

UNEDITED

The Natural Products Marketing Act

being

Chapter 227 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

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 227

An Act respecting the Transportation, Packing, Storage and Marketing of Natural Products

SHORT TITLE

Short title

- 1 This Act may be cited as *The Natural Products Marketing Act*.

R.S.S. 1953, c.227, s.1.

INTERPRETATION

Interpretation

- 2 In this Act:

“board”

- 1 “**board**” includes the Saskatchewan Marketing Board constituted under this Act and any marketing board or agency constituted under this Act or the regulations;

“Dominion Act”

- 2 “**Dominion Act**” means any Act enacted after the twenty-ninth day of March, 1945, by the Parliament of Canada with objects similar to those of this Act;

“Dominion Board”

- 3 “**Dominion Board**” means any board or other body constituted under any Act of the Parliament of Canada with objects similar to those of this Act;

“marketing”

- 4 “**marketing**” includes advertising, financing, buying and selling, assembling, packing, processing, shipping for sale or storage or any other purpose and offering for sale and includes transportation in any manner by any person;

“natural product”

- 5 “**natural product**” means any product of agriculture or of the forest, sea, lake or river, animals including poultry whether alive or killed, skins and pelts of fur bearing animals, meats, eggs, wool, dairy products, grains, seeds, fruit, fruit products, vegetables, vegetable products, honey, tobacco, lumber and any article of food or drink, wholly or partially manufactured or derived from any such product;

“Provincial Act”

- 6 “**Provincial Act**” means any Act now or hereafter enacted by any other province with objects similar to those of this Act;

“Provincial Board”

- 7 “**Provincial Board**” means any board or other body now or hereafter constituted under an Act of any other province with objects similar to those of this Act;

“regulated product”

- 8 “**regulated product**” means any natural product, the regulation of the marketing of which is provided for in

“vehicle”

- 9 “**vehicle**” includes any motor vehicle, wagon, railway car, ship, boat, aeroplane or other conveyance in which any natural product can be transported.

1945, c.18, s.2; 1950, c.99, s.7; R.S.S. 1953,
c.227, s.2.

SASKATCHEWAN MARKETING BOARD

Constitution of board

3 For the purposes of this Act the Lieutenant Governor in Council may constitute a board to be known as the Saskatchewan Marketing Board, which shall consist of not more than five members who shall be appointed by the Lieutenant Governor in Council and shall receive such remuneration as the Lieutenant Governor in Council may determine.

1945, c.18, s.3; 1950, c.99, s.2; R.S.S. 1953, c.227, s.3.

Appointment of officers, etc.

4 The Lieutenant Governor in Council may also appoint advisory committees, officers, clerks and servants necessary for the carrying out of the provisions of this Act and the regulations and may fix their remuneration.

1945, c.18, s.4; R.S.S. 1953, c.227, s.4.

MARKETING PLANS AND BOARDS

Purpose and intent of Act

5 The purpose and intent of this Act is to provide for the promotion, control and regulation in any or all respects of the transportation, packing, storage and marketing of natural products which are within the province, including the prohibition of such transportation, packing, storage and marketing in whole or in part.

1945, c.18, s.5; R.S.S. 1953, c.227, s.5.

Establishment of plans and constitution of boards

6(1) Subject to section 7, the Lieutenant Governor in Council may establish and amend and revoke plans for the of boards control and regulation within the province of the transportation, packing, storage and marketing of any natural product, constitute marketing boards to administer such plans and vest in those boards respectively any powers considered necessary or advisable to enable them effectively to control and regulate the transportation, packing, storage and marketing of any natural products which are within the province and to prohibit such transportation, packing, storage and marketing in whole or in part.

(2) Any plan may relate to the whole of the province or to any area within the province and may relate to one or more natural products or to any grade or class thereof.

(3) The method by which the members of any marketing board are to be chosen, whether by appointment or election or partly the one and partly the other, may be set out in the plan that the board is authorized to administer.

(4) Each marketing board constituted under this section shall be a corporation.

(5) In so far as may be feasible each plan handled by a marketing board shall be a co-operative project which may or may not be operated as a pool.

(6) Any marketing board handling a co-operative project may register under section 48 of *The Co-operative Marketing Associations Act*.

1945, c.18, s.6; 1950, c.99, ss.4 and 7; R.S.S. 1953, c.227, s.6.

Approval of marketing plans

7(1) Any request from a group of persons engaged plans in the production or marketing of a natural product seeking the establishment of a marketing plan under subsection (1) of section 6 shall, in the first instance, be referred to the Saskatchewan Marketing Board for consideration with respect to appropriate action under this Act.

(2) Upon receipt of a request under subsection (1) the board may recommend to the Lieutenant Governor in Council:

- (a) that it is not expedient to establish the plan; or
 - (b) that the question of the approval of the plan be submitted to a vote of the producers engaged in the production of the natural product; or
 - (c) if satisfied that the request is broadly representative of persons engaged in the phase of production or marketing represented by the group requesting the plan, that the plan as presented be approved without submission of the question to a vote of the producers engaged in the production of the natural product.
- (3) In order to determine the representative nature of any request for establishment of a plan, the board may hold or cause to be held public hearings for the purpose of receiving representations for or against the proposal by persons engaged in the phase of production or marketing represented by the group requesting the plan.
- (4) If the board recommends to the Lieutenant Governor in Council that the question of whether or not a plan should be established be submitted to a vote of the persons engaged in the production of the natural product, within the area to which the proposed plan is to apply, the percentage of persons voting in favour of establishment of the plan shall be not less than fifty-one per cent of all those voting or such higher percentage as the Lieutenant Governor in Council may determine in each case.
- (5) Notwithstanding anything contained in this section the Lieutenant Governor in Council may require that all plans presented to him for approval be submitted to a vote of the producers engaged in the production of the natural product, in which case subsection (4) shall apply.

1950, c.99, s.5; R.S.S. 1953, c.227, s.7.

Additional powers of boards

8 Without limiting the generality of any of the other provisions of this Act, the Lieutenant Governor in Council may vest in a board any or all of the following additional powers.

- (a) to regulate the time and place at which and to designate the agency by or through which any regulated products shall be packed, stored or marketed; to regulate the manner of distribution, the quantity and quality, grade or class of the regulated product that shall be transported, packed, stored or marketed by any person at any time; and to prohibit in whole or in part the transportation, packing, storage or marketing of any grade, quality or class of any regulated product;
- (b) to buy, sell, grade, pack, store, process, insure, advertise, transport and market the regulated product either as principal or agent;

- (c) to exempt from any regulation, determination or order any person or class of persons engaged in the production, packing, transporting, storing or marketing of the regulated product or any class, variety or grade thereof;
- (d) to require any or all persons engaged in the production, packing, transporting, storing or marketing of the regulated product to register with and obtain licences from the board and provide such guarantees of financial responsibility as may be deemed necessary;
- (e) to fix and collect yearly, half-yearly, quarterly or monthly, licence fees or charges for services rendered by the board from any or all persons producing, packing, transporting, storing or marketing the regulated product; and for this purpose to classify such persons into groups, and fix the licence fees and direct charges or either of them payable by the members of the different groups in different amounts; and to recover any such licence fees and direct charges or either of them by suit in any court of competent jurisdiction;
- (f) to cancel or suspend any licence for violation of any provision of the plan or of any order of the board or of the regulations and to reinstate any cancelled or suspended licence;
- (g) to require full information relating to the production, packing, transporting, storing and marketing of the regulated product from all persons engaged therein; and to require from such persons periodic information in such form as the board may determine, and to inspect the books and premises of such persons;
- (h) to fix the price or prices, maximum price or prices, minimum price or prices, or both maximum and minimum prices at which the regulated product, or any grade or class thereof, may be bought or sold in the province; and to fix different prices for different zones of the province;
- (i) to require the person in charge of any vehicle in which the regulated product could be transported to permit any member or employee of the board to search the vehicle;
- (j) to seize, remove and dispose of any of the regulated product kept, transported, packed, stored or marketed in violation of any order of the board and retain or otherwise dispose of the proceeds thereof;
- (k) to use in carrying out the purposes of the plan and paying the expenses of the board any moneys received by the board;
- (l) to borrow, raise or secure the payment of money in such manner as the board may think fit for the purpose of carrying out the objects of the plan;
- (m) to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange and other negotiable or transferable instruments;
- (n) to make such orders, rules and regulations as are deemed by the board necessary or advisable to control and regulate effectively the transportation, packing, storage or marketing of the regulated product, and to amend or revoke the same.

CO-OPERATION WITH DOMINION OR PROVINCIAL BOARD

Powers of boards

9 A board may co-operate with any Dominion Board or Provincial Board to regulate the marketing of any natural product of the province and may act conjointly with the Dominion Board or Provincial Board and may perform such functions and duties and exercise such powers as are prescribed by this Act or the regulations.

1945, c.18, s.8; R.S.S. 1953, c.227, s.9.

Exercise of powers under Dominion Act and Provincial Acts

10 A board may, with the approval of the Lieutenant Governor in Council, perform any function or duty and exercise any power imposed or conferred upon it by or pursuant to the Dominion Act or any Provincial Act with reference to the marketing of a natural product.

1945, c.18, s.9; R.S.S. 1953, c.227, s.10.

Exercise of powers by Dominion or Provincial Board

11 The Dominion Board or a Provincial Board may, with the approval of the Lieutenant Governor in Council, exercise any of its powers with reference to the marketing of a natural product in any manner and under any circumstances within provincial jurisdiction, to the like extent and with the like effect as those powers are exercisable by it pursuant to the Dominion Act or Provincial Act with reference to the marketing of that natural product.

1945, c.18, s.10; R.S.S. 1953, c.227, s.11.

REGULATIONS

Regulations

12(1) The Lieutenant Governor in Council may make regulations considered necessary or advisable for carrying out the purpose and intent of this Act, and may vest in a board the authorities and powers considered necessary or advisable with reference to the marketing of any natural product so far as the same are within provincial jurisdiction, and to enable the board in co-operation with the Dominion Board or a Provincial Board to exercise effective control of the marketing of natural products to the full extent intended by this Act, the Dominion Act and the Provincial Act.

(2) Without limiting the generality of the foregoing provisions, the power of the Lieutenant Governor in Council to make regulations shall extend to:

- (a) the appointment of marketing boards or agencies within the province to co-operate with and act as agents of the Dominion Board or any Provincial Board;
- (b) the appointment of marketing boards or agencies to exercise within the province any authority or function which may be conferred on a local board under the Dominion Act or a Provincial Act and otherwise to co-operate and act in the administration and carrying out of any plan for the regulation of the marketing of any natural product authorized under the Dominion Act, a Provincial Act or this Act;

- (c) the approval of any plan for the regulation of the marketing of any natural product in respect of which the approval of the Lieutenant Governor in Council is necessary for any purpose of the Dominion Act or a Provincial Act;
- (d) the authorizing and giving effect to any plan for the regulation of the marketing within the province of any natural product;
- (e) the providing for the submission of any plan for the regulation of the marketing of any natural product to a plebiscite within the area of the province covered by the plan;
- (f) the termination and annulment of any approval given or plan authorized by the Lieutenant Governor in Council under this Act;
- (g) authorizing a board to appoint officers and agents, prescribe their duties, fix their remuneration and provide for the payment thereof;
- (h) authorizing a board to appoint advisory committees representative of persons interested in the marketing and consumption of the regulated product, to prescribe their duties, fix their remuneration and provide for the payment thereof;
- (i) the imposition of penalties for enforcing any provision of the regulations.

1945, c.18, s.11; 1950, c.99, s.7; 1951, c.67, s.4;
R.S.S. 1953, c.227, s.12.

GENERAL

Mode of approval by Lieutenant Governor in Council

13 Any approval which the Lieutenant Governor in Council is authorized or required to give for any purpose in Council of this Act may be given by general regulations applicable to all cases or any class or classes of cases, or by special order in any particular case.

1945, c.18, s.12; R.S.S. 1953, c.227, s.13.

Penalties

14 Every person who fails to comply with any determination, regulation or order of a board or any regulation made under this Act, for which failure no other penalty is imposed, is guilty of an offence and liable on summary conviction to a fine of not less than \$25 nor more than \$500, or to imprisonment not exceeding three months, or to both fine and imprisonment.

1945, c.18, s.13; R.S.S. 1953, c.227, s.14.

Burden of proof

15 In any prosecution for an offence it shall not be necessary for the informant or person prosecuting to prove that the natural product in respect of which the prosecution is instituted was produced in the zone to which any plan for the regulation of the natural product relates; and if the accused person pleads or alleges that the natural product was not produced in the zone to which the plan relates the burden of proof thereof shall be upon the accused person.

1945, c.18, s.14; 1950, c.99, s.7; R.S.S. 1953,
c.227, s.15.

Expense of carrying out provisions of Act

16 All moneys necessary to pay the remuneration of the members of the Saskatchewan Marketing Board and its staff and the members of advisory committees appointed under section 4 and to meet the expenses necessarily incurred in carrying out the provisions of this Act shall be paid out of moneys appropriated by the Legislature for the purpose.

1945, c.18, s.15; R.S.S. 1953, c.227, s.16.

Purpose and intent of Act

17(1) The purpose and intent of the Legislature is to confine the provisions of this Act within the competence of the Legislature, and all the provisions thereof shall be construed so as to give effect to this purpose and intent.

(2) If any provision or section is held or found to be beyond the powers of the province, such provision or section shall be read distributively, and the provision or section so far as it deals with matters within the competence of the Legislature shall stand and be valid and operative, and shall have the same effect as if the provision or section had dealt with such matters exclusively; and the remaining provisions and sections of this Act shall not be deemed or held to be inoperative or ultra vires, but shall stand and be valid and operative, and shall have the same effect as if they had been originally enacted as separate and independent enactments and as the only provisions of the Act; and all the provisions of the Act which are within the powers of the province shall remain in full force and effect notwithstanding that some provisions are held to be ultra vires, the intention of the Legislature being to give separate and independent effect to the extent of its powers to every enactment and provision in this Act contained.

1945, c.18, s.16; R.S.S. 1953, c.227, s.17.

Evidence

18 A copy of any rule, order, regulation, resolution, determination, minute or direction of any board constituted under this Act, certified by a member of such board or the secretary thereof as a true copy, shall, without proof of the signature of the person signing the certificate, be taken in all cases in lieu of the original rule, regulation, resolution, determination, minute, order or direction and shall be received as evidence thereof in all courts of the province.

1945, c.18, s.17; R.S.S. 1953, c.227, s.18.

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