

(Consolidated up to 24/2012)

ALBERTA REGULATION 389/2003

Marketing of Agricultural Products Act

**ALBERTA LAMB PRODUCERS REGULATION**

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## Definitions

1(1) In this Regulation,

- (a) “Act” means the Marketing of Agricultural Products Act;
- (b) “Commission” means the Alberta Lamb Producers;
- (c) “Council” means the Alberta Agricultural Products Marketing Council;
- (d) “CSIP” means the Canadian Sheep Identification Program established by the Canadian Sheep Federation in co-operation with the Canadian Food Inspection Agency;
- (e) “dealer” means a person who does any of the following:
  - (i) buys wool from a producer;
  - (ii) acquires wool from a producer for sale on the producer’s behalf;

(iii) acts as an agent for a buyer of wool from a producer;

(iv) acts as an agent in the buying or selling of wool and in respect of buying makes direct payment to the producer;

(f) “distributor” means a person authorized by the Commission to sell CSIP ear tags to producers;

(f.1) “fiscal year” means the fiscal year of the Commission provided for in the Alberta Lamb Producers Plan Regulation (AR 263/2001);

(g) “Plan” means the Alberta Lamb Producers Plan Regulation (AR 263/2001);

(h) “producer” means a person who

(i) owns sheep, or

(ii) sells wool that is sheared from sheep owned by that person;

(i) “purchaser” means a person who purchases wool from a producer and means a person who receives sheared wool in exchange for services provided to a producer;

(j) “service charge” means a service charge payable under section 2.

(2) Words used in this Regulation have the same meaning as they do in the Plan.

AR 389/2003 s1;18/2007;5/2009;24/2012

Service charge

2(1) A service charge in the amount of \$1.50 for each sheep is payable to the Commission by every producer.

(2) A service charge in the amount of one cent for each pound of wool or 2.2 cents for each kilogram of wool is payable to the Commission by every producer.

AR 389/2003 s2;261/2007

#### Requests for refund of service charge

2.1(1) Any service charge that is paid by or on behalf of a producer must be refunded to the producer on the request of the producer.

(2) A producer may request a refund of all or a portion of the service charge paid.

(3) A request for a refund of the service charge must be made in writing in a form provided by or acceptable to the Commission.

(4) Requests for refunds must be received by the Commission at its office on or before the 25th day of the month after the month in which the service charge was paid.

(5) A request for a refund of service charges must be in the same name as the name in which the service charge was paid.

(6) The Commission must refund the service charge within 30 days of the end of the fiscal year in which the service charge was paid.

AR 129/2011 s2

#### Payment of sheep service charge

3(1) With respect to the service charge referred to in section 2(1), the producer must, in accordance with this Regulation and for the purpose of carrying out the objects of the Plan,

(a) pay the service charge to the Commission based on the number of CSIP ear tags purchased by the producer,

(b) provide the Commission with written notice of

(i) the number of CSIP tags purchased,

(ii) the amount of the service charge being paid by the producer, and

(iii) the name and address of the producer,

and

(c) account to the Commission for the service charge, in the form prescribed by the Commission,

by the 25th day of the month next following the month in which the CSIP ear tags were purchased by the producer.

(2) When purchasing CSIP ear tags from the distributor, the producer must authorize the distributor to and the distributor must, in accordance with this Regulation and for the purpose of carrying out the objects of the Plan,

(a) collect the service charge from the producer,

(b) forward the amount of the service charge to the Commission,

(c) provide the Commission written notification of

(i) the number of CSIP tags purchased,

(ii) the amount of the service charge being paid by the producer, and

(iii) the name and address of the producer,

and

(d) account to the Commission for the service charge, in the form prescribed by the Commission,

by the 25th day of the month next following the month in which the CSIP ear tags were purchased.

(3) If the producer or distributor fails to pay the service charge in accordance with this section, the Commission may invoice the producer or distributor for the amount of the service charge owing by the producer or distributor to the Commission.

(4) An invoice under subsection (3) is due and payable on receipt.

(5) Despite subsection (1), if the producer establishes to the satisfaction of the Commission that the service charge was collected by the distributor in accordance with subsection (2), the producer is not liable to the Commission for the amount of the service charge.

AR 389/2003 s3;108/2004

Payment of wool service charge

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

(a) pay the service charge to the Commission,

(b) provide the Commission with written notice of

producer,

(i) the number of pounds or number of kilograms of wool sold by the

(ii) the amount of the service charge being paid by the producer, and

(iii) the name and address of the producer,

and

(c) account to the Commission for the service charge, in the form prescribed by the Commission,

by the 25th day of the month next following the month in which the wool was sold.

(2) If the total service charge payable for wool sold by a producer in a calendar year is less than \$50, that total service charges may, despite subsection (1), be paid to the Commission on or before December 31 of that calendar year.

(3) Despite subsection (1), if the producer establishes to the satisfaction of the Commission that the service charge was deducted by the purchaser or dealer in accordance with section 5 or 6, the producer is not liable to the Commission for the amount service charge.

Payment of wool service charge

5(1) Despite section 4, if wool is sold by a producer directly to a purchaser without engaging the services of a dealer, that purchaser must

(a) deduct the amount of the service charge from the money payable to the producer,

(b) forward the amount deducted to the Commission,

(c) provide the Commission written notification of

(i) the number of pounds or number of kilograms of the wool sold by the producer,

(ii) the amount of the service charge being paid on behalf of the producer, and

(iii) the name and address of the producer,

and

(d) account to the Commission for the service charge, in the form prescribed by the Commission

by the 25th day of the month next following the month in which the wool was purchased.

(2) If the total service charge payable for wool bought by a purchaser from a producer without engaging the services of a dealer in a calendar year is less than \$50, the total service charges may, despite subsection (1), be paid to the commission on or before December 31 of that calendar year.

#### Dealer service charge duties

6(1) If a dealer is engaged in the purchase and sale of wool, the dealer must

(a) deduct the amount of the service charge from the money payable to the producer,

(b) forward the amount deducted to the Commission,

(c) provide the Commission written notification of

(i) the number of pounds or number of kilograms of wool sold by the producer,

(ii) the amount of the service charge being paid on behalf of the producer, and

(iii) the name and address of the producer,

and

(d) account to the Commission for the service charge, in the form prescribed by the Commission

by the 25th day of the month next following the month in which the wool was sold.

(2) If the total service charge payable by a dealer in a fiscal year is less than \$50, the total service charges may, despite subsection (1), be paid to the Commission on or before August 31 of that fiscal year.

AR 389/2003 s6;108/2004;24/2012

Recovery of the service charge

7(1) The amount of the service charge that

(a) is not paid to the Commission by the producer in accordance with sections 3(1) and 4(1),

(b) is not collected and forwarded to the Commission by the distributor in accordance with section 3(2), and

(c) is not deducted and forwarded to the Commission by the purchaser or dealer in accordance with section 5(1) or 6(1)

is a debt owing to the Commission and the Commission may take legal action to recover the service charge.

(2) If section 3(2) applies, the producer and distributor are jointly and severally liable to the Commission for the amount of the service charge.

(3) If section 5 applies, the producer and purchaser are jointly and severally liable to the Commission for the amount of the service charge.

(4) If section 6 applies, the producer and dealer are jointly and severally liable to the Commission for the amount of the service charge.

#### Interest

8 Interest at the rate of 1.5% per month is payable to the Commission on any late payment to the Commission of a service charge and any interest owing in respect of that service charge.

#### Use of funds

9(1) In this section, “funds” includes the following:

(a) service charges;

- (b) interest payable under this Regulation;
- (c) any other money received or earned by the Commission;
- (d) any interest that accrues from maintaining the money referred to in clauses (a), (b) and (c).

(2) Any funds received by the Commission may be used by the Commission for the purpose of paying its expenses and for administering and enforcing

- (a) the Act,
- (b) the Plan,
- (c) this Regulation,
- (d) any other regulations made under the Act insofar as those enactments relate to the Plan and the operations of the Commission, and
- (e) any direction or order of the Council or the Commission.

(3) The Commission may establish one or more accounts for the payment of any funds that may be required for the purposes referred to in subsection (2).

#### Information

10(1) The Commission or any authorized representative of the Commission may request a person engaged in the marketing or processing of the regulated product to furnish to the Commission any information relating to the marketing or processing of the regulated product that the Commission considers necessary for the purposes of administering and enforcing

(a) the Plan,

(b) this Regulation, and

(c) any other regulation made under the Act in respect of the Plan or the Commission.

(2) Where a person receives a request for information under subsection (1), that person must deliver the information to the Commission on or before the 25th day of the month next following the month in which the request for the information is made.

#### Legal action

11 The Commission may recover by legal action

(a) the amount of any service charge that is not deducted and paid as required by this Regulation,

(b) any interest payable under this Regulation, and

(c) any legal costs on a solicitor-client basis incurred in the recovery of any amount referred to in clauses (a) and (b).

12 Repealed AR 24/2012 s4.

#### Coming into force

13 This Regulation comes into force on January 1, 2004.

## Repeal

14 The Alberta Sheep and Wool Commission Regulation (AR 319/96) is repealed.

## Expiry

15 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 April 30, 2017.

AR 389/2003 s15;18/2007;24/