

(Consolidated up to 197/2003)

ALBERTA REGULATION 121/99

Marketing of Agricultural Products Act

**ALBERTA WINTER WHEAT PRODUCERS
MARKETING REGULATION**

Table of Contents

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

Definitions

1(1) In this Regulation,

- (a) “Act” means the Marketing of Agricultural Products Act;
- (b) “Commission” means the Alberta Winter Wheat Producers Commission;
- (c) “dealer’s licence” means a licence granted to a dealer under section 8;
- (d) “Plan” means the Alberta Winter Wheat Producers Marketing Plan

Regulation.

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

Service charges

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

AR 121/99 s2;197/2003

Variation of service charge

3(1) The Commission may, from time to time, 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 a vote of the producers at an annual Commission meeting or a special Commission meeting.

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

shall 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 shall, 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 who is required to collect and pay to the Commission the service charge payable by a producer shall, 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 obtained from the producer,
- (b) the amount of the 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 of the producer, if available.

Refund of service charges

5(1) Any service charge that is paid by or on behalf of a producer is refundable 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 is 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 and amount of service charge deducted;

(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 will not be entitled to a refund in respect of the service charges in question.

(5) The Commission shall refund the service charge to the producer within 90 days from the end of the period in which the request for a refund of the service charges is received, if the request complies with this Regulation.

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) No person, other than a producer, shall engage in the marketing and processing, or either of those functions, of the regulated product unless that person is licensed as a dealer under this Regulation.

Application for dealer's licence

7(1) Every person, other than a producer, who wishes to market or process the regulated product shall apply for and obtain a dealer's licence from the Commission.

(2) An application under subsection (1) must be in a form prescribed by the Commission and include

- (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 shall grant to 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 market the regulated product in accordance with this Regulation.

Disposal of dealer's licence

10 A dealer's licence becomes void when the dealer's business 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 the Commission is satisfied that the applicant
 - (i) will not comply with
 - (A) the Act, the Plan or any regulation under the Act, or
 - (B) any order or direction of the Council or the Commission,that apply or will apply to the applicant, or
 - (ii) will not comply with any other statute, regulation or order that applies or will apply to the business in which the applicant is engaged,

or

- (b) for any other lawful reason the Commission considers proper.

Suspension or cancellation of dealer's licence

13 The Commission may suspend or cancel a dealer's licence 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.

Hearing

14(1) The Commission shall give written notice of its decision to any person who is refused a licence or whose licence is suspended or cancelled, as the case may be.

(2) Where a person receives a notice under subsection (1), that person may make application to the Commission for a hearing to show cause why the dealer's licence should not be refused, suspended or cancelled, as the case may be.

(3) Where the Commission receives an application under subsection (2), it must give written notice to the person who made the application of the date, place and time that a hearing into the matter will be held.

(4) At the hearing referred to in subsection (3), the person who made the application under subsection (2) must be given an opportunity, as the case may be,

- (a) to show cause why a dealer's licence should be granted, or

- (b) to show cause why the dealer's licence should not be suspended or cancelled.

(5) Following a hearing under this section, the Commission shall give written notice of its decision to the person in respect of whom the hearing was held.

(6) A dealer who receives a notice of suspension or cancellation under this section shall, on receipt of the notice, forthwith cease receiving the regulated product.

Report to Commission

15 A dealer must

- (a) record for each month the total volume of regulated product purchased or acquired by the dealer from producers, and

- (b) at the conclusion of the month report to the Commission the amounts so recorded for that month.

Inspection of records

16 Where 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

17 Any funds received by the Commission under the Plan must be used by the Commission for purposes of paying its expenses and administering the Plan and the regulations.

Interest

18 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

19 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

20 The Alberta Winter Wheat Producers Marketing Regulation (AR 195/90) is repealed.

Expiry

21 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 July 1, 2010.

AR 121/99 s21;197/2003

[Catalogue](#) | [New Products](#) | [Alberta Gazette](#) | [QP Source](#)
[Queen's Printer Home](#) | [Search](#) | [Contact Us](#) | [Privacy Statement](#)

The user agrees to the terms and conditions set out in the [Copyright and Disclaimer](#) statement.

© 2006 Government of Alberta