

**Egg and Pullet Penalty Levies Regulation
re Quality Assurance Program Compliance***

Regulation 123/2012
Registered September 19, 2012

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* This regulation is made under the *Manitoba Egg and Pullet Producers Marketing Plan Regulation*, Manitoba Regulation 70/2005, and is Regulation No. 1, 2012 of Manitoba Egg Farmers.

PART 1
LAYING HEN PENALTY LEVIES
RE QUALITY ASSURANCE PROGRAM COMPLIANCE

Application

1 This Part applies with respect to the raising or keeping of laying hens by an egg producer (the "producer") in a facility for which the producer has not been issued a compliance certificate under the provisions of the quality assurance program of the board.

Levy imposed on raising or keeping of laying hens

2 A levy is imposed on every producer to whom this board has allocated a laying hen quota of \$2 per laying hen raised or kept by the producer at any time in any week in a facility operated by the producer in Manitoba for which the producer has not been issued a compliance certificate under the provisions of the quality assurance program of the board.

Time of imposition of levy

3 The levy imposed under this regulation shall be due and payable by the producer to this board at its office, Suite 18 – 5 Scurfield Boulevard, Winnipeg, Manitoba R3Y 1G3, within seven days following delivery of a notice in writing to the producer by this board of the amount of the levy calculated by this board to be owing by the producer to this board.

Grading station's obligation to deduct and to remit

4(1) Each operator of an egg grading station licenced under the *Canada Agricultural Products Act* who receives eggs from an egg producer shall deduct from the monies payable for the eggs, all levies payable by the producer to this board under this Part and shall forward such levies to this board at its office, Suite 18 - 5 Scurfield Boulevard, Winnipeg, Manitoba R3Y 1G3, not later than seven days from the last day of the week in which the eggs were received.

4(2) The obligations of an operator of an egg grading station referred to in subsection (1) are only applicable to monies payable for eggs received from an egg producer after such operator has received a notice provided by the board to such operator indicating that such egg producer owes levies to the board under this Part and the amount of levies owed by such egg producer.

Refund of levies

5 In the event a compliance certificate under the quality assurance program of the board to a producer for a facility is cancelled and a new compliance certificate is issued by the board to the producer for the facility within 30 days of such cancellation, the board may refund all or a portion of the levy imposed on a producer under this Part with respect to laying hens raised or kept in such facility between the cancellation of a compliance certificate and the issue of the subsequent compliance certificate, provided the board receives a written request from such producer within 30 days of issuance of the subsequent compliance certificate.

PART 2
PULLET PENALTY LEVIES
RE QUALITY ASSURANCE PROGRAM COMPLIANCE

Application

6 This Part applies with respect to the raising or keeping of pullets by a pullet producer (the "producer") in a facility for which the producer has not been issued a compliance certificate under the provisions of the quality assurance program of the board.

Levy imposed on raising or keeping of pullets

7 A levy is imposed on every producer to whom this board has allocated a pullet production quota of \$1 per pullet raised or kept by the producer at any time in any week in a facility operated by the producer in Manitoba for which the producer has not been issued a compliance certificate under the provisions of the quality assurance program of the board.

Time of imposition of levy

8 The levy imposed under this regulation shall be due and payable by the producer to this board at its office, Suite 18 – 5 Scurfield Boulevard, Winnipeg, Manitoba R3Y 1G3, within seven days following delivery of a notice in writing to the producer by this board of the amount of the levy calculated by this board to be owing by the producer to this board.

Grading station's obligation to deduct and to remit

9(1) Each egg producer who receives pullets from a pullet producer shall deduct from the monies payable for the pullets, all levies payable by the producer to this board under this Part and shall forward such levies to this board at its office, Suite 18 - 5 Scurfield Boulevard, Winnipeg, Manitoba R3Y 1G3, not later than seven days from the last day of the week in which the pullets were received.

9(2) The obligations of an egg producer referred to subsection (1) are only applicable to monies payable for pullets received from a pullet producer after such egg producer has received a notice provided by the board to such egg producer indicating that such pullet producer owes levies to the board under this Part and the amount of levies owed by such pullet producer.

Refund of levies

10 In the event a compliance certificate under the quality assurance program of the board to a producer for a facility is cancelled and a new compliance certificate is issued by the board to the producer for that facility within 30 days of such cancellation, the board may refund all or a portion of the levy imposed on a producer under this Part with respect to pullets raised or kept in such facility between the cancellation of a compliance certificate and the issue of the subsequent compliance certificate, provided the board receives a written request from such producer within 30 days of issuance of the subsequent compliance certificate.

PART 3
GENERAL

Repeal

11 The *Egg Penalty Levies Regulation re Quality Assurance Program Compliance*, Manitoba Regulation 49/2010, is repealed.

August 29, 2012

Manitoba Egg Farmers:

Ed Kleinasser
Chair

Cory Rybuck
General Manager

APPROVED

Manitoba Farm Products Marketing Council:

September 5, 2012

Ken Caldwell
Chair

Debora Durnin-Richards
Secretary

The Queen's Printer
for the Province of Manitoba