) direct labour;
  - (iii) maintenance labour;
  - (iv) other payroll;
  - (v) employee benefits and payroll taxes;
  - (vi) operating supplies consumed;
  - (vii) repair materials consumed;
  - (viii) production materials consumed;
  - (ix) electricity consumed;
  - (x) natural gas consumed;
  - (xi) other utility costs;
  - (xii) insurance premiums;
  - (xiii) purchased services; and
  - (xiv) any other costs that, in the opinion of the minister, are directly attributable to mining, refining and producing minerals in a saleable form;

- (p) **“person”** includes a natural person, corporation, company, government, governmental agency, Crown corporation, syndicate, trust, firm, partnership, co-owner or party and includes the successors, heirs, executors, administrators or other legal representatives of a person;
- (q) **“processing operations”** means any form of:
- (i) crushing, grinding, beneficiation, concentrating, smelting, leaching, milling, roasting, floatation, recrystallization or refining of the royalty payer’s share of minerals extracted, recovered or produced from, or allocated pursuant to a unitization agreement to, the production unit of the royalty payer; and
  - (ii) cleaning and sorting the output mentioned in subclause (i);
- (r) **“production unit”** means, subject to section 12:
- (i) the royalty payer’s processing facility to the extent used to process minerals produced from:
    - (A) the mineral disposition;
    - (B) any mineral disposition of which the royalty payer is named as lessee and from which minerals are, were, or will be processed at the processing facility; and
    - (C) any mine located on the mineral disposition lands; or
  - (ii) any:
    - (A) mineral disposition in which the royalty payer is named as lessee; and
    - (B) mine located on the mineral disposition lands;from which minerals are, were, or will be processed at a processing facility in which the royalty payer has no interest;
- (s) **“production unit of the royalty payer”** means, subject to section 12:
- (i) the royalty payer’s interest in the mineral disposition, as registered in the registry, forming part of the production unit; and
  - (ii) the portion of the royalty payer’s interest in a processing facility used to process the royalty payer’s minerals produced from the production unit;
- (t) **“qualifying environmental assurance”** means a trust, guarantee, irrevocable letter of credit, irrevocable letter of guarantee, performance bond, surety bond, or security interest that would constitute a financial assurance fund for decommissioning and reclamation pursuant to *The Mineral Industry Environmental Protection Regulations, 1996*;
- (u) **“reclamation”** means the rehabilitation, before, during or after decommissioning, of all or part of the land, water or watercourses used or disturbed by the construction or operation of the production unit;

- (v) **“registry”** means the registry as defined for the purposes of Part VII of the Act;
- (w) **“royalty payer”** means:
- (i) every holder of a mineral disposition to the extent of the holder’s interest in the mineral disposition as registered in the registry;
  - (ii) if a partnership is a holder of a mineral disposition, each partner to the extent of its interest in the partnership; and
  - (iii) if a joint venture has been entered into in relation to the mining of Crown minerals, each joint venture participant to the extent of its interest in the joint venture;
- (x) **“royalty payer’s processing facility”** means any facility:
- (i) in which the royalty payer:
    - (A) has an interest, whether or not the royalty payer is also the owner of the land on which the facility is situated; and
    - (B) is a lessee named in the mineral disposition forming part of the production unit; and
  - (ii) that is, or may reasonably be expected to be, used for processing the minerals produced from the production unit;
- and includes all assets used in processing operations, including waste management facilities, to the extent that they are used for processing minerals produced from the production unit;
- (y) **“unitization agreement”** means an agreement for the unit operation of a mine;
- (z) **“weighted average sale price”** means, with respect to a group of sales, the sum of all gross revenue associated with those sales divided by the total volume of those sales, expressed in dollars per unit of weight.
- (2) For the purposes of these regulations:
- (a) related persons, as determined in accordance with the *Income Tax Act* (Canada), are deemed not to deal with each other at arm’s length; and
  - (b) it is a question of fact whether persons not related to each other, as determined in accordance with the *Income Tax Act* (Canada), were at a particular time dealing with each other at arm’s length.

**Application**

3(1) Subject to sections 11 and 18, these regulations apply to all Crown minerals other than any Crown minerals that are subject to:

- (a) The Helium and Associated Gases Regulations, 1964, being Saskatchewan Regulations 559/64;
- (b) *The Coal Disposition Regulations, 1988*;
- (c) The Quarrying Regulations, 1957, being Saskatchewan Regulations 553/67;

- (d) The Subsurface Mineral Regulations, 1960, being Saskatchewan Regulations 541/67;
- (e) The Oil Shale Regulations, 1964, being Saskatchewan Regulations 555/64;
- (f) “The Petroleum and Natural Gas Regulations, 1969”, being Saskatchewan Regulations 8/69; or
- (g) the “Alkali Mining Regulations”, being Saskatchewan Regulations 444/67.

(2) These regulations do not apply to palaeontological objects as defined in *The Heritage Property Act*.

#### **Royalties**

4 The royalty reserved and excepted and the payments to be made under a mineral disposition of Crown mineral lands on or with respect to all minerals produced, saved or recovered from, or allocated pursuant to a unitization agreement to any Crown mineral lands must be calculated and paid in accordance with these regulations.

#### **Power of minister to determine royalty payable**

5(1) If the minister considers it appropriate, the minister may determine any questions that may arise in determining the amount of the royalty payable pursuant to a mineral disposition in any particular case, including the amount allowable as deductions for the purpose of determining the income derived from mining operations, gross revenue or net profits.

(2) The minister shall provide written notice to a royalty payer of any determination made pursuant to subsection (1).

#### **Value may be determined by minister**

6(1) Notwithstanding sections 15 and 27, if, in the minister’s opinion, the consideration to be included in the calculation of the gross revenue of the royalty payer does not accurately reflect the fair market value, and it is not possible to determine the fair market value in accordance with section 15 or 27, the minister may deem a value that, in the minister’s opinion, accurately reflects the fair market value.

(2) Before the minister deems a fair market value in accordance with subsection (1), the minister shall provide the royalty payer affected with:

- (a) written notice of the minister’s intended action and the reasons for that intended action; and
- (b) an opportunity to make written representations to the minister, within 60 days after the date of receipt of the notice provided pursuant to clause (a), as to why the intended action should not be taken and why the royalty payer’s consideration is fair market value for that sale.

(3) The minister is not required to give an oral hearing to any person to whom a notice has been provided pursuant to subsection (2).

(4) After considering the representations mentioned in subsection (2), the minister shall issue a written decision on the fair market value of the minerals sold or consumed and shall serve a copy of the decision on the royalty payer.

**Production unit continues**

**7** A production unit is deemed to continue in existence after mining is discontinued or after the mineral disposition is terminated until:

- (a) decommissioning and reclamation have been completed;
- (b) the disposition issued by the Crown for the surface lands has been surrendered or terminated; and
- (c) all minerals produced from the production unit have been:
  - (i) disposed of or consumed; and
  - (ii) included in determining the royalties payable.

**Disposal of interest in production unit**

**8(1)** In this section:

- (a) **“beneficial interest”** means, with respect to a production unit, a right to production from the production unit or a right to proceeds from production from the production unit;
- (b) **“production unit capital bank”** means:
  - (i) in the case of minerals to which Part II applies, the allocated base and precious metals pre-production expenses as defined in section 10; and
  - (ii) in the case of uranium, the production unit capital bank balance;
- (c) **“purchaser”** means a person who is purchasing, leasing, renting or otherwise acquiring a beneficial interest in a production unit;
- (d) **“vendor”** means a royalty payer who is selling, leasing, offering for rent or otherwise transferring a beneficial interest in a production unit.

(2) Subject to subsections (3) to (7), if a vendor transfers a beneficial interest in a production unit to another person who, as purchaser of that beneficial interest, is or becomes a royalty payer, the opening production unit capital bank of the purchaser of that beneficial interest is the production unit capital bank of the vendor with respect to that beneficial interest on the day preceding the day of disposal.

(3) If, with respect to a vendor or a purchaser of a beneficial interest, a year is less than 365 days, the production unit capital bank for that year must be reduced to an amount A calculated in accordance with the following formula:

$$A = B \times \frac{Y}{365}$$

where:

B is the production unit capital bank transferred from the vendor to the purchaser of that beneficial interest; and

Y is the number of days in the vendor’s or purchaser’s year.

(4) If a vendor disposes of part of a beneficial interest in a production unit, the production unit capital bank of the vendor with respect to the part of the beneficial interest that has been disposed of is the amount A calculated in accordance with the following formula:

$$A = B \times \frac{C}{D}$$

where:

B is the vendor's production unit capital bank with respect to that part of the beneficial interest immediately before the transfer;

C is the vendor's percentage interest in production in the production unit that corresponds to the part of the beneficial interest that has been disposed of; and

D is the vendor's percentage interest in production in the production unit that corresponds to the part of the beneficial interest immediately before the transfer.

(5) For the purposes of this section, a royalty payer with beneficial interests in more than one production unit shall keep a separate account of the production unit capital bank for each beneficial interest.

(6) On the transfer of a beneficial interest in a production unit, the production unit capital bank is to be transferred from the vendor to the purchaser by an amount agreed on between the vendor and purchaser to a maximum of the amount calculated pursuant to subsections (3) and (4).

(7) The minister may determine, for the purposes of this section, when a vendor has disposed of a beneficial interest in a production unit to another person.

**Calculation of gross revenue**

**9(1)** Subject to subsections (2) to (4), the royalty payer's gross revenue for a year is the total, without duplication, of the following amounts:

- (a) the consideration that is received or is receivable by the royalty payer in a transaction with a non-related person;
- (b) an amount deemed to have been received equal to the fair market value of all minerals in a transaction with a related or non-related person;

on account of or in lieu of payment of, or in satisfaction of, revenue from the sale, disposal or transfer by the royalty payer of all minerals extracted, recovered or produced from, or allocated pursuant to a unitization agreement to, any mineral disposition lands forming part of the production unit of the royalty payer.

(2) For the purposes of determining the gross revenue of a royalty payer:

- (a) a sale of a mineral occurs:
  - (i) when the mineral changes ownership by any transfer, exchange, barter or lease, whether conditional or otherwise, or by any other means, for consideration; or

- (ii) when any other transaction involving the mineral has taken place and the minister, on the application of a royalty payer, has approved using that transaction as the change of ownership for the purposes of subclause (i); and
- (b) the consideration received for the mineral is equal to the fair market value less any of the following that have been approved by the minister:
  - (i) the cost of transporting the mineral from the royalty payer's mill or the mill that processed the royalty payer's mineral to the first point of sale;
  - (ii) expenses incurred by the royalty payer for the conversion of the mineral concentrate to a form further refined than the compound produced at the mill;
  - (iii) any other sale deductions the minister considers appropriate in the circumstances.
- (3) The minister shall not approve a deduction for any surcharge imposed by a converter or refiner because the mineral concentrate did not meet the required specifications or standards as set out in the sales contract.
- (4) In determining the gross revenue of minerals, sales of the following minerals must not be included:
  - (a) any mineral that was received as a payment for custom milling;
  - (b) any mineral that was not produced by the royalty payer but was purchased from another person.

## PART II Crown Mineral Royalties

### DIVISION 1 Interpretation and Application of Part

#### Interpretation of Part

#### 10 In this Part:

- (a) **“allocated base and precious metals exploration expenses”**, with respect to a production unit for the year, means exploration expenses that have been allocated to the production unit less all amounts deducted by the royalty payer as allocated exploration expenses for the year for all other production units of the royalty payer, but does not include expenditures incurred on Crown mineral lands other than mineral disposition lands;
- (b) **“allocated base and precious metals historical exploration expenses”**, with respect to a production unit of a royalty payer, means the exploration expenses that:
  - (i) have been incurred by the royalty payer during the 10-year period ending with the beginning of commercial production;

- (ii) have been allocated to that production unit before the beginning of commercial production; and
- (iii) have not been allocated to any other production unit;

but does not include:

- (iv) expenditures incurred on Crown mineral lands other than mineral disposition lands;

(c) **“allocated base and precious metals pre-production expenses”**, with respect to a production unit of a royalty payer, means the total of:

- (i) the allocated base and precious metals historical exploration expenses; and

- (ii) expenditures incurred by the royalty payer on the design, development and construction of:

- (A) the production unit before the beginning of commercial production from the production unit; and

- (B) new mining operations in a production unit in commercial production that do not share a common point of access with other mining operations in the production unit;

that were necessary for the production of minerals from the production unit, other than:

- (C) expenditures incurred on a processing facility that is part of a separate production unit of the royalty payer other than those expenditures necessary to allow minerals from the production unit under development to be processed at the processing facility;

- (D) expenditures previously allocated to another production unit of the royalty payer; and

- (E) expenditures by the royalty payer on the design, development and construction of new mining operations that are claimed by the royalty payer before production of minerals from those new mining operations;

less the total of:

- (iii) the royalty payer’s gross revenues of minerals produced before the beginning of commercial production from the royalty payer’s production unit;

- (iv) the proceeds of any disposal, before the beginning of commercial production, of an asset the cost of which was included wholly or in part as a pre-production expense; and

- (v) the proceeds of any disposal, after the beginning of commercial production, of an asset, the cost of which was included wholly or in part as a pre-production expense, to the extent that the proceeds are less than or equal to the value of the allocated pre-production expenses less all amounts deducted in previous years pursuant to section 14;

- (d) **“beginning of commercial production”** means:
- (i) the first day of the first month in which production equalled or exceeded 60% or more of the production unit’s planned productive capacity, as communicated to the minister, over a period of 90 days; or
  - (ii) the first day of any month in which, in the opinion of the minister, production begins in reasonable commercial quantities;
- (e) **“capital recovery factor”** means a factor equal to 1.5;
- (f) **“precious metals”** means the following minerals:
- (i) gold;
  - (ii) silver;
  - (iii) platinum;
  - (iv) palladium;
  - (v) rhodium;
  - (vi) ruthenium;
  - (vii) osmium;
  - (viii) iridium;
- (g) **“production costs”**, with respect to a production unit of the royalty payer, means the total of:
- (i) operating costs;
  - (ii) the custom milling fees paid by the royalty payer if the mineral ore from the production unit is processed by a custom miller and:
    - (A) the custom milling fees are paid in money, not in kind; and
    - (B) the custom miller is deemed to deal at arm’s length with the royalty payer; and
  - (iii) the production costs of the custom miller in providing the custom milling if the mineral ore from the production unit is processed by a custom miller and:
    - (A) the custom milling fees are paid in kind; or
    - (B) the custom miller is not deemed to deal at arm’s length with the royalty payer;
- (h) **“year of termination”** means, unless otherwise determined by the minister, the year in which the royalty payer’s processing facility or the facility that last custom mills minerals from the royalty payer’s production unit ceases, other than temporarily, to process minerals from the production unit.

**Application of Part**

**11** This Part applies to the calculation of royalties for all minerals, other than uranium, extracted, recovered or produced from, or allocated pursuant to a unitization agreement to, any Crown mineral lands on or after January 1, 2013.

DIVISION 2  
**Calculation of Royalty**

**Each mine to form separate production unit**

**12(1)** If a royalty payer shares in the production from more than one mine, each mine forms a separate production unit for the purpose of calculating the royalty payable by the royalty payer.

(2) Notwithstanding subsection (1) but subject to subsection (3), if a royalty payer owns two or more mines and the mines share a common processing facility, and the royalty payer owns the same percentage ownership interest in both the mines and the processing facility, or in any other circumstances the minister may determine, the mines form a single production unit for the purpose of calculating the royalty.

(3) For the purposes of subsection (2):

(a) a royalty payer may apply to the minister in a form and manner approved by the minister to request that the mines be considered one production unit; and

(b) the minister may approve the application made pursuant to clause (a) if the minister is satisfied that the mines comply with the requirements mentioned in subsection (2).

(4) For the purposes of these regulations, if any mine associated with a production unit formed pursuant to these regulations was in commercial production before January 1, 2013, the production unit is deemed to be in commercial production as of the date of the beginning of commercial production at that mine.

**Rate of royalty**

**13(1)** The royalty payment to be made pursuant to Part IV for the production unit of the royalty payer for all minerals is:

(a) 5% of the royalty payer's net profit related to the production unit of the royalty payer for the year for:

(i) those sales or other disposals of precious metals from the production unit that, when added to the cumulative sales or other disposals of precious metals in previous years, are less than or equal to 1,000,000 troy ounces of precious metals; and

(ii) those sales or other disposals of all minerals from the production unit that, when added to the cumulative sales or other disposals of all minerals in previous years, are less than or equal to 1,000,000 metric tonnes; and

(b) 10% of the royalty payer's net profit related to the production unit of the royalty payer for the year for:

(i) those sales or other disposals of precious metals from the production unit that, when added to the cumulative sales or other disposals of precious metals in previous years, are greater than 1,000,000 troy ounces of precious metals; or

(ii) those sales or other disposals of all minerals from the production unit that, when added to the cumulative sales or other disposals of all minerals in previous years, are greater than 1,000,000 metric tonnes.

(2) If, in making a calculation for the purposes of this section, any amount is less than zero, the amount to be used in the calculation is zero.

**Calculation of net profit**

**14(1)** In this Part, “**net profit**” is the amount NP calculated in accordance with the following formula:

$$NP = A \times B - C$$

where:

A is the royalty payer’s gross revenue, if any, for the year that has been derived from the royalty payer’s share of the minerals extracted, recovered or produced from, or allocated pursuant to a unitization agreement to, the production unit;

B is the proceeds from the disposal of any asset during the year, the cost of which was:

- (a) included in whole or in part in the allocated base and precious metals pre-production expenses to the extent that the proceeds exceed the unclaimed balance of allocated base and precious metals pre-production expenses; or
- (b) deducted as a production cost, if the disposal of an interest in a production unit is not to be construed as a disposal of an asset for the purposes of this clause; and

C is equal to the lesser of the sum, for the year, of the following and that portion of the following that would result in the royalty payer reporting zero net profit:

- (a) all costs, charges and expenses incurred by the royalty payer that are direct production costs attributable to the mining or processing of minerals, less the proceeds from insurance on assets owned by the royalty payer in the year in which those proceeds were received;
- (b) costs for the operation of residential or community services or facilities at the production unit or at a location that, in the opinion of the minister, is near the production unit for the use of persons who normally work at the production unit;
- (c) general and administrative expenses properly attributable to the production unit of the royalty payer;
- (d) all costs and expenses incurred by the royalty payer for the purpose of developing new markets or expanding existing markets for minerals produced in Saskatchewan;
- (e) the cost of insurance associated with the royalty payer’s share of:
  - (i) assets used in the production of minerals from the production unit; and
  - (ii) assets used to provide residential or community services or facilities in the vicinity of the production unit for the use of persons who normally work at the production unit;

- (f) municipal and school taxes for which the royalty payer is liable for the production unit;
- (g) allocated base and precious metals exploration expenses incurred by the royalty payer during the year and the amount by which the total of allocated base and precious metals exploration expenses from previous years exceeds the total of the allocated base and precious metals exploration expenses previously deducted by the royalty payer pursuant to this clause;
- (h) a depreciation allowance with respect to capital assets installed after the beginning of commercial production and:
  - (i) used in the production of minerals from the production unit; or
  - (ii) used to provide residential or community services or facilities in the vicinity of the production unit for the use of persons who normally work at the production unit;

in an amount not exceeding the undeducted balance of the cost of those capital assets at the end of the year;

- (i) with respect to the production unit of the royalty payer and subject to section 16, an amount not exceeding the allocated base and precious metals pre-production expenses less the total of any amounts previously deducted by the royalty payer as allocated pre-production expenses in any previous year with respect to that production unit, multiplied by the capital recovery factor;
- (j) reclamation and decommissioning expenses for the production unit of the royalty payer that have not been, or will not be, reimbursed from a fund, the contributions to which were previously deducted pursuant to subclause (k)(ii) and that are approved by the minister;
- (k) the cost of providing, or of contributions to:
  - (i) a qualifying environmental assurance; and
  - (ii) any other assurance fund required pursuant to *The Mineral Industry Environmental Protection Regulations, 1996*, with the written approval of the minister;
- (l) in the case of a sale other than a sale free on board the production unit, the transportation costs that have been approved by the minister, the payment of which is the responsibility of the royalty payer;
- (m) the net losses in previous years, calculated as the amounts, if any, by which the total of the items in clauses (c) to (l) exceeds the net profit for previous years less the amounts previously deducted by the royalty payer pursuant to this clause.

(2) In making calculations pursuant to subsection (1), no deduction shall be made for:

- (a) depletion in the value of any mineral reserve by reason of exhaustion or partial exhaustion of that reserve;
- (b) interest or other financing costs;

- (c) expenses incurred for exploration on mineral lands other than mineral disposition lands;
  - (d) taxes on profits, income or capital;
  - (e) royalties;
  - (f) dividends or any distribution of surplus or capital;
  - (g) any expenditure that has been reimbursed in whole or in part by way of subsidy, grant or other reimbursement to the extent of the reimbursement;
  - (h) any expenditure incurred in purchasing or acquiring the right to produce minerals or an option to purchase or acquire that right; or
  - (i) reserves or provisions for reclamation or decommissioning other than contributions to an assurance fund required pursuant to *The Mineral Industry Environmental Protection Regulations, 1996*.
- (3) For the purpose of calculating net profit, the royalty payer must deduct at least the portion of the C amount mentioned in subsection (1) that would result in the royalty payer reporting zero net profit.
- (4) If the total amount in the assurance fund mentioned in clause (k) of the C amount mentioned in subsection (1) exceeds the cost of the royalty payer's share of decommissioning and reclamation costs for the production unit, for the purpose of calculating the net profit:
- (a) a royalty payer shall carry back and apply to operating profits of the year of termination the excess amount; and
  - (b) the amount calculated pursuant to clause (a), when carried back, must be adjusted by an appropriate rate of discount determined by the minister.
- (5) Notwithstanding any other provision of these regulations, the net profit for a year is deemed to be zero for the purposes of this Part if:
- (a) the beginning of commercial production for the production unit of the royalty payer occurred in a year that is:
    - (i) after 2002; and
    - (ii) less than 10 years before the year for which net profit is being calculated; and
  - (b) the actual net profit from those operations for the year is greater than zero.

**Fair market value**

**15(1)** Subject to subsection (2), the fair market value for an arm's-length sale of a mineral pursuant to this Part is the price paid by the purchaser to the royalty payer for the mineral.

(2) If a mineral is sold for consideration other than money, the value of the sale is the greater of the fair market value of the consideration and the fair market value of the mineral.

- (3) Subject to subsection (5), the fair market value for a sale of a mineral that is not at arm's length is deemed to be:
- (a) the weighted average sale price of all arm's-length sales of minerals in the current year;
  - (b) in the case of a mineral that is resold in an arm's-length sale, the sale price of the mineral in the first arm's-length sale; and
  - (c) in the case of a mineral that is sold and subsequently consumed, the weighted average sale price for all sales of minerals from the royalty payer to arm's-length purchasers in the current year.
- (4) For the purposes of calculating the gross revenues of the royalty payer in the current year, an estimated weighted average sale price must be used as an interim value of sales until the gross revenues have been determined for the current year.
- (5) The minister may approve a sale price of a mineral that is agreed on by a royalty payer and a purchaser who are not dealing with each other at arm's length.

**Determining costs and allocating expenses**

- 16(1)** Subject to section 8, for the purpose of determining the cost of assets of a royalty payer, the cost is the cost to the royalty payer of acquiring the assets.
- (2) If there is more than one royalty payer associated with a production unit, the royalty payers may, with the prior written consent of the minister, allocate their expenses and deductions mentioned in section 10 amongst themselves in the manner approved by the minister.

**PART III  
Crown Uranium Royalties**

**DIVISION 1  
Interpretation and Application of Part**

**Interpretation of Part**

**17(1)** In this Part:

- (a) **“allocated uranium exploration expenses”**, with respect to a royalty payer, means exploration expenses that have been allocated to the royalty payer, but does not include expenditures incurred on Crown mineral lands other than mineral disposition lands;
- (b) **“allocated uranium historical exploration expenses”**, with respect to a royalty payer or a person who becomes a royalty payer, means the exploration expenditures that:
  - (i) with respect to a person who becomes a royalty payer, have been incurred by the person who becomes a royalty payer during the 15-year period ending with the person becoming a royalty payer;

- (ii) with respect to a royalty payer who has purchased a production unit, have been incurred with respect to the purchased production unit during the 15-year period ending with the beginning of production; and
- (iii) have been incurred after January 1, 2013;

but does not include:

- (iv) those expenditures incurred on Crown mineral lands other than mineral disposition lands; and
- (v) those expenditures claimed in a previous year by the royalty payer or any other royalty payer;
- (c) **“basic royalty”** means the basic royalty described in section 20;
- (d) **“beginning of production”**, for a facility, means the first day of the first month in which a sale has been made of uranium produced or processed at that production unit;
- (e) **“capital addition”** means the capital addition determined in accordance with section 25;
- (f) **“capital bank”** means the capital bank determined in accordance with section 23;
- (g) **“exploration bank”** means the exploration bank calculated in accordance with section 24;
- (h) **“index value”** means the amount A calculated in accordance with the following formula:

$$A = \frac{B}{C}$$

where:

B is the price index for the previous year; and

C is the price index for 2012;

- (i) **“kilograms of U<sub>3</sub>O<sub>8</sub>”** means the weight of uranium, in any chemical form, that is expressed in terms of the equivalent weight in kilograms of natural uranium concentrates of triuranium octoxide, also known as U<sub>3</sub>O<sub>8</sub>;
- (j) **“mill”** means a mill located in Saskatchewan and used in the processing of uranium;
- (k) **“new mine”** means a mine that begins to produce uranium and is located on a production unit where no uranium production has occurred;
- (l) **“price index”** means the implicit price index for a year published by the Bank of Canada as the gross domestic product at market value in the Table titled “Gross domestic product: Implicit chained prices”;
- (m) **“production cost”** means the production cost determined in accordance with section 26;

- (n) **“profit royalty”** means the profit royalty determined in accordance with section 21;
- (o) **“Saskatchewan resource credit”** means the Saskatchewan resource credit described in section 29;
- (p) **“uranium”** means either or both of the following produced from Crown mineral lands in Saskatchewan:
- (i) uranium ore;
  - (ii) uranium concentrate;
- (q) **“uranium concentrate”** means:
- (i) the substance containing  $U_{235}$  or  $U_{238}$  resulting from the concentration of uranium ore; and
  - (ii) any substance or mineral extracted from uranium ore;
- (r) **“uranium ore”** means any substance found in nature that contains commercially recoverable amounts of  $U_{235}$  or  $U_{238}$ , with or without other minerals.
- (2) A royalty payer continues to be a royalty payer until all facilities in which the royalty payer has an interest cease to continue in existence in accordance with section 7.
- (3) For the purposes of this Part, the minister may designate two or more mines as one production unit if the mines are the subject of:
- (a) the same mineral disposition; or
  - (b) separate mineral dispositions with the same royalty payers.

**Application of Part**

**18** This Part applies to the calculation of royalties with respect to uranium sold or consumed on and after January 1, 2013, whether or not the uranium was produced in Saskatchewan from Crown mineral lands before that date.

**DIVISION 2**  
**Calculation of Royalty**

**Calculation of royalty**

**19** The royalty payment to be made pursuant to Part IV by the royalty payer is the amount A calculated in accordance with the following formula:

$$A = B + C - D$$

where:

- B is the basic royalty payable;
- C is the profit royalty payable; and
- D is the Saskatchewan resource credit.

**Basic royalty**

**20** The basic royalty is 5% of the royalty payer's gross revenue.

**Profit royalty**

**21** The profit royalty is the sum of:

(a) 10% of the royalty payer's net profit for net profit up to and including the product of:

- (i) \$22.00 per kilogram of uranium sold; and
- (ii) the index value; and

(b) 15% of the royalty payer's net profit for net profit in excess of the product of:

- (i) \$22.00 per kilogram of uranium sold; and
- (ii) the index value.

**Calculation of net profit**

**22** In this Part, "**net profit**" is the amount NP calculated in accordance with the following formula:

$$NP = A + B - C - D - E - F$$

where:

A is the royalty payer's gross revenue, if any, for the year that has been derived from the royalty payer's share of the uranium extracted, recovered or produced from, or allocated pursuant to a unitization agreement to, the royalty payer's production units;

B is the proceeds from the disposal of any asset during the year the cost of which was:

- (a) included in whole or in part in the capital bank to the extent that the proceeds exceed the unclaimed balance of the capital bank; or
- (b) deducted as a production cost, if the disposal of an interest in a production unit is not to be construed as a disposal of an asset for the purposes of this clause;

C is the capital bank or the portion of the capital bank claimed by the royalty payer;

D is the production cost;

E is the exploration bank or the portion of the exploration bank claimed by the royalty payer; and

F is the sum of:

- (a) the sum of all decommissioning and reclamation costs incurred in the year; and

(b) for the year of termination of production and the two years preceding the year of termination of production, that portion of decommissioning and reclamation costs incurred in the three-year period immediately following the year of termination of production required to reduce the net profit to zero, to a total maximum value claimed against net profit in the year of termination of production and the two years preceding the year of termination of production of the total decommissioning and reclamation costs incurred in the three-year period immediately following the year of termination of production.

**Capital bank**

**23** For the purposes of this Part, the capital bank of a royalty payer at the end of a year is the amount A calculated in accordance with the following formula:

$$A = B + C - D$$

where:

B is the amount in the capital bank at the end of the previous year;

C is the capital addition; and

D is the total capital bank claimed for the year.

**Exploration bank**

**24** For the purposes of this Part, the exploration bank of a royalty payer at the end of a year is the amount A calculated in accordance with the following formula:

$$A = B + C - D$$

where:

B is the amount in the exploration bank at the end of the previous year;

C is the sum of the allocated uranium exploration expenses and allocated uranium historical exploration expenses; and

D is the total exploration bank claimed for the year.

**Capital addition**

**25(1)** Subject to subsections (2) and (3), the capital addition is the sum of all capital costs in the year with respect to the royalty payer's production units.

(2) Subject to subsection (3), the capital additions for:

(a) the years 2013, 2014 and 2015 is 50% of the royalty payer's capital costs for the year with respect to the royalty payer's production units; and

(b) the year 2016 is the sum of:

(i) all the royalty payer's capital costs in 2016 with respect to the royalty payer's production units; and

(ii) with respect to each of the years 2013, 2014 and 2015, 50% of the product of:

(A) the royalty payer's capital costs with respect to the royalty payer's production units in each year; and

(B) the index value for 2016 divided by the index value for the year in which the capital costs were incurred.

(3) In the case of the Cigar Lake production unit, the capital addition for the year 2016 is the sum of:

- (a) the amounts mentioned in subclauses (2)(b)(i) and (ii); and
- (b) the capital addition for the Cigar Lake production unit, as approved by the minister, that was effective on January 1, 2013 multiplied by the index value for 2016.

**Production cost**

**26(1)** The production cost for a year is the sum of all of the following in the year:

- (a) the difference between:
  - (i) all costs, charges and expenses incurred by the royalty payer and its affiliates at a place in Saskatchewan where production occurs that are operating costs; and
  - (ii) any amount paid to the royalty payer or its affiliates:
    - (A) as compensation for damage or pursuant to a policy of insurance with respect to damage to property or assets of the royalty payer used in connection with the production of uranium if the costs of repairing that damage are within the scope of subclause (i); or
    - (B) paid to the royalty payer or its affiliates pursuant to a policy of insurance with respect to maintaining ongoing mining operations after an insurable loss occurs;
- (b) the custom milling fees paid by the royalty payer if the uranium ore from the production unit is processed by a custom miller and:
  - (i) the custom milling fees are paid in money, not in kind; and
  - (ii) the custom miller is deemed to deal at arm's length with the royalty payer;
- (c) the production costs of the custom miller in providing the custom milling if the uranium ore from the production unit is processed by a custom miller and:
  - (i) the custom milling fees are paid in kind; or
  - (ii) the custom miller is not deemed to deal at arm's length with the royalty payer;
- (d) storage costs incurred respecting uranium stored off-site;
- (e) transportation costs for the year;
- (f) all taxes, rates, assessments, fees and duties levied or imposed with respect to the production unit of the royalty payer, including:
  - (i) school taxes;
  - (ii) municipal taxes;
  - (iii) business taxes;
  - (iv) sales taxes for non-capital items; and
  - (v) annual disposition rentals;

but not including:

(vi) any mineral rights taxes; or

(vii) any tax measured by reference to the income or the capital of the royalty payer;

(g) the costs of providing, or of contributions to:

(i) a qualifying environmental assurance; and

(ii) any other assurance fund as required pursuant to *The Mineral Industry Environmental Protection Regulations, 1996*, with the written approval of the minister;

(h) if the consideration for the sale or other disposition of uranium that was purchased from another royalty payer who is dealing with the royalty payer at arm's length at the time of the purchase is included in the gross revenue of the royalty payer for the year, the actual cost of that uranium;

(i) marketing costs;

(j) mine research and development costs;

(k) donations to religious, charitable, educational or similar non-profit organizations in Saskatchewan;

(l) subject to subsection (3), any portion of the total of the amounts, if any, by which profits in any of the 10 preceding years were less than zero, to the extent that the portion has not been deducted from profits in previous years; and

(m) operating costs.

(2) In making calculations in accordance with subsection (1), no deduction shall be made for:

(a) depletion in the value of any mineral reserve by reason of exhaustion or partial exhaustion of that reserve;

(b) interest or other financing costs;

(c) taxes on profits, income or capital;

(d) royalties;

(e) dividends or any distribution of surplus or capital;

(f) any expenditure that has been reimbursed in whole or in part by way of subsidy, grant or other reimbursement to the extent of the reimbursement;

(g) any expenditure incurred in purchasing or acquiring the right to produce minerals or an option to purchase or acquire that right;

(h) reserves or provisions for reclamation or decommissioning other than contributions to an assurance fund required pursuant to *The Mineral Industry Environmental Protection Regulations, 1996*; or

(i) subject to subsection (1), the amount of any deduction mentioned in subsection (1) that could have been taken in a previous year but was not.

(3) For the purposes of clause (1)(l), “**the 10 preceding years**” does not include any year before 2013.

**Fair market value**

**27(1)** Subject to subsection (2), the fair market value for an arm's-length sale of uranium is the price paid by the purchaser to the royalty payer for the uranium.

(2) Subject to section 28, if uranium is sold for consideration other than money, the value of the sale is the greater of the fair market value of the consideration and the fair market value of the uranium.

(3) Subject to section 6 and subsection (5), the fair market value for a sale of uranium that is not at arm's length is deemed to be:

(a) in the case of uranium that enters into a pooled inventory, the weighted average sale price of all arm's-length sales of uranium from that pooled inventory in the current royalty year;

(b) in the case of uranium that is resold in an arm's-length sale without entering a pooled inventory, the sale price of the uranium in the first arm's-length sale; and

(c) in the case of uranium that is sold and subsequently consumed, the weighted average sale price for all sales of uranium from the royalty payer to arm's-length purchasers in the current royalty year.

(4) For the purposes of calculating the gross revenues of the royalty payer in the current royalty year, a weighted estimated average sale price must be used as an interim value of sales until the gross revenues have been determined for the current year.

(5) The minister may approve a sale price of uranium that is agreed on by a royalty payer and a purchaser who are not dealing with each other at arm's length.

**Value assigned to uranium loaned or sold**

**28(1)** If uranium is loaned or sold by a royalty payer, and any consideration for the loan or sale includes the right of the royalty payer to receive uranium, whether or not the uranium received was produced in Saskatchewan:

(a) the value of any part of the consideration that is not uranium must be included in calculating the gross revenue of the royalty payer for the month in which the consideration is received; and

(b) subject to sections 6 and 27, the proceeds of any sale of the uranium received by the royalty payer as consideration must be included in calculating the gross revenue of the royalty payer for the month in which that uranium is sold.

(2) If uranium is loaned or sold to a royalty payer, whether or not the uranium was produced in Saskatchewan, and any of the consideration for the loan or sale is the obligation of the royalty payer to deliver uranium at a future time, the royalty payer must include, in calculating the gross revenue of the royalty payer, the value of the uranium for the month in which it is delivered.

(3) Subject to sections 6 and 27, the value of the uranium delivered in accordance with subsection (2) is deemed to be the value received by the royalty payer with respect to the sale or consumption of the uranium loaned or sold to the royalty payer.

DIVISION 3  
**Credits and other Exemptions**

**Saskatchewan resource credit**

**29** The Saskatchewan resource credit is:

- (a) for the year 2013:
  - (i) 1% of the royalty payer's gross revenue before April 1; and
  - (ii) 0.75% of the royalty payer's gross revenue on or after April 1; and
- (b) for the year 2014 and all subsequent years, 0.75% of the royalty payer's gross revenue.

**Exemption from profit royalties**

**30** Sales of uranium are not subject to profit royalties if:

- (a) the sales are from a secondary source of previously processed material; or
- (b) the uranium that is sold is uranium that was produced before January 1, 2011.

**Effective date of transfer**

**31(1)** Notwithstanding section 84 of *The Mineral Tenure Registry Regulations*, and subject to subsection (2), for the purposes of this Part, the minister may recognize an effective date for the transfer of an interest in a mineral disposition that is not the date on which the transfer was recorded in the registry.

(2) The minister shall not recognize an effective date in accordance with subsection (1) unless the minister is requested to do so by the vendor and the purchaser.

PART IV  
**Payment of Royalties, Records, Assessments and Refunds**

DIVISION 1  
**Payment of Royalties**

**Royalty payments**

**32** Every royalty payer shall remit royalty payments in accordance with these regulations for all minerals sold or consumed by the royalty payer.

**Basic royalty payment - uranium**

**33** On or before the last day of the month following the month in which the royalty payer sold or consumed uranium, the royalty payer shall submit to the minister the basic royalty payment calculated in accordance with section 20.

**Estimated profit royalty payment**

**34(1)** In this section, "**profit royalty**" means:

- (a) in the case of minerals to which Part II applies, the royalty calculated in accordance with section 13; and
- (b) in the case of uranium, the profit royalty calculated in accordance with section 21.

- (2) On or before the last day of each quarter in any year, every royalty payer shall:
- (a) submit to the minister an estimate of the profit royalties payable for the year in a form and manner approved by the minister; and
  - (b) pay to the minister an instalment of the profit royalties with respect to that quarter, calculated in accordance with subsection (3).
- (3) The instalment of profit royalties payable with respect to:
- (a) the first quarter in a year is 25% of the profit royalties for the year, calculated on the estimate made in the first quarter of that year's profit royalties;
  - (b) the second quarter in a year is the difference between:
    - (i) 50% of the profit royalties for the year, calculated on the estimate made in the second quarter of that year's profit royalties; and
    - (ii) the amount paid pursuant to clause (a);
  - (c) the third quarter in a year is the difference between:
    - (i) 75% of the profit royalties for the year, calculated on the estimate made in the third quarter of that year's profit royalties; and
    - (ii) the total of the amounts paid pursuant to clauses (a) and (b); and
  - (d) the fourth quarter in a year is the difference between:
    - (i) the profit royalties for the year, calculated on the estimate made in the fourth quarter of that year's profit royalties; and
    - (ii) the total of the amounts paid pursuant to clauses (a) to (c).
- (4) If the amount of an instalment calculated pursuant to clause (3)(b), (c) or (d) is a negative amount, the instalment payable for that quarter is zero.
- (5) After the last day of each year, every royalty payer shall determine the amount of the profit royalties payable for that year, based on the actual amount of profits for that year.
- (6) If the amount of the profit royalties determined pursuant to subsection (5) exceeds the total of the instalments paid pursuant to subsection (3), the royalty payer shall pay to the minister the difference between those amounts on or before March 31 of the year following the year for which the determination is made.
- (7) In addition to any other amount that is payable pursuant to this section, every royalty payer shall pay to the minister, on or before March 31 of the following year, the sum of the following amounts of interest at the rate set out in section 43 and calculated:
- (a) for the period commencing on April 1 in the year and ending on June 30 in the year, on the amount, if any, by which 20% of the profit royalties for the year exceeds the amount remitted on March 31 in the year;

- (b) for the period commencing on July 1 in the year and ending on September 30 in the year, on the amount, if any, by which 42.5% of the profit royalties for the year exceeds the amount remitted on or before June 30 in the year;
- (c) for the period commencing on October 1 in the year and ending on December 31 in the year, on the amount, if any, by which 67.5% of the profit royalties for the year exceeds the amount remitted on or before September 30 in the year;
- (d) for the period commencing on January 1 in the year immediately following and ending on the day on which payment is received by the minister, on the amount, if any, by which 95% of the profit royalties for the year exceeds the amount remitted on or before December 31 in the year.

**Return to accompany payment**

**35(1)** Subject to subsection (2), every royalty payment submitted pursuant to section 33 or 34 must be accompanied by a return in a form and manner approved by the minister.

(2) The minister may, if the minister considers it appropriate, waive the requirements of subsection (1) with respect to one or more payments.

**Annual return**

**36(1)** On or before March 31 of the year following the end of each year, a royalty payer shall submit to the minister an annual return in a form and manner approved by the minister.

(2) The annual return mentioned in subsection (1) must:

- (a) be accompanied by the financial statements for the production unit or, if the production unit has no financial statements, the financial statements of the royalty payer, and a reconciliation of those financial statements to the return;
- (b) be signed by the royalty payer or, if the royalty payer is a corporation, by an authorized officer of the corporation; and
- (c) include the royalty payer's or officer's solemn oath or affirmation that the financial statements are true and complete to the best of the royalty payer's or officer's knowledge and belief.

**DIVISION 2**  
**Records**

**Copy of mineral sales contract to minister**

**37** With respect to a contract for the sale of a mineral, the minister may request, from any party to the contract:

- (a) in the case of a written contract, a copy of the contract; and
- (b) in the case of an oral contract, a copy of the terms of the contract in writing.

**Copy of documentation to minister**

**38(1)** Within 30 days after entering into a contract involving a change in a royalty payer's interest in a production unit, the royalty payer shall provide the minister with:

- (a) a copy of the contract; and
- (b) any further supporting documentation that the minister considers appropriate in the circumstances.

(2) When requested to do so by the minister, a royalty payer shall prepare and deliver documentation pertaining to the operations of a production unit and in connection with exploration for minerals, including:

- (a) information with respect to:
  - (i) pre-production;
  - (ii) the production of minerals from mineral disposition lands; and
  - (iii) the refining, sale or consumption of minerals produced from mineral disposition lands;
- (b) any budget or forecast related to anything mentioned in clause (a); and
- (c) any further information or documentation that the minister considers appropriate in the circumstances.

**Royalty payer to keep books of account at or near production unit**

**39(1)** Every person liable to pay a royalty pursuant to a mineral disposition shall keep at or near each production unit within the mineral disposition lands full, correct and complete books of account of all minerals, mineral ores and mineral-bearing substances taken from the production unit, showing:

- (a) the quantity, weight and other particulars of the minerals, mineral ores and mineral-bearing substances and the value of those minerals, mineral ores and mineral-bearing substances; and
- (b) the returns from processing operations until the weight of those returns and any other facts and circumstances necessary for determining the amount of the royalty payable have been correctly determined and entered in the books of account.

(2) In case of dispute, the minister shall determine the number and kind of books to be kept and the place at which the books shall be kept.

**Record retention**

**40(1)** Subject to subsection (2), unless otherwise provided, a royalty payer shall retain, for a period of four years after the year with respect to which royalties are paid, or the date of refiling of a royalty return pursuant to subsection 41(5), all records required to calculate the royalties payable pursuant to these regulations.

(2) If the minister considers it appropriate in the circumstances, the minister may provide a royalty payer with written consent to dispose of the records before the four-year period mentioned in subsection (1) has expired.

(3) If a royalty payer does not make the records available at a reasonably accessible location in North America, the royalty payer is responsible to pay all costs associated with:

- (a) an audit by the ministry; or
- (b) if agreed on by the ministry and the royalty payer, the collection of information by the royalty payer through an independent third party for the purposes of an audit by the ministry.

### DIVISION 3 Assessments and Refunds

#### Assessments

41(1) The minister may assess or from time to time reassess the amount of any royalties imposed by these regulations, and of any interest, penalties or other amounts that may be payable pursuant to these regulations with respect to those royalties:

- (a) within four years after the day on which those royalties became due and payable; or
- (b) at any time, if the royalty payer:
  - (i) has made any misrepresentation that is attributable to neglect, carelessness or wilful default or has committed any fraud in connection with the calculation or payment of those royalties; or
  - (ii) has filed with the minister a waiver in a form acceptable to the minister within four years after the day on which those royalties became due and payable; or
- (c) within four years after the date on which a royalty return was last filed or refiled by a royalty payer.

(2) The minister shall send notice of any assessment or reassessment pursuant to subsection (1) to the royalty payer.

(3) Every royalty payer shall pay any amount that is assessed or reassessed by the minister pursuant to this section within 30 days after the mailing of the notice of assessment or reassessment, whether or not an appeal of the assessment or reassessment is taken.

(4) Liability for the royalties payable in accordance with these regulations, and for any interest, penalties or other amounts that may be payable pursuant to these regulations with respect to those royalties, is not affected either by an incorrect or incomplete assessment or reassessment pursuant to this section or by the fact that no assessment or reassessment has been made pursuant to this section.

(5) If a royalty payer wishes to refile a royalty return, the royalty payer shall do so within four years after the day on which those royalties became due and payable pursuant to these regulations.

**Refunds**

42(1) Subject to subsections (2) and (3), if a royalty payer has made an overpayment of royalty, the minister:

- (a) shall refund the amount of the overpayment to the royalty payer; and
- (b) may pay interest at the rate and in the manner set out in section 44.

(2) If a royalty payer owes any royalty to the Crown pursuant to the Act or these regulations and has subsequently made an overpayment to the minister:

- (a) the minister shall retain the amount of the overpayment, or as much of the overpayment as is required, and apply it to the royalty owing; and
- (b) the minister shall notify the royalty payer of the set-off.

(3) No refund is payable if the fact of the overpayment did not come to the knowledge of the minister within four years from the date on which the overpayment occurred.

(4) Notwithstanding *The Limitations Act*, no action may be brought to recover an overpayment after the expiration of four years from the date on which the overpayment occurred.

(5) The refund for an overpayment of royalty is to be made in a manner approved by the minister.

**PART V****Interest and Recovery of Royalty****Interest on assessments**

43(1) Every royalty payer shall pay interest at the rate set out in subsection (2) to the minister on any amount that is not paid or remitted as and when required by these regulations calculated from the day on which that amount should have been paid or remitted to the date on which it is received by the minister as shown in the records of the minister.

(2) For the purposes of subsection (1), the rate of interest per annum with respect to unpaid royalty is the rate equal to the sum of:

- (a) the prime lending rate of the bank holding Saskatchewan's general revenue fund as determined and adjusted in accordance with this section; and
- (b) three percentage points.

(3) The interest rate set out in this section is to be determined on June 15 and December 15 in each year and:

- (a) the interest rate as determined on June 15 applies to unpaid royalties that are owing on or after July 1; and
- (b) the interest rate as determined on December 15 applies to unpaid royalties that are owing on or after January 1 of the following year.

**Interest on refunds**

44(1) For the purposes of section 42, the rate of interest per annum with respect to an overpayment of royalty is the rate equal to the prime lending rate of the bank holding Saskatchewan's general revenue fund as determined and adjusted in accordance with this section.

(2) The interest rate set out in this section is to be determined on June 15 and December 15 in each year and:

- (a) the interest rate as determined on June 15 applies to any royalty that is overpaid on or after July 1; and
- (b) the interest rate as determined on December 15 applies to any royalty that is overpaid on or after January 1 of the following year.

**Lien**

45(1) All royalties, penalties and costs payable pursuant to any mineral disposition or pursuant to these regulations constitutes a first lien, charge and encumbrance in favour of the Crown, in priority over any claim, privilege or encumbrance of any person, whether the right or title of that person has accrued before or accrues after the attaching of the first lien, on:

- (a) any mine or mining property within the mineral disposition lands;
- (b) all minerals, mineral ores and mineral-bearing substances taken from the mineral disposition lands; and
- (c) all machinery in, on or connected with any mine or mining operations within the mineral disposition lands.

(2) The priority of the first lien, charge and encumbrance mentioned in subsection (1) is not lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, or by the tender or acceptance of any partial payment of the royalties, interest, penalties or other amounts mentioned in subsection (1).

(3) The first lien, charge and encumbrance mentioned in subsection (1) may be realized by the seizure or the seizure and sale of all or any part of the estate, real and personal, of the person who is liable to pay those royalties and all interest, penalties or other amounts with respect to those royalties.

**Action for recovery**

46(1) If any royalty, interest, penalty or other amount due and owing pursuant to the Act and these regulations is not paid, the minister may bring an action in a court of competent jurisdiction to obtain payment of the royalty, interest, penalty or other amount as a debt due to the Government of Saskatchewan.

(2) The right of action provided in subsection (1) is in addition to all other rights that may be exercised pursuant to the Act.

**Injunction, etc.**

**47(1)** In addition to any other remedies for the recovery of the royalty payable pursuant to a mineral disposition, the minister may apply to a court of competent jurisdiction for an injunction or order in the nature of an injunction, or the appointment of a receiver with all necessary powers, or any other relief or remedy as may be deemed necessary or expedient for securing payment of the royalty.

(2) On an application pursuant to this section, the court may issue the order requested or any other order that the court considers appropriate on any terms and conditions that the court considers appropriate.

**Distress**

**48(1)** If default is made in the payment of any royalties, interest, penalties or other amounts due and owing pursuant to the Act and these regulations, the royalties, interest, penalties and other amounts may be levied and collected by distress, together with all costs of distress, on the goods and chattels, wherever found, of the royalty payer under a warrant signed by the minister directed to the sheriff having jurisdiction in the area in which the royalty payer may have any goods or chattels.

(2) The sheriff shall realize the amount directed to be realized by the warrant, together with all incidental costs, by the sale of the goods and chattels distrained or as may be necessary to satisfy the amount directed to be levied by the warrant together with the costs of the distress and sale.

**Deduction or set-off**

**49** If any royalties, interest, penalties or other amounts imposed pursuant to the Act and regulations are not paid when due, the minister may require the retention by way of deduction or set-off of any amount that the minister may specify from or out of any amount that is or may become payable by the Crown to the royalty payer or to any other person on behalf or for the benefit of the royalty payer.

**PART VI****Repeal and Coming into Force****Saskatchewan Regulations 30/86 repealed**

**50** *The Mineral Disposition Regulations, 1986*, being Saskatchewan Regulations 30/86, are repealed.

**Coming into force**

**51** These regulations come into force on the day on which they are filed with the Registrar of Regulations but are retroactive and are deemed to have been in force on and from January 1, 2013.

**SASKATCHEWAN REGULATIONS 107/2013***The Mineral Taxation Act, 1983*

Section 46

and

*The Potash Production Tax Schedule*

Section 11

Order in Council 712/2013, dated December 19, 2013

(Filed December 20, 2013)

**Title**

1 These regulations may be cited as *The Potash Production Tax Amendment Regulations, 2013 (No. 2)*.

**R.R.S. c.M-17.1 Reg 6 amended**

2 *The Potash Production Tax Regulations* are amended in the manner set forth in these regulations.

**Section 2 amended****3(1) Subsection 2(1) is amended:**

(a) in subclause (e.3)(i) by striking out “, as described in paragraphs 25(b)(v)(A) to (N)”;

(b) by repealing clause (o) and substituting the following:

“(o) ‘**capital asset**’ means any real or personal property, whether tangible or intangible, including any plant or equipment, that:

- (i) in accordance with Canadian generally accepted accounting principles, is properly treated as a capital asset;
- (ii) is held for use in the production or supply of goods or services; and
- (iii) is expected to be used during more than one year;

but does not include:

- (iv) any interest in land or mineral rights; or
- (v) any property that, in the opinion of the minister, is properly referable to the production of any product other than potash”;

(c) in clause (p):

(i) in subclause (i):

(A) in subparagraph (B)(I) by striking out “person manufactured the asset, the costs of manufacture” and substituting “person constructed the asset, the cost of construction”;

(B) in subparagraph (B)(II) by striking out “book” and substituting “carrying”;

**(C) by striking out “or” after paragraph (B);**

**(D) by adding the following after paragraph (B):**

“(B.1) a capital asset is constructed by the producer, the cost of construction; or”; **and**

**(E) in subparagraph (C)(III) by striking out “book” and substituting “carrying”;**

**(ii) by repealing subclause (ii) and substituting the following:**

“(ii) all freight costs, installation charges and other costs incurred by the producer and its affiliates for the purpose of putting the asset in place for the producer, including:

(A) the costs of employee wages and benefits arising from the construction or acquisition of the asset;

(B) the costs of site preparation;

(C) initial delivery and handling costs;

(D) assembly costs;

(E) the net costs of testing the asset;

(F) the costs of services to provide health, safety and security during installation; and

(G) the cost of contractors, subcontractors, trades and subtrades”;  
**and**

**(iii) in subclause (ix) by striking out “expenses” and substituting “costs”;**

**(d) by adding the following clause after clause (q):**

“(q.1) ‘**cost of construction**’, with respect to a capital asset, includes:

(i) the costs of employee wages and benefits arising from the construction of the asset;

(ii) direct material costs related to the construction of the asset;

(iii) the costs of site preparation related to the construction of the asset;

(iv) initial delivery and handling costs of parts and materials related to the construction of the asset;

(v) the net costs of testing the asset;

(vi) indirect construction costs that are required for the construction of the asset but that cannot be individually traced to the constructed asset, including power, supplies, materials, construction labour and project management;

(vii) construction insurance;

- (viii) the costs of services to provide health, safety and security during the construction of the asset;
- (ix) the costs of design, engineering, procurement and construction management services related to the construction of the asset; and
- (x) the cost of contractors, sub-contractors, trades and sub-trades directly attributable to the construction of the asset;

but does not include:

- (xi) any profit, gain, commission or overhead to an affiliate providing capital assets to a producer;
- (xii) the cost of any capital asset, other than approved new mines or expansions, until that asset is in use;
- (xiii) except for approved remote assets, the cost of any asset that is not located in Saskatchewan;
- (xiv) except for approved remote assets, the cost of any asset that is not used exclusively with respect to potash produced from a mine;
- (xv) the cost of feasibility studies, except those related to approved new mines and expansions;
- (xvi) interest;
- (xvii) operating costs, operating losses or deficits;
- (xviii) administrative and corporate expenditures;
- (xix) fees or expenses for legal or accounting services; or
- (xx) the cost of directly or indirectly acquiring from a person who is not dealing with the producer at arm's length any interest or right under or in relation to any patent, copyright, trademark, industrial design or other form of intellectual property or similar intangible”;

**(e) by repealing subclause (w)(ii) and substituting the following:**

“(ii) with respect to a new mine, the annual productive capacity of the mine, approved in writing by the minister, as of the beginning of commercial production”;

**(f) by repealing paragraph (jj.2)(i)(C) and substituting the following:**

“(C) in the case of a mine expansion or new mine if the producer submits an application for approval of the project and the application receives the written approval of the minister, the capital cost of the project incurred in the year, including:

- (I) exploration expenses incurred to determine the existence, location, extent or quality of the potash to be mined, including the expenses of geological studies and drilling and related analyses;

(II) the cost of design, the cost of development and the cost of construction of the mine or expansion;

(III) the cost of construction and operation of housing, restaurant or recreational facilities that are to be used for the benefit of persons engaged in the construction of the mine expansion or new mine, and that are located at the mine or at a location that, in the opinion of the minister, is near the mine; and

(IV) costs directly attributable to potash produced before the beginning of commercial production;

but not including:

(V) interest;

(VI) administrative and corporate expenditures;

(VII) legal fees or expenses;

(VIII) fees or expenses for accounting services; or

(IX) any portion of expenses covered by a grant or subsidy”;

**and**

**(g) by adding the following clause after clause (kk):**

“(kk.1) **‘operating costs’** means the costs incurred at a place in Saskatchewan where production occurs that are directly attributable to mining, refining and producing potash in a saleable form, and includes the following that are related to mining, refining and producing potash:

(i) salary payroll;

(ii) direct labour;

(iii) maintenance labour;

(iv) other payroll;

(v) employee benefits and payroll taxes;

(vi) operating supplies consumed;

(vii) repair materials consumed;

(viii) production materials consumed;

(ix) electricity consumed;

(x) natural gas consumed;

(xi) other utility costs;

(xii) insurance premiums;

(xiii) purchased services; and

(xiv) any other costs that, in the opinion of the minister, are directly attributable to mining, refining and producing potash in a saleable form”.

**(2) Clause 2(8.3)(b) is repealed and the following substituted:**

“(b) other expenditures for the expansion or new mine as mentioned in subparagraphs (1)(jj.2)(i)(C)(I) to (IV)”.

**Section 7 amended**

**4 Subsection 7(8) is amended by striking out “In determining” and substituting “Notwithstanding any other provision of these regulations, in determining”.**

**Section 8 amended**

**5(1) Subclause 8(1)(a)(i) is amended by striking out “book” and substituting “carrying”.**

**(2) Subclause 8(2)(a)(i) is amended by striking out “book” and substituting “carrying”.**

**(3) Subclause 8(3)(a)(i) is amended by striking out “book” and substituting “carrying”.**

**(4) Subclause 8(4)(a)(i) is amended by striking out “book” and substituting “carrying”.**

**(5) Subclause 8(5)(a)(i) is amended by striking out “book” and substituting “carrying”.**

**(6) Subclause 8(6)(a)(i) is amended by striking out “book” and substituting “carrying”.**

**New section 22**

**6 Section 22 is repealed and the following substituted:**

**“Interest rate**

**22(1) For the purposes of clauses 6(8)(a) to (d) of the Schedule, the rate of interest per annum is the rate equal to the sum of:**

- (a) the prime lending rate of the bank holding the general revenue fund as determined and adjusted in accordance with this section; and
- (b) 3%.

**(2) The interest rate prescribed by this section shall be determined on June 15 and December 15 in each year and:**

- (a) the interest rate as determined on June 15 applies to any amount that is due on or after July 1; and
- (b) the interest rate as determined on December 15 applies to any amount that is due on or after January 1 of the following year”.

**Section 25 amended**

**7 Subclause 25(b)(v) is repealed and the following substituted:**

“(v) the operating costs, separated into the categories listed in clause 2(1)(kk.1);

“(v.1) the approved remote costs”.

**Section 28 amended**

**8 Subsection 28(6) is amended in the portion following clause (b) by striking out “described in subclause 7(2)(a)(i)”.**

**Section 30 amended**

**9(1) Subsection 30(1) is repealed and the following substituted:**

“(1) Subject to subsection (1.1), for the purposes of subsection 22(1) of the Act, the rate of interest per annum is the rate equal to the sum of:

- (a) the prime lending rate of the bank holding the general revenue fund as determined and adjusted in accordance with this section; and
- (b) 3%.

“(1.01) The interest rate prescribed by this section shall be determined on June 15 and December 15 in each year and:

- (a) the interest rate as determined on June 15 applies to any amount that is due on or after July 1; and
- (b) the interest rate as determined on December 15 applies to any amount that is due on or after January 1 of the following year”.

**(2) Subsection 30(4) is repealed and the following substituted:**

“(4) For the purposes of clause (2)(a), the rate of interest per annum is the rate equal to the prime lending rate of the bank holding the general revenue fund as determined and adjusted in accordance with this section, for the later of:

- (a) the day on which the amount in question should have been paid or remitted; and
- (b) the day on which the amount in question was paid or remitted”.

**(3) Subsection 30(5) is repealed and the following substituted:**

“(5) For the purposes of clause (2)(b), the rate of interest per annum is the rate equal to the prime lending rate of the bank holding the general revenue fund as determined and adjusted in accordance with subsection 22(2)”.

**Coming into force**

**10(1)** Subject to subsection (2), these regulations come into force on the day on which they are filed with the Registrar of Regulations but are retroactive and are deemed to have been in force on and from January 1, 2012.

(2) Section 6 and subsection 9(3) of these regulations come into force on the day on which these regulations are filed with the Registrar of Regulations.

**SASKATCHEWAN REGULATIONS 109/2013***The Wildlife Act, 1998*

## Section 83

Order in Council 714/2013, dated December 19, 2013

(Filed December 20, 2013)

**Title**

1 These regulations may be cited as *The Wildlife Amendment Regulations, 2013 (No.2)*.

**R.R.S. c.W-13.1 Reg 1 amended**

2 *The Wildlife Regulations, 1981* are amended in the manner set forth in these regulations.

**Section 4 amended**

**3(1) Subsection 4(1) is repealed and the following substituted:**

“(1) Subject to the other provisions of these regulations, outside of game preserves, road corridor game preserves, wildlife refuges, wildlife management units, regional parks, provincial parks, protected areas or recreation sites, any person may, without a licence, hunt:

- (a) reptilia (snakes and turtles) other than rattlesnakes, bullsnakes, hognosed snakes, smooth green snakes, eastern yellow-bellied racers, northern red-bellied snakes, short-horned lizards and snapping turtles;
- (b) amphibia (frogs and salamanders), other than great plains toads and northern leopard frogs;
- (c) lagomorpha (rabbits);
- (d) insectivora (shrews);
- (e) rodentia (mice and rats), other than red squirrels, muskrats, black-tailed prairie dogs, Ord’s kangaroo rats and, subject to subsection (2), beavers;
- (f) mephitidae (skunks);
- (g) procyonidae (raccoons);
- (h) icteridae (blackbirds), other than rusty blackbirds, bobolinks, Baltimore orioles, Bullock’s orioles, orchard orioles and western meadowlarks;
- (i) passeridae (house sparrows);
- (j) sturnidae (starlings);
- (k) columbidae (pigeons and doves), other than band-tailed pigeons, mourning doves and white-winged doves;
- (l) corvidae (crows, magpies and jays), other than blue jays, gray jays, Clark’s nutcrackers and ravens; and
- (m) domestic game farm animals with respect to which a domestic game farm operator holds a valid licence pursuant to *The Domestic Game Farm Animal Regulations*”.

**(2) Clause 4(3)(a) is repealed and the following substituted:**

“(a) reptilia, amphibia and insectivora may not be hunted for commercial purposes”.

**Section 7 amended**

**4 Subclause 7(2)(c)(i) is amended by adding “Ord’s kangaroo rats,” after “red squirrels,”.**

**Coming into force**

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



