



Province of Alberta

MARKETING OF AGRICULTURAL PRODUCTS ACT

ALBERTA ELK COMMISSION REGULATION

Alberta Regulation 256/2002

With amendments up to and including Alberta Regulation 125/2014

Office Consolidation

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(Consolidated up to 125/2014)

ALBERTA REGULATION 256/2002
Marketing of Agricultural Products Act
ALBERTA ELK COMMISSION REGULATION

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Definitions

1(1) In this Regulation,

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (b) “Plan” means the *Alberta Elk Plan Regulation*.

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

Base service charge

2(1) A base service charge is hereby assessed

- (a) on each producer to whom a farm licence is issued, but
- (b) in the case of a farm licence that is issued to more than one producer,
 - (i) on the producer who is listed first on the farm licence as a licensee, and
 - (ii) on any of the other producers listed on the farm licence as a licensee where that producer has advised the Commission that the producer wishes to be assessed the base service charge.

- (2) The amount of the base service charge is \$195 per annum.
- (3) The base service charge is due and payable by each producer to the Commission on May 30 in each year.

AR 256/2002 s2;244/2007;256/2009;124/2011

Product service charge

- 3(1)** A product service charge is hereby assessed on each mature elk that, as of December 31 in each year, is listed in animal inventory operated under the *Livestock Industry Diversification Act*.
- (2) The amount of the product service charge is up to \$4.00 per annum for each mature elk.
- (3) The product service charge is due and payable by each producer to the Commission on May 30 of each year following the year of assessment under subsection (1).
- (4) Notwithstanding that more than one person may have an ownership interest in a mature elk, only one product service charge per annum is payable in respect of that elk.

AR 256/2002 s3;219/2003;244/2007;256/2009;222/2011

Confirmation or variance of service charges

- 4(1)** At each annual Commission meeting, the Commission is to submit for the approval of the eligible producers the following:
- (a) with respect to the service charges, the amount of
 - (i) the base service charge, and
 - (ii) the product service charge,that is to be charged for that year;
 - (b) the products and services, if any, in respect of which the product service charge is applicable for that year;
 - (c) the manner of assessing the base service charge for that year.
- (2) The Commission may, subject to the approval of the eligible producers at an annual Commission meeting or a special Commission meeting, from time to time change
- (a) the amount of
 - (i) the base service charge, and

- (ii) the product service charge;
 - (b) the products and services, if any, in respect of which the product service charge is applicable;
 - (c) the manner of assessing the base service charge.
- AR 256/2002 s4;256/2009;222/2011

5 Repealed AR 256/2009 s6.

Refund of service charges

6(1) The service charges that are paid by a producer on or before July 15 in the year in which the service charges are assessed are, at the request of the producer, refundable to that producer.

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

- (a) be made in writing on a form provided by 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 farm licence number;
 - (iv) whether a refund is being requested for
 - (A) the product service charge and, if so, the number of animals in respect of which the refund is being requested,
 - (B) the base service charge and, if so, the proportion or amount of the base service charge being requested as a refund, or
 - (C) both the product service charge under paragraph (A) and the base service charge under paragraph (B);
 - (v) any other information not referred to in subclauses (i) to (iv) concerning the refund as requested by the Commission.

(3) Requests for refunds of any service charges collected on or before July 15 in the immediate previous year must be received by the Commission at its official office in April of the current year.

(4) Any request for a refund that is not received by the Commission within the time period specified under subsection (3) is not to be accepted by the Commission for the purpose of making a refund and the producer is not entitled to a refund in respect of which the request was made.

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

(6) The Commission is to refund the service charge to the producer,

- (a) where the request for the refund is received pursuant to subsection (3), within 120 days after the end of the period to which the request for the refund relates, and
- (b) where the request for the refund is received and accepted pursuant to subsection (5), within 90 days after receipt of the request for the refund.

(7) A producer is not entitled to a refund in respect of service charges that are paid after July 15 in the year in which the charges are assessed.

AR 256/2002 s6;75/2005;256/2009;222/2011

Information

7(1) The Commission may require a producer to provide, within the time specified by and in the manner that is satisfactory to the Commission, the following:

- (a) information that is satisfactory to the Commission establishing
 - (i) that the producer
 - (A) owns or otherwise has a commercial interest in elk, or
 - (B) boards elk under that producer's farm licence;
 - (ii) what other persons, if any, have a commercial or other interest in elk that are boarded under that producer's farm licence;
 - (iii) whether that producer owns or otherwise has a commercial or other interest in elk that are boarded under another producer's farm licence;

- (b) information that is reasonably required by the Commission relating to the determination of, the collection of or the administration of the base service charge and the product service charge that is payable or that may be payable by that producer;
- (c) information that sets out
 - (i) the amount of regulated product produced or marketed by that producer and the details relating to the production of the regulated product, and
 - (ii) the amount of regulated product marketed by that producer and the manner in which the regulated product is marketed;
- (d) any other general information relating to production of the regulated product that the Commission requires to carry out its purposes under the Act and the Plan.

(2) Repealed AR 256/2009 s8.

AR 256/2002 s7;256/2009;37/2010

Use of funds

8(1) The service charges and any other money payable to or received by the Commission is to be used to pay the Commission's expenses and to administer the Plan and the regulations made by the Commission.

(2) Subject to subsection (1), funds received by the Commission by way of service charges are to be used for the purpose of

- (a) paying for product marketing and other programs operated by the Commission;
- (b) paying membership fees or dues in other organizations;
- (c) providing specific services or products to eligible producers.

Interest

9 Interest must be paid to the Commission for any late payment of service charges at the rate of 1% per month compounded monthly on the balance due.

Legal action

10 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.

11 to 13 Repealed AR 256/2009 s9.

Expiry

14 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 256/2002 s14;10/2008;58/2009;256/2009;125/2014



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