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## **CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 1183/96**

*Agricultural Products Marketing Board Appeal Regulations*  
under the  
*Natural Products Marketing Act*  
(O.C. 96-940)

Under the authority of section 10 of the *Natural Products Marketing Act* and the *Subordinate Legislation Revision and Consolidation Act*, the Lieutenant-Governor in Council makes the following regulations.

### **REGULATIONS**

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### Short title

**1.** These regulations may be cited as the *Agricultural Products Marketing Board Appeal Regulations*.

230/90 s1

### Definitions

**2.** In these regulations

(a) "Act" means the *Natural Products Marketing Act*;

(b) "board" means the Agricultural Products Marketing Board;

(c) "commodity board" means a board constituted under a scheme; and

(d) "processor" means a person or business which slaughters, dresses, packages, markets, stores, transports or changes the nature of a natural product by mechanical or other means whatsoever.

230/90 s2

### Notice of price change

**3.** A commodity board shall give 10 days' notice in writing to a processor of a commodity price increase or decrease before that price change is published in the *Gazette* and implemented.

230/90 s3

### Appeals

**4.** The board shall hear and determine appeals referred to it by a processor, commodity board or other person arising out of a matter falling within the jurisdiction of a commodity board.

230/90 s4

### **Powers of board**

**5.** The board and each member of the board have all the powers that are or can be conferred upon a commissioner under the *Public Inquiries Act* and the board may receive and accept the evidence and information on oath, affidavit or otherwise as in its discretion it considers appropriate, whether or not that evidence or information would be admissible as evidence in a court of law.

230/90 s5

### **Procedure of board**

**6.** Except as expressly provided for in the Act or the regulations, the board may establish and regulate its procedure.

230/90 s6

### **Disqualification prohibited**

**7.** A member of the board shall not be disqualified from hearing and determining an appeal solely because that member has or has had business or personal dealings within the agricultural industry.

230/90 s7

### **Hearing and determination of appeal**

**8.** The board shall hear and determine appeals in a timely fashion accommodating when and where practicable the procedural interests of the parties to the appeal.

230/90 s8

### **Rights of parties**

**9.** The appellant and respondent have a right to attend the hearing of the appeal and make representation and adduce evidence and be represented by legal counsel.

230/90 s9

### **Action by board**

**10.** The board may dismiss the appeal or confirm or vary the order, decision or other determination being appealed, on the terms and conditions that it considers appropriate and just, and the decision of the board shall take effect from the date of that decision and shall be transmitted to the appellant and respondent immediately and the board shall arrange for publication in the next available issue of the *Gazette*.

230/90 s10

#### **Board decision final**

**11.** The decision of the board shall be final and binding upon the parties.

230/90 s11

#### **Repeal**

**12.** The Agricultural Products Marketing Board Appeal Regulations, 1990, Newfoundland Regulation 230/90, are repealed.