



Province of Alberta

## MARKETING OF AGRICULTURAL PRODUCTS ACT

# ALBERTA PEACE REGION FORAGE SEED GROWERS REGULATION

### **Alberta Regulation 117/2004**

With amendments up to and including Alberta Regulation 113/2015

### Office Consolidation

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### **Note**

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(Consolidated up to 113/2015)

**ALBERTA REGULATION 117/2004**

**Marketing of Agricultural Products Act**

**ALBERTA PEACE REGION FORAGE SEED  
GROWERS REGULATION**

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**Interpretation**

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

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (b) “Commission” means the commission established under the Plan with the name the Alberta Peace Region Forage Seed Growers;
- (c) “crop class” means a forage seed class as defined in the Canadian Seed Growers’ Association Regulations and Procedures for Pedigree Seed Crop Production,
  - (i) as Foundation, Registered or Certified, or
  - (ii) as common forage seed;
- (d) “dealer” means a dealer as defined in the Plan;
- (e) “Plan” means the *Alberta Peace Region Forage Seed Growers Plan Regulation* (AR 91/2004);
- (f) “producer” means a producer as defined in the Plan;

(g) “regulated product” means regulated product as defined in the Plan.

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

#### **Service charge**

**2** Every producer in the Alberta Peace Region must, with respect to each sale of the regulated product sold to a dealer, pay to the Commission a service charge at the rate of 0.75% of the total sale price of the regulated product sold to the dealer.

#### **Change in the amount of the 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 eligible producers at an annual Commission meeting or a special Commission meeting.

#### **Duties of dealers re service charge**

**4(1)** Any dealer who

- (a) purchases regulated product from a producer, or
- (b) acquires regulated product from a producer for sale on the producer’s behalf,

must deduct the amount of the service charge payable by that producer in respect of that transaction from any proceeds payable to or on behalf of the producer.

(2) Any dealer who collects a service charge must, subject to any directions given by the Commission, pay the service charge to the Commission,

- (a) in the case of service charges collected during the period commencing on July 1 and concluding December 31, by the immediately following January 31, and
- (b) in the case of service charges collected during the period commencing on January 1 concluding on June 30, by the immediately following July 31.

(3) Notwithstanding subsection (2), if an arrangement is made between the Commission and the person collecting the service charge establishing time periods, other than the ones provided for

under subsection (2), under which the service charges are to be paid to the Commission, the dealer must pay the service charges to the Commission in accordance with that arrangement unless otherwise directed by the Commission.

(4) Any person who is required to collect and pay to the Commission the service charge payable by a producer must, when that person pays the service charge to the Commission, provide to the Commission, in respect of that producer, a summary detailing the following information:

- (a) the name and address of the producer;
- (b) the type and crop class of the regulated product, if available;
- (c) the dollar value and quantity of the regulated products obtained from the producer;
- (d) the amount of the service charge being paid on behalf of the producer.

#### **Deduction and collection of service charge**

**4.1(1)** Any person who receives proceeds on behalf of a producer with respect to the sale by the producer of regulated product must deduct from the proceeds payable to or on behalf of the producer the amount of the service charge.

(2) Any person who collects a service charge must pay the amount of the service charge to the Commission.

AR 83/2011 s3

#### **Refund of service charge**

**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 established 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 type and crop class of the regulated product, if available;

- (iv) the dollar amount and quantity of the regulated product sold;
- (v) the name and address of any dealer who collected the service charge on behalf of the producer;
- (vi) any other information in respect of the refund not referred to in subclauses (i) to (v) that is requested by the Commission.

(3) Requests for refunds of service charges that are collected during the previous year must be received by the Commission at its office prior to the end of January.

(4) Any request for a refund that is not received by the Commission within the applicable time period referred to in subsection (3) is not to 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, consider an application for a refund that is received after the applicable time period referred to in subsection (3).

(6) Subject to subsection (4), the Commission must refund the service charge to the producer within 90 days after the end of the period in which the request for the refund relates.

#### **Inspection of records re service charges**

**6(1)** 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.

(2) Where a dealer receives a request in writing under subsection (1), the dealer must comply with the request in accordance with the terms, if any, set out in the request.

#### **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.

**Interest on late payment of service charges**

**8** Where service charges are payable to the Commission and they are not paid to the Commission within the time provided for under this Regulation or by the Commission, interest must be paid to the Commission for any late payment of those service charges at the rate of 1% per month calculated on the balance due.

**Legal action**

**9** 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**

**10** 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 May 31, 2021.

AR 117/2004 s10;83/2011;113/2015

**11** Repealed AR 113/2015 s3.



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