

Farm Products Marketing Act

**R.R.O. 1990, REGULATION 396**

Amended to O. Reg. 105/05

**BROILER HATCHING EGGS AND CHICKS — MARKETING**

Notice of Currency:\* This document is up to date.

\*This notice is usually current to within two business days of accessing this document. For more current amendment information, see the Table of Regulations – Legislative History Overview.

This is the English version of a bilingual regulation.

1. In this Regulation,

“breeder chick” means a chick other than a chick not intended to be used for producing hatching eggs; (“poussin reproducteur”)

“breeder cockerel” means a cockerel other than a cockerel not used for breeding purposes for hatching eggs; (“coquelet reproducteur”)

“breeder hen” means a hen other than a hen not used for producing hatching eggs; (“poule reproductrice”)

“breeder pullet” means a pullet that is less than twenty-four weeks of age other than a pullet not intended to be used for producing hatching eggs; (“poulette reproductrice”)

“chick” means a chick other than a chick not intended to be grown into a chicken as defined in Regulation 403 of the Revised Regulations of Ontario, 1990; (“poussin”)

“Egg and Chick Commission” means the Ontario Broiler Hatching Egg and Chick Commission; (“Commission de commercialisation des oeufs et des poussins”)

“fowl” means a breeder hen or breeder cockerel that is twenty-four weeks of age or older; (“poule adulte”)

“hatching egg” means an egg other than an egg not intended to be hatched as a chick; (“oeuf d’incubation”)

“plan” means the Ontario Broiler Hatching Egg and Chick Marketing Plan; (“plan”)

“producer” means a person engaged in the production of a regulated product, and “produces” and “producing” have corresponding meanings; (“producteur”, “produit”, “produisant”)

“regulated product” means a breeder chick, breeder cockerel, breeder hen, breeder pullet, chick, fowl or hatching egg. (“produit réglementé”) R.R.O. 1990, Reg. 396, s. 1.

2. This Regulation provides for the control and regulation in any or all respects of the producing and marketing within Ontario of breeder chicks, breeder cockerels, breeder hens, breeder pullets, chicks, fowl and hatching eggs, including the prohibition of such producing and marketing in whole or in part. R.R.O. 1990, Reg. 396, s. 2.

3. The Commission delegates to the Egg and Chick Commission the power,

(a) subject to the regulations, to investigate, adjust or otherwise settle any dispute relating to the marketing of a regulated product between producers of hatching eggs and persons engaged in marketing such hatching eggs;

(b) after a hearing, to prohibit a person engaged in marketing a regulated product from terminating or varying, without just cause, the buying or the selling, as the case may be, of the regulated product;

(c) to require persons engaged in producing or marketing a regulated product to register their names, addresses and occupations with the Egg and Chick Commission;

(d) to require persons engaged in producing or marketing a regulated product to furnish such information relating to the production or marketing of the regulated product, including the completing and filing of returns, as the Egg and Chick Commission determines;

(e) to appoint persons to inspect the books, records, documents, lands and premises and any regulated product of persons engaged in producing or marketing a regulated product;

(f) to stimulate, increase and improve the marketing of regulated products by such means as it considers proper; and

(g) 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 a regulated product.  
R.R.O. 1990, Reg. 396, s. 3.

4. The Commission delegates to the Egg and Chick Commission its powers to make regulations,

(a) providing for the licensing of any or all persons before commencing or continuing to engage in the producing or marketing of a regulated product;

(b) prescribing or providing for classes of licences and the imposition of conditions on any class of licence; and

(c) prohibiting persons from engaging in the producing or marketing of a regulated product except under the authority of a licence and except in compliance with the conditions of the licence;

(d) providing for the refusal to grant or renew a licence or for the suspension or revocation of a licence,

(i) where the applicant or licensee is not qualified by experience, financial responsibility 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 the Act, the regulations, the plan or an order or direction of the Commission, Director or local board or of a marketing agency of Canada;

(e) providing for the imposition, amount, disposition and use of penalties where, after a hearing, the local board is of the opinion that the applicant or licensee has failed to comply or has contravened any condition of a licence or the Act or the regulations, the plan or an order or direction of the local board;

(f) providing for the fixing of licence fees and their payment by any or all persons producing or marketing a regulated product and the collecting of the licence fees and their recovery by suit in a court of competent jurisdiction;

(g) requiring any person who receives a regulated product to deduct from the money payable for the regulated product any licence fees payable to the Egg and Chick Commission by the person from whom the person receives the regulated product, and to forward such licence fees to the Egg and Chick Commission;

(h) requiring any person who produces and processes a regulated product to furnish to the Egg and Chick Commission statements of the amounts of the regulated product that the person produced in any year and used for processing;

(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 any class, variety, grade or size of regulated product, or any person or class of persons engaged in the producing or marketing of the regulated product or any class, variety, grade or size of the regulated product;

(k) requiring the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product and providing for the administration and disposition of any money or securities so furnished;

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

(m) providing for the control and regulation of agreements entered into by producers of a regulated product with persons engaged in marketing the regulated product, and the prohibition of any provision or clause in such agreements;

(n) requiring any person who produces a regulated product to offer to sell and to sell the regulated product to or through the Egg and Chick Commission;

(o) prohibiting any person from packing or packaging a regulated product that has not been sold to, by or through the Egg and Chick Commission;

(p) providing for the making of agreements relating to the marketing of a regulated product by or through the Egg and Chick Commission, and prescribing the forms and the terms and conditions of such agreements;

(q) providing for the making of such orders and the issuing of such directions as are necessary to enforce the due observance and carrying out of the Act, the regulations, the plan or any order or direction of the Commission or the Egg and Chick Commission. R.R.O. 1990, Reg. 396, s. 4.

5. The local board may impose such conditions on a licence as it considers proper. R.R.O. 1990, Reg. 396, s. 5.

6. (1) The Commission authorizes the Egg and Chick Commission to use any class of licence fees, service charges and other money payable to it for the purposes of paying the expenses of the Egg and Chick Commission, carrying out and enforcing the Act and the regulations and carrying out the purposes of the plan. R.R.O. 1990, Reg. 396, s. 6 (1).

(2) The Commission authorizes the Egg and Chick Commission to establish a fund in connection with the plan for the payment of any money that may be required for the purposes mentioned in subsection (1). R.R.O. 1990, Reg. 396, s. 6 (2).

7. (1) The Commission vests in the Egg and Chick Commission power,

(a) to direct and control, by order or direction, either as principal or agent, the marketing of the regulated products, including the times and places at which the regulated products may be marketed;

(b) to determine the quality of each class, variety, grade and size of the regulated products that shall be marketed by each producer;

(c) to prohibit the marketing of any class, variety, grade or size of regulated product;

(d) to determine from time to time the price or prices that shall be paid to producers or to the Egg and Chick Commission, as the case may be, for a regulated product or any class, variety, grade or size of the regulated product and to determine different prices for different parts of Ontario;

(e) to fix and impose service charges from time to time for the marketing of a regulated product;

(f) to purchase or otherwise acquire and to sell or otherwise dispose of a regulated product; and

(g) to pay from service charges imposed under clause (e) its expenses in carrying out the purposes of the plan. R.R.O. 1990, Reg. 396, s. 7 (1).

(2) The Egg and Chick Commission shall not exercise the power vested in it by clause (1) (c) except for just cause. R.R.O. 1990, Reg. 396, s. 7 (2).

8. (1) All regulated products shall be marketed by or through the Egg and Chick Commission. R.R.O. 1990, Reg. 396, s. 8 (1).

(2) No person shall market a regulated product except by or through the Egg and Chick Commission. R.R.O. 1990, Reg. 396, s. 8 (2).

8.1 (1) The Commission vests in the Egg and Chick Commission the power to make regulations,

(a) providing for the seizure and detention of the whole or any part of any regulated product or any class, variety, grade or size of regulated product by any person appointed under clause 3 (1) (g) of the Act where the person believes on reasonable grounds that an offence against the Act or the regulations has been committed in respect of the regulated product;

(b) providing for the release from detention of the whole or any part of any regulated product or any class, variety, grade or size of regulated product where the local board is satisfied that the owner of the regulated product that has been seized and detained complies with the Act and the regulations respecting the regulated product;

(c) providing for the disposal of the whole or any part of any regulated product or any class, variety, grade or size of regulated product that has been seized and detained and providing for the administration and disposition of any money derived from the disposal; and

(d) prescribing the manner in which the regulated product shall be seized, detained, released and disposed of. O. Reg. 394/91, s. 1.

(2) The owner of a regulated product that has been seized and detained in accordance with regulations made under subsection (1) is entitled to a hearing, to be held within fifteen days after the seizure, or as soon as possible after that, before the Farm Products Appeal Tribunal. O. Reg. 394/91, s. 1.

## Quotas

9. (1) The Commission authorizes the Egg and Chicken Commission,

- (a) to require that hatching eggs be marketed on a quota basis;
- (b) to prohibit any person to whom a quota has not been fixed and allotted for the marketing of hatching eggs or whose quota has been cancelled from marketing any hatching eggs;
- (c) to prohibit any person to whom a quota has been fixed and allotted for the marketing of hatching eggs from marketing any hatching eggs in excess of such quota; and
- (d) to prohibit any person to whom a quota has been fixed and allotted for the marketing of hatching eggs produced on lands or premises in respect of which such quota was fixed and allotted from marketing any hatching eggs other than hatching eggs produced on such lands or premises. R.R.O. 1990, Reg. 396, s. 9 (1).

(2) The Commission authorizes the Egg and Chick Commission,

- (a) to fix and allot to persons quotas for the marketing of hatching eggs on such basis as the Egg and Chick Commission considers proper;
- (b) to refuse to fix and allot to any person a quota for the marketing of hatching eggs for any reason that the Egg and Chick Commission considers proper;
- (c) to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for the marketing of hatching eggs for any reason that the Egg and Chick Commission considers proper; and
- (d) to permit any person to whom a quota has been fixed and allotted for the marketing of hatching eggs to market any hatching eggs in excess of such quota on such terms and conditions as the Egg and Chick Commission considers proper. R.R.O. 1990, Reg. 396, s. 9 (2).

(3) The Commission authorizes the Egg and Chick Commission,

- (a) to require that hatching eggs be produced on a quota basis;
- (b) to prohibit any person to whom a quota has not been fixed and allotted for the producing of hatching eggs or whose quota has been cancelled from producing any hatching eggs;
- (c) to prohibit any person to whom a quota has been fixed and allotted for the producing of hatching eggs from producing any hatching eggs in excess of such quota; and
- (d) to prohibit any person to whom a quota has been fixed and allotted for the producing of hatching eggs on lands or premises in respect of which such quota was fixed and allotted from producing any hatching eggs other than hatching eggs produced on such lands or premises. R.R.O. 1990, Reg. 396, s. 9 (3).

(4) The Commission authorizes the Egg and Chick Commission,

- (a) to fix and allot to persons quotas for the producing of hatching eggs on such basis as the Egg and Chick Commission considers proper;
- (b) to refuse to fix and allot to any person a quota for the producing of hatching eggs for any reason that the Egg and Chick Commission considers proper;
- (c) to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for producing hatching eggs for any reason that the Egg and Chick Commission considers proper, and, without limiting the generality of the foregoing, to cancel or reduce any such quota as a penalty where

the Egg and Chick Commission believes on reasonable grounds that the person to whom the quota was fixed and allotted has contravened any provision of the Act or the regulations; and

(d) to permit any person to whom a quota has been fixed and allotted for the producing of hatching eggs to produce any hatching eggs in excess of such quota on such terms and conditions as the Egg and Chick Commission considers proper. R.R.O. 1990, Reg. 396, s. 9 (4).

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

(a) to require that breeder pullets and breeder cockerels be marketed on a quota basis;

(b) to prohibit any person to whom a quota has not been fixed and allotted for the marketing of breeder pullets or breeder cockerels or whose quota has been cancelled from marketing any breeder pullets or breeder cockerels;

(c) to prohibit any person to whom a quota has been fixed and allotted for the marketing of breeder pullets or breeder cockerels from marketing any breeder pullets or breeder cockerels in excess of the quota; and

(d) to prohibit any person to whom a quota has been fixed and allotted for the marketing of breeder pullets or breeder cockerels produced on lands or premises in respect of which the quota was fixed and allotted from marketing any breeder pullets or breeder cockerels other than those produced on the lands or premises. O. Reg. 744/91, s. 1.

(2) The Commission authorizes the local board,

(a) to fix and allot to persons quotas for the marketing of breeder pullets or breeder cockerels on any basis the local board considers proper;

(b) to refuse to fix and allot to any person a quota for the marketing of breeder pullets or breeder cockerels for any reason that the local board considers proper;

(c) to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for the marketing of breeder pullets or breeder cockerels for any reason that the local board considers proper; and

(d) to permit any person to whom a quota has been fixed and allotted for the marketing of breeder pullets or breeder cockerels to market any breeder pullets or breeder cockerels in excess of the quota on such conditions as the local board considers proper. O. Reg. 744/91, s. 1.

(3) The Commission authorizes the local board,

(a) to require that breeder pullets and breeder cockerels be produced on a quota basis;

(b) to prohibit any person to whom a quota has not been fixed and allotted for the producing of breeder pullets or breeder cockerels or whose quota has been cancelled from producing any breeder pullets or breeder cockerels;

(c) to prohibit any person to whom a quota has been fixed and allotted for the producing of breeder pullets or breeder cockerels from producing any breeder pullets or breeder cockerels in excess of the quota; and

(d) to prohibit any person to whom a quota has been fixed and allotted for the producing of breeder pullets or breeder cockerels on lands or premises in respect of which the quota was fixed and allotted from producing any breeder pullets or breeder cockerels other than those produced on the lands or premises. O. Reg. 744/91, s. 1.

(4) The Commission authorizes the local board,

(a) to fix and allot to persons quotas for the producing of breeder pullets or breeder cockerels on any basis the local board considers proper;

(b) to refuse to fix and allot to any person a quota for the producing of breeder pullets or breeder cockerels for any reason that the local board considers proper;

(c) to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for producing breeder pullets or breeder cockerels for any reason that the local board considers proper, and, without limiting the generality of the foregoing, to cancel or reduce the quota as a penalty where the local board believes on reasonable grounds that the person to whom the quota was fixed and allotted has contravened any provision of the Act or the regulations; and

(d) to permit any person to whom a quota has been fixed and allotted for the producing of breeder pullets or breeder cockerels to produce any breeder pullets or breeder cockerels in excess of the quota on such conditions as the local board considers proper. O. Reg. 744/91, s. 1.