



## Farm Products Marketing Act

### ONTARIO REGULATION 182/13

#### BEANS — MARKETING

**Consolidation Period:** From July 1, 2013 to the e-Laws currency date.

No amendments.

*This is the English version of a bilingual regulation.*

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#### Definitions

1. In this Regulation,

“beans” means beans produced in Ontario of the species *phaseolus vulgaris*, *vigna angularis* or *vigna radiata*, and includes adzuki beans, black turtle beans, cranberry beans, dark red kidney beans, Dutch brown beans, great northern beans, kintoki beans, light red kidney beans, mung beans, otebo beans, pinto beans, small red beans, white kidney beans, white pea beans and yellow eye beans; (“haricots”)

“local board” means the local board known as Ontario Bean Growers established under subsection 4 (1) of Ontario Regulation 162/13 (Beans — Plan) made under the Act; (“commission locale”)

“plan” means the plan set out in Ontario Regulation 162/13; (“plan”)

“processing” includes,

- (a) picking, polishing, cleaning and drying beans,
- (b) canning beans with or without other ingredients, and

(c) manufacturing articles of food or drink in whole or in part from beans; (“transformation”)

“producer” means a person engaged in the production of beans. (“producteur”) O. Reg. 182/13, s. 1.

### **Purpose**

**2.** This Regulation provides for the control and regulation of the producing and marketing within Ontario of beans, including the prohibition of such producing and marketing in whole or in part. O. Reg. 182/13, s. 2.

### **Powers of local board**

**3.** The Commission delegates to the local board the power,

- (a) to require persons engaged in producing or marketing beans to register the business contact information and a description of the business with the local board;
- (b) to require persons engaged in producing or marketing beans to furnish such information relating to the production or marketing of beans as the local board determines, including completing and filing returns;
- (c) to appoint persons to inspect the books, records, documents, lands and premises and any beans of persons engaged in producing or marketing beans;
- (d) to stimulate, increase and improve the marketing of beans by such means as it considers proper;
- (e) to co-operate with a marketing board, local board, marketing commission or marketing agency of Canada or of any province in Canada for the purpose of marketing beans;
- (f) to do such acts and make such orders and issue such directions as are necessary to enforce the due observance and carrying out of the provisions of the Act, the regulations or the plan. O. Reg. 182/13, s. 3.

### **Powers of local board to make regulations**

**4. (1)** The Commission delegates to the local board its powers to make regulations in respect of beans,

- (a) providing for the licensing of any or all persons before commencing or continuing to produce beans and for the licensing of producers before commencing or continuing to market beans;
- (b) prescribing or providing for classes of licences and the imposition of terms and conditions on any class of licence;
- (c) providing that the local board may impose such terms and conditions on a licence as the local board considers proper;
- (d) prohibiting persons from producing beans except under the authority of a licence and except in compliance with the terms and conditions of the licence, and prohibiting producers from marketing beans except under the authority of a licence and except in compliance with the terms and conditions of the licence;
- (e) providing for the refusal to grant or renew or the suspension or revocation of a licence,
  - (i) where the applicant or licensee is not qualified by experience or equipment to properly engage in the business for which the application was made or the licence granted, or
  - (ii) where the applicant or licensee has failed to comply with or has contravened any provision of the Act, the regulations, the plan or any order or direction of the Commission or local board or of a marketing agency of Canada;
- (f) providing for the fixing, payment and collecting of licence fees and their recovery by way of a legal proceeding;
- (g) requiring any person who receives beans to deduct from the money payable for the beans any licence fees payable to the local board by the person from whom he, she or it receives the beans, and to forward the licence fees to the local board;
- (h) requiring any person who produces and processes beans to give the local board statements of the amounts of beans the person produced and used for processing in any year;
- (i) prescribing the form of licences;
- (j) providing for the exemption from any or all of the regulations, orders or directions under the plan of,

(i) any class, variety, grade or size of beans, or

(ii) any person or class of persons engaged in the producing or marketing of beans or any class, variety, grade or size of beans; and

(k) requiring and providing for the furnishing of security or proof of financial responsibility by agents appointed under section 5 and providing for the administration and disposition of any money or security so furnished. O. Reg. 182/13, s. 4 (1).

(2) The Commission delegates to the local board the power to make regulations with respect to beans marketed to or by the local board in connection with a pool for the distribution of money under section 5,

(a) providing for the control and regulation of the marketing of beans, including the times and places at which the beans may be marketed ;

(b) providing for the control and regulation of agreements entered into between producers and the local board in respect of the marketing or processing of beans, and the prohibition of any provision or clause in the agreements; and

(c) providing for the making of agreements relating to the marketing of beans and the terms and conditions of the agreements. O. Reg. 182/13, s. 4 (2).

### **Pools for distribution of money**

5. (1) The Commission authorizes the local board,

(a) to conduct a pool or pools for the distribution of all money received from the sale of beans;

(b) to distribute the money from the sale that remains after deduction of all necessary and proper disbursements and expenses so that every producer receives a share of that money in relation to the amount, class, variety, grade or size of beans delivered by the producer; and

(c) to make an initial payment on delivery of the beans and subsequent payments until all of the money that remains is distributed to the producers. O. Reg. 182/13, s. 5 (1).

(2) The local board may appoint agents to perform functions on the board's behalf in respect of beans that are marketed to or by the board in connection with a pool conducted under subsection (1), may prescribe their duties and terms and conditions of appointment, and may provide for their remuneration. O. Reg. 182/13, s. 5 (2).

(3) The local board shall not sell or offer to sell in connection with a pool conducted under subsection (1) an amount of beans of a particular kind that, at the time of the sale or offer, exceeds the total of the following amounts:

1. The amount of that kind of bean that has been delivered to the board by producers.

2. The amount of that kind of bean that producers have agreed in writing to sell to the board. O. Reg. 182/13, s. 5 (3).

### **Vesting of powers re beans**

6. The Commission vests in the local board the following powers:

1. To direct and control, by order or direction, the marketing of beans to or by the local board in connection with a pool for the distribution of money under section 5, including the times and places at which beans may be marketed .

2. To determine the quality of each class, variety, grade and size of beans that shall be marketed by each producer to the local board in connection with a pool for the distribution of money under section 5.

3. To prohibit the marketing of any class, variety, grade or size of beans to the local board in connection with a pool for the distribution of money under section 5.

4. To fix and impose service charges from time to time for marketing beans in connection with a pool for the distribution of money under section 5.

5. To pay from service charges imposed under paragraph 4 the local board's expenses in carrying out marketing activities in respect of beans marketed to or by the local board in connection with a pool for the distribution of money under section 5.
6. To collect from any person by way of a legal proceeding the price or prices or part of the price of beans sold by the local board.
7. To purchase or otherwise acquire such quantity or quantities of beans as the local board considers advisable in connection with a pool for the distribution of money under section 5 and to sell or otherwise dispose of any of the beans so purchased or acquired. O. Reg. 182/13, s. 6.

### **Expenses of the local board**

**7. (1)** The Commission authorizes the local board to use the licence fees, service charges and other money payable to it for the purposes of paying the expenses of the local board, carrying out and enforcing the Act and the regulations and carrying out the purposes of the plan, subject to the following limitations:

1. Service charges imposed under paragraph 4 of section 6 shall be used for the sole purpose of paying the local board's expenses in carrying out marketing activities in respect of beans marketed to or by the local board in connection with a pool for the distribution of money under section 5.
2. Except as described in paragraph 3, the local board shall not use any money for the purpose of carrying out marketing activities in respect of beans marketed to or by the local board in connection with a pool for the distribution of money under section 5, or in carrying out other activities related to the pool, other than,
  - i. proceeds received from the sale of beans in connection with the pool,
  - ii. service charges imposed under paragraph 4 of section 6 in connection with the pool,
  - iii. loans the local board obtains in connection with the conducting of the pool, and
  - iv. other money the local board obtains in connection with the conducting of the pool.
3. Subject to paragraph 4, the local board may use money other than the money listed in paragraph 2 for the purposes of paying its expenses in carrying out marketing activities in respect of beans marketed to or by the local board in connection with a pool for the distribution of money under section 5 and in carrying out other activities related to the pool. However, the local board shall ensure that the amount of money used for those purposes is recovered,
  - i. from the proceeds received from the sale of beans in connection with the pool as a necessary and proper disbursement or expense mentioned in clause 5 (1) (b), or
  - ii. from the sources described in subparagraph 2 ii or iv.
4. The local board shall not use money from the White Pea Bean Producers' Special Reserve Fund established under Ontario Regulation 162/13 (Beans — Plan) made under the Act for the purposes of paying the expenses of the local board in connection with a pool for the distribution of money under section 5. O. Reg. 182/13, s. 7 (1).

**(2)** The Commission authorizes the local board to establish a fund in connection with the plan for the payment of any money that may be required for the purposes mentioned in this section. O. Reg. 182/13, s. 7 (2).

### **Bean Industry Advisory Committee**

**8. (1)** There shall be a Bean Industry Advisory Committee composed of a chair and eight other members. O. Reg. 182/13, s. 8 (1).

**(2)** After April 1 and on or before April 15 in each year, the Commission shall appoint the chair of the Advisory Committee and the other members of the Advisory Committee shall be appointed as follows:

1. The local board shall appoint four members.
2. The Pulse Committee of the Ontario Agri Business Association shall appoint three members.
3. The Ontario Fruit and Vegetable Processors' Association shall appoint one member. O. Reg. 182/13, s. 8 (2).

(3) The term of an Advisory Committee member shall begin on April 16 and shall end on April 15 in the year following the year of the member's appointment. O. Reg. 182/13, s. 8 (3).

(4) If a member of the Advisory Committee dies, resigns or is unable to act, the person or body who appointed the member shall appoint a replacement member to fill the vacancy for the remainder of the member's term. O. Reg. 182/13, s. 8 (4).

(5) If any of the persons or bodies referred to in subsection (2) fails to appoint a member in accordance with that subsection or to appoint a replacement member in accordance with subsection (4), the Commission may appoint the member or replacement member. O. Reg. 182/13, s. 8 (5).

(6) The Advisory Committee has the power to advise and make recommendations to any of the persons or bodies referred to in subsection (2) in respect of,

- (a) the promotion of harmonious relationships between persons engaged in the production and marketing of beans;
- (b) the promotion of greater efficiency in the production and marketing of beans;
- (c) the prevention and correction of irregularities and inequities in the marketing of beans;
- (d) the improvement of the quality and variety of beans;
- (e) the improvement of the circulation of market information respecting beans; and
- (f) without limiting the generality of any of clauses (a) to (e), any matter in respect of which the Commission or the local board may be empowered to make regulations under the Act. O. Reg. 182/13, s. 8 (6).

#### **Transition**

9. (1) Despite subsection 8 (2), after July 1, 2013 and on or before July 15, 2013, the Commission shall appoint the chair of the Advisory Committee and the other members of the Advisory Committee shall be appointed by the persons or bodies referred to in subsection 8 (2). O. Reg. 182/13, s. 9 (1).

(2) Despite subsection 8 (3), the term of the chair and the other members of the Advisory Committee appointed in 2013 under subsection (1) shall begin on the day of the appointment and shall end on April 15, 2014. O. Reg. 182/13, s. 9 (2).

10. Omitted (revokes other Regulations). O. Reg. 182/13, s. 10.

11. Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 182/13, s. 11.