

NEWFOUNDLAND AND LABRADOR
REGULATION 32/00
Egg Scheme, 2000
under the
Natural Products Marketing Act

Amended by:
18/13
2014 cC-10.1 s68
6/15

NEWFOUNDLAND AND LABRADOR
REGULATION 32/00
Egg Scheme, 2000
under the
Natural Products Marketing Act
(Filed June 2, 2000)

Under the authority of section 11 of the Natural Products Marketing Act , I make the following Order.

Dated at St. John's , May 10, 2000.
Kevin Aylward
Minister of Forest Resources and Agrifoods

ORDER

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Schedule

Short title

1. This Order may be cited as the Egg Scheme, 2000.

32/00 s1

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Definitions

2. In this Order

- (a) "Act" means the Natural Products Marketing Act ;
- (b) "APMB" means the Agricultural Products Marketing Board;
- (c) "chick" means a class of hen less than one month old;
- (d) "commodity board" means the Egg Farmers of Newfoundland and Labrador as constituted under section 4;
- (e) "designated zone" means one of 3 zones areas of the province described by the Schedule;
- (f) "EFNL" means the Egg Farmers of Newfoundland and Labrador as constituted under section 4;
- (g) "grader" means a person who washes, grades, packs, distributes or prepares eggs for sale or resale;
- (h) "grower" means a person who raises hens as chicks, pullets or layers for personal use or sale;
- (i) "hen" means the female of a class of domestic chickens belonging to the species Gallus Domesticus ;
- (j) "HRI tradesperson" means a person engaged in buying eggs for the purposes of resale to the public through a food services premises;
- (k) "layer" means a sexually matured class of hen of a minimum age as determined by the EFNL;
- (l) "marketing" includes advertising, buying, processing, selling, storing, packaging, transporting, shipping for sale or storage and offering for sale;
- (m) "minister" means the minister appointed under the Executive Council Act to administer the Act;
- (n) "order" means an order of the EFNL;
- (o) "permit" means a permit issued by the EFNL;
- (p) "person" includes a body of persons whether incorporated or not;
- (q) "producer" means a person who owns 100 or more layers;
- (r) "product" means all sizes and grades of eggs;
- (s) "quota" means the number of layers issued to a registered producer by the EFNL;
- (t) "quota certificate" means a document which is evidence of a quota issued by the EFNL;
- (u) "quota holder" means a registered producer to whom quota has been issued by the EFNL;
- (v) "registered producer" means a producer who holds a valid quota certificate issued by the EFNL;
- (w) "retailer" means a person who buys the product for resale to a consumer;
- (x) "vehicle" means a device in which or upon which a person or thing may be transported; and
- (y) "wholesaler" means a person who buys the product for resale to a person other than a consumer.

32/00 s2; 18/13 ss1&3

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Purpose and application

3. (1) The purpose and intent of this Scheme is to provide for the promotion, control and regulation of the production or marketing of eggs within the province, including the prohibition of the production or marketing of eggs.

(2) This Scheme shall apply to all producers, HRI tradespersons, retailers, processors, distributors and other persons engaged in the production or marketing of eggs.

32/00 s3

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Name and constitution of EFNL

4. (1) There shall be a commodity board known as the Egg Farmers of Newfoundland and Labrador, and the Egg Producers of Newfoundland and Labrador is continued under the name of the Egg Farmers of Newfoundland and Labrador .

(2) The EFNL shall consist of not more than 7 directors as prescribed by this section.

- (3) Not more than 6 members of the EFNL shall be elected from and by the registered producers in the manner prescribed by the EFNL and shall hold office for a period of 2 years.
- (4) One director shall be appointed by the minister and shall hold office for a period of 2 years.
- (5) The chairperson of the EFNL shall be a registered producer selected from and by directors of the board.
- (6) The elected directors of the EFNL shall select one of the elected directors to be vice-chairperson of the EFNL to exercise the powers of the chairperson during his or her absence.
- (7) The EFNL shall be operated on a fiscal year commencing January 1 and ending on December 31 in every year.
- (8) The EFNL shall call a general meeting of all registered producers to be held within 4 months of the end of the fiscal year in every year or at a later time with the prior approval of the APMB.
- (9) The term of a director who is a registered producer shall expire if that member ceases to be a registered producer.
- (10) Subsection (9) includes the chairperson and the vice-chairperson of the EFNL.
- (11) A quorum shall consist of a majority of the directors of the EFNL.
- (12) If at a meeting of the EFNL there is an equality of votes inclusive of his or her own vote, the director of the EFNL presiding at the meeting has a second or casting vote.
- (13) When a vacancy occurs among the elected directors of the EFNL before the expiry of that director's term of office the EFNL may, in its discretion, hold a special election.
- (14) The EFNL may, by a majority vote of the directors of the EFNL, remove an elected director of the EFNL who, without reasonable excuse, is absent from 3 consecutive meetings of the EFNL.
- (15) Notwithstanding that it is discovered that there was some defect in the appointment, election or qualifications of a person as a director of the EFNL, all acts of the EFNL shall be as valid as if it were and had been validly constituted.
- (16) The EFNL shall be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in a court.
- (17) [Rep. by 18/13 s2]
- (18) [Rep. by 18/13 s2]

32/00 s4; 18/13 ss2&3

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Operations of EFNL

5. (1) The EFNL shall appoint an accountant licensed as a public accountant under the Chartered Professional Accountants and Public Accountants Act to audit its accounts annually.
- (2) The EFNL shall keep at its head office a register of registered producers containing the names, addresses, quotas and other information that it shall determine.
- (3) An official list of the names and addresses of all registered producers shall be open for inspection to any person during regular business hours and an up-to-date copy of the official list of the names and addresses of all registered producers shall be sent to a registered producer on request.

32/00 s5; 18/13 s3; 2014 cC-10.1 s68

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Duties of the EFNL

6. The EFNL shall promote, regulate and control the production or marketing of eggs in the province by producers, processors, distributors, retailers and HRI tradespersons.

32/00 s6; 18/13 s3

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Agreements on daily operations

7. Under the authority of subsection 9(2) of the Act and subject to the prior written approval of the APMB, the EFNL may enter into agreements with respect to its daily operations with the Canadian Egg Marketing Agency or another province, including agreements with respect to

- (a) quota;
- (b) revised federal/provincial agreements; or
- (c) other agreements at the discretion of the minister.

32/00 s7; 18/13 s3

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Powers of the EFNL

8. Under the authority of subsection 9(2) of the Act, the EFNL may
- (a) establish offices for the purposes of carrying out this Scheme and appoint those officers, inspectors and other employees that may be necessary for the administration of this Scheme;
 - (b) prescribe the terms and conditions of employment of the officers, inspectors and employees appointed under paragraph (a);
 - (c) establish and fix the wages, salaries and remuneration of the directors and employees of the EFNL, including travelling expenses;
 - (d) exempt a person or classes of persons engaged in the production or marketing of eggs from this Scheme;
 - (e) require persons engaged in the production or marketing of eggs to provide the information that the EFNL may require;
 - (f) inspect the books or premises of persons engaged in the production or marketing of eggs;
 - (g) fix, impose and collect service charges, levies or fees for the production or marketing of eggs and use the money received to carry out the provisions of this scheme;
 - (h) notwithstanding paragraph (g), fix, impose and collect a provincial levy of up to \$0.05 per dozen eggs with the prior written approval of the APMB ;
 - (i) seize , detain, and dispose of eggs which have been produced or marketed in violation of the Act, this scheme, and any regulations made under it;
 - (j) require a person in charge of a vehicle believed to be conveying eggs to stop the vehicle and permit an inspector or other person appointed by the EFNL to inspect the vehicle and its contents;
 - (k) require a person to permit an inspector or other person appointed by the EFNL for the purpose to inspect property on which eggs are kept or suspected of being kept and to permit entry by the inspector upon property and into a building or structure for the purpose of carrying out an inspection;
 - (l) provide for the production or marketing of eggs on a quota basis with provision made for new entrants into production as the provincial quota increases;
 - (m) fix and allot, or refuse to fix and allot to producers, quotas for the production of eggs on the basis that it considers proper;
 - (n) cancel, reduce, or refuse to increase a quota fixed and allotted to a producer for the production or marketing of eggs that the EFNL considers proper;
 - (o) prescribe the terms and conditions upon which a producer may produce or market eggs in excess of the quota fixed and allotted to him or her;
 - (p) prohibit
 - (i) a producer to whom a quota has not been fixed and allotted for the production or marketing of eggs,
 - (ii) a registered producer whose quota has been cancelled, and
 - (iii) a registered producer who has been producing or marketing eggs in excess of his or her quota, from producing or marketing eggs;
 - (q) provide for the licensing of producers processors, retailers, HRI tradespersons, distributors and other persons engaged in the production or marketing of eggs and provide the form of licences and the terms and conditions upon which licences may be issued, refused, renewed, suspended or revoked;
 - (r) prohibit producers from engaging in the production or marketing of the eggs except under the authority of a licence;
 - (s) adopt, determine and set a minimum price to be paid to producers for the marketing of the eggs;
 - (t) purchase, lease or otherwise acquire and sell and dispose of real and personal property, borrow money upon security and do other things that may be necessary or desirable to implement the provisions of this scheme or receive, from a source, lands, buildings, money or other property by way of gift or trust for the use of the EFNL; and
 - (u) make those orders and regulations and the taking of that action that may be necessary to enforce the provisions of this Scheme or an order or regulation made under it.

32/00 s8; 18/13 s3; 6/15 s1

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Canadian Egg Marketing Agency

9. (1) The provincial quota for eggs shall be set by the Canadian Egg Marketing Agency.

(2) The provincial quota described in subsection (1) shall, for the purpose of daily operations, be converted to a numbers of layers quota by the EFNL.

32/00 s9; 18/13 s3

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Application of CEMA orders

10. The orders or regulations of the Canadian Egg Marketing Agency shall apply with the necessary changes to the province.

32/00 s10

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Quota required

11. A producer shall not produce or market eggs in intraprovincial trade unless a quota has been assigned to him or her by the EFNL.

32/00 s11; 18/13 s3

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Prohibition

12. (1) A person shall not engage in the production of eggs in the province unless he or she holds a valid quota certificate issued by the EFNL.

(2) A producer shall not sell or offer for sale and a grader shall not buy eggs at a price less than the price fixed by the EFNL for that variety and grade of eggs.

(3) A producer shall not house any more layers than is specified in his or her quota certificate.

(4) A HRI tradesperson shall not buy eggs that have been produced in contravention of this Order.

32/00 s12; 18/13 s3

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Repeal

13. The Newfoundland Egg Marketing Scheme , Consolidated Newfoundland Regulation 1186/96, is repealed.

32/00 s13

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Schedule

East Zone : Avalon and Burin Peninsulas

Central Zone: From the Burin Peninsula to Highway 410 (Baie Verte) and all points accessed by that highway.

West Zone: West of Highway 410 (Baie Verte) and all points west of that highway not accessed by that highway, including Labrador .

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