

The Commercial Egg Marketing Plan Regulations

being

[Chapter A-15.21 Reg 2](#) (effective December 22, 2004) as amended by Saskatchewan Regulations [19/2006](#), [52/2017](#) and [86/2021](#).

NOTE:

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

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CHAPTER A-15.21 REG 2

The Agri-Food Act, 2004

PART I

Title and Interpretation

Title

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

Interpretation

2 In these regulations:

- (a) “**Act**” means *The Agri-Food Act, 2004*;
- (b) “**board**” means Saskatchewan Egg Producers continued pursuant to section 7;
- (c) “**broiler hatching eggs**” means hatching eggs as defined in *The Broiler Hatching Egg Marketing Plan Regulations*;
- (d) **Repealed.** 3 Sep 2021 SR 86/2021 s3.
- (e) **Repealed.** 3 Sep 2021 SR 86/2021 s3.
- (f) “**designated representative**” means an officer or employee who:
 - (i) is employed by a licensed producer;
 - (ii) is appointed in writing by that licensed producer to represent the licensed producer; and
 - (iii) is recognized by the board in accordance with section 35;
- (g) “**director**” means a member of the board
- (g.1) “**EFC**” means the Egg Farmers of Canada;
- (g.2) “**EFC regulations**” means the *Canadian Egg Marketing Agency Quota Regulations, 1986*;
- (h) “**eggs**” means any class of eggs or egg products produced from eggs laid by a hen, but does not include broiler hatching eggs;
- (i) “**exempt producer**” means a producer mentioned in section 6;
- (j) “**hen**” means a female common domestic fowl of the species *Gallus domesticus* that is producing eggs;
- (k) “**licence**” means a valid licence issued pursuant to Part V;

- (l) **“licensed producer”** means a producer to whom a licence has been issued and whose licence is in good standing;
- (m) **“plan”** means the Saskatchewan Commercial Egg Producers’ Marketing Plan continued pursuant to section 3;
- (n) **“producer”** means a person who is engaged in the production, marketing or production and marketing of eggs in Saskatchewan;
- (o) **“production limit”** means the number of dozens of eggs that a licensed producer is authorized to produce per year in accordance with Part VII and that is set out in the licensed producer’s licence;
- (p) **“production location”** means the location where a licensed producer produces eggs as set out in the producer’s licence or as identified by the producer and recorded by the board;
- (q) **“trust fund”** means the Commercial Egg Producers’ Trust Fund established pursuant to Part VIII.

31 Dec 2004 cA-15.21 Reg 2 s2; 3 Sep 2021 SR
86/2021 s3.

PART II Plan

Plan continued

- 3 The Saskatchewan Commercial Egg Producers’ Marketing Plan is continued.

31 Dec 2004 cA-15.21 Reg 2 s3; 3 Sep 2021 SR
86/2021 s4.

Purposes of plan

- 4 The purposes of the plan are the following:
 - (a) to control and regulate the production and marketing of eggs in Saskatchewan;
 - (b) to maintain a fair, stable price for eggs in Saskatchewan;
 - (c) to initiate, support and conduct studies and research connected with the production, marketing or production and marketing of eggs, including studies and research respecting consumer demand for eggs;
 - (d) to initiate, support and conduct activities to promote the production, marketing or production and marketing of eggs in Saskatchewan;
 - (e) to co-operate with the Governments of Saskatchewan and of Canada and with any bodies empowered by an Act or an Act of the Parliament of Canada or of a province or territory of Canada to market eggs or to promote, facilitate, control, regulate or prohibit the production or marketing of eggs.

31 Dec 2004 cA-15.21 Reg 2 s4.

Application of plan

5 The plan applies:

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

31 Dec 2004 cA-15.21 Reg 2 s5.

Exempt producers

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

- (a) every producer who possesses, whether by ownership, lease or any other means, fewer than 300 hens;
 - (b) every producer who is exempted by the board pursuant to the board's authority given by the Act, these regulations or the plan.
- (2) Without limiting the board's authority mentioned in clause (1)(b) to exempt, the board may, by order, exempt persons from the requirement to obtain a licence to produce, market or produce and market eggs for the purposes of research or market development.
- (3) The maximum exemption that the board may grant pursuant to subsection (2) is production equal to 1.5% of the total provincial allotment as defined in section 46.

31 Dec 2004 cA-15.21 Reg 2 s6.

PART III
Board

DIVISION 1
General Matters

Board continued

7(1) The Saskatchewan Egg Producers is continued as a marketing board pursuant to the Act.

(2) Unless the number of directors is otherwise set by an order of the board, the board consists of a maximum of 6 directors elected in accordance with Part VI.

(3) If fewer than 6 directors, or fewer than the number of directors set by an order of the board, are elected in accordance with Part VI, the board may appoint as directors the licensed producers eligible to hold office that it considers necessary to fill these positions.

(4) The board shall administer the plan.

3 Sep 2021 SR 86/2021 s5.

8 Repealed. 3 Sep 2021 SR 86/2021 s6.**Term of directors**

- 9(1)** Unless a different period is set by an order of the board, every director holds office for a period of three years and until a successor is elected in accordance with Part VI or appointed.
- (2) Subject to subsection (3), a director is eligible for re-election or re-appointment.
- (3) Unless an order of the board provides otherwise, if a director has served 4 consecutive terms, that director is not eligible for re-election or reappointment for at least 1 year after the expiry of that director's fourth 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 3 consecutive meetings of the board without being excused by a resolution of the board; or
 - (d) fails to fulfil that director's duties as established by the policy of the board and approved by the council.
- (5) Notwithstanding subsection 7(2), if the office of a director becomes vacant, the board may appoint a licensed producer as a director to fill the vacancy until:
- (a) the expiry of the term of the director whose office is vacant; or
 - (b) if the directors hold a by-election to fill the vacant position, the by-election is completed and the new director is elected.

31 Dec 2004 cA-15.21 Reg 2 s9; 3 Sep 2021 SR
86/2021 s7.

Books and records

- 10(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 egg industry; and
 - (ii) the activities of the board for its previous fiscal year;
 - (c) a list of the names of the directors of the board; and
 - (d) the report and financial statement of the trust fund that it is required to send pursuant to section 63.

- (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.

3 Sep 2021 SR 86/2021 s8.

11 Repealed. 3 Sep 2021 SR 86/2021 s9.

Committees

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

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

31 Dec 2004 cA-15.21 Reg 2 s12.

Chairperson and vice-chairperson

13(1) The board shall elect a chairperson and vice-chairperson from among the directors of the board at their first meeting in each year after new directors have been elected.

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

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

3 Sep 2021 SR 86/2021 s10.

Quorum

14(1) 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 comprising 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.

3 Sep 2021 SR 86/2021 s11.

Policies re conflict of interest and code of conduct

15 The board shall establish and maintain:

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

3 Sep 2021 SR 86/2021 s12.

Conflicts of interest

16(1) No director shall:

- (a) fail to disclose to the board any conflict of interest that the director may have; or
 - (b) vote on any matter with respect to which the director has any direct or indirect financial interest that is different from the financial interest of other producers.
- (2) If the board is uncertain whether or not a director has a conflict of interest pursuant to subsection (1), the board must adjourn the matter until the conflict of interest issue is resolved pursuant to the policies mentioned in section 15.

31 Dec 2004 cA-15.21 Reg 2 s16.

17 Repealed. 3 Sep 2021 SR 86/2021 s13.

Board orders

18(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.

3 Sep 2021 SR 86/2021 s14.

DIVISION 2
Financial Matters

Bank accounts

19 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.

3 Sep 2021 SR 86/2021 s15.

Investments

20(1) The board may invest any money in its possession or control that is not immediately required for the purposes of the plan or its operations in any security or class of securities authorized for investments of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*.

(2) With the approval of the council, the board may invest any money in its possession or control that is not immediately required for the purposes of the plan or its operations in any security or class of securities other than one authorized pursuant to subsection (1) if the board satisfies the council that the proposed investment is:

- (a) consistent with the purposes of the plan;
- (b) in the best interests of producers; and
- (c) not contrary to the public interest.

(3) The board may dispose of any investment made pursuant to subsection (1) or (2) in any manner, on any terms and in any amount that the board considers expedient.

7 Jly 2017 SR 52/2017 s3.

Fiscal year

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

31 Dec 2004 cA-15.21 Reg 2 s21.

Financial plan

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

31 Dec 2004 cA-15.21 Reg 2 s22.

23 Repealed. 3 Sep 2021 SR 86/2021 s16.

24 Repealed. 3 Sep 2021 SR 86/2021 s16.

25 Repealed. 3 Sep 2021 SR 86/2021 s16.

PART IV Board Powers

Powers of Board

26(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 egg production, marketing or production and marketing;
- (b) the power to require any or all persons engaged in the production, marketing or production and marketing of eggs to register with the board;

- (c) the power to set and collect registration fees and charges for services rendered by the board from any person engaged in the production, marketing or production and marketing of eggs;
- (d) the power to set and collect a levy that is not refundable from any person engaged in the production, marketing or production and marketing of eggs;
- (e) the power to categorize into groups persons engaged in the production, marketing or production and marketing of eggs for the purpose of setting and collecting the fees, charges or levies mentioned in clauses (c) and (d);
- (f) the power to set and collect penalties from any person who:
 - (i) is engaged in the production, marketing or production and marketing of eggs; and
 - (ii) contravenes an order of the board;
- (g) the power to recover any unpaid fees, charges, levies or penalties mentioned in clause (c), (d) or (f) by an action in a court of competent jurisdiction;
- (h) the power to require any person engaged in the production, marketing or production and marketing of eggs to furnish the board with any information or records relating to that production or marketing that the board considers necessary;
- (i) the power to market, grade or insure eggs, either as principal or agent;
- (j) the power to:
 - (i) employ any officers and employees that it considers necessary to administer the board's plan; and
 - (ii) determine the duties, conditions of employment and remuneration of its officers and employees;
- (k) the power to establish or support a group insurance plan, a pension plan, or any other employee benefit programs for its officers and employees mentioned in clause (j) and their dependants;
- (l) the power to use any moneys received by the board to carry out the purposes of the plan and to pay the expenses of the board;
- (m) the power to borrow, raise or secure the payment of moneys in any manner that the board considers appropriate for the purpose of administering the plan;
- (n) the power to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange or other negotiable or transferable instruments;
- (o) subject to subsection (2), 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 agency's 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 agency in relation to the plan;
- (t) the power to:
 - (i) require any person who owes money to a licensed producer with respect to the sale by the licensed producer of any eggs to pay the moneys to the board; and
 - (ii) distribute the moneys paid to the board pursuant to subclause (i), in the manner determined by the board, to the licensed producer to whom the moneys are owing;
- (u) the power to:
 - (i) purchase or acquire by any other means, in the open market or otherwise, any securities of any corporation; and
 - (ii) hold membership in any corporation;
- (v) the power to:
 - (i) hold, sell, transfer, or otherwise deal with any of the securities mentioned in clause (u); and
 - (ii) exercise any rights, including the right to vote, as:
 - (A) an owner of the securities mentioned in clause (u); or
 - (B) a member;
- (w) the power to register a business name pursuant to *The Business Names Registration Act*;
- (x) the power to prescribe the manner in which remuneration and reimbursement for expenses of the directors are to be determined and paid;
- (y) the power to set out the number of directors elected to the board and the terms of office of those directors;

- (z) the power to develop, deliver or develop and deliver traceability, animal welfare and food safety strategies, programs and initiatives;
- (aa) the power to control, regulate or control and regulate all or any of the following:
 - (i) the manner of distributing the marketing board's regulated product or regulated products;
 - (ii) the quantity of the marketing board's regulated product or regulated products that may be produced or marketed by any person at any time;
 - (iii) the quality or the variety, class or grade of the marketing board's regulated product or regulated products that may be produced or marketed by any person at any time;
- (bb) the power to prohibit in whole or in part the production or marketing of any variety, class or grade of the marketing board's regulated product or regulated products;
- (cc) the power to regulate the time and place at which, and the legal entity through which, the marketing board's regulated product or regulated products or any variety, class or grade of the regulated product is or regulated products are to be marketed;
- (dd) 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 the marketing board's regulated product or regulated products, or any variety, class or grade of the regulated product or regulated products, may be bought or offered for sale in Saskatchewan;
- (ee) for the purposes of clause (dd), the power to set or determine different prices for different areas of Saskatchewan;
- (ff) the power to establish the manner in which returns from the market are to be distributed to producers of the marketing board's regulated product or regulated products;
- (gg) the power to require any or all persons engaged in the production, marketing or production and marketing of the marketing board's regulated product or regulated products to do all or any of the following:
 - (i) obtain a licence from the marketing board;
 - (ii) provide any guarantees of financial responsibility that the marketing board considers necessary;
- (hh) the power to:
 - (i) issue licences to any or all persons producing, marketing or producing and marketing the marketing board's regulated product or regulated products in accordance with criteria set out in an order of the marketing 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 the marketing board's regulated product 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;
 - (ii) subject to section 9 of the Act, the power to suspend, cancel or reinstate a licence mentioned in clause (hh) in accordance with criteria established by order of the marketing board for the suspension, cancellation or reinstatement of licences.
- (2) The sum of the loans mentioned in clause (1)(o) must 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.
- (3) The sum of the financial guarantees mentioned in clause (1)(p) must 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 guarantee is made.

3 Sep 2021 SR 86/2021 s17.

PART V Licensing

DIVISION 1 Rules re Licensing

Licence required

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

31 Dec 2004 cA-15.21 Reg 2 s27.

Application for licence or renewal of licence

28(1) 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 any fax number or email address at which the applicant can be contacted;
 - (ii) any other information or material that the board may reasonably require;
 - (c) submit to the board any fees required pursuant to an order of the board; and
 - (d) satisfy any other criteria set out in an order of the board.
- (2) A producer shall obtain a separate licence for each production location that is owned or operated by that producer.

3 Sep 2021 SR 86/2021 s18.

Issue of licence

- 29(1)** Subject to section 30, the board shall issue or refuse to issue a licence to the applicant within 90 days after the date of receipt of the application by the board.
- (2) If the board issues a licence to an applicant, the board shall state in the licence:
- (a) the name and address of the licensee;
 - (b) the licence number;
 - (c) the production limit allotted pursuant to Part VII to the licensed producer;
 - (d) the maximum number of hens the licensed producer may possess at any one time; and
 - (e) the production location for which the licence is issued.
- (3) The board may issue the licence subject to any terms and conditions the board considers appropriate.
- (4) No licensed producer shall fail to comply with the terms and conditions mentioned in subsection (3).
- (5) If the board allots an additional production limit or reduces the production limit of a licensed producer, the board shall issue a new licence to the licensed producer with the new production limit.
- (6) A licence issued by the board is not transferable without the prior written consent of the board.
- (7) A licence issued by the board:
- (a) is a licence to be engaged in the activity stated in the licence;
 - (b) is not an endorsement by the board of the licence holder; and
 - (c) shall not be represented by the licence holder or any other person as an endorsement by the board.

31 Dec 2004 cA-15.21 Reg 2 s29.

Refusal, cancellation and suspension

- 30(1)** The board may refuse to issue a licence:
- (a) if the applicant fails to provide information or additional information required by the board pursuant to section 28;
 - (b) if the applicant has contravened:
 - (i) the Act;
 - (ii) the plan;
 - (iii) these regulations;
 - (iv) any other regulation made pursuant to the Act respecting the plan; or
 - (v) an order or direction of the board or the council;

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

DIVISION 2
Rights and Responsibilities of Licensed Producers

31 Repealed. 3 Sep 2021 SR 86/2021 s20.

Eligibility to vote and hold office

32(1) Every licensed producer is eligible to vote and to hold office as a director of the board.

(2) If a licensed producer is a corporation, partnership or other organization, it must appoint an individual who is a director, partner, shareholder, member, officer or employee as its representative.

(3) The appointment of a representative pursuant to subsection (2) must be:

(a) in writing; and

(b) filed with the board in a form and manner acceptable to the board.

(4) A corporation, partnership or other organization is entitled to vote or hold office only through a representative appointed pursuant to subsections (2) and (3).

(5) Except as provided in subsection (4), voting by proxy is prohibited.

(6) Every licensed producer is entitled to 1 vote.

3 Sep 2021 SR 86/2021 s21.

Meetings of licensed producers

33(1) An annual general meeting of licensed producers:

(a) is to be held on or before April 30 in each year; and

(b) is to be held at a place and time determined by the board.

(2) The board:

(a) may call a special general meeting of licensed producers at any time; and

(b) shall call a special general meeting on the written request of not less than 10 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 30 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 fax or email.

(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) Unless otherwise set by an order of the board, the quorum at an annual or special general meeting of licensed producers is 10 licensed producers.

- (7) The board shall present to the annual general meeting:
- (a) the annual report for the preceding fiscal year;
 - (b) the financial plan it has approved for the current 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 of the board 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 on any questions or resolutions respecting the purposes of the plan.
- (10) One or several licensed producers may attend an annual general meeting or special general meeting by means of a telephonic, electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting.
- (11) If all licensed producers intend to attend an annual general meeting or special general meeting by the means mentioned in subsection (10), permission from the council must first be obtained.

3 Sep 2021 SR 86/2021 s22.

Appointment of auditor

- 34(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.

31 Dec 2004 cA-15.21 Reg 2 s34; 3 Sep 2021 SR 86/2021 s23.

Designated representatives

- 35(1)** A licensed producer may file with the board a written appointment designating one of its officers or employees to represent the licensed producer at all meetings of licensed producers and to exercise, on behalf of the licensed producer, the rights that the licensed producer may exercise pursuant to the plan or these regulations.
- (2) The board may require the licensed producer to file any additional information that the board considers appropriate in order to determine whether or not to recognize the person designated in the written appointment as a designated representative.
- (3) On receipt of the written appointment and any required additional information, the board may recognize the person designated in the written appointment as the designated representative for the licensed producer that filed the written appointment.
- (4) If the board decides to recognize a person as a designated representative, the board shall, as soon as is practicable after the decision, give the licensed producer who designated the person a written notice confirming the board's recognition.
- (5) On the recognition by the board of a person as a designated representative of a licensed producer, that designated representative may:
- (a) represent the licensed producer at all meetings of licensed producers; and
 - (b) exercise, on behalf of the licensed producer, the rights that the licensed producer may exercise pursuant to the plan or these regulations.

31 Dec 2004 cA-15.21 Reg 2 s35.

PART VI
Elections of Directors

36 Repealed. 3 Sep 2021 SR 86/2021 s24.

37 Repealed. 3 Sep 2021 SR 86/2021 s24.

Returning officer and scrutineers

- 38(1)** Subject to subsection (2), the board shall appoint a returning officer to conduct an election pursuant to section 40.
- (2) Producers, buyers, processors and officers and employees of the board are not eligible to be appointed pursuant to subsection (1).
- (3) The returning officer appointed pursuant to subsection (1) is responsible for all administrative procedures relating to conducting an election.
- (4) Any licensed producer nominated pursuant to section 39 may provide a scrutineer to scrutinize the ballot verification and vote count that follow the close of an election.

3 Sep 2021 SR 86/2021 s25.

Nominations

- 39(1)** Any licensed 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 25 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 must:
- (a) be made in writing in the form required by the board;
 - (b) be signed by:
 - (i) 2 licensed producers;
 - (ii) 2 representatives of licensed producers mentioned in subsection 32(2);
or
 - (iii) any combination of the persons mentioned in subclauses (i) and (ii) totalling 2 persons;
 - (c) include a candidate profile, as required by the returning officer; and
 - (d) be delivered to the returning officer on or before the date fixed pursuant to clause (2)(a) as the last date for receipt of nominations.
- (4) Any information provided pursuant to subsection (3) is confidential and is not to be disclosed to any person until after the date fixed pursuant to clause (2)(a).
- (5) After the date fixed pursuant to clause (2)(a), the returning officer shall forward copies of all nominations to the board.

3 Sep 2021 SR 86/2021 s26.

Conduct of elections

- 40(1)** If not more than the required number of candidates is nominated for the office of director, the returning officer shall declare those candidates elected by acclamation in accordance with section 41.
- (2) If more than the required number of candidates are nominated pursuant to section 39, the board shall:
- (a) fix a date for the completion of the election;
 - (b) at least 10 business days before the date fixed pursuant to clause (a), provide to every licensed producer:
 - (i) a numbered ballot;
 - (ii) the candidate profile submitted pursuant to clause 39(3)(c); and
 - (iii) a notice that states the date and time by which and the place to which the ballot is to be returned; and

- (c) if the board provides ballots pursuant to subclause (b)(i) in paper form, provide an envelope with the ballot.
- (3) Every licensed producer that wishes to vote in an election shall:
 - (a) complete the ballot provided by the board; and
 - (b) return the ballot to the returning officer in the manner stated in the notice sent pursuant to subclause (2)(b)(iii) by the date fixed for them to be returned.
- (4) If a tie does not occur between candidates, the returning officer shall prepare and submit a written report to the chairperson that declares those candidates receiving the greatest number of votes, up to the number of director positions to be filled, to be directors.
- (5) The ballot of a licensed producer is not valid if:
 - (a) the licensed producer votes for more than the specified number of candidates;
 - (b) it is defaced;
 - (c) it is marked in any way other than to vote for candidates;
 - (d) it is not the original ballot provided by the board; or
 - (e) the individual who voted on behalf of the licensed producer voted more than once on behalf of that licensed producer.
- (6) If the number of candidates nominated pursuant to section 39 is greater than the number of director positions to be filled, the board shall not, during the period from the date fixed pursuant to clause 39(2)(a) to the date fixed pursuant to clause (2)(a), engage in any activity that is intended to promote or oppose, or that may be reasonably considered intended to promote or oppose, the election or re-election of any candidate.

3 Sep 2021 SR 86/2021 s27.

Failure to receive documents does not invalidate election

40.1 The failure of any licensed producer to receive the documents mentioned in clause 40(2)(b) does not invalidate the election.

3 Sep 2021 SR 86/2021 s28.

Election results

41(1) The returning officer or the chairperson shall read the written report prepared pursuant to subsection 40(4) at the first annual general meeting of licensed producers after the election.

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

(3) The board shall:

- (a) within 10 business days after receiving the written report of the returning officer prepared pursuant to subsection 40(4), provide to candidates the election results, including total vote counts for all candidates; and
- (b) make the written report of the returning officer available on request to any licensed producer.

3 Sep 2021 SR 86/2021 s29.

Tie votes

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

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

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

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

31 Dec 2004 cA-15.21 Reg 2 s42; 3 Sep 2021 SR 86/2021 s30.

Retention of election records

43 The returning officer shall:

(a) retain the following in the returning officer's possession:

(i) the original nominations made pursuant to clause 39(3)(a);

(ii) the original candidate profiles submitted pursuant to clause 39(3)(c);

(iii) the ballots; and

(b) not destroy any nomination, candidate profile, ballot or other record respecting an election of directors until 35 days after the annual general meeting of licensed producers at which the results of the election were declared.

3 Sep 2021 SR 86/2021 s31.

Challenge to election results

44(1) Any licensed producer nominated pursuant to section 39 may challenge the results of an election of directors, as provided pursuant to clause 41(3)(a) or subsection 42(4), by submitting a written objection to the council.

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

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

(b) be received by the council within 30 days after notification of the election results pursuant to clause 41(3)(a) or subsection 42(4).

(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.

31 Dec 2004 cA-15.21 Reg 2 s44; 3 Sep 2021 SR 86/2021 s32.

45 Repealed. 3 Sep 2021 SR 86/2021 s33.

PART VII

Production Limits and Rules respecting Operation of Production Facilities**Interpretation of Part****46** In this Part:

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

31 Dec 2004 cA-15.21 Reg 2 s46; 3 Sep 2021 SR
86/2021 s34.

Rules re expressing production limit

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

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

31 Dec 2004 cA-15.21 Reg 2 s47.

Prohibitions – no production or marketing in excess of production limit**48** No licensed producer shall:

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

31 Dec 2004 cA-15.21 Reg 2 s48.

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

49 Subject to these regulations, the board:

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

31 Dec 2004 cA-15.21 Reg 2 s49.

Allotting production limits

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

(2) **Repealed.** 24 Mar 2006 SR 19/2006 s2.

(3) **Repealed.** 24 Mar 2006 SR 19/2006 s2.

(4) **Repealed.** 24 Mar 2006 SR 19/2006 s2.

(5) If the total provincial allotment is increased but the increase is not based on an increase in the productive capacity per hen, the board shall offer the production limits for sale by auction in accordance with section 51.

(6) If the total provincial allotment is decreased, the board shall reduce the production limits of all licensed producers on a *pro rata* basis.

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

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

31 Dec 2004 cA-15.21 Reg 2 s50; 24 Mar 2006
SR 19/2006 s2; 3 Sep 2021 SR 86/2021 s35.

Sale of production units

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

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

31 Dec 2004 cA-15.21 Reg 2 s51.

Transfer of production limits

- 52(1)** No licensed producer shall transfer all or any part of that producer's production limit, with or without a production location, except in accordance with this section.
- (2) Any transfer other than in accordance with this section is void.
 - (3) A licensed producer may apply to the board for a transfer of a production limit.
 - (4) An application for a transfer of a production limit must be made to the board before completion of the transfer.
 - (5) The licensed producer shall apply in the manner specified by the board in an order and shall pay a fee in an amount that the board, in the order, may specify.
 - (6) If the board approves an application to transfer a production limit pursuant to this section, the transferee's new production limit does not take effect and the transferor's old production limit is not deemed to be cancelled until:
 - (a) the completion of the transaction; and
 - (b) the filing of any proof of the completion of the transaction that the board may require.
 - (7) The board shall not approve any application to transfer a production limit unless:
 - (a) the transferee is a licensed producer or qualifies for a licence to operate as a licensed producer pursuant to these regulations;
 - (b) the transferee undertakes to the board that the production limits acquired will be in production in the production facilities of that transferee within three years from the date of acquisition; and
 - (c) the licensed producer applying to transfer the production limit has paid the fee required pursuant to subsection (5).

(8) The board may make an approval pursuant to subsection (6) subject to any terms and conditions that it considers appropriate.

(9) No licensed producer and no other person mentioned in clause (7)(a) shall fail to comply with any terms and conditions that are set out pursuant to subsection (8).

31 Dec 2004 cA-15.21 Reg 2 s52.

Lease of production limits

53(1) No licensed producer shall lease all or any part of a production limit without the approval of the board.

(2) Any lease of production limits other than in accordance with this section is void.

(3) Subject to these regulations, the board shall issue an order respecting leasing of production limits including:

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

(4) The licensed producer that wishes to lease its production limit shall apply in the manner specified by the board in an order and shall pay a fee in an amount that the board, in the order, may specify.

(5) On an application to approve a lease, the board shall approve the application or refuse to approve the application.

(6) The board may make an approval pursuant to subsection (5) subject to any terms and conditions that it consider appropriate.

(7) No licensed producer and no lessee shall fail to comply with any terms and conditions that are set pursuant to subsection (6).

(8) The board shall not approve any application to lease a production limit unless:

- (a) the lessee is a licensed producer or qualifies for a licence to operate as a licensed producer pursuant to these regulations;
- (b) the lessee undertakes to the board that the production limits acquired will be in production in the production facilities of that lessee within three years from the date of acquisition; and
- (c) the licensed producer applying to lease the production limit has paid the fee required pursuant to subsection (4).

(9) The board may operate a Quota Leasing Pool program and may require participation for any licensed producer who wishes to lease that producer's production limit.

31 Dec 2004 cA-15.21 Reg 2 s53; 3 Sep 2021 SR
86/2021 s36.

Cancellation, suspension, reduction of production limits

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

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

31 Dec 2004 cA-15.21 Reg 2 s54.

Reversion of production limits

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

31 Dec 2004 cA-15.21 Reg 2 s55.

PART VIII
Trust Fund

Trust Fund

56 The Commercial Egg Producers' Trust Fund is established.

31 Dec 2004 cA-15.21 Reg 2 s56.

Assents of trust fund

57(1) The trust fund consists of:

- (a) amounts deposited by the board pursuant to subsection 51(3); and
- (b) income earned by investment of the amounts in the fund.

(2) No licensed producer is entitled to access or withdraw any moneys that the licensed producer may have contributed or paid into the trust fund.

31 Dec 2004 cA-15.21 Reg 2 s57.

Trustees

58(1) The board shall appoint at least three persons as trustees of the fund.

(2) At least one of the trustees must be a person who:

- (a) is not a director or a producer; and
- (b) is independent of the board.

(3) If the board fails to appoint trustees or if there are not at least three trustees for any reason, the council may appoint trustees to ensure that there are at least three qualified trustees.

(4) The trustees shall administer the trust fund in accordance with these regulations, any orders of the board, any direction of the council and any direction of the minister.

(5) A direction of the council or of the minister prevails in case of any conflict between:

- (a) an order of the board; and
- (b) the direction of the council or of the minister.

31 Dec 2004 cA-15.21 Reg 2 s58.

Purposes of trust fund

59 The purposes of the trust fund are the following:

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

31 Dec 2004 cA-15.21 Reg 2 s59.

Fiscal year of trust fund

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

31 Dec 2004 cA-15.21 Reg 2 s60.

Investments of trust fund

61 The trustees may:

- (a) invest any moneys in the trust fund in any security or class of securities authorized for investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
- (b) dispose of any investment made pursuant to clause (a) in any manner, on any terms and in any amount that the trustees consider expedient.

31 Dec 2004 cA-15.21 Reg 2 s61.

Expenditures from the trust fund

62(1) Subject to subsection (2) and to any directions of the council or the minister, the trustees may pay moneys out of the trust fund for the following:

- (a) to pay for any expense that the trustees agree is consistent with the purposes of the trust fund;
 - (b) to pay for the costs of administering the trust fund;
 - (c) to pay for any expense that the council or the minister may approve.
- (2) No payment is to be made pursuant to subsection (1) without prior approval of the board and the council if the proposed payment is:
- (a) for the purpose of:
 - (i) supporting and conducting activities to promote and develop the production and marketing of eggs in Saskatchewan; or
 - (ii) assisting in increasing the total provincial allotment as defined in Part VII; and
 - (b) the amount of the proposed payment exceeds 20% of the assets of the trust fund.

31 Dec 2004 cA-15.21 Reg 2 s62; 7 Jly 2017 SR 52/2017.

Annual report of trust fund

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

- (a) a report on the activities of the trust fund for the fiscal year; and
 - (b) a financial statement showing the business of the trust fund for the fiscal year in any form that may be required by the council or the minister.
- (2) Immediately on receiving the report and financial statement of the trust fund pursuant to subsection (1), the board shall provide the report and the financial statement to:
- (a) the council; and
 - (b) the minister.

(3) The board shall keep each report and financial statement received by it pursuant to this section open for inspection by the council and the public during normal office hours at the head office of the board.

(4) The board shall include a copy of the report and financial statement for a fiscal year along with the report that it provides to licensed producers pursuant to subsection 33(7).

31 Dec 2004 cA-15.21 Reg 2 s63; 3 Sep 2021 SR 86/2021 s37.

Audit

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

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

31 Dec 2004 cA-15.21 Reg 2 s64.

PART IX

Transitional, Repeal and Coming into Force

65 Repealed. 3 Sep 2021 SR 86/2021 s25.

Sask. Reg. 270/76 repealed

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

31 Dec 2004 cA-15.21 Reg 2 s66.

Coming into force

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

31 Dec 2004 cA-15.21 Reg 2 s67.

