

Farm Products Marketing Act
Loi sur la commercialisation des produits agricoles

R.R.O. 1990, REGULATION 420

HOGS — PLAN

Consolidation Period: From October 25, 2010 to December 31, 2010.

This is the most current consolidation of this law available on e-Laws.

Notice of additional information:

On January 1, 2011, amendments made by O. Reg. 403/10 came into force. Grey shading and editorial notes will be removed in a subsequent consolidation to reflect this.

There may be more recent events that are not included in this notice.

Note: This Regulation is revoked on January 1, 2011. See: O. Reg. 403/10, ss. 23, 24.

Last amendment: O. Reg. 403/10.

This Regulation is made in English only.

1. The plan in the Schedule is continued for the control and regulation of the producing and marketing of hogs within Ontario except that part thereof comprising the County of Haliburton and the territorial districts other than Cochrane and Timiskaming. R.R.O. 1990, Reg. 420, s. 1.

2. The local board named in the Schedule is given the powers set out in subsection 15 (1), in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 26 of subsection 15 (2) and in sections 50 and 110 of the Co-operative Corporations Act. R.R.O. 1990, Reg. 420, s. 2.

3. The members of the local board shall be deemed to be the shareholders and the directors thereof in the exercise of any of the powers mentioned in section 2. R.R.O. 1990, Reg. 420, s. 3.

SCHEDULE

PLAN

Farm Products Marketing Act

TITLE AND DEFINITIONS

1. This plan may be cited as the Ontario Pork Producers' Marketing Plan.

2. In this plan,

“county” means,

- (a) a county, excluding a united county, or a regional municipality that forms part of a district,
- (b) a county that is part of a united county that forms part of a district, or
- (c) the area comprising the territorial districts of Cochrane and Timiskaming;

“district” means a district described in subsection 4 (1);

“hogs” means domestic swine produced in Ontario;

“producer” means a person engaged in the production of hogs.

LOCAL BOARD

3. (1) The local board known as the Ontario Pork Producers' Marketing Board is continued as the local board that administers this plan.

(2) The local board shall be composed of 14 members.

4. (1) Producers are divided into 12 districts as follows:

1. District 1, comprising the counties of Essex, Kent and Lambton.
2. District 2, comprising the counties of Middlesex and Elgin.
3. District 3, comprising the County of Huron.
4. District 4, comprising the County of Perth.
5. District 5, comprising the County of Oxford.
6. District 6, comprising The Regional Municipality of Waterloo.
7. District 7, comprising the County of Brant and the regional municipalities of Haldimand-

Norfolk, Hamilton-Wentworth and Niagara.

8. District 8, comprising the County of Wellington.
9. District 9, comprising the counties of Bruce and Grey.
10. District 10, comprising the counties of Simcoe and Dufferin, the regional municipalities of Halton, Peel and York and the territorial districts of Cochrane and Timiskaming.

11. District 11, comprising the County of Hastings, the United Counties of Lennox and Addington, the counties of Northumberland, Peterborough, Prince Edward and Victoria and The Regional Municipality of Durham.

12. District 12, comprising the counties of Frontenac, Lanark and Renfrew, the united counties of Leeds and Grenville, Prescott and Russell, and Stormont, Dundas and Glengarry and The Regional Municipality of Ottawa-Carleton.

(2) The twelve districts are divided into two zones as follows:

1. Zone A comprising districts 1 to 6.
2. Zone B comprising districts 7 to 12.

5. (1) There is hereby established a council in each district to be known as the District Pork Producers Council.

(2) REVOKED: O. Reg. 371/97, s. 1 (1).

6. (1) Each District Pork Producers Council shall elect one of its councillors as a member of the local board by February 28 in the year in which the member is to begin holding office.

(2) The councillors of all District Pork Producers Councils in Zone A shall elect one of the councillors as a member of the local board no later than the annual meeting of the producers under this plan immediately preceding the time at which the member is to begin holding office.

(3) The councillors of all District Pork Producers Councils in Zone B shall elect one of the councillors as a member of the local board no later than the annual meeting of the producers under this plan immediately preceding the time at which the member is to begin holding office.

(4) If a District Pork Producers Council does not elect a member to the local board within the time specified in subsection (1) or if the councillors of all District Pork Producers Councils in Zone A or B do not elect a member to the local board within the time specified in subsection (2) or (3), the local board may appoint a councillor from any district as the member.

7. (1) The term of office of a member elected to the local board begins on the expiry of the term of office of the member's predecessor.

(2) The term of office of a member appointed to the local board begins on the later of the expiry of the term of office of the member's predecessor and the day of appointment.

8. (1) Subject to subsection (2), each member of the local board shall hold office until the end of the first meeting of the local board held after the annual meeting in the second year after the year in which the member was elected or appointed.

(2) The members elected in 1995 to the local board by a District Pork Producers Council in Zone B or by the councillors of all District Pork Producers Councils in Zone B shall hold office until the end of the first meeting of the local board held after the annual meeting in 1998.

(3) REVOKED: O. Reg. 371/97, s. 1 (3).

(4) A member shall not be elected to the local board under subsection 6 (1) for more than six consecutive terms.

9. (1) Subject to subsection (2), a member of a local board ceases to be eligible to be a member upon ceasing to qualify as a councillor of a District Pork Producers Council.

(2) A member of the local board whose term as a councillor of a District Pork Producers Council expires does not for that reason cease to be eligible to be a member of the local board.

10. (1) If a member of the local board elected under subsection 6 (1), (2) or (3) ceases to be eligible to be a member or dies or resigns before the term of office expires, the persons who elected the member may, within 30 days, elect as a replacement for the remainder of the term of office an individual who meets the requirements of that subsection.

(2) If a member of the local board appointed by the board under subsection 6 (4) ceases to be eligible to be a member or dies or resigns before the term of office expires, the board may, within 30 days, appoint as a replacement for the remainder of the term of office an individual who meets the requirements of that subsection.

(3) If the persons who elected a member do not elect a replacement within the time specified in subsection (1) or if the local board does not appoint a replacement within the time specified in subsection (2),

the Commission may appoint as a replacement for the remainder of the term of office a councillor from any district.

(4) If a member of the local board appointed by the Commission ceases to be eligible to be a member or dies or resigns before the term of office expires, the Commission may appoint as a replacement for the remainder of the term of office a councillor from any district.

DISTRICT PORK PRODUCERS COUNCILS

11. Each County Pork Producers Association in a district shall elect its allotted number of councillors to the District Pork Producers Council in accordance with sections 12 to 20.

12. (1) A producer may register with the local board,

(a) for the county in which the producer has a hog production facility; or

(b) for the county in which the producer resides, if the producer is an individual.

(2) A producer shall not register with the local board for more than one county.

(3) An applicant for registration with the local board shall submit an application to the board in the form approved by the board that specifies the county for which the applicant is applying for registration.

(4) A producer who has registered with the local board before November 25, 1994 shall be deemed to be registered with the local board for the county specified in the registration.

(5) A producer who has registered with the local board for a county and who becomes eligible to register with the board for another county, may change the registration to the other county by notifying the board in writing no later than January 1 in the year in which the County Pork Producers Association of the other county is scheduled to elect councillors to the District Pork Producers Council in which the other county is located.

(6) The registration of a producer with the local board for a county expires if the producer ceases to be eligible to register with the board for the county.

13. (1) In each year, as soon as practicable after statistical information respecting the preceding 12-month period ending on November 30 is available, the local board shall calculate the number of councillors on the District Pork Producers Council that shall be allotted to each County Pork Producers Association in the district in which the county is located.

(2) Before each meeting of a County Pork Producers Association at which the Association is scheduled to elect councillors to the District Pork Producers Council, the local board shall inform the Association of the number of councillors allotted to it on the District Pork Producers Council.

14. (1) Subject to this section and section 15, each County Pork Producers Association shall be allotted the number of councillors on its District Pork Producers Council represented by the product of 200 and the sum of,

(a) 60 per cent of the proportion of the number of producers who are registered with the local board for the county on the preceding November 30 to the total number of producers who are registered with the local board on the preceding November 30; and

(b) 40 per cent of the proportion of the number of hogs marketed from the county during the 12-month period ending on the preceding November 30 to the total number of hogs marketed from all districts during that period.

(2) At least one councillor shall be allotted to a County Pork Producers Association for a county for which at least five producers had registered with the local board by the preceding November 30.

(3) A County Pork Producers Association that has not taken part in an amalgamation under section 15 shall not be allotted a councillor on its District Pork Producers Council unless at least five producers had registered with the local board for the county by the preceding November 30.

(4) If the allocation of councillors results in the allocation of fewer than three councillors to a County Pork Producers Association that has not taken part in an amalgamation and also results in a fraction, then the fraction shall be rounded up to the nearest whole number.

15. (1) Two or more County Pork Producers Associations in the same district may amalgamate for the purpose of electing councillors to their District Pork Producers Council by giving notice of the amalgamation to the local board no later than December 31 in the year preceding the year in which the amalgamated County Pork Producers Association elects councillors to its District Pork Producers Council.

(2) Each County Pork Producers Association that has taken part in an amalgamation shall be allotted councillors on the District Pork Producers Council in accordance with subsections 14 (1) and (2).

(3) At least one councillor shall be allotted to a County Pork Producers Association that has taken part in an amalgamation if,

(a) the Association had been allotted a councillor at the time of the immediately preceding election of councillors to the District Pork Producers Council or to the Area Pork Producers Council, if there has been no preceding election of councillors to the District Pork Producers Council; and

(b) by the preceding November 30 at least five producers had registered with the local board for the counties that form part of the amalgamated county.

(4) A County Pork Producers Association that has taken part in an amalgamation shall not be allotted a councillor on its District Pork Producers Council except in accordance with subsection 14 (2) or 15 (3).

(5) If the allocation of councillors results in the allocation of fewer than three councillors to an amalgamated County Pork Producers Association and also results in a fraction, then the fraction shall be rounded up to the nearest whole number.

16. (1) Subject to subsection (2), each councillor elected to a District Pork Producers Council shall hold office until December 31 in the year following the year of the election.

(2) The councillors elected in 1995 to a District Pork Producers Council in Zone B who shall hold office until December 31, 1997.

(3) REVOKED: O. Reg. 371/97, s. 1 (4).

17. (1) REVOKED: O. Reg. 371/97, s. 1 (5).

(2) REVOKED: O. Reg. 371/97, s. 1 (5).

(3) No later than January 1 in a year following a December 31 on which the term of office of its councillors on a District Pork Producers Council is scheduled to end, each of the County Pork Producers Associations in the district shall fix a date and place for a meeting of the Association to elect councillors to the District Pork Producers Council.

(4) The date fixed for the meeting shall be not later than February 15 in the year in which the date is fixed.

(5) A County Pork Producers Association that fixes a date and place for a meeting under this section shall notify the local board of the date and place fixed for the meeting.

(6) If a County Pork Producers Association does not fix a date and place for a meeting as required by subsection (1) or (3), the local board shall, within 30 days, fix a date and place for a meeting of the Association.

(7) At least 10 days before a meeting under this section, the County Pork Producers Association shall give notice of the day, time and place of the meeting to the producers who are members of the Association,

(a) by means of a written notice given to each producer; or

(b) by publishing notice in a newspaper or periodical of general circulation among the members of the Association.

(8) If a County Pork Producers Association does not give the notice required by subsection (7), the local board shall give the required notice by publishing or posting, at its expense, the notices that it considers necessary or advisable.

18. (1) At a meeting of an Association under section 17, the Association shall elect councillors to fill the vacancies in the number of councillors on the District Pork Producers Council allotted to the Association as of the time of the meeting.

(2) The allotted number shall be the allotted number mentioned in subsection 13 (2) of which the local board has informed the Association most recently before the meeting.

(3) A person is not entitled to a vote at a meeting to elect councillors to the District Pork Producers Council except under this section.

(4) Each producer who has registered with the local board for the county is entitled to two votes at the meeting.

(5) The producer's first vote shall be exercised by,

(a) the producer, if the producer is an individual; or

(b) an individual of at least 18 years of age whom the producer has designated in writing, if the producer is not an individual.

(6) The producer's second vote shall be exercised by an individual of least 18 years of age who resides in the county, is designated in writing by the producer in the form specified by the local board and who,

(a) is employed by the producer in the production of hogs;

(b) in cases where the producer is not an individual,

- (i) has an interest in the producer by way of owning shares or a partnership interest in the producer, or
- (ii) is a spouse, parent, child, grandchild, sibling or child of a sibling of the individual who has the interest described in subclause (i); or
- (c) in cases where the producer is an individual, is a spouse, parent, child, grandchild, sibling or child of a sibling of the producer.

(6.1) In subsection (6),
“spouse” means,

- (a) a spouse as defined in section 1 of the Family Law Act, or
 - (b) either of two persons who live together in a conjugal relationship outside marriage.
- (7) No individual shall exercise two votes for the same producer.
- (8) An individual who is not entitled to exercise a vote at a meeting to elect councillors to the District Pork Producers Council is not entitled to be nominated or elected or to serve as a councillor on the District Pork Producers Council.
- (9) At a meeting, an Association may elect one, two or three individuals who are entitled to a vote at the meeting to act as substitute councillors for the purpose of subsection 21 (2).

19. (1) If for any reason a County Pork Producers Association does not elect councillors to fill the vacancies in the number of councillors on the District Pork Producers Council allotted to the Association as of the time of the meeting, the local board shall fix a date and place as soon as is practicable for a meeting of the Association for that purpose.

(2) The local board shall give notice of the day, time and place of the meeting to the producers who are members of the County Pork Producers Association by publishing or posting, at its expense, the notices that it considers necessary or advisable.

20. (1) A councillor on a District Pork Producers Council who is a producer ceases to be eligible to be a councillor,

- (a) upon ceasing to be a producer; or
- (b) upon ceasing to be eligible to register with the local board for the county of the County Pork Producers Association that elected the individual as a councillor.

(2) A councillor on a District Pork Producers Council who is an individual described in clause 18 (5) (b) or subsection 18 (6) ceases to be eligible to be a councillor if,

- (a) the producer whom the individual represents ceases to be a producer;
- (b) the producer whom the individual represents ceases to be eligible to register with the local board for the county of the County Pork Producers Association that elected the individual as a councillor;
- (c) the producer whom the individual represents notifies the local board and the District Pork Producers Council in writing that it revokes the designation of the individual under clause 18 (5) (b) or subsection 18 (6), as the case may be; or
- (d) the individual ceases to meet the requirements set out in clause 18 (5) (b) or subsection 18 (6), as the case may be.

21. (1) If a councillor elected to a District Pork Producers Council ceases to be eligible to be a councillor or dies or resigns before the term of office expires, the local board may appoint as a replacement for the remainder of the term of office an individual who is eligible to be a councillor on the Council.

(2) A substitute councillor elected under subsection 18 (9) may act in the place of a councillor elected to a District Pork Producers Council who is temporarily unable to act as a councillor if,

- (a) the councillor who is temporarily unable to act notifies the County Pork Producers Association that elected the councillor; and
- (b) promptly after receiving the notice, the County Pork Producers Association notifies the local board of the name of the substitute councillor.

GENERAL

22. A mistake or an irregularity in the proceedings in relation to the election of a councillor to a District Pork Producers Council, the election of a substitute councillor or the election of a member to the local board does not invalidate the election if,

- (a) it appears that the election was conducted in substantial conformity with the procedural requirements for the election; and
- (b) it does not appear that the mistake or irregularity affected the result of the election.

O. Reg. 730/94, s. 1; O. Reg. 371/97, s. 1; O. Reg. 29/00, s. 1; O. Reg. 281/05, s. 1.