



Province of Alberta

MARKETING OF AGRICULTURAL PRODUCTS ACT

**ALFALFA SEED COMMISSION
REGULATION**

Alberta Regulation 223/2009

Extract

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Note

All persons making use of this document are reminded that it has no legislative sanction and that the original Regulation should be consulted for all purposes of interpreting and applying the law.

(no amdt)

ALBERTA REGULATION 223/2009
Marketing of Agricultural Products Act
ALFALFA SEED COMMISSION REGULATION

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Interpretation

1(1) In this Regulation,

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (b) “Commission” means the Alfalfa Seed Commission established under the Plan;
- (c) “crop class” means one of the following as determined in accordance with the Canadian Seed Growers’ Association Regulations and Procedures for Pedigree Seed Crop Production:
 - (i) foundation seed;
 - (ii) certified seed;
 - (iii) common seed;
- (d) “dealer” means a person who is required to deduct a service charge under section 4;
- (e) “Plan” means the *Alfalfa Seed Plan Regulation*;
- (f) “total sale price” means the amount paid with respect to the regulated product for the net clean seed.

(2) Words used in this Regulation that are defined in the Plan have the same meaning as defined in the Plan.

Application

2 Any reference or obligation in respect of a service charge applies only in so far as the regulated product is grown in an area to which this Regulation applies.

Amount of service charge

3(1) A producer who sells the regulated product shall pay 1.25% of the total sale price to the Commission as a service charge.

(2) The service charge shall be deducted and forwarded to the Commission in accordance with section 4.

(3) The Commission shall not amend the amount of the service charge in subsection (1) unless the amendment is approved by a general vote of the eligible producers at an annual general or special Commission meeting.

Dealer submission of service charge

4(1) A person who purchases the regulated product from a producer or who sells the regulated product on behalf of a producer shall deduct the service charge from the money payable to the producer and forward the amount deducted to the Commission.

(2) The service charge is due to the Commission

- (a) if it is deductible from July 1 to December 31, by the following January 31, and
- (b) if it is deductible from January 1 to June 30, by the following July 31.

(3) Despite subsection (2), the Commission may, by agreement with a dealer, provide for an alternate period within which the dealer shall forward service charges to the Commission.

(4) Compound interest at the rate of 1% per month is payable by a dealer to the Commission on an overdue service charge.

(5) The service charge shall be accompanied by a report that includes the following:

- (a) the dealer's name, address and telephone number;
- (b) the producer's name, address and telephone number;

- (c) the location where the regulated product was grown;
- (d) the total sale price and quantity of the regulated product;
- (e) the amount of the service charge deducted;
- (f) the type and crop class of the regulated product, if known;
- (g) any other information required by the Commission for the purposes of the Plan.

Inspection of dealer records

5 A dealer shall, on the written request of and in the form and manner required by the Commission, furnish any record in the possession or under the control of the dealer that relates to the collection of a service charge to the Commission.

Refund of service charge

6(1) A producer may request a refund of a service charge that has been paid in respect of the producer's regulated product.

(2) The request must

- (a) be made in writing and in the form and manner required by the Commission,
- (b) be received by the Commission at its office no later than January 31 of the year following the year in which it was deductible, and
- (c) include the following:
 - (i) the producer's name, mailing address and telephone number;
 - (ii) the dealer's name, address and telephone number;
 - (iii) the location where the regulated product was grown;
 - (iv) the total sale price and quantity of the regulated product;
 - (v) the type and crop class of the regulated product, if known;
 - (vi) any other information required by the Commission for the purposes of the Plan.

(3) The Commission shall not refund a service charge if the request is not submitted as required by subsection (2)(b) unless the

Commission is satisfied that there are extenuating circumstances and it is appropriate to do so.

(4) If an application in accordance with subsection (2) is received by the Commission, it shall refund the service charge no later than April 30 of the year following the year in which it was collected.

Use of funds

7 Any funds received by the Commission under the Plan and any interest that accrues in respect of those funds must be used by the Commission for the purposes of paying its expenses and administering the Plan and the regulations.

Legal action

8 The Commission may take legal action to enforce the payment of a service charge.

Expiry

9 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the opinion that it may be passed in its present or an amended form following a review, this Regulation expires on June 30, 2014.