



Province of Alberta

MARKETING OF AGRICULTURAL PRODUCTS ACT

EGG FARMERS OF ALBERTA MARKETING REGULATION

Alberta Regulation 293/1997

With amendments up to and including Alberta Regulation 79/2016

Office Consolidation

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(Consolidated up to 79/2016)

ALBERTA REGULATION 293/97

Marketing of Agricultural Products Act

**EGG FARMERS OF ALBERTA
MARKETING REGULATION**

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Interpretation and Application**Definitions**

1(1) In this Regulation,

- (a) "animal care policy" means the Board's policy relating to animal care as amended from time to time;
- (b) "eggs for processing quota" means the number of dozens of eggs that a producer is entitled to market to a processor in accordance with the *Canadian Egg Marketing Agency Quota Regulations, 1986* (Canada);
- (c) "hatcheryman" means a person who markets pullets or hens;
- (c.1) "hen" or "layer" means a female common domestic fowl of the species *Gallus domesticus* that is 19 weeks of age or older;
- (d) "new entrants" means a producer who is allocated quota in accordance with the Board's new entrants policy;
- (d.1) "on-farm food safety policy" means the Board's policy respecting on-farm food safety as varied from time to time;

- (e) “permit” means a written authorization issued by the Board pursuant to the Federal-Provincial Agreement;
 - (e.1) “pullet” means a female common domestic fowl of the species *Gallus domesticus* that is less than 19 weeks old;
 - (f) “quota year” means January 1 to December 31;
 - (g) “*Salmonella enteritidis* Insurance Program” means the Canadian Egg Industry Reciprocal Alliance National *Salmonella enteritidis* insurance program, as varied from time to time, approved by the Board for registered producers;
 - (h) repealed AR 79/2016 s2;
 - (i) “total provincial allotment of quota” means Alberta’s share of regulated eggs under the national quota as established by the Federal-Provincial Agreement and expressed either in dozens of eggs or, if converted by the Board, in numbers of hens;
 - (j) “transfer” means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, with or without judicial proceedings, and includes, without limitation, a transfer by conveyance, sale, payment, pledge, mortgage, lien, encumbrance, gift or security.
- (2) Words defined in the Act and the Plan have the same meaning in this Regulation.

AR 293/97 s1;277/2002;38/2009;124/2009;149/2012;38/2014;
79/2016

Application

2 This Regulation applies to all persons who produce or market eggs unless they are exempted by

- (a) the Plan,
- (b) the Board under the Plan,
- (c) this Regulation, or
- (d) a resolution of the Board in respect of
 - (i) a research facility,
 - (ii) the owner of an approved hatchery supply flock under the *Hatchery Supply Flock Approval Regulation* (AR 183/97), or

- (iii) any other matter.

Prohibitions

General

3(1) No person shall commence or continue to engage in the production, marketing or processing of eggs or carry on the activity of a producer or processor unless that person has been issued a licence for that purpose by the Board for the quota year.

(2) No person shall possess, whether by ownership or otherwise, more than 300 hens unless that person has been issued a licence for that purpose or granted an exemption under section 2 by the Board.

Producers

4(1) Unless the Board grants a written exemption, no registered producer shall market eggs that are not produced in the production facilities in respect of which that producer's quota is allotted.

(2) No registered producer shall

- (a) purchase hens or purchase or raise pullets until that producer has been issued a permit by the Board authorizing that producer to do so, or
- (b) purchase hens or purchase or raise more pullets than is provided for in that producer's permit.

Processors

5(1) Unless authorized by the Board, no processor shall receive, process or market eggs from any person other than

- (a) a registered producer,
- (b) an exempt producer, or
- (c) a producer exempted by the Board under section 2.

(2) Unless authorized by the Board, no processor may receive, process or market any eggs if that processor has reasonable grounds to believe that the person from whom the processor received those eggs has contravened

- (a) the Act,
- (b) the Plan,
- (c) this Regulation,

- (d) any other regulation made under the Act in respect of the Plan, or
- (e) an order or direction of the Board or the Council.

Application for licence

6(1) A person may apply to the Board for one or more licences to operate as

- (a) a producer,
- (b) a processor, or
- (c) a producer and a processor.

(2) An application for a licence shall contain the information required by the Board.

(3) The Board may require an applicant for a licence to submit any additional information the Board considers necessary.

(4) The Board shall consider every application that it receives.

(5) A processor shall obtain a separate licence for each premises, building or place of storage that is operated by that processor.

(6) If a person operates in more than one capacity as a producer or processor, that person shall apply to the Board for a licence for each such capacity.

(7) An applicant for a producer licence shall pay the fee, as set by the Board, and include that fee with the submission of the application.

AR 293/97 s6;38/2014

Issue of licence

7(1) Subject to section 8, the Board shall issue or refuse to issue a licence to the applicant within 90 days of the date of receipt of the application by the Board.

(2) The Board may issue a licence subject to any terms and conditions the Board considers appropriate.

(3) A licence issued by the Board expires on December 31 of the year in which it is issued.

(4) A licence issued by the Board is not transferable.

(5) A licence issued by the Board

- (a) is a licence to be engaged in the activity stated in the licence,
 - (b) is not an endorsement by the Board of the licence holder, and
 - (c) shall not be represented by the licence holder or any other person as an endorsement by the Board.
- (6) A licence issued under subsection (1) does not, of itself, entitle a person to a quota.

Refusal, cancellation and suspension**8(1)** The Board may refuse to issue a licence

- (a) if the applicant fails to provide information or additional information required by the Board under section 6(2) or (3),
 - (b) if the applicant has contravened
 - (i) the Act,
 - (ii) the Plan,
 - (iii) this Regulation,
 - (iv) any other regulation made under the Act in respect of the Plan, or
 - (v) an order or direction of the Board or the Council,
 - (c) if the applicant, in the Board's opinion, lacks the experience, equipment or financial responsibility to engage in or to continue to engage in the activity to which the application relates,
- (c.1) if the Board is of the opinion that the applicant for a licence to operate as a producer
- (i) lacks the ability to comply with the Board's on-farm food safety policy,
 - (ii) refuses to comply with the Board's on-farm food safety policy,
 - (iii) refuses to participate in the *Salmonella enteritidis* Insurance Program, or
 - (iv) fails to comply with the animal care policy,

or

- (d) for any other reason that in the Board's determination is appropriate.

(1.1) The Board may issue to an applicant referred to in subsection (1)(c.1)(i) or (iv) a licence that is subject to conditions respecting assistance, supervision or reduction in quota if the Board is of the opinion that, if the applicant complies with the conditions, the applicant will be able to comply with the requirements of the Board's on-farm food safety policy and the animal care policy.

(2) The Board may cancel or suspend a licence or refuse to renew a licence

- (a) if the licensee has contravened
 - (i) the Act,
 - (ii) the Plan,
 - (iii) this Regulation,
 - (iv) any other regulation made under the Act in respect of the Plan,
 - (v) an order or direction of the Board or the Council, or
 - (vi) a term or condition of the licence imposed by the Board under subsection (1.1) or (2.1) or section 7(2),
- (b) if the licensee has sold, leased or otherwise assigned that licensee's production facilities to another person,
- (c) if the licensee
 - (i) is a lessee of production facilities, and
 - (ii) has ceased holding a leasehold interest in those facilities,
- (d) if the licensee is a registered producer and
 - (i) has stopped producing eggs,
 - (ii) has failed to comply with the Board's on-farm food safety policy,
 - (iii) refuses to participate in the *Salmonella enteritidis* Insurance Program, or
 - (iv) fails to comply with the animal care policy,

- (e) if the licensee
 - (i) is a corporation or partnership and there is a change in the beneficial or legal ownership of the corporation or partnership, and
 - (ii) has failed to obtain the Board's approval for such a change,
- (f) if the licensee, in the Board's opinion, lacks the experience, equipment or financial responsibility to engage in or to continue to engage in the activity to which the licence relates, or
- (g) for any other reason that in the Board's determination is appropriate.

(2.1) The Board may choose not to cancel, suspend or refuse to renew the licence of a registered producer referred to in subsection (2)(d)(ii) or (iv) and instead may impose conditions on that licence respecting assistance, supervision or reduction in quota if the Board is of the opinion that, if the registered producer complies with the conditions, the registered producer will be able to comply with the requirements of the Board's on-farm food safety policy and the animal care policy.

(3) If the Board refuses, cancels, suspends or refuses to renew a licence, the Board must advise the applicant or licensee in writing of its decision.

(4) The Board may

- (a) suspend a licence for a period of time that it considers appropriate, or
- (b) in the case of a licence that is suspended, remove the suspension.

(5) Where the Board refuses to issue, cancels, suspends or does not renew the licence,

- (a) the licensee must, on receiving notice of the Board's decision, immediately cease carrying on the activity authorized by the licence, and
- (b) the licensee or applicant, as the case may be, may make an application pursuant to Part 5 of the Act.

(6) Where the licence of a registered producer expires, or is cancelled, suspended or not renewed by the Board, that producer's quota reverts to the Board.

AR 293/97 s8;38/2009;124/2009;38/2014;79/2016

Compliance with orders

9 A licensee shall comply with all lawful orders or directions given by the Board or the Council relating to the activity authorized by the licence.

Quotas**Fixing and allotting quota**

10 A quota shall be fixed and allotted by the Board and may be fixed, allotted, reduced or cancelled in accordance with this Regulation.

Deemed production quota

10.1 For the purpose of determining the production quota of a registered producer, one hen is deemed to produce the number of dozens of eggs per quota year as may be prescribed by the Board from time to time.

AR 279/98 s2;266/2001;201/2006;38/2014

Eggs for processing quota

10.2 The Board may issue eggs for processing quota to producers who are qualified to be issued that quota under the programs in respect of which that quota is issued.

AR 277/2002 s3

Minimum possession quota

10.3 The possession quota allotted by the Board to a registered producer shall be a minimum of 301 hens.

AR 38/2009 s4

Quota certificate

11(1) The Board must issue to every registered producer a quota certificate that states

- (a) the name, address and registration number of the person to whom the quota certificate is issued,
- (b) in the case of a possession quota, the maximum number of hens that producer may possess at any one time,
- (c) in the case of a production quota, the minimum number of eggs that must be produced by that producer's hens, and
- (d) the location of the production facilities that are to be used to house the hens referred to in clause (b).

(2) Where the Board increases or decreases a quota, it must issue to the holder of that quota a new quota certificate.

Allotting quota

12(1) If the Board determines that the total provincial allotment of quota should be increased, the increase shall

- (a) be allocated to new entrants under the new entrants policy,
- (b) sold to registered producers at fair market value, or
- (c) retained by the Board under section 29.1.

(2) If the Board determines that the total provincial allotment of quota should be decreased, the Board may apportion the decrease between existing registered producers and the quota retained by the Board under section 29.1 in any manner determined by the Board.

(3) The manner, nature, time, date and place of the sale referred to in subsection (1)(b) shall be determined by the Board.

(4) Where a registered producer is allotted a possession quota or an amended possession quota increasing the maximum number of hens that may be possessed by that producer, the registered producer must have those hens in production in the production facilities of that producer within 10 years of being notified by the board of the allotment, otherwise the quota reverts to the Board.

AR 293/97 s12;277/2002;124/2009;38/2014

Authorized quota transfer

13(1) No registered producer shall transfer all or any part of that producer's quota, with or without production facilities, except in accordance with this section and any quota transferred other than in accordance with this Regulation is void.

(2) A registered producer may apply to the Board for a transfer of a quota.

(3) An application for a transfer of quota must be made to the Board prior to completion of the quota transfer.

(4) The registered producer shall pay a transfer fee of \$250 to the Board and the transfer fee shall accompany the application.

(5) If an application under subsection (3) is approved by the Board, the new quota shall not take effect and the old quota shall not be cancelled until the completion of the transaction and the

filing of any proof of the completion of the transaction that the Board may require.

(6) No application to transfer a quota shall be approved by the Board unless

- (a) the transferee qualifies for a licence to operate as a registered producer under this Regulation,
- (b) the registered producer applying to transfer the quota has been in continuous production of eggs for not less than 3 years immediately preceding the time of application to transfer the quota to the transferee,
- (c) the transferee undertakes to the Board that the quota acquired will be in production in the production facilities of that transferee within 10 years from the date of acquisition,
- (c.1) the transferee's production facilities comply with the space density policy, and
- (d) the registered producer applying to transfer the quota has paid the fee required under subsection (4).

(7) Repealed AR 124/2009 s5.

(8) Repealed AR 72/2005 s2.

AR 293/97 s13;277/2002;72/2005;124/2009

Requirements to allot or transfer quota

14(1) No person shall hold a quota, directly or indirectly, in excess of 7% of the total provincial allotment of quota.

(2) The Board must not approve

- (a) an increase in a quota,
- (b) the transfer of a quota,
- (c) changes in the beneficial ownership of shares in a corporation that is a registered producer, or
- (d) changes in the beneficial ownership of a partnership that is a registered producer

that would result in a person holding a quota in excess of the limit established under subsection (1).

(3) A quota may be allotted or transferred only to

- (a) a person who is a Canadian citizen or is lawfully admitted to Canada for permanent residence,
- (b) a corporation, the majority of shares of which are beneficially owned by persons who are Canadian citizens or are lawfully admitted to Canada for permanent residence, or
- (c) a partnership whose beneficial owners are Canadian citizens or are lawfully admitted to Canada for permanent residence.

(4) Unless the Board directs otherwise, a registered producer must ensure that the quota is in production in the production facilities of that producer within 10 years from the date the quota is allotted or transferred to that producer.

(5) Unless the Board directs otherwise, a quota that is allotted or transferred must not be further transferred for a period of 3 years.

AR 293/97 s14;277/2002;99/2004;38/2014

Reversion and reduction of quota

15(1) The Board may reduce or cancel a registered producer's quota

- (a) if the registered producer has contravened
 - (i) the Act,
 - (ii) the Plan,
 - (iii) this Regulation,
 - (iv) any other regulation made under the Act in respect of the Plan, or
 - (v) an order or direction of the Board or the Council,
- (b) if the registered producer has not used all or any part of that producer's quota,
- (c) if the registered producer fails to possess the maximum number of hens permitted under that producer's possession quota,
- (d) if the registered producer fails to produce the number of eggs permitted under that producer's production quota,
- (e) if the licence of the registered producer has been cancelled or suspended,

- (f) if the Board has not approved a change of ownership interest in the registered producer's production facilities to which the quota relates, or
- (g) if the registered producer is a lessee of production facilities to which the quota relates and that producer has ceased to hold a leasehold interest in those facilities.

(2) If a registered producer possesses more hens than is permitted by that producer's possession quota, the Board may reduce that producer's quota in the manner prescribed by the Board, without permanently reducing that producer's quota.

Lease of quota

16(1) Subject to subsection (6), a registered producer, with the prior authorization of the Board, may lease all or part of the registered producer's quota to another producer.

(2) An application to lease quota must

- (a) be made by the proposed lessor,
- (b) be endorsed by the proposed lessee,
- (c) be made prior to the completion of the quota lease,
- (d) be in the form and contain the information required by the Board, and
- (e) be accompanied by a lease application fee as determined by the Board.

(3) If the Board grants the authorization, it may make the authorization subject to any terms and conditions it considers appropriate.

(4) Where an authorization to lease quota is granted, the lessee has the rights of the lessor and shall comply with the obligations of the lessor set out in the Plan and this Regulation.

(5) The Board may not grant an authorization if

- (a) the proposed lessor has outstanding indebtedness with the Board for service charges,
- (b) the proposed lessee does not qualify for a licence to operate as a registered producer,
- (c) the proposed lease does not comply with the quota leasing policies of the Board,

- (d) the proposed lessee's production facilities do not comply with the space density policy, or
 - (e) the proposed lessee has contravened the Act, the Plan, any regulation made under the Act or an order or direction of the Council or the Board.
- (6) The Board may require that all quota to be leased be subject to a Board administered leasing pool.

AR 293/97 s16;124/2009;38/2014

Reversion of quota

17 Where the Board reduces or cancels a quota under section 15, that quota, or the reduced amount, as the case may be, reverts to the Board.

AR 293/97 s17;124/2009

Records and Information**General**

18(1) The Board may request a person engaged in producing, processing or marketing eggs to furnish any information relating to production, processing or marketing of eggs that is specified in the request.

(2) A person who is required by this Regulation to keep records or other information must

- (a) retain the records and other information for not less than 7 years from the date the records or other information was made, and
- (b) on request of the Board, make records or information available for inspection during normal business hours.

(3) A person who receives a request under subsection (1), section 20(2) or 21(3) must immediately comply with it.

Registered producer

19(1) A registered producer engaged in the production, processing or marketing of eggs must keep a complete and accurate record of all matters relating to that producer's operation including, but not limited to,

- (a) a daily record of
 - (i) the production of eggs, and
 - (ii) mortality of pullets and hens;

- (b) a weekly record of the date, number and grade of marketed eggs;
- (c) a monthly record of
 - (i) the date, age and number of pullets and hens purchased and the name of the person who sold the pullets and hens, and
 - (ii) the date, number and location of pullets and hens sold or disposed of.

(2) If a registered producer fails to comply with subsection (1), that producer is deemed to have produced the number of eggs determined by the producer's production quota in accordance with section 10.1.

(3) A registered producer must forward a copy of the record made under subsection (1)(b) to the Board in time to reach the office of the Board not later than the Friday of the week following the week in which the eggs were marketed.

AR 293/97 s19;279/98

Processor

20(1) A processor must prepare and forward a statement at the end of each week in time to reach the office of the Board not later than the Friday of the week following the date the statement is made, showing with respect to that week

- (a) the amount, size and grade of eggs,
- (b) the location from where the eggs were purchased, brought into Alberta and sent out of Alberta, and
- (c) the person from whom eggs were purchased.

(2) A processor must, on the request of the Board, file with the Board an estimate of that processor's requirements of eggs for the period of time specified in the request.

Hatcheryman

21(1) A hatcheryman must, after placing hatching eggs into incubation for the purpose of development of pullets or hens, prepare a statement stating

- (a) the name and business address of that hatcheryman,
- (b) the number of hatching eggs placed into incubation,
- (c) the date the hatching eggs were placed into incubation,

- (d) the name, address and Board assigned registration number of the person who will receive pullets or hens from the hatching eggs and the number of pullets or hens that person is to receive, and
 - (e) the name, address and Board assigned registration number of the last person who will receive pullets or hens from the hatching eggs, if different from the person described in clause (d).
- (2)** A hatcheryman who places hatching eggs or sells or delivers pullets or hens to any person must prepare a statement stating
- (a) the name and business address of that hatcheryman,
 - (b) the name, address and Board assigned registration number of the person receiving a placement of hatching eggs or the sale or delivery of pullets or hens,
 - (c) the number of pullets or hens delivered,
 - (d) the date of placement, sale or delivery, and
 - (e) if that person is an agent for, or who grows pullets or hens for or on behalf of the hatcheryman.
- (3)** A hatcheryman must forward the statement under subsections (1) and (2) to the Board in time to reach the Board office not later than 3 days after the placement of hatching eggs into incubation or the placement, sale or delivery of pullets or hens.
- (4)** A hatcheryman must, on the request of the Board, provide to the Board information in the possession of the hatcheryman relating to any person who purchases pullets or hens from that hatcheryman.

AR 293/97 s21;124/2009

Board

- 22** The Board must maintain for each quota year a record of
- (a) the name, address and registration number of each licensee,
 - (b) the name, address and registration number of each exempt producer who markets eggs to a processor, and
 - (c) any allotment, transfer, reduction, cancellation, suspension or non-renewal of a quota.

General

Disposal of poor quality eggs

23 Where the Board is satisfied that all or any portion of a shipment of eggs produced by a registered producer is of poor quality or is not suitable for sale, the Board

- (a) may dispose of that shipment of eggs as it thinks fit,
- (b) must notify the registered producer of the disposition of the shipment, and
- (c) must account to the registered producer for the proceeds of sale, if any.

Service charges for registered producers

24(1) A registered producer must pay to the Board an annual service charge, in an amount set by the Board from time to time, for the number of hens prescribed in that registered producer's possession quota.

(2) A registered producer must

- (a) pay to the Board each month
 - (i) 1/12 of the total annual service charge assessed under subsection (1), or
 - (ii) a portion of the total annual service charge assessed under subsection (1), in an amount determined by the Board,

and

- (b) forward the amount under clause (a)(i) or (ii), as the case may be, to the Board in time to reach the office of the Board by the first day of every month.

(3) If a registered producer fails to pay the service charge in accordance with subsection (2), a processor who buys or receives eggs from the registered producer must, on request of the Board,

- (a) deduct any service charge owing to the Board by that registered producer from the purchase price payable to that producer, and
- (b) forward the service charge to the Board in time to reach the office of the Board not later than the Friday of the week following the week in which the service charge was deducted.

(4) If a processor fails to deduct the service charge as required by subsection (3)(a), the processor is liable to the Board for the damages in an amount equal to the service charge which should have been deducted.

(5) On application by a registered producer, the Board may abate the annual service charge assessed under subsection (1).

AR 293/97 s24;70/98;279/98;134/2000;266/2001;277/2002

Service charges for producers

24.1(1) A producer, other than a registered producer, who sells or transfers eggs to a processor must pay to the Board a service charge, in an amount set by the Board from time to time, for any eggs sold or transferred.

(2) A processor who buys or receives eggs from a producer other than a registered producer must

- (a) deduct the service charge specified in subsection (1) from the purchase price payable to that producer, and
- (b) forward the service charge to the Board and account for the service charge in a manner prescribed by the Board, not later than the Friday of the week following the week in which the service charge was deducted.

(3) A processor must keep service charges deducted under subsection (2)(a) in a separate trust account for that purpose.

(4) If a processor fails to deduct the service charge as required by subsection (2)(a), the processor is liable to the Board for the damages in an amount equal to the service charge which should have been deducted.

AR 279/98 s4;134/2000;266/2001;277/2002

Recovery of service charges

24.2 The Board may recover by legal action from a registered producer, a producer other than a registered producer or a processor

- (a) the amount of any service charge that is not deducted and paid as required by this Regulation, and
- (b) legal costs on a solicitor-client basis incurred in the recovery of any amount referred to in clause (a).

AR 279/98 s4

Use of service charges

24.3 The Board may use service charges, licence fees, levies and other money paid to it for the purposes of paying its expenses and administering the Plan and regulations made by the Board.

AR 38/2014 s10

Minimum price

25(1) The Board must establish the minimum prices to be paid to a registered producer for eggs of any variety, class or grade of eggs.

(2) A registered producer must not market eggs at a price that is less than the minimum price that is established under subsection (1).

(3) A processor must pay to a registered producer for eggs purchased from that producer a sum that is not less than the price established under subsection (1).

(4) Unless otherwise authorized by the Board, if a person and a registered producer agree to or cause to be made a debit note or agree to any rebate, discount, overshipment, charge, calculation or action, including a charge, calculation or action for transportation services, and that person subsequently purchases eggs from that registered producer, the minimum price for those eggs shall be the price established under subsection (1).

Minimum price exemption

26 Notwithstanding section 25(2), (3) and (4), the processor may pay to a registered producer

- (a) a 1/2 cent less than the minimum price if the registered producer ships fewer than 80 x 15 dozen eggs per week, or
- (b) a 1/2 cent less than the minimum price if the registered producer ships eggs in boxes, or
- (c) 1 cent less than the minimum price if the registered producer does both (a) and (b).

Processor as Board's agent

27 The Board may appoint in writing any processor as an agent of the Board for specific purposes, but a processor shall not be deemed an agent of the Board by reason only of the deduction and remittance of service charges required by this Regulation.

Registration of mortgages

28(1) A person who holds a mortgage as a charge on land against a production facility in respect of which a quota is allotted may record that mortgage with the Board in a manner determined by the Board.

(2) If a mortgagee records a mortgage with the Board under subsection (1), that mortgagee must at the same time also record with the Board a written acknowledgment by the registered producer of the mortgagee's interest in the production facilities in respect of which the quota is allotted.

(3) If a mortgagee discharges an interest recorded with the Board, that mortgagee must notify the Board in a manner provided for by the Board.

(4) If a mortgagee records a mortgage under subsection (1), the Board must notify the mortgagee of an application to transfer all or any part of the quota that is subject to the mortgage interest.

(5) The Board must not accept a request for transfer of quota under section 13 where an interest is recorded under subsection (1), unless the mortgagee has provided a written consent to the application.

(6) If a mortgagee becomes the legal or equitable owner of a production facility due to enforcement of the mortgage, the Board may do one or more of the following:

- (a) allow the mortgagee to market eggs pursuant to the quota granted in respect of the production facilities for a period not exceeding 2 years during which time the mortgagee must endeavour to find an appropriate buyer;
- (b) set aside the quota in respect of the production facility for a period not exceeding 2 years;
- (c) allot part or all of the quota to a person who purchases the production facilities from the mortgagee, if the Board is satisfied that the purchaser is entitled under this Regulation to hold the quota;
- (d) allot part or all of the quota to the mortgagee, if the Board is satisfied that the mortgagee is entitled under this Regulation to hold the quota.

(7) A quota or any part of a quota that is not dealt with in the manner or time period described under subsection (6) reverts to the Board.

Appointment of attorney

28.1(1) A person who has loaned money to a registered producer may apply to the Board to record an appointment of attorney in respect of that registered producer.

(2) An appointment of attorney must be in a form satisfactory to the Board.

(3) Only one appointment of attorney at a time may be recorded in respect of a registered producer.

(4) The Board shall not record an appointment of attorney if there is a mortgage registered under section 28 in respect of the production facilities and premises of the registered producer.

(5) The Board shall not record an appointment of attorney unless it is signed by the registered producer affected by it.

(6) An appointment of attorney takes effect from the date on which it is recorded by the Board.

(7) If the Board has recorded an appointment of attorney in respect of a registered producer, the Board shall not approve an application for

- (a) the cancellation and reallocation of the registered quota,
- (b) the lease of the registered quota, or
- (c) the transfer of an ownership interest in the registered quota

specified in the appointment of attorney, unless the person appointed as the attorney signs the application.

AR 72/2005 s3

Animal care policy

29 All registered producers shall comply with the Board's animal care policy as amended from time to time.

AR 293/97 s29;277/2002;188/2003;124/2009;38/2014

Retention of quota by Board

29.1 Notwithstanding section 12(1)(a), the Board may, for the purposes of facilitating any policy or program implemented or carried out by the Board, retain as much quota as the Board considers necessary from any increase in quota.

AR 277/2002 s10

Acquisition of quota from producers

29.2 The Board may acquire quota directly from registered producers.

AR 277/2002 s10

Disposition of quota acquired by the Board

29.3 Any quota obtained or otherwise acquired by the Board under sections 8(6), 12(1) or (3), 17, 28(7), 29(4), 29.1 or 29.2 may be allotted, transferred or leased to registered producers as the Board considers appropriate.

AR 277/2002 s10

Transitional Provision, Repeal and Expiry**Transitional**

30 On the coming into force of this Regulation, a person who holds a quota or a licence under the *Egg Production and Marketing Regulation* (AR 28/93) that comes within the definition of a quota or licence under this Regulation continues to hold that quota or licence under this Regulation.

Transitional

30.1 Any transaction respecting the allotment, transfer or lease of additional quota that was commenced but not completed before the coming into force of this section shall be completed under this Regulation as it read immediately before the coming into force of this section.

AR 277/2002 s11

31 Repealed AR 38/2014 s12.

Expiry

32 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on September 30, 2019.

AR 293/97 s32;277/2002;124/2009;38/2014



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