

1973 Bill 27

Second Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 27

The Livestock and Livestock Products Amendment Act, 1973

MR. FLUKER

First Reading

Second Reading

Third Reading

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Bill 27
Mr. Fluker

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THE LIVESTOCK AND LIVESTOCK PRODUCTS AMENDMENT ACT, 1973

(Assented to , 1973)

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

1. The Livestock and Livestock Products Act is hereby amended.

2. Section 2 is amended

(a) by inserting after clause (a) the following:

(a1) "Fund" means the Livestock Patron's Assurance Fund;

(a2) "licensed livestock dealer" has the meaning given to it by the regulations;

(b) by striking out clause (g) and by substituting the following

(g) "stock yard" has the meaning given to it by the regulations.

3. Section 4 is amended by striking out subsection (1).

4. Section 5, subsection (1) is amended by inserting after clause (a) the following:

(a1) define the terms "licensed livestock dealer" and "stock yard" for the purpose of this Act and the regulations,

5. The following section is added after section 8:

8.1 (1) Where a licence has been surrendered or cancelled or has expired, the Minister may release the security which was furnished on behalf of the person who was licensed if that person provides the Minister with a statutory declaration stating that the person has accounted or made settlement faithfully to or with his patrons according

Explanatory Notes

1. This Bill will amend chapter 215 of the Revised Statutes of Alberta 1970.

2. (a) This amendment will define the term "Fund".

(b) This amendment will allow the terms "licensed livestock dealer" and "stock yard" to be defined by regulation.

3. Section 4 presently reads:

4. (1) Any area of land that is operated as a public market for the purchase, sale, holding or trans-shipment of livestock and the buildings, pens, chutes, weigh scales and other equipment situated thereon, if the public market is within the legislative control of the Province and if it is not used solely for the sale of pure-bred livestock, may be declared by the Minister to be a stock yard for the purposes of this Act.

(2) The Lieutenant Governor in Council may make regulations

- (a) defining classes of stock yards,
- (b) requiring the licensing of stock yards or classes of stock yards,
- (c) prescribing the conditions, terms, and fees upon which licences may be issued for stock yards,
- (d) prohibiting the operation of unlicensed stock yards, and
- (e) prohibiting the operation of any class of stock yards.

4. This amendment will allow the terms "licensed livestock dealer" and "stock yard" to be defined by regulations.

5. This amendment provides for the repayment of security.

to the value of livestock or livestock products supplied to the person during the time that the person was licensed.

(2) The Minister shall not release any security pursuant to subsection (1) until a period of 60 clear days has elapsed from the date on which the statutory declaration was made.

6. The following section is added after section 9:

9.1 (1) Notwithstanding anything in this Act, no patron is eligible to make a claim or receive compensation pursuant to section 9 or section 11 unless he gives notice to the Minister in accordance with subsection (2) of the failure of a person licensed to deal in livestock or livestock products to account or make settlement faithfully to or with the patron according to the value of livestock or livestock products supplied to the person licensed.

(2) Notice under subsection (1) shall be given by registered mail within 60 days after the date that the livestock or livestock products were supplied to the person licensed.

7. Section 10 is amended

- (a) *as to subsection (1), by striking out the words “(hereinafter referred to as the “Fund”)* into which shall be deposited such portion of the fees paid for licences issued under section 5 as may be prescribed by the regulations” *and by substituting therefor the words “into which shall be deposited funds as prescribed by the regulations”,*
- (b) *by striking out subsection (2),*
- (c) *as to subsection (4), by striking out the figure “\$25,000” and by substituting therefor the figure “\$50,000”, and*
- (d) *by striking out subsections (5) and (6) and by substituting the following therefor:*

(5) The amount of the Fund shall not exceed \$500,000.

8. Section 13 is amended

- (a) *by inserting after clause (a) the following:*
 - (a1) designating the classes of licences issued pursuant to section 5 in respect of which a portion of the licence fee shall be deposited in the Fund,
 - (a2) prescribing the portion of the licence fee that shall be paid into the Fund,
 - (a3) prescribing the amount of the annual licence fee, not exceeding \$250, that shall be payable

6. This amendment will require a patron, if he wishes to make a claim pursuant to section 9 or 11, to notify the Minister within 60 days of the sale of livestock or livestock products of any default in payment.

7. Regulations previously enacted pursuant to subsections (1) and (2) being struck out will now be enacted pursuant to section 13. The amendment to subsection (4) will allow the Fund to maintain on current account \$50,000 in cash.

Section 10 was enacted to provide for the establishment and maintenance of the Livestock Patron's Assurance Fund. In conjunction with the establishment of the Fund, special provisions were enacted to give assistance to patrons who had suffered losses with respect to dealers who had gone bankrupt during the period January 1, 1963 to April 18, 1966. These special provisions have served their purpose and amendments to subsections (5) and (6) of this section and the amendments to sections 13 and 25 will rescind those provisions that are spent.

The new subsection (5) will allow the Fund to increase its ceiling from \$250,000 to \$500,000.

- 8.** (a) The amendment provides for regulations to be enacted in respect to the enumerated items.
(b) See explanatory note 7.

for those classes of licences designated pursuant to clause (a1),

(b) *as to clause (d) by striking out the words “sections 10, 11, 12 and 25” and by substituting therefor the words “sections 10, 11 and 12”.*

9. Section 14 is amended by striking out subsection (2) and by substituting the following:

(2) The Minister may appoint officers inspectors or other employees of any department of the Government of Canada to be inspectors under this Act.

10. Section 25 is struck out.

11. This Act comes into force on a date or dates to be fixed by Proclamation.

9. Section 14, subsection (2) presently reads as follows:

(2) The Lieutenant Governor in Council may authorize officers and inspectors of the Department of Agriculture of Canada to be ex officio inspectors under this Act.

10. See explanatory note 7.