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CHAPTER L-16

LIVESTOCK COMMUNITY AUCTION SALES ACT

REGULATIONS

Made by the Lieutenant Governor in Council on the recommendation of the Minister of Agriculture and Forestry under the *Livestock Community Auction Sales Act* R.S.P.E.I. 1988, Cap. L-16

1. The duties and powers of the Board shall be Functions of Board
 - (a) to advise the Minister in all matters pertaining to the carrying on of community auction sales;
 - (b) under general supervision of the Minister, to advise and instruct the inspectors appointed under these regulations;
 - (c) to perform such other acts in relation to community auction sales as the Minister may direct; and
 - (d) to examine, or cause to have examined, the premises and equipment and the books, records and accounts of any sale and in relation to any sale and in relation to same, to question any sponsor or employee of such sale. (EC147/68)

2. (1) Application for a license to carry on a community auction sale must be made to the Minister in such form as he may prescribe. Application for license
 - (2) Upon receipt of an application, the Minister shall refer it to the Board which shall study the case and report fully thereon to the Minister. Reference to Board
 - (3) If, after considering the report of the Board, it appears to the Minister that the proposed sale will qualify under the Act and these regulations and is in the best interests of agriculture and the public, he may issue a license to the applicant or, he may, at his discretion, reject the application or defer action thereon until the necessary qualifications and conditions have been met. Issue of license
 - (4) Whenever it appears to the Minister that a sale is not meeting the requirements of the Act or these regulations or is operating in a manner which is not in the best interests of agriculture or the public, he may direct the Board to study and report the situation and, after considering the report of the Board may, at his discretion, revoke the license of such sale or suspend same until the cause of complaint has been removed; but, no license shall be revoked or suspended until the cause has been made known to the sponsor of the sale and he shall have been given an opportunity to be heard in his own defence. Revocation of license

Duration of license	(5) A license issued to a community auction sale shall remain in force until revoked or suspended as provided by these regulations or until surrendered by the sponsor of the sale.
Form	(6) The license shall be in such form as the Minister may prescribe.
Fee	(7) The license fee shall be twenty-five dollars payable each twelve months in advance and renewable on each anniversary of the original license date. (EC147/68)
Conditions for sale	<p>3. A person or organization carrying on a community auction sale shall</p> <ul style="list-style-type: none"> (a) designate a sales manager; (b) conduct the sale as an independent enterprise with records and finances kept apart from any other business transactions; (c) receive remuneration only by way of such commission charge as may be established and which shall be stated on the application for license and which shall be charged only after the Board has been advised; (d) furnish proof of financial responsibility to the satisfaction of the Minister; (e) conduct the sale on a cash basis or on such other basis as may be agreed upon by management with consignors or buyers; (f) carry public liability insurance covering buyers and spectators while occupying the sales-ring accommodation provided for them, but not necessarily providing coverage if they enter the sales-ring or the area where goods or animals are housed; (g) carry fire insurance coverage to the estimated value of livestock and goods assembled for the sale; (h) exclude from the sale, any class or kind of goods or livestock - the sale of which may be legally under the control of a marketing board or similar agency except when prior agreement has been reached with such board or agency for their inclusion in the sale; and (i) require that sales offerings be handled in a manner calculated to prevent any possible reduction in market value or any unnecessary discomfort in the case of animals. (EC147/68)
Facilities	<p>4. A person or organization carrying on a community auction sale shall provide facilities which, in the opinion of the Minister, are suitable and adequate, having regard to the expected volume to be sold, the expected attendance and the time of year at which the sale is held including</p> <ul style="list-style-type: none"> (a) facilities for loading and unloading livestock from trucks, trailers, etc; (b) scales of a type approved by the Minister and maintained in good working order with regular inspection by the Department of Weights and Measures and checked for each sale with calibrated weights satisfactory to the Board;

- (c) such facilities for housing and for penning or tying the expected numbers of livestock as will insure reasonable comfort and security for animals and persons throughout the sales procedure;
- (d) sales-ring facilities of sufficient size to properly display animals and of such construction as will provide reasonable protection for auctioneer, buyers and spectators;
- (e) adequate parking facilities for the anticipated numbers of vehicles parked at any one time; and
- (f) adequate toilet facilities properly maintained for use of the anticipated number of persons attending. (EC147/68)

5. A person or organization carrying on a community auction sale shall exercise due precautions in the interests of sanitation and animal health and without restricting the application of such other procedures as may from time to time appear advisable, the following shall be observed: Sanitation

- (a) maintenance of premises in dry and clean conditions, including prompt and thorough cleaning after each sale;
- (b) the management shall have the right and responsibility to exclude or isolate known or obviously sick or diseased animals from the premises or sale where such sickness or disease shall constitute a health hazard or may lead to a claim on the part of the buyer;
- (c) disinfection by management of the premises when considered necessary or advisable either by management or by the Minister in consultation with the Board. (EC147/68)

6. A person carrying on a community auction sale shall Records and reports

- (a) maintain such records as will preserve for twelve months the following information regarding goods or animals accepted for sale:
 - (i) consignor's name and address,
 - (ii) identification or sales lot number of the goods of animals,
 - (iii) weight, when used as a selling basis,
 - (iv) buyer's name and address,
 - (v) selling price, and
 - (vi) percentage and amount of commission deducted,
 in such standard form as the Minister may in his discretion prescribe; and
- (b) submit such financial statements and information as may from time to time be required by the Minister. (EC147/68)

7. (1) The Minister at his discretion may appoint inspectors whose duty it shall be to enforce the provisions of the Act and of these regulations. Inspectors

- (2) Pursuant to his duties, an inspector may *Idem*
 - (a) enter upon and inspect the premises, the equipment, the records and the accounts of any community auction sale;
 - (b) question the sponsor or employee in connection therewith; and

(c) direct the adjustment of any facility or procedure which in his opinion is not in accord with the Act or the regulations thereunder.

Appeal

(3) The sponsor of a community auction sale may appeal the decision of an inspector to the Minister who, after consultation with the Board, shall rule on same and his ruling shall be final. (EC147/68)