

(Consolidated up to 66/2010)

ALBERTA REGULATION 278/97

Marketing of Agricultural Products Act

**ALBERTA HATCHING EGG PRODUCERS
AUTHORIZATION REGULATION**

Table of Contents

- 1 Definitions
- 2 Regulations made under section 26 of the Act
- 3 Regulations made under section 27(1) of the Act
- 4 Regulations made under section 27(2) of the Act
- 6 Repeal
- 7 Expiry

Definitions

1(1) In this Regulation,

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (b) “Board” means the Alberta Hatching Egg Producers referred to in section 6 of the Plan;
- (c) “Plan” means the *Alberta Hatching Egg Plan Regulation* (Alta. Reg. 283/96);
- (d) “producer” means a producer as defined in the Plan;
- (e) “regulated product” means the regulated product as defined in the Plan.

(2) Words used in this Regulation that are defined in the Plan have the same meaning as defined in the Plan.

Regulations made under section 26 of the Act

2 For the purposes of enabling the Board to operate the Plan, the Board is hereby authorized under section 26 of the Act to make regulations

- (a) requiring producers engaged in the production or marketing, or both, of the regulated product to register their names and addresses with the Board;

- (b) requiring any person who produces, markets or processes the regulated product to furnish to the Board any information or record relating to the production, marketing or processing of the regulated product that the Board considers necessary;
- (c) requiring persons to be licensed under the Plan before they become engaged in the production, marketing and processing, or any one or more of those functions, of the regulated product;
- (d) prohibiting persons from engaging in the production, marketing or processing, as the case may be, of the regulated product except under the authority of a licence;
- (e) governing the issuance, suspension or cancellation of a licence;
- (f) providing for
 - (i) the assessment, charging and collection of service charges and licence fees, as the case may be, from producers from time to time for the purposes of the Plan, and
 - (ii) the taking of legal action to enforce payment of the service charges and licence fees, as the case may be;
- (g) requiring any person who receives the regulated product from a producer
 - (i) to deduct from the money payable to the producer any service charges, licence fees or levies, as the case may be, payable by the producer to the Board, and
 - (ii) to forward the amount deducted to the Board;
- (h) providing for the use of any class of service charges, licence fees, levies or other money payable to or received by the Board for the purpose of paying its expenses and administering the Plan and the regulations made by the Board;
- (i) providing for the payment to a Canada Board of money that is payable under a Canada Act.

Regulations made under section 27(1) of the Act

3 For the purposes of enabling the Board to operate the Plan, the Board is hereby authorized under section 27(1) of the Act to make regulations

- (a) requiring that the production or marketing, or both, of the regulated product be conducted pursuant to a quota;
- (b) governing
 - (i) the fixing and allotting of quotas,
 - (ii) the increase or reduction of quotas,
 - (iii) the cancelling of quotas, and
 - (iv) the refusal to fix and allot quotas,to producers for the production or marketing, or both, of the regulated product on any basis the Board considers appropriate;
- (c) governing the transferability or non-transferability of quotas and prescribing the conditions and procedures applicable to the transfer of quotas, if any, that the Board considers appropriate;
- (d) establishing
 - (i) a formula for determining the amount or number of regulated product deemed to have been produced or marketed by a producer, and
 - (ii) the period of time in respect of which the formula is to be applied,for the purpose of determining the amount of regulated product produced or marketed by a producer during a period of time;
- (e) providing for
 - (i) the assessment, charging and collection of a levy from any producer whose production or marketing, or both, of the regulated product is in excess of the quota that has been fixed and allotted to that producer, and
 - (ii) the taking of legal action to enforce payment of the levy;
- (f) requiring any person who provides any agricultural product to a producer under the Plan to furnish to the Board any information requested by the Board;

- (g) determining the quantity of each class, variety, size, grade and kind of regulated product that shall be produced or marketed, or both, by each producer;
- (h) directing, controlling or prohibiting, as the case may be, the production or marketing, or both, of the regulated product or any class, variety, size, grade or kind of regulated product in such a manner that the Board considers appropriate;
- (i) regulating and controlling the production or marketing, or both, of the regulated product, including the times and places at which the regulated product may be produced or marketed;
- (j) providing for the purchase or acquisition of any of the regulated product that the Board considers advisable and the sale or disposition of it;
- (k) providing for the establishment and operation of one or more programs for the disposition of any agricultural product considered to be surplus to market requirements;
- (l) providing for the payment to a producer of the money payable or owing for the regulated product, less any service charges and levies owing to the Board by the producer, and fixing the time or times at which or within which the payments shall be made;
- (m) governing
 - (i) the furnishing of security or proof of financial responsibility by any person engaged in the production, marketing or processing of the regulated product, and
 - (ii) the administration and disposition of any money or securities so furnished;
- (n) prohibiting a person to whom a quota has not been fixed and allotted for the production or marketing, or both, of the regulated product from producing or marketing, as the case may be, any regulated product;
- (o) prohibiting a producer to whom a quota has been fixed and allotted for the production or marketing, or both, of the regulated product from producing or marketing, as the case may be, any regulated product in excess of that quota;

- (p) prohibiting any person from purchasing or otherwise acquiring from a producer any regulated product that is in excess of the quota that has been fixed and allotted to the producer for the production or marketing, or both, of the regulated product;
- (q) prohibiting any person from purchasing or otherwise acquiring any regulated product from a person to whom a quota has not been fixed and allotted for the production or marketing, or both, of the regulated product;
- (r) determining from time to time the minimum price or prices that shall be paid to producers for the regulated product or any class, variety, grade, size or kind of the regulated product and determining different prices for different parts of Alberta.

AR 278/97 s3;66/2010

Regulations made under section 27(2) of the Act

4 For the purposes of enabling the Board to operate the Plan, the Board is hereby authorized under section 27(2) of the Act, to make regulations

- (a) governing breeder chickens in the same manner as if breeder chickens were a regulated product under the Plan;
- (b) governing with respect to breeder chickens the producers of the regulated product under the Plan in the same manner as if breeder chickens were a regulated product under the Plan;
- (c) establishing and governing a formula for determining the amount or number of the regulated product produced or deemed to have been produced from breeder chickens.

5 Repealed AR 66/2010 s3.

Repeal

6 The *Alberta Hatching Egg Marketing Plan Implementation Regulation* (AR 256/82) is repealed.

Expiry

7 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be re-passed in its present or an amended form following a review, this Regulation expires on May 31, 2014.

AR 278/97 s7;307/2002;12/2008;125/2009