

*The Agri-Food Act, 2004*  
[section 12]

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THE MILK MARKETING PLAN REGULATIONS – PRODUCTION LICENSES

**Order No. 48/24.** THE SASKATCHEWAN MILK MARKETING BOARD, pursuant to the provisions of *The Milk Marketing Plan Regulations* and *The Agri-Food Act, 2004*, hereby determines and orders as follows:

**1** Pursuant to section 20.1(1) of *The Milk Marketing Plan Regulations*, no person shall produce milk unless that person is licensed pursuant to section 20.3 of *The Milk Marketing Plan Regulations*. This Order sets out certain conditions that must be satisfied for the Board to issue a production license to produce milk in Saskatchewan (a “**production license**”), provided that nothing in this Order limits the discretion granted to the Board pursuant to section 20.5 of *The Milk Marketing Plan Regulations*.

- 2** Every applicant for a production license (an “**applicant**”) shall:
- a. apply to the Board in the form and manner required by the Board;
  - b. meet the Personal Engagement Requirement as set out and defined in section 3;
  - c. satisfy the Board that the applicant has the necessary experience, equipment, and financial responsibility to engage in the production of milk at the production unit to which the production license application relates; and
  - d. provide the Board with any information, records, or additional material that the Board may require in order to determine whether or not the applicant complies with all of the foregoing requirements, as well as the policies of the Board and:
    - i. *The Agri-Food Act, 2004*;
    - ii. the Saskatchewan Milk Marketing Plan;
    - iii. *The Milk Marketing Plan Regulations*; and
    - iv. the Orders and directions of the Board and the Agri-Food Council, (collectively, the “**Legislative Requirements**”),and to otherwise satisfy the Board that it is appropriate for the production license to be issued.

- 3** Every applicant and every holder of a production license (a “**licensed producer**”) must demonstrate that:
- a. where the applicant or licensed producer is an individual, that the applicant or licensed producer is personally and actively engaged on a regular and continuous basis in the day-to-day operations of the production unit to which the particular production license relates; and
  - b. where the applicant or licensed producer is a corporation, partnership, joint venture or other entity or organization (an “**entity**”), that all individuals who legally or beneficially own or hold an interest in such entity, directly or indirectly (including by means of a trust), and all individuals who exercise control over such entity are personally and actively engaged in the day-to-day operations of the production unit to which the particular production license relates on a regular and continuous basis, (the “**Personal Engagement Requirement**”).

Determination of what constitutes owning or holding an interest in an entity or what constitutes control of an entity will be determined in the sole discretion of the Board.

**4** For the purposes of this Order, whether an individual is “personally and actively engaged” will be assessed by the Board in its sole discretion, and includes, but is not limited to, the following requirements: regular involvement with the production unit; personal involvement in decision making for the business; oversight of the animals at the production unit; and/or management, oversight, and control of any employees of the production unit.

**5** The Board may, in its sole discretion, grant an exemption from the Personal Engagement Requirement to an applicant for the purpose of succession planning, estate planning or to facilitate a farm start-up. The Board may impose any terms and conditions with respect to the exemption and may vary, alter, amend, change, cancel or substitute those terms or conditions at any time. An applicant who desires to apply for an exemption shall:

- a. apply to the Board on a form and in a manner determined by the Board;
- b. supply the Board with any information, records and additional material that the Board may require respecting the exemption application;
- c. satisfy the Board that the applicant has otherwise complied with the Legislative Requirements and all other policies or directions of the Board;
- d. satisfy the Board that granting the exemption is for the purposes of succession planning, estate planning or to facilitate a farm start-up;
- e. satisfy the Board that granting the exemption is not inconsistent with the Saskatchewan Milk Marketing Plan and is not contrary to the public interest; and
- f. satisfy the Board that granting the exemption is not inconsistent with the spirit and intent of the restrictions set forth in sections 2, 3, and 4.

**6** In the event a licensed producer ceases to comply with the Personal Engagement Requirement on account of an individual’s death or disability, the licensed producer shall have a period of one year from the date of such death or disability to come into compliance with the Personal Engagement Requirement or to obtain an exemption from the same pursuant to the process set forth in section 5.

**7** Within 90 days after the date of receipt of receiving an application for a production license, the Board may, at its discretion:

- a. issue a production license to the applicant; or
- b. refuse to issue a production license to the applicant:
  - i. if it is not satisfied that the applicant has complied with the Personal Engagement Requirement;
  - ii. if the applicant, in the Board’s opinion, lacks the experience, equipment, or financial responsibility to engage in production;
  - iii. if the applicant fails to provide information required by the Board;
  - iv. if the applicant has contravened any of the Legislative Requirements; or
  - v. for any other reason that the Board considers appropriate.

**8** Every production license, unless previously cancelled, expires one year from the date of issue or on an alternate date determined by the Board.

**9** If the Board intends to refuse to issue a production license as per subsection 7(b) of this Order, the Board will first give the applicant an opportunity to be heard in a manner and forum and upon a timeframe determined by the Board.

**10** To renew their production license, every licensed producer shall, on an annual basis, or at the Board's request, provide evidence to the Board's satisfaction that it continues to:

- a. satisfy the Personal Engagement Requirement;
- b. comply with the Legislative Requirements; and
- c. comply with any other terms, conditions, or requirements of the production license.

Then on the fifth year of renewal sign an affidavit providing evidence to the Board's satisfaction that it continue to satisfy subsection 10 (a), (b) and (c).

**11** If a licensed producer cannot produce satisfactory evidence of its compliance pursuant to section 10 of this Order within 30 days of a request by the Board, the Board may refuse to renew or may suspend or cancel the production license of a licensed producer.

**12** The Board may cancel or suspend a production license for any reason set forth in section 20.5 of *The Milk Marketing Plan Regulations* which shall include, for greater certainty, a failure to comply with the Personal Engagement Requirement, any policy or direction of the Board, or any other provision of this Order.

**13** Where a determination has been made to suspend a production license in accordance with *The Milk Marketing Plan Regulations* or any Order of the Board :

- a. Notice of the suspension will be given to the holder of a production license in writing by prepaid registered mail to the licensed producer.
- b. The licensed producer shall be deemed to have received the notice given on the fifth day after the day of mailing.
- c. The licensed producer will be given an opportunity to be heard, in a manner and forum determined by the Board, within 15 days of deemed receipt of the notice of suspension.
- d. After hearing from the licensed producer or upon the expiration of 15 days from the date of deemed receipt of the notice of suspension, the Board will determine whether to suspend the production license, and such decision shall be effective immediately upon being rendered.

**14** Notwithstanding section 13 of this Order, where the Board has determined that it is necessary in the public interest or for reasons of public health, the Board may suspend a production license immediately without written notice or giving the licensed producer a prior opportunity to be heard.

**15** If the Board has suspended a production license pursuant to section 14 of this Order, the licensed producer shall be given notice of such suspension forthwith, and the licensed producer will be given an opportunity to be heard, in a manner and forum determined by the Board, within 15 days of the effective date of the suspension.

**16** The Board may reinstate a suspended production license if the subject of the suspended production license, within 30 days of the suspension, addresses to the Board's satisfaction all of the issues or instances of non-compliance that led to the suspension of the production license, subject to any terms and conditions the Board may determine. The Board will notify the licensed producer in writing of the production license reinstatement and any terms and conditions of reinstatement.

**17** Where the subject of the suspended production license has not addressed, within 30 days, to the Board's satisfaction all of the issues or instances of non-compliance that led to the production license suspension, the Board may cancel the production license. The Board will send notice of the cancellation of the production license by prepaid registered mail, and such notice is deemed to be received on the fifth day after the date of mailing.

**18** This Order will remain in effect for a period no longer than ten years from the date this Order is approved by the Agri-Food Council.

Order No. 48/24 is made pursuant to sections 5, 7(1)(h), 7(1)(aa), 7(1)(ee), 7(1)(ff), 7(1)(gg), 20, 20.1, 20.2, 20.3, and 20.5 of *The Milk Marketing Plan Regulations* and shall be effective on August 1, 2024. By order of the Saskatchewan Milk Marketing Board.



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Gordon Ell, Chairperson  
Saskatchewan Milk Marketing Board

Pursuant to sections 5, 7(1)(h), 7(1)(aa), 7(1)(ee), 7(1)(ff), 7(1)(gg), 20, 20.1, 20.2, 20.3, and 20.5 of *The Milk Marketing Plan Regulations* and section 12 of *The Agri-Food Act, 2004*, the above Order No. 48/24 of the Saskatchewan Milk Marketing Board is approved this 7th day of November, 2024.



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Joan Heath, Chairperson  
Agri-Food Council, Saskatchewan