



Regulation Review

Background:

Every 5 years ACP is required to review its Regulations, and ACP’s Marketing Regulation and Plan Regulation are set to expire May 31, 2025.

Following this review, ACP the review cycle will be extended from 5 to 7 years as per Marketing Council’s mandatory Marketing Regulation Review policy, setting the next expiry date of the ACP Marketing Regulation on May 31, 2032. It should be noted that changes required can be made at any time, meaning that changes need not wait for the next scheduled review.

The Governance Committee has reviewed the Regulations and eight administrative changes have been identified. These proposed changes seek to add clarity to the interpretation of the Marketing and Plan Regulations and/or update the Regulations to reflect current practices.

Proposed Amendments:

Marketing Regulation

Section	Current Text	Proposed Text	Intent and Rationale
1(d)	1(d) “broiler” means a chicken that is marketed at a live weight that is greater than one kilogram and less than 2.5 kilograms;	1(d) “broiler” means a chicken that is marketed at a live weight that is greater than one kilogram and less than 2.7 kilograms;	The changes to 1(d) reflect the current broiler weights published by Chicken Farmers of Canada (CFC).
1(q)	1(q) “Plan” means the Alberta Chicken Producers’ Marketing Plan;	1(q) “Plan” means the Alberta Chicken Producers’ Plan Regulation;	Updating the name to reflect the current name of the ACP Plan Regulation.

Section	Current Text	Proposed Text	Intent and Rationale
1(y)	1(y) “roaster” means a chicken that is marketed at a live weight of not less than 2.5 kilograms;	1(y) “roaster” means a chicken that is marketed at a live weight of not less than 2.7 kilograms;	The changes to 1(y) reflect the current roaster weights published by Chicken Farmers of Canada (CFC).
1(aa)	1(aa) “site plan” means a drawing of the outline of buildings used to produce chicken, including outside dimensions of the buildings and the legal description of the land on which the buildings are located.	1(aa) “site plan” means a drawing or aerial photo of the outline of buildings used to produce chicken, including outside dimensions of the buildings and the legal description of the land on which the buildings are located.	The addition of the wording “or aerial photo” to the definition of “site plan” as this is consistent with current practice.
4(1)	4(1) A person may apply to the Board for one or more of the following licences: (a) a licence to operate as a hatchery; (b) a licence to market chicken as an authorized producer; (c) a licence to process chicken; (d) a licence to lease quota.	4(1) A person may apply to the Board for one or more of the following licences: (a) a licence to operate as a hatchery; (b) a licence to market chicken as an authorized producer; (c) a licence to process chicken; (d) a licence to lease quota; (e) a license to broker chick sales to unregistered producers.	Adding a broker licence for people the hatcheries use for the sale of chicks to unregistered producers. This offers clarity for the current licensing practice by ACP.

Section	Current Text	Proposed Text	Intent and Rationale
10(1)	<p>10(1) The service charge to be paid by an authorized producer shall be</p> <p>(a) prescribed by the Board in an amount per kilogram of live weight of chicken marketed, and</p> <p>(b) \$0.16 per kilogram of live weight of chicken, until otherwise prescribed.</p>	<p>10(1) The service charge to be paid by an authorized producer shall be</p> <p>(a) prescribed by the Board in an amount per kilogram of live weight of chicken marketed, and</p> <p>(b) \$0.0195 per kilogram of live weight of chicken, until otherwise prescribed.</p>	<p>Updating the prescribed rate to align with current operations.</p>
19(4), (5)	<p>19(4) An applicant for a communal group production quota must pay to the Board a service charge of \$250 at the time of making the application for the quota, and thereafter the holder of the communal group production quota must pay to the Board an annual service charge of \$250 by January 31 of each year.</p> <p>19(5) If the annual service charge is not paid by January 31 in the year it is due, the Board may cancel the communal group production quota.</p>	<p>19(4) An applicant for a communal group production quota must pay to the Board a service charge of \$250 at the time of making the application for the quota, and thereafter the holder of the communal group production quota must pay to the Board an annual service charge of \$250 by March 1 of each year.</p> <p>19(5) If the annual service charge is not paid by March 1 in the year it is due, the Board may cancel the communal group production quota.</p>	<p>Change of date from January 31 to March 1 allows flexibility and provide time for invoicing and payment.</p>

Section	Current Text	Proposed Text	Intent and Rationale
<p>20(2), (3), (4), & (5)</p>	<p>20(3) If an interest is registered under subsection (1), the Board must</p> <p>(a) immediately notify the authorized producer who has been allocated the authorized quota of the registration, and</p> <p>(b) notify the mortgagee of any application to reallocate all or any part of the authorized quota to which the registration applies.</p> <p>20(4) The Board shall not approve the reallocation of any authorized quota in respect of which an interest is registered under the subsection (1) unless the mortgagee has given written consent to the reallocation.</p> <p>20(5) Only one financial interest may be registered in respect of an authorized quota.</p>	<p>20(3) The Board shall not register a financial interest unless it is signed by the authorized producer to which the registration applies.</p> <p>20(4) If an interest is registered under subsection (1), the Board must notify the mortgagee of any application to reallocate all or any part of the authorized quota to which the registration applies.</p> <p>20(5) The Board shall not approve the reallocation of any authorized quota in respect of which an interest is registered under the subsection (1) unless the mortgagee has given written consent to the reallocation.</p> <p>20(6) Only one financial interest may be registered in respect of an authorized producer's quota.</p> <p>20(7) The Board shall not register a financial interest if there is an appointment of attorney registered under section 22 in respect of a person who has loaned money to an authorized producer.</p>	<p>20(3) Adjusted to reflect current board practice of requiring the affected producer to sign off on the financial interest.</p> <p>Requirement added to eliminate the risk of two securities being registered on the same quota. This prevents a financial interest from being registered on quota that already has a registered appointment of attorney and vice versa.</p>

Section	Current Text	Proposed Text	Intent and Rationale
22(7)	<p>22(7) If the Board has acknowledged registration of the appointment of attorney, the Board shall not approve an application for</p> <p>(a) the cancellation and reallocation of the authorized quota specified in the appointment of attorney,</p> <p>(b) the lease of the authorized quota specified in the appointment of attorney, or</p> <p>(c) the transfer of an ownership interest in the authorized quota specified in the appointment of attorney, unless the person appointed as the attorney signs the application.</p>	<p>22(7) If the Board has acknowledged registration of the appointment of attorney, the Board shall not approve an application for</p> <p>(a) the cancellation and reallocation of the authorized quota specified in the appointment of attorney, or</p> <p>(b) the transfer of an ownership interest in the authorized quota specified in the appointment of attorney, unless the person appointed as the attorney signs the written consent.</p>	<p>Removal of 22(7b) requirement as the proposed text is inconsistent with current practice. Notifying the mortgagee of leases of quota, as written in the current text, is not practiced nor is it practical.</p> <p>In 22(7c) replace the word “application” with the words “written consent” to align with wording under the financial interest.</p>
45	<p>45 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on May 31, 2025.</p>	<p>45 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on May 31, 2032.</p>	<p>Changing the expiry date by seven years as per Marketing Council’s mandatory regulation review policy will ensure the regulation is reviewed regularly for necessity and relevance.</p>

Next Steps:

1. Present proposed amendments to producers for a vote at AGM
2. If majority support, provide proposed amendments to Marketing Council for approval
3. Marketing Council decision
4. If approved, regulation updated and filed