



## **PLEASE NOTE**

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

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## CHAPTER N-3

### NATURAL PRODUCTS MARKETING ACT

#### LOBSTER MARKETING BOARD REGULATIONS

Pursuant to subsection 4(2) of the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3, Council made the following regulations:

1. (1) In these regulations,
- (a) “Act” means the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3; Definitions Act
  - (b) “Association” means the Prince Edward Island Fishermen’s Association Inc.; Association
  - (c) “Board” means the Lobster Fishers of Prince Edward Island constituted under section 2; Board
  - (d) “buyer” means any person holding a lobster buying license issued pursuant to section 7 of the *Fisheries Act* Regulations (EC873/95); buyer
  - (e) “Council” means the Prince Edward Island Marketing Council; Council
  - (f) “levy” means the levy imposed upon lobster fishers that is collected by buyers and remitted to the Board in accordance with section 25; levy
  - (g) “lobster” means any member of the species *Homarus americanus*; lobster
  - (h) “lobster fisher” means an individual marine lobster fisher engaged in fishing lobster for gain or profit and holding a valid lobster fishing license issued by the Department of Fisheries and Oceans (Canada); lobster fisher
  - (i) “local association” means any one of the following local fishing associations: local association
    - (i) Central Northumberland Strait Fishermen’s Association,
    - (ii) Eastern Kings Fishermen’s Association,
    - (iii) North Shore Fishermen’s Association,
    - (iv) Prince County Fishermen’s Association,
    - (v) Southern Kings and Queens Fishermen’s Association,
    - (vi) Western Gulf Fishermen’s Association;
  - (j) “marketing” means the marketing and promotion of lobster; marketing

marketing plan	(k) “marketing plan” means any plan established by the Board for the marketing of lobster that includes a levy;
point of sale	(l) “point of sale” means the sale of lobster from a lobster fisher to a buyer in accordance with these regulations;
registered lobster fisher	(m) “registered lobster fisher” means a lobster fisher registered by the Board under section 16;
regulated product	(n) “regulated product” means lobster.
Board definitions	(2) The Board may define any term used in a Board order if the term is not defined in the Act or these regulations. (EC413/15)
Board established	<p><b>2.</b> (1) The Lobster Fishers of Prince Edward Island</p> <p style="padding-left: 20px;">(a) is constituted as a commodity board under subsection 4(2) of the Act to administer the levy and the marketing of lobster from the province; and</p> <p style="padding-left: 20px;">(b) shall represent and protect the interests of the province’s lobster fishers at the provincial and national levels.</p>
Registered lobster fisher	(2) Every lobster fisher who, immediately before this section comes into force, is a member of the Association and has a lobster license issued by the Department of Fisheries and Oceans (Canada), is deemed, on the date this section comes into force, to be a registered lobster fisher for a period of six months from the date this section comes into force, unless the lobster fisher ceases to be a registered lobster fisher under these regulations. (EC413/15)
Initial members of Board	<b>3.</b> (1) Notwithstanding section 4, the initial members of the Board shall be the persons who are members of the board of directors of the Association on the date these regulations come into force.
Chairperson	(2) The chairperson of the Association shall be the president of the Board.
First meeting of Board	(3) The first meeting of the Board shall be held within 30 days of the date these regulations come into force.
Officers, employees	<p>(4) At its first meeting the Board shall</p> <p style="padding-left: 20px;">(a) elect from its members a vice-chairperson and a secretary of the Board; and</p> <p style="padding-left: 20px;">(b) appoint a treasurer and other officers and employees as the Board considers necessary for a period not exceeding 15 months.</p>
2016 election	<p>(5) The Board shall</p> <p style="padding-left: 20px;">(a) call and publish notice of an annual general meeting for all members to be held in March or April of 2016; and</p>

(b) call on each local association to conduct elections in accordance with section 19 before the annual general meeting. (EC413/15)

4. (1) The Board shall be comprised of 12 members, equally representing the 6 local associations, as set out in subsection (2). Membership of Board

(2) Subject to subsection (3), the Board shall be composed of the following members who have been elected by a majority of the registered lobster fishers for each local association: *Idem*

- (a) two members of the Central Northumberland Straight Fishermen's Association;
- (b) two members of the Eastern Kings Fishermen's Association;
- (c) two members of the North Shore Fishermen's Association;
- (d) two members of the Prince County Fishermen's Association;
- (e) two members of the Southern Kings and Queens Fishermen's Association; and
- (f) two member of the Western Gulf Fishermen's Association.

(3) One member elected by each local association shall be either the President or Vice-President of the local association at the time the election is held, but where neither the President nor the Vice-President of the local association is a registered lobster fisher, any executive member of the local association who is a registered lobster fisher may stand for election as a member. Association executive member

(4) An association executive member elected pursuant to subsection (3) shall hold office for a term of one year. Term

(5) One member elected by each local association shall be a member at large. Member at large

(6) A member of the executive of a local association is not eligible to be elected or to serve as a member at large. Executive not eligible

(7) A member at large elected pursuant to subsection (5) shall hold office for a term of three years. Term

(8) The members of the Board shall assume their office, duties and responsibilities as Board members at the annual general meeting. Assumption of duties

(9) At the first meeting of the first Board in March or April of 2016, the Board shall, from its members, First meeting

- (a) elect a chairperson and vice-chairperson; and
- (b) appoint a secretary and a treasurer, who may be the same person.

(10) The persons elected and appointed under subsection (9) shall hold office until Term of executive

- (a) the next annual general meeting; or

(b) they are replaced under subsection 9(4); or  
(c) they are no longer members of the Board,  
whichever occurs first. (EC413/15)

Head office	<b>5.</b> (1) The Board shall maintain a head office in the province.
Seal, signatures	(2) The Board shall adopt a common seal, the use of which shall be authenticated by the signature of the chairperson and secretary or other persons as the Board may authorize by resolution.
Rules of procedure	(3) The Board may make rules governing the calling and conduct of its meetings, the procedures for the transaction of its business and the management of its affairs.
Board policies	(4) The Board shall, after consultation with the province's lobster fishers, create policies respecting the roles and responsibilities of the Board and its committees, including a process to be followed by the Board for responding to resolutions passed at annual or special meetings held by registered lobster fishers.
Fiscal year	(5) The fiscal year of the Board shall commence on January 1 of each year and end on December 31 of the same year.
Books of account	(6) The Board shall keep books of account, in accordance with generally accepted accounting principles, which shall be audited each fiscal year by an auditor approved by the Board.
Annual meeting	(7) The Board shall call an annual meeting of registered lobster fishers, which shall be held within three months of the end of the Board's fiscal year.
Business	(8) The business of the annual general meeting shall include: <ul style="list-style-type: none"> <li>(a) to confirm the minutes of the last annual general meeting;</li> <li>(b) to approve the accounts duly audited for the preceding year;</li> <li>(c) to consider and deal with any resolutions of which due notice shall have been given;</li> <li>(d) to confirm the members of the Board elected by each local association;</li> <li>(e) to appoint an auditor or auditors;</li> <li>(f) to confirm the amount of the levy for the upcoming year;</li> <li>(g) to consider any other business or do any other such things as required in this regulation.</li> </ul>
Financial statement and report at annual meeting	(9) A copy of the audited financial statement accompanied by a report of the operations of the Board shall be presented to the registered lobster fishers at the annual meeting.
Information to be filed with the Council	(10) The Board shall file with the Council a certified copy

- (a) of the audited financial statement of the Board accompanied by the report of operations of the Board within 120 days of the close of the Board's fiscal year; and
- (b) of all minutes, orders, appointments, agreements, awards, reports, resolutions and rules of the Board within seven business days of the Board's making or approval of them. (EC413/15)

- 6.** (1) The Board may appoint any committees the Board considers necessary to advise or assist the Board in its work. Committees
- (2) The term of a member of a committee shall be until the next annual general meeting and a member of a committee may be re-appointed to the same or to a different committee. Appointments
- (3) A committee appointed under subsection (1) may be composed of Board members and any other person appointed by the Board. May include non-members
- (4) The Board shall not delegate any of its powers to a committee established under these regulations. No delegation
- (5) Subject to the approval of the Council, the Board may pay remuneration to members of the Board as a *per diem* allowance in the amount determined by the Board. Remuneration
- (6) The Board may reimburse its members for travel or other expenses that the Board considers to be properly incurred by them in connection with the business of the Board. Travel and other expenses
- (7) The Board may, by resolution, award special remuneration to any member of the Board who undertakes any special services on behalf of the Board. (EC413/15) Special remuneration
- 7.** (1) Not later than April 15 of each year and after the annual general meeting the Board shall meet and, from its members,
- (a) elect a chairperson and a vice-chairperson; and
  - (b) appoint a secretary and a treasurer.
- (2) The same person may be both secretary and treasurer of the Board. Secretary, treasurer
- (3) The Board may appoint the officers and employees the Board considers necessary to perform the duties specified by the Board. (EC413/15) Appointment of officers and employees
- 8.** (1) The chairperson of the Board may vote on all motions and shall
- (a) call meetings and designate the time and place for the meetings;
  - (b) act as chairperson at meetings at which he or she is present;
  - (c) be a signing officer of the Board; and
  - (d) in the event of a tie vote of the members, cast a second and deciding vote. Chairperson

Vice-chairperson	<p>(2) The vice-chairperson of the Board shall perform all of the duties and functions of the chairperson</p> <ul style="list-style-type: none"> <li>(a) in the chairperson's absence;</li> <li>(b) where the chairperson's office is vacant; and</li> <li>(c) in the event of the chairperson's inability or refusal to act.</li> </ul>
Duties of secretary	<p>(3) Under the direction of the Board, the duties of the secretary of the Board are</p> <ul style="list-style-type: none"> <li>(a) to attend to the meetings of the Board, take minutes of meetings, correspondence and other administrative functions of the Board;</li> <li>(b) to maintain a register of registered lobster fishers in which the secretary shall record the names of all registered lobster fishers;</li> <li>(c) to maintain a list of all buyers having valid lobster buying licenses issued by the province; and</li> <li>(d) to perform the other duties assigned from time to time by the Board.</li> </ul>
Duties of treasurer	<p>(4) Under the direction of the Board, the duties of the treasurer are</p> <ul style="list-style-type: none"> <li>(a) to provide for the deposit of money, the safekeeping of securities and the disbursement of funds of the Board;</li> <li>(b) to keep full and accurate books of account in which shall be recorded all receipts and disbursements of the funds of the Board;</li> <li>(c) to prepare reports showing the financial position of the Board as the Board may direct; and</li> <li>(d) to perform the other duties assigned from time to time by the Board. (EC413/15)</li> </ul>
Duties of members	<p><b>9.</b> (1) The members of the Board shall</p> <ul style="list-style-type: none"> <li>(a) act in the best interests of and represent lobster fishers in the province; and</li> <li>(b) subject to clause (a), act in the best interests of the lobster industry in the province.</li> </ul>
Office held until replacement	<p>(2) A member of the Board shall hold office until a replacement is elected and sworn in at an annual general meeting or appointed pursuant to subsection (4).</p>
Office may be declared vacant	<p>(3) The Board may declare vacant the office of any member who has been convicted of an indictable offence, has resigned or become ineligible or has failed to attend three consecutive meetings of the Board without reasonable cause.</p>
Filling vacancy	<p>(4) Where a vacancy is declared under subsection (3) the Board may appoint a member from the local association in accordance with the requirements of section 4, and that appointed Board member shall hold office as a member until the next annual general meeting. (EC413/15)</p>

- 10.** (1) The powers and duties of an officer of the Board may be exercised and performed by an assistant to the officer appointed by the Board. Assistant to Board officer
- (2) The Board may add to or limit the powers and duties of an officer of the Board or the officer's assistant. (EC413/15) Board may add to or limit powers and duties
- 11.** (1) The chairperson of the Board shall call meetings of the Board by directing the secretary to give 10 business days' notice of the meeting to the members of the Board. Meetings called by chairperson
- (2) A notice of meeting under subsection (1)  
(a) shall include the date, time and location of the meeting; and  
(b) may be given orally or by mail, fax, email, instant message text or any form approved by the Board to each of the members of the Board. Notice of meeting
- (3) All of the members of the Board may waive a notice of meeting either before or after the meeting is held. Notice may be waived
- (4) Notice by mail, email or instant message text shall be  
(a) sent to the member's latest known address or number as recorded in the books of the Board; and  
(b) deemed to be received by the member four business days after mailing or sending. Deemed receipt of mailed notice
- (5) A majority of the members of the Board constitutes a quorum of the Board. Quorum
- (6) Where the secretary is absent from a meeting the Board may appoint a secretary for the purpose of that meeting. (EC413/15) Secretary's absence
- 12.** (1) Where the Board receives a petition or request signed by at least ten per cent of the registered lobster fishers requesting that a special meeting of registered lobster fishers be held for the discussion of matters respecting the application of these regulations or the operation of the Board, the Board shall give notice of a special meeting to registered lobster fishers within thirty days of the receipt of the petition or request. Special meeting
- (2) A notice of a special meeting given under subsection (1) shall  
(a) include a statement of the matters to be discussed; and  
(b) be mailed, emailed or published at least two weeks prior to the date of the meeting. Contents of notice
- (3) The Board shall allow only those matters contained in the notice under subsection (2) to be brought before the meeting. Meeting restricted to matters in notice
- (4) The Board shall not be bound by a decision arising from a special meeting of registered lobster fishers under this section. (EC413/15) Board not bound by meeting

Order related to money	<p><b>13.</b> (1) An order passed by the Board respecting</p> <ul style="list-style-type: none"> <li>(a) the borrowing of money on the credit of the Board;</li> <li>(b) the issuing, selling or pledging securities of the Board;</li> <li>(c) the charging, mortgaging, hypothecating or pledging all or any of the real or personal property of the Board, including book debts and unpaid calls, rights, powers, franchises and undertakings; or</li> <li>(d) the negotiating for any securities or any money borrowed, or other debt, or any other obligation or liability of the Board,</li> </ul> <p>shall state the purpose for using the money, or incurring the debt or liability.</p>
Ratification of order	<p>(2) An order referred to in subsection (1) is not effective unless</p> <ul style="list-style-type: none"> <li>(a) the order is passed at a meeting of the Board called for the purpose of considering the order; and</li> <li>(b) not less than two-thirds of the total Board members are present and vote in favour of the order. (EC413/15)</li> </ul>
Bond	<p><b>14.</b> (1) The Board may require the treasurer and any other officers or employees of the Board that the Board considers advisable to provide a bond</p> <ul style="list-style-type: none"> <li>(a) in the form and with the security approved by the Board; and</li> <li>(b) for the faithful discharge of the duties of treasurer, officer or employee of the Board.</li> </ul>
Board pays cost of bond	<p>(2) The Board shall pay the cost of any bond required under subsection (1). (EC413/15)</p>
Investments	<p><b>15.</b> The Board shall not invest any surplus funds of the Board other than in investment certificates of a chartered bank, trust company, credit union, or the provincial or federal treasury. (EC413/15)</p>
Register	<p><b>16.</b> (1) The Board shall establish and maintain a current register of lobster fishers who</p> <ul style="list-style-type: none"> <li>(a) are engaged in fishing for gain and hold a lobster license issued by Department of Fisheries and Oceans (Canada); and</li> <li>(b) are ordinarily resident in the province of Prince Edward Island.</li> </ul>
Registration	<p>(2) Where a lobster fisher applies to the Board for registration, the Board shall register the lobster fisher if the lobster fisher establishes to the satisfaction of the Board that he or she meets the requirements of clauses (1)(a) and (b).</p>
Updating register	<p>(3) The secretary of the Board shall update the register</p> <ul style="list-style-type: none"> <li>(a) at least 90 days prior to any vote to be held under these regulations; and</li> <li>(b) as often as the Board considers necessary.</li> </ul>

- (4) The Board shall make the register available for inspection by lobster fishers without charge at all times during the normal business hours of the Board. Inspection of register
- (5) The Board may remove from the register the name of any lobster fisher who does not meet the criteria set out in subsection (1). Removal from register
- (6) A lobster fisher may appeal the inclusion or removal of his or her name from the register to the Board and the lobster fisher's name shall remain on the register until the appeal is heard. Appeal of removal from register
- (7) An appeal under subsection (6) shall be heard in accordance with the Appeals Procedure Regulations (EC142/86) made under the Act. (EC413/15) *Idem*
- 17.** The Board shall establish and maintain a current list of all licensed lobster buyers engaged in the purchasing of lobster from lobster fishers. (EC413/15) List of buyers
- 18.** (1) Subject to section 4, a registered lobster fisher is eligible to be elected as a member of the Board to represent his or her local association, if the registered lobster fisher Eligibility for election
- (a) is registered at the time of his or her local association's annual general meeting; and
  - (b) is otherwise eligible to vote at the local association's annual general meeting.
- (2) A registered lobster fisher is eligible to vote for a member of the Board to represent his or her local association, if the registered lobster fisher *Idem, voting*
- (a) is registered at the time of his or her local association's annual general meeting; and
  - (b) is otherwise eligible to vote at the local association's annual general meeting. (EC413/15)
- 19.** Each local association shall appoint a returning officer to conduct elections for the members of the Board pursuant to section 4 and in accordance with the bylaws, rules and procedure established by the local association. (EC413/15) Returning officer
- 20.** (1) Each local association may appoint any persons necessary to witness the opening and counting of the ballots. Witnesses
- (2) The Council may appoint a witness to represent the Council at the opening and counting of the ballots. *Idem*
- (3) The failure of a person appointed under subsection (1) or (2) to witness the counting of the ballots shall not invalidate an election. Counting not invalidated

In presence of appointed persons	(4) The local association returning officer shall open and count the ballots in the presence of the persons appointed under subsections (1) and (2).
Report of count	(5) The local association returning officer shall file with the Board a complete report of the results of the counting of the ballots, bearing the signatures of those present at the counting of the ballots.
<i>Idem</i>	(6) The Board shall file with the Council a complete report of the results from each local association, bearing the signatures of those present and the counting of the ballots.
Majority vote	(7) The local association returning officer shall declare the candidate receiving the greatest number of votes for each vacancy to be elected as a member of the Board.
Tied vote	(8) Where two or more candidates for election receive an equal number of votes, the local association bylaws shall determine how to complete the election, but where a local association has no such provisions in its bylaws, the local association returning officer shall cast a ballot for one of the candidates to complete the election. (EC413/15)
Defect or irregularity	<b>21.</b> Notwithstanding any defect or irregularity in the appointment, election or qualifications of any member, the actions of the Board are as valid as if the Board and every member were duly qualified and had been duly appointed or elected. (EC413/15)
Limitation of action	<b>22.</b> (1) No action shall be brought against any person who acts or purports to act in good faith under the authority of the Act, these regulations or a Board order.
Indemnification	(2) Every member or officer of the Board and his or her heirs, executors, administrators or assigns shall be indemnified and saved harmless out of the funds of the Board from and against all costs, charges and expenses whatsoever that such member or officer sustains or incurs in or about any action, suit or proceeding brought, commenced or prosecuted against him or her, for or in respect of any act, deed, matter or thing made, done or permitted by him or her, in or about the execution of the duties of his or her office. (EC413/15)
Conflict	<b>23.</b> Every member of the Board is obligated to disclose any interest in an individual or company doing business with the Board and no member shall participate in a discussion or vote in respect of a proposed or existing contract or grant between the Board and a company of which the member is a director, member, officer or shareholder. (EC413/15)

**24.** (1) A member-elect shall not be confirmed as a member of the Board until the member-elect takes the member's oath of office, as follows: Oath of Office

I, \_\_\_\_\_, of \_\_\_\_\_,  
Province of Prince Edward Island, do solemnly swear that I will faithfully, truly and to the best of my judgment, skill, knowledge and ability execute and perform the duties required as a member of the Lobster Fishers of Prince Edward Island Commodity Board that properly relates to my duties as a member of the Board. I further solemnly swear that I will not communicate or allow to be communicated to any person not legally entitled thereto any and all information related to the Board, nor will I, without due authority, allow such person to inspect or have access to any books or documents belonging to or in the possession of the Board and relation to the operations of the Board.

(2) The member's oath of office shall be signed, confirmed and retained by the secretary with the other books and records of the Board. *Idem*  
(EC413/15)

**25.** (1) Lobster fishers shall pay a levy of one cent per pound of lobster sold to buyers at the point of sale. Payment of levy

(2) Buyers shall collect the levy at the point of sale and remit the levy to the Board within 30 days of the close of the lobster fishing season. Collection, etc. of  
levy

(3) The Board shall exercise its powers set out in section 28 as necessary to ensure that the levy is calculated, paid, collected and remitted. Enforcement

(4) No buyer shall impose a fee or charge of any kind on registered lobster fishers for the purpose of defraying the administrative cost of calculating, collecting and remitting the levy to the Board. (EC413/15) Prohibition

**26.** (1) Where two-thirds of the members of the Board vote in favour of holding a levy meeting of registered lobster fishers to consider changes to the amount of the levy, the Board shall give notice of the meeting to all registered lobster fishers in accordance with this section. Levy meeting

(2) The notice to be given by the Board under subsection (1) in respect of a levy meeting Notice

- (a) shall be provided to each local association not less than 90 days prior to the date of the levy meeting;
- (b) shall set out the proposed changes to the levy amount;
- (c) shall state that no other business shall be considered at the levy meeting; and

(d) shall be published in all daily and weekly newspapers in the province not less than 30 days prior to the date of the levy meeting.

Meeting restricted to matters in notice

(3) The Board shall allow only the proposed changes to the levy amount contained in the notice given under subsection (1) to be brought before the levy meeting.

Voting

(4) All registered lobster fishers shall be entitled to attend and vote at the levy meeting, either in person or by way of a mail-in ballot, as determined by the Board.

Board is bound by vote

(5) The levy amount shall be changed only where two-thirds of the registered lobster fishers voting at the levy meeting vote in favour of the change. (EC413/15)

Prohibition

**27.** No lobster fisher shall sell lobster to a buyer and no buyer shall purchase lobster from a lobster fisher in any manner contrary to the Act, these regulations or Board orders. (EC413/15)

Power to make orders

**28.** (1) The Lieutenant Governor in Council hereby vests in the Board the powers necessary to enable the Board to make orders in respect of the following:

- (a) to require lobster fishers to pay to every buyer an amount fixed by way of levy or charge, and to collect the levy or charge from every buyer through a check-off system requiring buyers to remit to the Board the amount of the levy or charge collected, and to recover the levy or charge in a court of competent jurisdiction;
- (b) to determine the charges that may be made for its services by any designated agency;
- (c) to exempt from any determination or order any person or class of persons engaged in the peddling, harvesting or fishing of, or any aspect of marketing of, lobster;
- (d) to require any or all lobster fishers, as defined in these regulations, to register with the Board, and to register any and all lobster fishers with the Board;
- (e) to establish levy fees from any or all persons engaged in the harvest or fishing of lobster;
- (f) to collect from buyers the levy fees yearly, half yearly, or quarterly, that have been received by the buyer at the point of sale of the regulated product;
- (g) to recover levies by suit in any court of competent jurisdiction;
- (h) to recommend the suspension or revocation at any time of any lobster buyer's license granted under section 7 of the *Fisheries Act* Regulations (EC873/95);
- (i) to impose penalties on any persons as provided by regulation for violation of any determination or order under the Act or the regulations;

- (j) to require full information relating to the purchase of lobster by a buyer from a lobster fisher;
- (k) to require periodic returns to be made by buyers;
- (l) to inspect the books of buyers as needed for operation of the Board to administer and collect the levy;
- (m) to conduct, or to authorize any marketing agency or sub-agency to conduct, an intraprovincial or interprovincial pool or pools for the marketing of lobster;
- (n) to acquire, possess, purchase and sell the regulated product;
- (o) to purchase, take on lease or in exchange, or otherwise acquire assets or real property for the purposes of its business and to sell or otherwise dispose of assets or mortgage real property acquired by the Board;
- (p) to borrow, raise or secure the payment of money in any manner as the Board thinks fit for the purpose of carrying out the objects of marketing lobster;
- (q) to draw, make, accept, endorse, execute, issue, hypothecate, or assign promissory notes, bills of exchange and other negotiable or transferable instruments;
- (r) to take, or otherwise acquire and hold, shares, debentures or other securities of any company having objects altogether or in part similar to those of the Board, or carrying on any business capable of being conducted so as, directly or indirectly, to benefit lobster fishers, and to sell or otherwise deal with the same;
- (s) to use in carrying out the marketing of lobster and paying the expenses of the Board any money received by the Board;
- (t) to delegate its powers to any agent or employee authorized by the Board for the marketing of lobster, provided that this clause shall not permit the delegation by the Board of the powers contained in clauses (d) and (u);
- (u) to terminate the Board and distribute any held levy proceeds equally to all registered lobster fishers after paying out any outstanding debts, dues, accounts or expenses of any kind, accrued or owing by the Board at the date of termination;
- (v) to make recommendations to the Government for any necessary and approved amendments to the regulations;
- (w) to require a lobster fisher to remit the amount of the levy directly to the Board if the lobster fisher is peddling or selling lobster directly to a member of the public;
- (x) to change the amount of the levy in accordance with the process set out in section 26.

(2) The Board shall not exercise the powers contained in clause (1)(u) unless the Council has conducted a plebiscite of registered lobster fishers in which the majority of registered lobster fishers who voted indicate their support for the Board exercising these powers. (EC413/15) Producer plebiscite required