



Province of Alberta

## MARKETING OF AGRICULTURAL PRODUCTS ACT

# ALBERTA CANOLA PRODUCERS MARKETING REGULATION

### Alberta Regulation 142/1998

With amendments up to and including Alberta Regulation 132/2013

### Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer  
5<sup>th</sup> Floor, Park Plaza  
10611 - 98 Avenue  
Edmonton, AB T5K 2P7  
Phone: 780-427-4952  
Fax: 780-452-0668

E-mail: [qp@gov.ab.ca](mailto:qp@gov.ab.ca)  
Shop on-line at [www.qp.alberta.ca](http://www.qp.alberta.ca)

### **Copyright and Permission Statement**

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20\_\_.\*

\*The year of first publication of the legal materials is to be completed.

### **Note**

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(Consolidated up to 132/2013)

**ALBERTA REGULATION 142/98**

**Marketing of Agricultural Products Act**

**ALBERTA CANOLA PRODUCERS MARKETING REGULATION**

*Table of Contents*

<b>1</b>	Definitions
<b>2</b>	Service charges
<b>3</b>	Variation of service charge
<b>4</b>	Collection of service charge
<b>5</b>	Refund of service charges
<b>6</b>	Dealer's licence required
<b>7</b>	Application for dealer's licence
<b>8</b>	Granting of dealer's licence
<b>9</b>	Authority of dealer's licence
<b>10</b>	Disposal of dealer's licence
<b>11</b>	Term of dealer's licence
<b>12</b>	Refusal to grant a dealer's licence
<b>13</b>	Suspension or cancellation of dealer's licence
<b>15</b>	Report to Commission
<b>16</b>	Information
<b>17</b>	Inspection of records
<b>18</b>	Use of funds
<b>19</b>	Interest
<b>20</b>	Legal action
<b>21</b>	Repeal
<b>22</b>	Expiry

**Definitions**

**1(1)** In this Regulation,

- (a) "Act" means the *Marketing of Agricultural Products Act*;
- (a.1) "Council" means the Alberta Agricultural Products Marketing Council;
- (a.2) "dealer" means a person purchasing or acquiring regulated product from a producer and includes

- (i) a person who is an elevator or grain company, a grain dealer or a canola crusher, and
- (ii) a person who acquires regulated product from a producer to sell on the producer's behalf;
- (b) "Plan" means the Alberta Canola Producers Marketing Plan;
- (c) "producer" means a person who
  - (i) grows canola on one or more parcels of land in Alberta for sale, and
  - (ii) is entitled to a share of the canola grown on any land pursuant to a crop share agreement.

**(2)** Words that are defined in either the Act or the Plan have the same meaning when used in this Regulation.

AR 142/98 s1;85/2008

#### **Service charges**

**2** Any producer who sells any regulated product must pay to the Commission a service charge in the amount of \$1.00 per metric tonne or portion of metric tonne of regulated product sold.

AR 142/98 s2;33/2003

#### **Variation of service charge**

**3(1)** The Board of Directors of the Commission may, on behalf of the Commission, change the amount of the service charge.

**(2)** Notwithstanding subsection (1), a change in the amount of the service charge is not effective until it has been approved by the eligible producers at an annual Commission meeting or a special Commission meeting.

AR 142/98 s3;33/2003

#### **Collection of service charge**

**4(1)** All dealers who

- (a) purchase regulated product from a producer, or
- (b) acquire regulated product from a producer for sale on the producer's behalf

must deduct the amount of the service charge from any proceeds payable to or on behalf of the producer.

(2) Any dealer who collects a service charge must, subject to any directions given by the Commission, pay the amount of the service charge to the Commission within 55 days from the end of the month within which the service charge was collected.

(3) Any person required to collect and pay to the Commission the service charge payable by a producer must, when that person pays the service charge to the Commission, provide to the Commission, in respect of that producer, a summary detailing

- (a) the amount of regulated product acquired from the producer,
- (b) the amount of service charge being paid on behalf of the producer,
- (c) the name and address of the producer, and
- (d) the Canadian Wheat Board identification number, if available.

(4) A person who is a producer and a dealer is entitled to all the rights and privileges, and is subject to all the duties and obligations of a producer and a dealer.

(5) A person who is a producer and a dealer is deemed

- (a) to have received canola in that person's capacity as a dealer from that producer in the capacity as a producer of the canola, and
- (b) to have contracted, in that producer's capacity as a dealer, with that producer in that producer's capacity as a producer, for the marketing of the canola on the condition that this Regulation applies.

#### **Refund of service charges**

**5(1)** Any service charge that is paid by or on behalf of a producer must be refunded to the producer on request of the producer.

(2) A request for a refund of the service charge must

- (a) be made in writing on a form that is provided by or acceptable to the Commission, and
- (b) contain the following information:
  - (i) the producer's name;
  - (ii) the producer's mailing address and telephone number;

- (iii) the producer's identification number, if available;
- (iv) the quantity of regulated product sold;
- (v) the name and address of any dealer who collected the service charge on behalf of the producer;
- (vi) any specifics of the refund request.

**(3)** Requests for refunds must be received by the Commission at its head office

- (a) prior to the end of August, for service charges collected during the period commencing on the previous February 1 and ending on July 31, and
- (b) prior to the end of February, for service charges collected during the period commencing on the previous August 1 and ending on January 31.

**(4)** Any request for a refund that is not received by the Commission within the time periods specified under subsection (3) shall not be considered by the Commission and the producer is not entitled to a refund in respect of the service charges in question.

**(5)** Notwithstanding subsection (4), the Board of Directors may, if it is satisfied that extenuating circumstances exist that warrant its doing so, consider an application for a refund that is received after the applicable time period referred to in subsection (3).

**(6)** The Commission must refund the service charge to the producer

- (a) within 90 days after the end of the period in which the request for a refund of the service charges is received in accordance with subsection (3), or
- (b) within 90 days after receipt of the request for a refund, in a case where the request is received and considered under subsection (5).

**Dealer's licence required**

**6(1)** No person shall carry on the business of a dealer in the regulated product unless that person is licensed as a dealer under this Regulation.

**(2)** If a person is both a producer and a dealer, that person shall not carry on the business of a dealer in the regulated product unless that person is licensed as a dealer under this Regulation.

(3) No person, other than a producer, shall engage in the marketing of the regulated product unless that person is licensed as a dealer under this Regulation.

**Application for dealer's licence**

**7(1)** Every person who wishes to deal in the regulated product must apply to the Commission for a dealer's licence.

(2) An applicant for a dealer's licence must provide to the Commission in a form prescribed by the Commission

- (a) the name, telephone number and mailing address of the applicant,
- (b) the address of the applicant, if it is different from the mailing address, and
- (c) such other information as the Commission may require.

**Granting of dealer's licence**

**8** If the Commission is satisfied that a dealer's licence should be granted to the applicant, the Commission must grant the applicant a dealer's licence in a form prescribed by the Commission.

**Authority of dealer's licence**

**9** A dealer's licence is authority for the dealer to receive and deal in the regulated product in accordance with this Regulation.

**Disposal of dealer's licence**

**10** A dealer's licence becomes void when the dealership is sold, transferred, assigned or otherwise disposed of.

**Term of dealer's licence**

**11** The term for a dealer's licence commences on August 1 and ends on July 31 of the following year.

**Refusal to grant a dealer's licence**

**12** The Commission may refuse to grant a dealer's licence

- (a) if it is satisfied that the applicant
  - (i) will not comply with the Act, the Plan, this or other regulations applying to the applicant or orders or directions of the Council or the Commission,

- (ii) will not comply with any other statute, regulation or order applicable to the business in which the applicant is engaged, or
  - (iii) does not have a licence from the Canadian Grain Commission,
- or
- (b) for any other lawful reason the Commission considers proper.

**Suspension or cancellation of dealer's licence**

**13(1)** If the Commission is of the opinion that a holder of a dealer's licence has

- (a) failed to comply with the Act, the Plan or any regulation under the Act, or
- (b) failed to comply with any order or direction of the Council or the Commission,

the Commission may suspend or cancel that dealer's licence.

**(2)** The Commission may suspend or cancel a person's dealer's licence if that person's licence issued by the Canadian Grain Commission is suspended or cancelled.

**(3)** If the Commission refuses to grant a licence or suspends or cancels a licence, the Commission must notify the person who was refused a licence or whose licence was suspended or cancelled, of its decision in writing.

**(4)** The Commission 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)** If the Commission refuses to grant a licence or cancels, suspends or refuses to renew a licence, the person who was refused a licence or whose licence was suspended or cancelled

- (a) must, on receiving notice of the Commission's decision, immediately cease carrying on the activity authorized by the licence, and

- (b) may make an application to the Commission pursuant to Part 5 of the Act and the *Review and Appeal Regulation* (AR 84/2012).

AR 142/98 s13;74/2013;132/2013

**14** Repealed AR 74/2013 s3.

**Report to Commission**

**15** A dealer must

- (a) record for each month the total volume of regulated product acquired by the dealer from producers, and
- (b) report to the Commission the amounts so determined for that month and forward this report to the Commission within 55 days from the end of the month within which the service charges were collected.

**Information**

**16** The Commission may request from a producer or a dealer the following information:

- (a) the amount of regulated product marketed by a producer and the details of the marketing;
- (b) the amount of regulated product marketed by a person and the manner in which the regulated product is marketed;
- (c) any other general information relating to production and marketing of the regulated product that the Commission requires to carry out its purposes under the Act and the Plan.

**Inspection of records**

**17** If the Commission is of the opinion that circumstances warrant it, the Commission may in writing require that a dealer produce for the Commission's inspection any record in the possession or under the control of the dealer that relates to the collection of service charges by the dealer.

**Use of funds**

**18** Any funds received by the Commission under the Plan plus interest that accrues on the funds must be used by the Commission for purposes of paying its expenses and administering the Plan and this Regulation.

**Interest**

**19** Interest must be paid to the Commission for any late payment of service charges or licence fees at the rate of 1% per month calculated on the balance due.

**Legal action**

**20** The Commission may commence and maintain any legal action that is necessary to enforce the payment of service charges that are payable under the Plan and this Regulation.

**Repeal**

**21** The *Alberta Canola Producers Marketing Regulation* (AR 175/89) is repealed.

**Expiry**

**22** 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 May 31, 2018.

AR 142/98 s22;33/2003;85/2008;74/2013





Printed on Recycled Paper 