

Beef Cattle Marketing Act
Loi sur la commercialisation des bovins de boucherie

R.R.O. 1990, REGULATION 54

LICENCE FEES

Consolidation Period: From December 31, 2007 to the e-Laws currency date.

Last amendment: O. Reg. 593/07.

This Regulation is made in English only.

DEFINITIONS

1. In this Regulation,
“federal Act” means the Farm Products Agencies Act (Canada);
“federal agency” means the Canadian Beef Cattle Research, Market Development and Promotion Agency established under the federal Act;
“livestock dealer” means a person engaged in the business of buying or selling cattle as a principal or as an agent;
“public auction sale operator” means a person engaged in the business of operating public auction sales. R.R.O. 1990, Reg. 54, s. 1; O. Reg. 154/92, s. 1; O. Reg. 593/07, s. 1.

ASSOCIATION

2. The Ontario Cattlemen’s Association is designated as the association for the purposes of the Act, and regulations thereunder. R.R.O. 1990, Reg. 54, s. 2.

LICENCE FEES

3. (1) The licence fees payable by a person who sells cattle shall be \$2.00 for each head of cattle sold. O. Reg. 291/96, s. 1; O. Reg. 593/07, s. 2.

(2) A person is exempt from paying the licence fees referred to in subsection (1) in respect of a sale of cattle if the person is required to pay a levy in respect of the same transaction to the federal agency in accordance with an order or regulation made under the federal Act. O. Reg. 593/07, s. 2.

4. Subject to section 5, every person who sells cattle shall pay the licence fees referred to in section 3 to the association. R.R.O. 1990, Reg. 54, s. 4.

5. (1) Every person who receives cattle from a seller thereof shall deduct, from the money payable to the seller, any licence fee payable by the seller to the association in respect of the sale. O. Reg. 593/07, s. 3 (1).

(2) On or before the 15th day of each month, every person who deducts fees under subsection (1) shall forward to the association,

(a) all licence fees deducted by the person under subsection (1) during the preceding calendar month; and

(b) a statement showing the person’s full name, address, postal code and telephone number and, in respect of the preceding calendar month,

(i) the total number of head of cattle received in respect of which a licence fee was deducted and a breakdown showing the number of each class of cattle, and

(ii) the full name, address and postal code of each seller from whom the person deducted licence fees. R.R.O. 1990, Reg. 54, s. 5 (2); O. Reg. 154/92, s. 3 (2, 3); O. Reg. 593/07, s. 3 (2-4).

6. The association may recover licence fees owing to the association by suit in a court of competent jurisdiction. R.R.O. 1990, Reg. 54, s. 6.

FEDERAL AGENCY — LEVIES

6.1 (1) The federal agency may fix, impose and collect levies from sellers of cattle within Ontario and may, for that purpose, classify sellers into groups and fix levies in different amounts for the different groups, subject to the following conditions:

1. A levy fixed, imposed or collected must not exceed \$1.00 for each head of cattle sold.

2. A levy must not be fixed, imposed or collected in respect of a sale of cattle if the seller is required to pay a levy in respect of the same transaction to the agency in accordance with an order or regulation made under the federal Act.

3. A levy must not be fixed, imposed or collected in respect of a sale of cattle if the seller is a livestock dealer who is exempt from paying a licence fee in respect of the sale under section 9. O. Reg. 593/07, s. 4.

(2) Every person who receives cattle from a seller shall deduct, from the money payable to the seller, any levy payable by the seller to the federal agency in respect of the sale. O. Reg. 593/07, s. 4.

(3) On or before the fifteenth day of each month, every person who deducts levies under subsection (2) shall forward to the association,

(a) all levies deducted by the person under subsection (2) during the preceding calendar month; and

(b) a statement showing the person's full name, address, postal code and telephone number and, in respect of the preceding calendar month,

(i) the total number of head of cattle received in respect of which a levy was deducted and a breakdown showing the number of each class of cattle, and

(ii) the full name, address and postal code of each seller from whom the person deducted levies. O. Reg. 593/07, s. 4.

CONFIDENTIALITY

7. (1) Information provided to the association under clause 5 (2) (b) is confidential. R.R.O. 1990, Reg. 54, s. 7 (1).

(2) Subsection (1) does not prevent the association from publishing a list of the names of sellers for the purpose of indicating membership in the association. R.R.O. 1990, Reg. 54, s. 7 (2).

(3) The association shall share information provided to it under clause 6.1 (3) (b) with the federal agency, but the information is otherwise confidential. O. Reg. 593/07, s. 5.

EXEMPTIONS

8. (1) Cattle are exempt from this Regulation where,

(a) the cattle are, to the time of sale thereof, owned by a person who does not reside in Ontario;

(b) the cattle are sold through a public auction sale that is organized for the purpose of selling only cattle for the production of milk;

(c) REVOKED: O. Reg. 291/96, s. 2.

(d) REVOKED: O. Reg. 593/07, s. 6.

R.R.O. 1990, Reg. 54, s. 8 (1); O. Reg. 154/92, s. 4; O. Reg. 291/96, s. 2; O. Reg. 593/07, s. 6.

(2) Persons who sell cattle that are, for such sale, exempt under subsection (1), are in respect of those cattle so sold, exempt from this Regulation. R.R.O. 1990, Reg. 54, s. 8 (2).

9. (1) A livestock dealer is exempt from paying a licence fee in respect of the sale of a head of cattle if,

(a) the livestock dealer sells the head of cattle within seven business days of having purchased it; and

(b) the livestock dealer, at the time of the sale, provides the purchaser with a written declaration indicating that no licence fee or levy should be deducted because the dealer is exempt in respect of the sale under this Regulation. O. Reg. 593/07, s. 7.

(2) On or before the fifteenth day of each month, a livestock dealer shall forward to the association a statement that shows, for every head of cattle sold in the previous calendar month by the dealer within seven business days of having been purchased,

(a) the date on which the head of cattle was purchased by the dealer;

(b) the date on which the head of cattle was sold by the dealer;

(c) the class of the head of cattle; and

(d) the name of the person to whom the dealer sold the head of cattle. O. Reg. 593/07, s.

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