

The Milk Control Act, 1992

being

Chapter M-15.1 of the *Statutes of Saskatchewan, 1992*
(effective October 16, 1992) as amended by the *Statutes of
Saskatchewan, 2004, c.T-18.1*; and *2009, c.T-23.01*.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER M-15.1

An Act respecting the Production, Supply, Distribution and Sale of Milk

Short title

1 This Act may be cited as *The Milk Control Act, 1992*.

Interpretation

2 In this Act:

- (a) **“board”** means the Milk Control Board continued pursuant to section 3;
- (b) **“court”** means Her Majesty’s Court of Queen’s Bench for Saskatchewan;
- (c) **“distribute”** means the act of delivering, handling, transporting, processing, keeping for sale or selling of milk but does not include the delivering, handling, keeping for sale or selling of milk where the milk is supplied:
 - (i) by a milk producer to a licensed distributor; or
 - (ii) to the public by a person who:
 - (A) received the milk from a licensed distributor; and
 - (B) operates a restaurant, store or other place of business designated by an order of the board;
- (d) **“distributor”** means a person who distributes milk;
- (e) **“justice”** means a justice as defined in *The Summary Offences Procedure Act, 1990*;
- (f) **“licence”** means a valid and subsisting licence issued in accordance with this Act and the regulations;
- (g) **“milk”** means the lactation of animals of the bovine species and includes products in any form derived wholly or primarily from that lactation;
- (h) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (i) **“person”** includes:
 - (i) a partnership; and
 - (ii) an unincorporated group of individuals that share a common production, processing or marketing unit;
- (j) **“producer”** means a person engaged in the production of milk;
- (k) **“production”** means the production of milk;
- (l) **“vehicle”** means a vehicle as defined in *The Traffic Safety Act*.

ORGANIZATION OF BOARD

Board continued

3(1) The Milk Control Board, established pursuant to *The Milk Control Act*, as that Act existed on the day before this Act comes into force, is continued as a body corporate.

(2) The board is responsible to the minister in the performance of the duties imposed and the exercise of the powers conferred on it pursuant to this Act.

1992, c.M-15.1, s.3.

Location

4(1) The head office of the board is to be at any place in Saskatchewan designated by the Lieutenant Governor in Council.

(2) Hearings and meetings of the board may be held at any place in Saskatchewan and at any time that the board considers expedient.

1992, c.M-15.1, s.4.

Members

5(1) The Lieutenant Governor in Council may:

- (a) appoint members to the board; and
- (b) determine the term of office for any member appointed pursuant to clause (a).

(2) The Lieutenant Governor in Council may appoint any person to act as a temporary member of the board:

- (a) for a period; or
- (b) for the purpose of hearing and determining any matter;

that is specified in the appointment.

(3) The members of the board and the temporary members of the board are entitled to receive, as determined appropriate by the Lieutenant Governor in Council:

- (a) remuneration for their services; and
- (b) reimbursement for travelling and living expenses.

(4) Any moneys payable for the purposes of subsection (3) shall be paid from the revenues of the board.

1992, c.M-15.1, s.5.

Chairperson

6(1) The Lieutenant Governor in Council may designate one member of the board as chairperson and another member of the board as vice-chairperson.

(2) For the purposes of *The Public Service Superannuation Act*, the chairperson of the board is deemed to be an employee as defined in that Act.

(3) The chairperson of the board shall not hold or accept any office, continue or accept any employment or carry on or participate in any business or other activity that does or would prevent the chairperson from carrying out his or her role as chairperson of the board on a full-time basis.

(4) The chairperson or, in the absence of the chairperson:

- (a) the vice-chairperson; or
- (b) another member of the board designated by the chairperson;

shall sign all regulations, orders, rules and other documents of the board.

1992, c.M-15.1, s.6.

EMPLOYEES

Employees

7(1) The board may:

- (a) employ any officers and other employees required for the administration of this Act and the regulations, and may determine their respective duties, conditions of employment and remuneration;
- (b) establish or support a group insurance plan or any other pension or employee benefit program for the benefit of the officers and employees mentioned in clause (a) or their dependants; and
- (c) engage the services of or retain experts and persons having special technical or other knowledge.

(2) Notwithstanding any other Act or law, employees of the board on the day before the coming into force of this section:

- (a) continue to be employees of the board;
- (b) may be dealt with as if employed pursuant to this section; and
- (c) are entitled to the same benefits as employees employed pursuant to this section.

1992, c.M-15.1, s.7.

POWERS

Powers of the board

8 Subject to this Act and the regulations, the board may:

- (a) on its own initiative or on receipt of a complaint in writing, inquire into, hear and determine any matter relating to:
 - (i) production;
 - (ii) distribution; or
 - (iii) both production and distribution;

and may make any order it considers advisable with respect to that matter;

- (b) regulate its own practice and procedure for the conduct of hearings and inquiries held pursuant to this Act;
- (c) establish committees composed of persons it considers appropriate to:
 - (i) investigate any matters over which the board has jurisdiction; and
 - (ii) advise the board on the results of that investigation;
- (d) determine the remuneration and reimbursement for travelling and living expenses to be paid to members of committees established pursuant to clause (c);
- (e) enter into contracts and other agreements that the board considers appropriate to carry out the objectives of this Act;
- (f) hold, mortgage, lease, sell or otherwise acquire and dispose of any property required for the purposes of this Act;
- (g) invest any of its moneys that are not presently required by it for the purposes of this Act in investments in which trustees are authorized to invest pursuant to *The Trustee Act, 2009* and dispose of those investments and invest the proceeds of that disposition in like investments;
- (h) designate or hire agents on those terms that the board considers to be in the public interest to:
 - (i) collect and purchase producer milk;
 - (ii) transport and sell milk to distributors and processors;
 - (iii) collect deductions and levies from producers; and
 - (iv) for the purpose of doing the things described in subclauses (i) to (iii):
 - (A) handle funds; and
 - (B) keep records and accounts; and
- (i) generally do all things the board considers advisable or necessary for carrying this Act or the regulations into effect.

1992, c.M-15.1, s.8; 2009, c.T-23.01, s.64.

Agreements

- 9** Subject to the approval of the Lieutenant Governor in Council, the board may:
- (a) for the purpose of regulating production and distribution within Saskatchewan or an area of Saskatchewan that may be designated by the board, co-operate or enter into agreements with:
 - (i) the Government of Canada;
 - (ii) the government of any other province of Canada; or
 - (iii) any agency of any of the governments mentioned in subclauses (i) and (ii);

(b) by or pursuant to an Act of the Parliament of Canada or of any other province, relating to the marketing of milk including the collection of any levies, fees and charges and the setting and enforcement of quotas, be appointed or designated by any government or agency mentioned in clause (a) to:

(i) perform any function or duty imposed; or

(ii) exercise any power conferred;

(c) delegate any of the powers of the board to:

(i) the Government of Canada;

(ii) the government of any other province or territory of Canada; or

(iii) any agent of the governments mentioned in subclauses (i) and (ii).

1992, c.M-15.1, s.9.

Regulations

10(1) The board may make regulations:

(a) prescribing the areas in which the regulations made pursuant to this section are to have effect;

(b) prescribing the terms and conditions on which milk may be received, stored or distributed in any area prescribed pursuant to clause (a);

(c) prescribing classes of milk;

(d) establishing procedures for determining payment to producers including using a pooled price for the various classes of milk;

(e) requiring persons who distribute in any area prescribed pursuant to clause (a) to keep those books, records and accounts that will, in the opinion of the board, afford an intelligent understanding of the conduct of their business;

(f) requiring persons who distribute in any area prescribed pursuant to clause (a) to furnish periodically, and at any other times that the board requires, a detailed report of their finances and operations;

(g) with respect to a report mentioned in clause (f), prescribing:

(i) the form of the report;

(ii) the information to be contained in the report; and

(iii) the manner of verifying the information contained in the report;

(h) imposing a levy on producers or distributors or any category of producers or distributors and requiring the payment of those levies by those producers or distributors;

(i) establishing funds from board revenues or special levies for those purposes that the board considers necessary to fulfil the purposes of this Act and the regulations;

(j) establishing and prescribing the manner of administering a fund consisting of price differentials that are withheld from producers who supply milk which does not meet the quality standards established pursuant to *The Animal Products Act* and authorizing the use of that fund for:

- (i) distribution to purchasers adversely affected by the delivery of that milk; or
- (ii) any other purpose that the board may determine;
- (k) respecting production within the areas prescribed pursuant to clause (a);
- (l) requiring any distributor or category of distributors to be licensed to distribute in any area prescribed pursuant to clause (a);
- (m) prescribing the qualifications for eligibility for a distribution licence required pursuant to clause (l);
- (n) prescribing the fee or fees for any distribution licence or category of distribution licence required pursuant to clause (l) and requiring the payment of those fees;
- (o) setting, allocating, regulating and prescribing conditions governing the transfer of milk producer quotas;
- (p) prescribing terms and conditions on which any person or category of persons may distribute in any area prescribed pursuant to clause (a);
- (q) approving or establishing schedules of prices at which classes of milk are to be supplied by:
 - (i) producers to distributors;
 - (ii) distributors to retailers or consumers;
 - (iii) retailers to consumers; and
 - (iv) any other group that the Lieutenant Governor in Council may determine;

having regard primarily to the interest of the public, including consumers and those engaged in production or distribution, and to the continuity and quality of supply.

- (2) A regulation made pursuant to clause (1)(q) may come into force on a date earlier than the date on which it is filed with the Registrar of Regulations.
- (3) For the purposes of clause (1)(q), the board is not bound by any rule of law or public utility practice to see that any rate of return is provided on any plant, equipment or investment.

1992, c.M-15.1, s.10.

Other regulations

11 The Lieutenant Governor in Council may make regulations prescribing terms and conditions on which any person or category of persons may distribute in any area prescribed by regulation by the Lieutenant Governor in Council.

1992, c.M-15.1, s.11.

Board regulations and other regulations operate concurrently

12(1) In this section:

- (a) **“board regulation”** means a regulation made by the board pursuant to section 10 or pursuant to *The Milk Control Act*, as that Act existed on the day before this Act comes into force;
- (b) **“direct conflict”**, with respect to a board regulation and an other regulation:
- (i) means that:
 - (A) compliance with one involves the non-compliance with or breach or defiance of the other; and
 - (B) the two are unable to operate concurrently; and
 - (ii) does not include mere duplication;
- (c) **“other regulation”** means a regulation made by the Lieutenant Governor in Council pursuant to section 11.
- (2) A board regulation and an other regulation shall operate concurrently where there is no direct conflict between the board regulation and the other regulation.
- (3) Every person who is required to comply with a board regulation and an other regulation shall, in the absence of a direct conflict between the board regulation and the other regulation, comply with both the board regulation and the other regulation.
- (4) Where there is a direct conflict between a board regulation and an other regulation, the other regulation shall prevail over the board regulation.
- (5) Every person who is required to comply with a board regulation and an other regulation shall, in the case of a direct conflict between the board regulation and the other regulation, comply with the other regulation.
- (6) No person is liable to prosecution or other penalty for non-compliance with a board regulation where that board regulation is in direct conflict with an other regulation complied with by that person pursuant to subsection (5).

1992, c.M-15.1, s.12.

Orders

- 13(1) In this section **“direct conflict”** with respect to any provision of an order made pursuant to this section and any provision of this Act or the regulations:
- (a) means that:
 - (i) compliance with one involves the non-compliance with or breach or defiance of the other; and
 - (ii) the two are unable to operate concurrently; and
 - (b) does not include mere duplication.
- (2) The board may make orders in accordance with this Act and the regulations granting or refusing to grant:

- (a) a licence to a producer or distributor;
 - (b) a quota to a producer; or
 - (c) an assignment or transfer of quota from one producer to another producer.
- (3) Any licence, quota or assignment or transfer of quota granted by an order made by the board pursuant to subsection (2) is subject to the provisions of this Act and the regulations.
- (4) Any provision of an order made pursuant to this section that is in direct conflict with any provision of this Act or the regulations is revoked.
- (5) The board shall not refuse to make an order pursuant to subsection (2) without granting the applicant an opportunity to be heard.
- (6) Every licence, quota or assignment or transfer of quota granted pursuant to subsection (2) is subject to the terms and conditions that the licensee, producer or distributor, as the case may be, shall:
- (a) on the request of the board, provide the board with any information relating to his or her production and marketing of milk that the board considers necessary; and
 - (b) permit the inspection of:
 - (i) his or her books and records; and
 - (ii) his or her premises;
- by any agent of the board for the purpose of verifying the information mentioned in clause (a).
- (7) The board may authorize the chairperson designated pursuant to section 6 to exercise its power to make orders pursuant to this section.
- (8) Where the board authorizes the chairperson to exercise its power to make orders pursuant to this section:
- (a) the chairperson may exercise the powers of the board prescribed in this section for the making of orders;
 - (b) the exercise of those powers by the chairperson is deemed to be the exercise of those powers by the board; and
 - (c) notwithstanding clause (a), the board, on the application of an aggrieved party, may hear and reconsider a decision or order made by the chairperson granting or refusing to grant a licence, quota or assignment or transfer of quota.
- (9) Where the board hears and reconsiders a decision of the chairperson pursuant to clause (8)(c), the chairperson shall not sit on the board for the purpose of that hearing and reconsideration.

1992, c.M-15.1, s.13.

Restriction

14 Where:

- (a) the board exercises its power to make an order pursuant to subsection 13(2); and
 - (b) a member of the board has a direct personal interest in the matter;
- that member shall declare his or her interest to the board and shall take no part in any proceedings of the board relating to that matter.

1992, c.M-15.1, s.14.

Conditions, etc., of orders

15(1) The board may direct, in any order, that the order or any portion or provision of the order:

- (a) comes into force:
 - (i) at a future fixed time;
 - (ii) on the happening of any contingency, event or condition specified in the order; or
 - (iii) on the performance, to the satisfaction of the board or a person named in the order for the purpose, of any terms that the board may impose on any party interested; and
 - (b) is to be in force for a limited time only or until the happening of a specified event.
- (2) The board, instead of making an order final in the first instance, may make an interim order and reserve further directions, either for an adjourned hearing of the matter or for further applications.
- (3) Where, in the opinion of the board, it would not be prejudicial to the public interest, the board may make an order on any terms and conditions that it may impose revoking or varying any previous order or decision made by the board.
- (4) The board may:
- (a) on its own initiative;
 - (b) on the application of any interested person; or
 - (c) where the board considers it appropriate to do so;
- extend the duration of any order previously made by the board.

1992, c.M-15.1, s.15.

Quotas

16 Any grant of an interest in a quota or assignment or transfer of a quota or an interest in a quota without the approval of the board is null and void.

1992, c.M-15.1, s.16.

LICENCES

Prohibition

17(1) No distributor who is required to be licensed pursuant to a regulation of the board shall distribute without a licence.

(2) No person shall produce or distribute milk unless that person produces or distributes milk, as the case may be, in accordance with this Act and the regulations.

1992, c.M-15.1, s.17.

Issuance

18 Notwithstanding any other provision of this Act or the regulations, the board shall not issue a licence to any person unless the board is satisfied that the issuance of the licence is in the public interest.

1992, c.M-15.1, s.18.

Suspension, etc.

19(1) Subject to subsection (2), the board may suspend or cancel any licence where the board is satisfied that:

- (a) the holder of a licence has violated this Act, the regulations or an order of the board; or
- (b) it is not in the public interest that the licence should remain outstanding.

(2) Subject to subsection (3), the board shall not suspend or cancel a licence without giving the holder of the licence an opportunity to be heard.

(3) Where, in the opinion of the board, it is in the public interest for the board to immediately suspend or cancel a licence, the board may immediately suspend or cancel the licence and, on the suspension or cancellation, shall give the holder of the licence:

- (a) written notice of the suspension or cancellation; and
- (b) an opportunity to be heard within 15 days of the date of the suspension or cancellation.

1992, c.M-15.1, s.19.

HEARINGS

Rules

20(1) This section applies to a hearing before the board.

(2) For the purpose of determining any matter related to the exercise of its powers, the board may hold a hearing:

- (a) where the board receives a written complaint from any milk producer, distributor or consumer and the board considers it appropriate; or
- (b) on its own initiative.

(3) The board shall cause written notice of the time, place and purpose of a hearing to be given to every person who, in the opinion of the board, will be substantially affected by the hearing.

- (4) The board has the power of commissioners appointed pursuant to *The Public Inquiries Act*.
- (5) In a hearing, the board shall receive evidence that, in its opinion, is relevant to the matter being heard.
- (6) The legal and technical rules of evidence do not apply to a hearing.
- (7) The board may direct that all or any oral evidence in a hearing be taken down in writing or recorded by electronic means.
- (8) All evidence taken down in writing or recorded by electronic means and all documentary evidence and things received in evidence at a hearing form the record of the proceeding.
- (9) A person attending or submitting evidence at a hearing may be represented by counsel at the person's own expense.
- (10) At the request of a person affected by a decision of the board, the board shall give written reasons for its decision to that person, without cost to that person.
- (11) Any person who is involved in a hearing conducted pursuant to this Act is entitled to receive any conduct moneys or witness fees to which the person would be entitled if the proceeding were held before the court.
- (12) Notwithstanding that a person who is directly affected by a hearing is neither present nor represented at the hearing, where notice of the hearing has been sent to that person in accordance with this section, the board may proceed with the hearing and make or give any decision as though that person were present.
- (13) Where a member of the board has a direct personal interest in a complaint mentioned in subsection (2), that member shall:
- (a) declare that interest to the board; and
 - (b) take no part in any proceedings of the board relating to that complaint.

1992, c.M-15.1, s.20.

Appeal

- 21**(1) Any person aggrieved by a decision or order of the board may appeal that decision or order on a question of law or jurisdiction to a judge of the court.
- (2) There is no right of appeal from a decision of a judge of the court made pursuant to subsection (1).
- (3) On an appeal pursuant to subsection (1), the court may make any order:
- (a) upholding the decision of the board;
 - (b) directing the board to reconsider the decision or order; or
 - (c) quashing the decision of the board.
- (4) The commencement of an appeal pursuant to this section does not stay the operation of the decision or order of the board that is the subject of the appeal, but a judge of the court may stay the operation of the decision or order of the board pending the disposition of the appeal.

1992, c.M-15.1, s.21.

INVESTIGATIONS

Inspection, investigation

22(1) The minister may appoint any person to make any inspection, investigation or inquiry that the minister considers necessary for the purpose of administering and enforcing:

- (a) this Act;
- (b) the regulations; or
- (c) any order of the board.

(2) A person appointed pursuant to subsection (1) may, at any reasonable time, for the purpose of enforcing this Act, the regulations or any order of the board:

- (a) subject to subsection (3), enter, without a warrant, any place or premises; and
- (b) make any inspection, investigation or inquiry that the person considers necessary.

(3) A person appointed pursuant to subsection (1) shall not enter a private dwelling without a warrant issued pursuant to subsection (4) unless the occupant of the dwelling consents to the entry.

(4) Where a person appointed pursuant to subsection (1) believes on reasonable and probable grounds that:

- (a) an offence against this Act has been committed; and
- (b) there is evidence of the offence to be found:
 - (i) at the place or premises proposed to be searched; or
 - (ii) in the vehicle proposed to be searched;

a justice of the peace or a judge of the Provincial Court of Saskatchewan may issue a warrant authorizing a person appointed pursuant to subsection (1) to enter into and search any place or premises or search any vehicle named in the warrant.

(5) A person appointed pursuant to subsection (1) with a warrant issued pursuant to subsection (4) may:

- (a) enter and search any place or premises named in the warrant;
- (b) require the production of and examine any books, records, papers and other documents that the person believes, on reasonable and probable grounds, may contain information related to an offence against this Act;
- (c) subject to section 23, on the giving of a receipt for the books, records, papers or documents, remove any books, records, papers or documents examined pursuant to this section for the purpose of making copies of extracts of those books, records, papers or documents;
- (d) search any vehicle named in the warrant; and
- (e) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Act.

(6) A person appointed pursuant to subsection (1) may exercise all or any of the powers mentioned in subsection (5) without a warrant issued pursuant to this section if:

- (a) the conditions for obtaining a warrant exist; and
- (b) the person believes on reasonable and probable grounds, that the delay necessary to obtain a warrant would result in:
 - (i) danger to human life or safety; or
 - (ii) the loss or destruction of evidence.

(7) No person shall obstruct any person who is authorized to conduct a search pursuant to this section.

1992, c.M-15.1, s.22.

Copies of documents

23(1) Where any books, records, papers or documents are seized, examined or produced pursuant to section 22, any person appointed pursuant to subsection 22(1) may make copies of those books, records, papers or other documents.

(2) Any person authorized to make copies pursuant to subsection (1) shall:

- (a) make those copies with reasonable dispatch; and
- (b) promptly return the books, records, papers or other documents from which the copies were made to:
 - (i) the place from which they were removed; or
 - (ii) any other place that may be agreed to by the person authorized to make copies and the person who furnished them or from whom they were seized.

(3) A document certified by the minister to be a copy made pursuant to this section:

- (a) is admissible in evidence without proof of the office or signature of that person appearing to have certified the document; and
- (b) has the same probative force as the original document.

1992, c.M-15.1, s.23.

FINANCIAL

Borrowing by board

24 Subject to the approval of the Lieutenant Governor in Council, the board may borrow moneys from the Government of Saskatchewan where it is required for the purpose of carrying out the powers, duties and functions of the board pursuant to this Act and the regulations.

1992, c.M-15.1, s.24.

Finance

25(1) The Lieutenant Governor in Council may authorize the minister responsible for *The Financial Administration Act* to lend from time to time to the board, on those terms and conditions that the Lieutenant Governor in Council considers advisable, those moneys that, in the opinion of the Lieutenant Governor in Council, are necessary to carry out the provisions of this Act.

(2) All moneys lent pursuant to subsection (1) are a first charge on all revenues of the board.

(3) The board shall account for all moneys that it receives or expends in accordance with all orders made and directives issued by the Treasury Board.

(4) The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the accounts and financial statements of the board:

(a) annually; and

(b) at any other time that the Lieutenant Governor in Council may require.

1992, c.M-15.1, s.25.

Fiscal year

26 The fiscal year of the board is the period commencing on January 1 in one year and ending on December 31 in the same year.

1992, c.M-15.1, s.26.

Annual report

27(1) In each year, the board, in accordance with *The Tabling of Documents Act, 1991*, shall prepare and submit to the President of the Executive Council:

(a) report on the activities of the board for the preceding fiscal year; and

(b) a financial statement showing the business of the board for the preceding fiscal year.

(2) The financial statement mentioned in clause (1)(b) is to be in the form required by Treasury Board.

(3) In accordance with *The Tabling of Documents Act, 1991*, the President of the Executive Council shall lay before the Assembly each report and financial statement received by the President of the Executive Council pursuant to subsection (1).

1992, c.M-15.1, s.27.

OTHER**Immunity**

28 No action lies or shall be instituted against the minister, the board, any officer or employee of the board or any person appointed pursuant to section 22, where that person is acting pursuant to the authority of this Act or the regulations, for any loss or damage suffered by any person by reason of anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be

done, by any one or more of them pursuant to or in the exercise of or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

1992, c.M-15.1, s.28.

Service of documents

29(1) Any document or notice required by this Act or the regulations to be given or served, unless otherwise provided for, is to be served personally or mailed by ordinary or registered mail to the last known address of the person being served.

(2) A document or notice served by ordinary or registered mail is deemed to have been received on the tenth day following the day of its mailing.

1992, c.M-15.1, s.29.

Transitional; licences, quotas and orders

30(1) In this section “**direct conflict**” with respect to any provision of an order, licence, quota or other right mentioned in subsection (4) and any provision of this Act or the regulations:

- (a) means that:
 - (i) compliance with one involves the non-compliance with or breach or defiance of the other; and
 - (ii) the two are unable to operate concurrently; and
- (b) does not include mere duplication.

(2) Every licence issued or quota granted by the board pursuant to *The Milk Control Act*, as that Act existed on the day before this Act comes into force, which is valid and subsisting on the day that this Act comes into force, continues in force as if it had been issued or granted, as the case may be, pursuant to this Act.

(3) Every order made by the board pursuant to *The Milk Control Act*, as that Act existed on the day before this Act comes into force, continues in force and may be enforced as if it had been made pursuant to this Act.

(4) Notwithstanding subsections (2) and (3), any order made by the board and any licence issued or quota, assignment or transfer of quota or other right granted by the board pursuant to *The Milk Control Act*, as that Act existed on the day this Act comes into force, is subject to the provisions of this Act and the regulations.

(5) Notwithstanding subsections (2) and (3), any provision of an order, licence, quota or other right mentioned in subsection (4) that is in direct conflict with any provision of this Act or the regulations is revoked.

1992, c.M-15.1, s.30.

Offences and penalties

31(1) Every person who fails to comply with any order of the board acting pursuant to the authority of this Act or who violates any provision of this Act or the regulations is guilty of an offence and liable on summary conviction to the appropriate fine set out in subsection (2).

(2) A person who is convicted of an offence mentioned in subsection (1) that:

- (a) is a single isolated offence, is liable to:

- (i) a fine of not more than \$5,000, in the case of an individual; or
 - (ii) a fine of not more than \$10,000, in the case of a person other than an individual;
- (b) is a continuing offence, is liable to:
- (i) in the case of an individual:
 - (A) a fine of not more than \$5,000; and
 - (B) a fine of not more than \$1,000 for each day or portion of a day during which the offence continues;
 - (ii) in the case of a person other than an individual:
 - (A) a fine of not more than \$10,000; and
 - (B) a fine of not more than \$2,000 for each day or portion of a day during which the offence continues.
- (3) Where a person who has been convicted of an offence mentioned in subsection (1) is in default of a fine imposed pursuant to this section:
- (a) notwithstanding section 29 of *The Summary Offences Procedure Act, 1990*, no imprisonment in default of the payment is to be ordered; and
 - (b) the convicting justice shall, on the request of the minister, supply the minister with 2 certified copies of the person's conviction and sentence.
- (4) The minister or the minister's solicitor or agent may, on payment of the prescribed fee, file a certified copy of a conviction for an offence mentioned in subsection (1) with the office of the local registrar for the court, at any judicial centre.
- (5) A certified copy of a conviction filed pursuant to subsection (4) shall, for the purpose of recovering the fine, costs or any sum ordered to be paid, be entered as a judgment of the court and may be enforced as a judgment of the court.

1992, c.M-15.1, s.31.

R.S.S. 1978, c.M-15 repealed

32 *The Milk Control Act* is repealed.

1992, c.M-15.1, s.32.