

No. 59

3rd Session, 13th Legislature, Alberta
5 Elizabeth II, 1957

BILL 59

A Bill respecting the Regulation and Licensing of
Seed Dealers

HON. MR. HALMRAST

EDMONTON, ALBERTA
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1957

Explanatory Note

General. This Bill will provide the necessary authority to regulate and control the activities of seed dealers in the Province of Alberta.

1. Short title.

2. Definition of terms used in the Act.

3. The Lieutenant Governor in Council is authorized to make regulations requiring the licensing of seed dealers and their agents and prescribing conditions of licensing and the fees therefor. The regulations may prescribe the manner of dealing in seed and prohibit practices in seed dealings or restrict practices. The regulations may empower the Minister of Agriculture to refuse licences, or renewals, and to cancel licences unless the applicant is bonded and remains bonded.

BILL

No. 59 of 1957

An Act respecting the Regulation and Licensing of
Seed Dealers

(Assented to _____, 1957)

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Alberta,
enacts as follows:

1. This Act may be cited as "*The Seed Dealers Act*".

2. In this Act,

- (a) "inspector" means an inspector or other officer or person appointed or authorized to perform any duty under this Act or the regulations;
- (b) "seed" means any seed except seed of field roots, and vegetable and garden seeds and bulbs;
- (c) "seed dealer" means any person, partnership, corporation, co-operative association or seed marketing or shipping organization purchasing seed in Alberta whether as principal or agent from producers or from others having seed for sale, but does not include a farmer, rancher or person buying seed for his own use;
- (d) "Minister" means the Minister of Agriculture;
- (e) "regulations" means any rules or regulations made under the authority of this Act.

3. (1) The Lieutenant Governor in Council may make rules and regulations concerning any or all of the matters following:

- (a) requiring seed dealers, or any specified class of seed dealers to be licensed, and prescribing the conditions under which licences may be granted or refused, the fees payable in respect of such licences, and, where deemed expedient, different fees for different classes of licences;
- (b) prescribing the manner in which any seed dealer so licensed is to deal in any seed in respect of which he is required to be licensed, and prohibiting or restricting any practice, system or method of dealing in any seed;

4. When regulations are made, the dealing in seed is prohibited except by licensed seed dealers.

5. The Minister of Agriculture is empowered to make rules and regulations respecting the manner of issuing licences, the form of licences and the issuers thereof.

6. The Lieutenant Governor in Council authorized to appoint inspectors, and to make inspectors and officials of the Department of Agriculture of Canada inspectors under this Act.

7. Permits entry upon premises of seed dealers and searches thereon without a warrant, by authorized persons.

- (c) empowering the Minister in his discretion to refuse any application for a licence or a renewal of a licence or to cancel any licence unless the applicant or the holder furnishes the Minister with a bond
- (i) in favour of the Crown,
 - (ii) issued by a company authorized to transact business in the Province,
 - (iii) in such amount and form as the Minister may prescribe, and
 - (iv) expressed to be payable on default being made in the payment of any money payable for the purchase price of the seed,
- and empowering the Minister in his discretion to cancel the licence upon any such bond terminating for any reason and to apply any moneys recovered under any such bond in paying, rateably, claims for the price of the seed sold to the holder of the licence.

(2) A regulation made pursuant to this section shall be published in *The Alberta Gazette* and takes effect upon publication or upon such subsequent date as may be fixed in the regulation.

4. (1) Where any regulation made under section 3 becomes effective, no person who is thereby required to be licensed shall engage in the business of dealing in any kind of seed for the dealing in which a licence is required, unless he is the holder of a subsisting licence authorizing him to deal in such seed.

(2) Every licence shall be issued by the Minister and expires on the last day of June following the date of issue.

5. (1) The Minister may make rules and regulations as to the manner of issuing licences, the forms to be used in relation thereto, and the persons from whom and the places at which licences may be obtained.

(2) The Minister may in his discretion refuse any application for a licence and may cancel or suspend for a specified period or indefinitely any licence previously issued in any case where he is satisfied that the holder of the licence has contravened any regulation relating to such business.

6. (1) The Lieutenant Governor in Council may, subject to *The Public Service Act*, appoint such inspectors as may be necessary to carry out the provisions of this Act.

(2) The Lieutenant Governor in Council may make any officers and inspectors of the Department of Agriculture of Canada *ex officio* inspectors under this Act.

7. (1) A person appointed for the purpose by the Minister may at any time, without a warrant therefor, enter into any and every part of any place of business of

8. Offences against the Act stipulated and penalties provided.

9. Act intended to relate to seed dealings wholly within Alberta; in prosecutions onus on accused to prove that transaction not one taking place wholly within Province.

10. Coming into force provision.

a seed dealer and examine and take copies of all documents, books, records, and samples therein and make searches in every part thereof and of the premises connected therewith as he thinks necessary.

(2) No person being in or having charge of any such place or premises shall refuse or fail to admit a person so appointed when attempting to enter pursuant to this section in the execution of his duty.

(3) No person shall obstruct or attempt to obstruct any person in the exercise of any of the powers given him by this section.

8. (1) A seed dealer who deals in any seed at a time when he is not the holder of a valid and subsisting licence authorizing him to do so is guilty of an offence and liable on summary conviction,

(a) for a first offence, to a fine of not more than two hundred dollars and in default of payment to imprisonment for a term of not more than ninety days, and

(b) in the case of a second or subsequent offence to a fine of not less than two hundred dollars and not more than one thousand dollars and in default of payment to imprisonment for a term of not more than six months.

(2) A person contravening any provision of section 7 is guilty of an offence and liable on summary conviction to a fine of not more than fifty dollars or to imprisonment for any term not exceeding one month or to both fine and imprisonment.

(3) A person contravening any provision of this Act for which no other penalty is provided or of any regulation is guilty of an offence and liable on summary conviction to a fine of not more than five hundred dollars and in default of payment to imprisonment for a term of not more than ninety days.

9. (1) The purpose and intent of this Act is to regulate transactions that take place wholly within the Province, and nothing in this Act shall be construed as affecting or regulating any transaction that is not subject to the legislative authority of the Province.

(2) In any prosecutions under this Act or regulations, the burden of proving that the transaction in question was one that did not take place wholly within the Province is on the person accused.

10. This Act comes into force on the day upon which it is assented to.

THIRD SESSION
THIRTEENTH LEGISLATURE
5 ELIZABETH II
1957

BILL

An Act respecting the Regulation
and Licensing of Seed Dealers

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HALMRAST
