



Province of Alberta

MARKETING OF AGRICULTURAL PRODUCTS ACT

ALBERTA CHICKEN PRODUCERS PLAN REGULATION

Alberta Regulation 110/2023

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Extract

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ALBERTA REGULATION 110/2023

Marketing of Agricultural Products Act

**ALBERTA CHICKEN PRODUCERS
PLAN REGULATION**

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Definitions

1 In this Regulation,

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (b) “authorized producer” means a person who
 - (i) holds a licence authorizing the person to produce or market, or both produce and market, chicken, and
 - (ii) has been allocated authorized quota in accordance with the *Alberta Chicken Producers Marketing Regulation* (AR 3/2000);
- (c) “Board” means the Alberta Chicken Producers continued under section 7;
- (d) “bylaws” means the bylaws made by the Board under section 26(2.1) of the Act;
- (e) “chicken” means any category of chicken that
 - (i) is under 6 months of age, and
 - (ii) is not raised for egg production;
- (f) “person” means a person as defined in the *Interpretation Act* and includes
 - (i) a partnership as defined in the *Partnership Act*,
 - (ii) any unincorporated organization that is not a partnership referred to in subclause (i), and
 - (iii) any group of individuals who are carrying on an activity for a common purpose and are neither a partnership referred to in subclause (i) nor an unincorporated organization referred to in subclause (ii);
- (g) “Plan” means the Alberta Chicken Producers Plan that is amended and continued under section 3;
- (h) “processing” means changing the nature of chicken by mechanical means or otherwise and includes the killing of chicken;

- (i) “processor” means a person who is engaged in the business of processing chicken;
- (j) “producer” means a person who is engaged in the production of chicken in Alberta;
- (k) “production” includes the possession of chicken;
- (l) “production facilities” includes the buildings or improvements, or both, in which chicken is produced and the parcel of land on which the buildings or improvements, or both, are located;
- (m) “quota” means the privilege granted by the Board to a producer to produce and market chicken;
- (n) “regulated product” means chicken.

Designation

2 Chicken is designated as an agricultural product for the purposes of the Act.

Part 1 General Operation of Plan

Division 1 Plan

Plan continued

3 The Alberta Chicken Producers’ Plan, established under the *Alberta Chicken Producers’ Plan Regulation* (AR 70/93), is amended and continued under this Regulation with the name “Alberta Chicken Producers Plan”.

Termination of Plan

4 The Plan does not terminate at the conclusion of a specific period of time and remains in force unless otherwise terminated under the Act.

Application of Plan

5(1) In this section, “consumer” means a person who receives or purchases chicken or parts of chicken wholly for personal or family use and not for resale.

(2) The Plan applies

- (a) to all of Alberta,
 - (b) to all persons who produce or market, or both produce and market, any kind or grade of chicken, and
 - (c) to processors for the purposes of section 9(1)(b) to (g) and (2)(g), (i) to (o), (q), (t) and (u).
- (3)** A person is exempt from the licensing, service charge, levy and quota provisions of the Plan if in a calendar year
- (a) the person does not produce more than 2000 chickens,
 - (b) the person ordinarily resides on the same parcel of land as the production facilities for the chicken,
 - (c) not more than 2000 chickens are produced on the land referred to in clause (b), and
 - (d) the chicken is
 - (i) consumed by the person or the person's family, or
 - (ii) sold to consumers from
 - (A) the land referred to in clause (b),
 - (B) land that is adjacent to the land referred to in clause (b), or
 - (C) a stall at a farmers' market.

Purpose and intent

- 6** The purpose of the Plan is
- (a) to provide for the effective promotion, control and regulation in all respects of the production or marketing, or both, of the regulated product, including the prohibition of production or marketing, or both, in whole or in part,
 - (b) without limiting the generality of clause (a), to accomplish the following:
 - (i) to establish quotas for the production or marketing, or both, of the regulated product;
 - (ii) to maintain a fair and stabilized price for the regulated product;
 - (iii) to develop and maintain the orderly marketing of the regulated product;

- (iv) to provide a uniform, high quality of the regulated product for the market;
- (v) to maintain adequate advertising and promotion of the regulated product;
- (vi) to work with marketing boards and similar organizations having similar objectives including such boards and organizations that may be established in other provinces;
- (vii) to provide for the prohibition of production or marketing, or both, of the regulated product where the regulated product is not marketed pursuant to a quota,

and

- (c) to fund, initiate, conduct or carry on research and development and studies with respect to the production, handling, marketing and processing of the regulated product, including research and studies concerning the development and use of the regulated product.

Division 2

Administration of Plan by the Board

Board continued

7 The Board known as the “Alberta Chicken Producers” is continued.

Responsibilities of Board

8 The Board is responsible for the operation, regulation, supervision and enforcement of the Plan, the regulations made by the Board and the bylaws.

Regulations to operate Plan

9(1) The Board is authorized under section 26 of the Act to make, with the approval of the Council, regulations

- (a) requiring producers engaged in the production or marketing, or both, of the regulated product to register their names and addresses with the Board;
- (b) requiring any person who produces, markets or processes the regulated product to furnish to the Board any information or record relating to the production,

marketing or processing of the regulated product that the Board considers necessary;

- (c) requiring persons to be licensed under the Plan before they become engaged in the production, marketing or processing, or any one or more of those functions, of the regulated product;
 - (d) prohibiting persons from engaging in the production, marketing or processing, as the case may be, of the regulated product except under the authority of a licence;
 - (e) governing the issuance, suspension or cancellation of a licence;
 - (f) providing for
 - (i) the assessment, charging and collection of service charges, licence fees and levies, as the case may be, from producers from time to time for the purposes of the Plan, and
 - (ii) the taking of legal action to enforce payment of the service charges, licence fees and levies, as the case may be;
 - (g) requiring any person who receives any regulated product from a producer
 - (i) to deduct from the money payable to the producer any service charges, licence fees or levies, as the case may be, payable by the producer to the Board, and
 - (ii) to forward the amount deducted to the Board;
 - (h) providing for the use of any class of service charges, licence fees, levies or other money payable to or received by the Board for the purpose of paying its expenses and administering the Plan and the regulations made by the Board;
 - (i) providing for the payment to a Canada Board of money that is payable under a Canada Act.
- (2)** The Board is authorized under section 27 of the Act to make, with the approval of the Council, regulations
- (a) requiring that the production or marketing, or both, of the regulated product be conducted pursuant to a quota;
 - (b) governing

- (i) the fixing and allotting of quotas,
- (ii) the increase or reduction of quotas,
- (iii) the cancelling of quotas, and
- (iv) the refusal to fix and allot quotas

to producers for the production or marketing, or both, of the regulated product on any basis that the Board considers appropriate;

- (c) governing the transferability or non-transferability of quotas;
- (d) establishing
 - (i) a formula for determining the volume, weight, components, contents, amount or number of regulated product deemed to have been produced or marketed by a producer, and
 - (ii) the period of time in respect of which the formula is to be applied

for the purpose of determining the amount of regulated product produced or marketed by a producer during a period of time;

- (e) respecting assurance programs and standards;
- (f) providing for
 - (i) the assessment, charging and collection of a levy from any producer whose production or marketing, or both, of the regulated product is in excess of the quota that has been fixed and allotted to that producer, and
 - (ii) the taking of legal action to enforce payment of the levy;
- (g) requiring any person who provides any regulated product to a producer under the Plan to furnish to the Board any information requested by the Board;
- (h) determining the quantity, weight and volume of each class, variety, size, grade, kind, components and contents of the regulated product that shall be produced or marketed, or both, by each producer;

- (i) directing, controlling or prohibiting, as the case may be, the production or marketing, or both, of the regulated product or any class, variety, size, grade or kind of the regulated product in a manner that the Board considers appropriate;
- (j) regulating and controlling the production or marketing, or both, of the regulated product, including the times and places at which the regulated product may be produced or marketed;
- (k) determining or respecting the determination of the minimum price or prices that shall be paid to producers for the regulated product or any class, variety, size, grade, volume, weight, components, contents or kind of the regulated product and determining different prices for different parts of Alberta;
- (l) requiring that the money payable or owing to a producer for the regulated product be paid to or through the Board;
- (m) providing for the payment to a producer of the money payable or owing for the regulated product, less any service charges and levies owing to the Board by the producer, and fixing the time or times at which or within which the payments shall be made;
- (n) regulating and controlling agreements entered into by producers of a regulated product with persons engaged in marketing or processing of the regulated product, including to prohibit any provision in the agreements;
- (o) providing for the terms and conditions on which a person may market the regulated product in excess of the quota fixed and allocated to the person;
- (p) respecting the amount, manner and time of payments to producers by processors and requiring the making of statements and other documents accompanying payments and respecting the information to be contained in the statements and other documents;
- (q) governing
 - (i) the furnishing of security or proof of financial responsibility by any person engaged in the production, marketing or processing of the regulated product, and
 - (ii) the administration and disposition of any money or securities so furnished;

- (r) prohibiting a person to whom a quota has not been fixed and allotted for the production or marketing, or both, of the regulated product from producing or marketing, as the case may be, any regulated product;
- (s) prohibiting a producer to whom a quota has been fixed and allotted for the production or marketing, or both, of the regulated product from producing or marketing, as the case may be, any regulated product in excess of that quota;
- (t) prohibiting any person from purchasing or otherwise acquiring from a producer any regulated product in excess of the quota that has been fixed and allotted to the producer for the production or marketing, or both, of the regulated product;
- (u) prohibiting any person from purchasing or otherwise acquiring any regulated product from a person to whom a quota has not been fixed and allotted for the production or marketing, or both, of the regulated product.

Financing of the Plan

10 In accordance with the regulations, the Plan must be financed

- (a) by the charging and collection of service charges, licence fees and levies, and
- (b) by any other money payable to or received or accrued by the Board.

Interprovincial matters

11 In accordance with section 50 of the Act, the Board, with respect to the production or marketing, or both, of a regulated product, may be authorized by the Council to perform any function or duty and exercise any power imposed or conferred on it by a Canada Board or by or under a Canada Act.

Indemnification and other funds

12(1) The Board may establish one or more funds under section 34 or 35 of the Act.

(2) In order to finance the funds, the Board may raise amounts in accordance with sections 34 and 35 of the Act.

Part 2 Governance of Plan

Members of the Board

13 The Board consists of 5 members elected or appointed in accordance with the Plan and the bylaws.

Elections

14(1) Elections to the Board must be conducted

- (a) at the annual meeting of authorized producers, or
- (b) at a special meeting of the authorized producers, where the Council orders under section 17(5) that an election be held

by means of a vote of authorized producers in accordance with the procedures set out in the bylaws.

(2) An authorized producer who is eligible to vote under the bylaws may vote once for any number of candidates not exceeding the number of members to be elected to the Board at that meeting notwithstanding that the authorized producer may manage or operate or own, lease or hold equity in 2 or more operations that are registered separately with the Board.

Vacancy

15(1) If a vacancy occurs on the Board, the Board, in accordance with the bylaws and with the approval of the Council, may appoint from among individuals who are eligible to be elected to the Board an individual to act as a member until the next annual meeting of authorized producers.

(2) At the next annual meeting of authorized producers following the appointment of an individual under subsection (1), the position must be filled by holding an election in accordance with the Plan and the bylaws for the unexpired portion of the term.

Insufficient attendance

16(1) If an election is held under the Plan and there is an insufficient number of eligible voters in attendance at the meeting,

- (a) the election is void, and
- (b) the position for which the election was held is vacant.

(2) Notwithstanding that a position is vacant by reason of subsection (1), the bylaws may provide that the term of office of

the position is deemed to have commenced as if an individual had been elected to the position.

(3) If a position is vacant under subsection (1), the Board may appoint an individual to the position in accordance with section 15.

Election irregularities

17(1) If an authorized producer questions

- (a) the eligibility of a candidate,
- (b) the eligibility of a voter,
- (c) any matter relating to a ballot or the tabulation of ballots,
or
- (d) any other irregularity with respect to the conduct of an election,

the authorized producer may, not later than 15 days after the date of the election, apply in writing to the Council to have the election declared void and the position declared vacant.

(2) If the Council has not received an application under subsection (1) within the 15-day period referred to in subsection (1), an individual elected at that election is deemed to be duly elected.

(3) The Council shall not consider an application under subsection (1) that is not received by the Council within 15 days after the date of the election.

(4) On receipt of an application under subsection (1), the Council shall consider the matter and may

- (a) declare the election to be proper and the position filled if, in the opinion of the Council, there is no basis for the application,
- (b) declare the election to be proper and the position filled notwithstanding that there is a basis for the application if, in the opinion of the Council,
 - (i) the basis of the application did not materially affect the result of the election, and
 - (ii) the election was conducted substantially in accordance with the Plan, the bylaws and the Act,

or

- (c) declare the election to be void and the position vacant if, in the opinion of the Council, there is a basis for the application and the basis is sufficient to or did affect the result of the election.
- (5) If the Council declares an election to be void and the position vacant, the Council may
- (a) order that, within the time that the Council considers proper, a special meeting of the authorized producers be held and an election conducted to fill the vacant position for the unexpired portion of the term, or
 - (b) notify the Board that the position is vacant and that the Board may appoint an individual to fill the vacant position in accordance with section 15.
- (6) Notwithstanding that an election is declared void and a position is declared vacant under subsection (4)(c), the bylaws may provide that the term of office of the position declared vacant is deemed to have commenced as if an individual had been elected to the position.

Part 3

Review, Transitional and Repeal

Review

18 In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before May 31, 2030.

Transitional

19 Where an individual is a member of the Board immediately before the coming into force of this Regulation, that individual continues to be a member of the Board until the expiry of that individual's term of office in accordance with the Plan and the bylaws unless

- (a) the individual is removed or resigns from office, or
- (b) the bylaws reduce the term of office for that position.

Repeal

20 The *Alberta Chicken Producers' Plan Regulation* (AR 70/93) is repealed.



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