



Province of Alberta

## MARKETING OF AGRICULTURAL PRODUCTS ACT

# **BISON PRODUCERS OF ALBERTA COMMISSION REGULATION**

### **Alberta Regulation 188/2000**

With amendments up to and including Alberta Regulation 118/2012

#### Office Consolidation

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### **Note**

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(Consolidated up to 118/2012)

**ALBERTA REGULATION 188/2000**  
**Marketing of Agricultural Products Act**  
**BISON PRODUCERS OF ALBERTA**  
**COMMISSION REGULATION**

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**Definitions**

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

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (a.1) “custom kill” means the processing by a processor, on a fee for service basis, of bison that are owned by a person other than the processor;
- (b) “Plan” means the *Bison Producers of Alberta Plan Regulation* (AR 167/2000).

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

AR 188/2000 s1;186/2004;153/2011

**Service charges**

**2(1)** A producer who sells bison must pay to the Commission a service charge in the amount of \$0 per head of bison sold by that producer.

**(2)** A producer who is in the business of feeding and slaughtering that producer's own bison must pay to the Commission a service charge in the amount of \$0 per head of bison fed and slaughtered by that producer.

**(3)** A dealer who in the ordinary course of business as a dealer feeds or owns bison for a period of not more than 7 days is deemed not to be a producer and is not liable to pay the service charge referred to in subsection (1).

AR 188/2000 s2;186/2004;118/2012

**Variation of service charge**

**3(1)** After the establishment of the Plan, 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.

**Service charge under s2(1)**

**4(1)** With respect to the service charge referred to in section 2(1), the producer must pay the service charge to the Commission.

**(2)** If the service charge is deducted from the money payable to the producer in accordance with section 4.2 or 4.3, the producer is not liable to the Commission for the amount of the service charge.

**(3)** Repealed AR 153/2011 s4.

AR 188/2000 s4;186/2004;153/2011

**Service charge under s2(2)**

**4.1(1)** With respect to the service charge referred to in section 2(2), the producer must pay the service charge to the Commission.

**(2)** If the producer fails to pay the service charge to the Commission in accordance with subsection (1), the producer is liable to the Commission for the amount of the service charge.

AR 186/2004 s5;153/2011

**Deduction by purchasers**

**4.2(1)** Where bison are sold by a producer directly to a purchaser without the services of a dealer, that purchaser must

- (a) deduct the amount of the service charge from the money payable to the producer, and
- (b) forward the amount deductible to the Commission.

**(2)** If the purchaser fails to deduct and forward the service charge to the Commission in accordance with subsection (1), the purchaser is liable to the Commission for the amount of the service charge.

AR 186/2004 s5;153/2011

**Deduction by dealers, processors and auction markets**

**4.3(1)** Where a dealer, processor or auction market receives bison or is engaged in a purchase or sale of bison, the dealer, processor or auction market must

- (a) deduct the amount of the service charge from the money payable to the producer, and
- (b) forward the amount deducted to the Commission.

**(2)** If the dealer, processor or auction mart fails to deduct and forward the service charge to the Commission in accordance with subsection (1), the dealer, processor or auction mart is liable to the Commission for the amount of the service charge.

AR 186/2004 s5;153/2011

**Accountability of service charges**

**4.4(1)** A person who deducts or is liable for the service charge shall

- (a) account for the service charge in the form prescribed by the Commission, and
- (b) forward the service charge and the information required by the Commission within the times specified in subsection (2).

**(2)** The service charge and information referred to in subsection (1) must be provided to the Commission as follows:

- (a) for service charges collected for the months of January, February and March, by the end of April of that same year;

- (b) for service charges collected for the months of April, May and June, by the end of July of that same year;
- (c) for service charges collected for the months of July, August and September, by the end of October of the same year;
- (d) for service charges collected for the months of October, November and December, by the end of January in the year following the year the service charges were collected.

AR 153/2011 s8

**Refund of service charges**

**5(1)** Subject to the Plan, 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 or herd identification number, if available;
  - (iv) the number of animals in respect of which the refund is being requested;
  - (v) repealed AR 186/2004 s6;
  - (vi) any specifics of the refund request.

**(3)** Requests for refunds must be received by the Commission at its office prior to the end of the 2nd month following the last month in which the service charge was collected as specified in section 4.4.

**(4)** Any request for a refund that is not received by the Commission within the time periods specified under subsection (3) must not be considered by the Commission 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 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 accepted under subsection (5).

AR 188/2000 s5;186/2004;256/2004;153/2011

### Information

**6(1)** Any person who produces or markets bison or bison products must furnish the Commission, on the request of the Commission, any information or record relating to the production or marketing of bison or bison products that the Commission considers necessary for the purposes of administering

- (a) the Plan,
- (b) this Regulation, and
- (c) any other regulation made under the Act in respect of the Commission.

**(2)** Where the Commission requests a person to furnish information under subsection (1), that person must furnish that information to the Commission by the 25th day of the month next following the month in which the request was made for the information.

**(3)** A dealer, including a processor and an auction market, shall, in addition to meeting the requirements of subsections (1) and (2),

- (a) complete the declaration form prescribed in Schedule 1, and
- (b) forward the declaration form to the Commission within the time specified in that declaration.

**(4)** A custom kill operator shall, in addition to meeting the requirements of subsections (1) and (2),

- (a) complete the declaration form prescribed in Schedule 2, and

- (b) forward the declaration form to the Commission within the time specified in that declaration.

AR 188/2000 s6;186/2004;153/2011

**7** Repealed AR 186/2004 s8.

**Use of funds**

**8** 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**

**9** Interest must be paid to the Commission for any late payment of service charges at the rate of 1% per month calculated 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.

**Expiry**

**11** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repressed in its present or an amended form following a review, this Regulation expires on September 30, 2016.

AR 188/2000 s11;186/2004;153/2011

**Schedule 1**

**Declaration of Information Required  
to be Provided by a Dealer of  
Bison and Bison Products**

Name of Dealer: \_\_\_\_\_

Address of Dealer: \_\_\_\_\_

This declaration must be submitted to the Commission within the following times:

- (a) by April 30 for the quarter January 1 to March 31;  
(b) by July 31 for the quarter April 1 to June 30;

- (c) by October 31 for the quarter July 1 to September 30;
- (d) by January 31 of the year following the quarter October 1 to December 31 of the previous year.

Quarter Being Reported	Number of Bison Slaughtered or Processed (details to be provided in the following table)	Amount of Service Charge Remitted (\$0 per head)
January 1 to March 31		
April 1 to June 30		
July 1 to September 30		
October 1 to December 31		

Date of Slaughter or Processing	Producer Name	Producer Address	Number of Bison

Signature of Dealer (or Representative): \_\_\_\_\_  
Date signed: \_\_\_\_\_

Please make cheques payable to the "Bison Producers of Alberta"  
and return to: #114, 501 - 11 Avenue  
Nisku, AB, T9E 7N5

AR 188/2000 Sched. 1.;118/2012

## Schedule 2

### Declaration Regarding Custom Kill

**1** On (date), (number) of bison were custom killed for (producer's name and address).

**2** Service charges in the amount of (dollar amount) are enclosed with this declaration.

Dealer/Processor Name: \_\_\_\_\_  
Date of Processing: \_\_\_\_\_

This declaration must be submitted to the Commission within the following times:

- (a) by April 30 for each custom kill activity that occurred between January 1 and March 31;
- (b) by July 31 for each custom kill activity that occurred between April 1 and June 30;
- (c) by October 31 for each custom kill activity that occurred between July 1 and September 30;
- (d) by January 31 of the year following each custom kill activity that occurred between October 1 and December 31.

AR 153/2011 s12





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