

No. 77

1st Session, 14th Legislature, Alberta
8 Elizabeth II

BILL 77

A Bill to amend The Alberta Livestock and Livestock
Products Act

HON. MR. HALMRAST

Explanatory Note

2. The definition of "patron" is revised. The word is only used in sections 6 and 7 of the Act under which licensed livestock dealers are required to post security with the Minister of Agriculture. This security is available under section 7 where the dealer fails to make settlement with patrons from whom he has acquired livestock. Under the present definition of "patron" these funds are available for the benefit of all persons who sell livestock to dealers including other dealers. The new definition will restrict the class of people entitled to this protection. Section 2(e) presently reads:

"2. In this Act,

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- (e) "patron" means a person who brings or supplies livestock or livestock products to a person engaged in the business of dealing in livestock or livestock products;"

3. Section 5(7) is reworded to make it applicable to "patrons". Subsection (7) presently reads:

"(7) Nothing in this section applies to a person who is a farmer or rancher and who buys and sells livestock in the ordinary course of his farming or ranching operations."

4. Section 6, subsection (2) presently reads:

"(2) Where security is required by regulations under subsection (1) to be furnished, the security may, in the discretion of the Minister, take the form of

- (a) a bond in favour of the Crown, with one or more sureties, of which it is a condition that the licensee shall account and make settlement faithfully to and with patrons according to the true value of the livestock or livestock products, supplied, or
- (b) a trust deed whereby the licensee directs a bank to hold cash or to hold securities of any kind in which a trustee may invest by virtue of subsection (1) or subsection (3) of section 3 of The Trustee Act, but not the interest thereon, upon trust to pay the cash, or to realize the securities and pay the sum realized, as the case may be, to or to the order of the Minister if the Minister informs the bank in writing that the licensee has failed to account or make settlement faithfully to or with patrons according to the true value of the livestock or livestock products supplied."

BILL

No. 77 of 1960

An Act to amend The Alberta Livestock and Livestock Products Act

(Assented to _____, 1960)

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

1. *The Alberta Livestock and Livestock Products Act*, being chapter 181 of the Revised Statutes, is hereby amended.

2. Section 2 is amended by striking out clause (e) and by substituting the following:

- (e) "patron" means a farmer, rancher or other person,
 - (i) who maintains livestock on his own premises for the purpose of propagation or the production of livestock products, or
 - (ii) who maintains feeder livestock on his own premises for a period of not less than thirty days for the purpose of fattening,and who brings or supplies the livestock or livestock products to a person engaged in the business of dealing in livestock or livestock products;

3. Section 5 is amended by striking out subsection (7) and by substituting the following:

(7) Nothing in this section applies to a person who is a patron and who buys or sells livestock in the ordinary course of his business.

4. Section 6, subsection (2) is amended by striking out clause (b) and by substituting the following:

- (b) such other security payable to the Crown as the Minister may require for the proper discharge of the financial obligations of the licensee to patrons.

5. Section 7, subsections (4) to (7) presently read:

"(4) After the date specified in the notice referred to in subsection (1), the Minister may require the sureties or the bank, as the case may be, to pay such of the claims against the licensee as the Minister finds to be proved, and in default of payment, may take proceedings to enforce the bond or the trust deed for the benefit of patrons.

(5) If the amount of the bond or the amount of the cash or the sum realized on the sale of the securities, as the case may be, is insufficient to pay in full all the claims that the Minister finds to be proved, such claims shall be paid pro rata.

(6) If the licensee becomes a bankrupt, the Minister may assign the bond, or where the security is in the form of a trust deed and the trust deed is not void as against the trustee in bankruptcy, may assign the cash or the sum realized on the sale of the securities to the trustee in bankruptcy for the benefit of patrons.

(7) In this section and section 6 the expression "bank" includes a treasury branch established under The Treasury Branches Act."

6. Self-explanatory.

5. Section 7 is amended

- (a) by striking out subsection (4) and by substituting the following:
 - (4) After the date specified in the notice referred to in subsection (1), the Minister may, if the claims against the licensee are proved, take proceedings to enforce the bond or sell the security, as the case may be, for the benefit of the patrons.
- (b) as to subsection (5) by striking out the words “or the amount of the cash”,
- (c) by striking out subsections (6) and (7).

6. Section 8 is amended by adding the following subsections immediately after subsection (6) :

- (7) Where an inspector believes on reasonable grounds that this Act or the regulations has been contravened in respect of any livestock or livestock product he may place the livestock or livestock product under detention.
- (8) Any livestock or livestock product placed under detention pursuant to subsection (7) shall not be detained
 - (a) after the provisions of this Act or the regulations have, in the opinion of the inspector been complied with, or
 - (b) after the expiration of ninety days from the date of detention, unless proceedings have been instituted in respect of the contravention, in which case the livestock or livestock product may be detained until the proceedings are finally concluded.
- (9) No action for damages lies against the Minister or against any person appointed by the Minister under this Act, in respect of
 - (a) any livestock or livestock products placed under detention in accordance with this Act, or
 - (b) any act required or authorized to be done by this Act that is done in accordance with this Act.
- (10) Any livestock or livestock product placed under detention shall at all times be held at the risk and expense of the owner or person under whose control such livestock or livestock products were at the time of the detention.

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

No. 77

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act to amend The Alberta
Livestock and Livestock
Products Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HALMRAST
