

(Consolidated up to 24/2010)

ALBERTA REGULATION 204/98

Marketing of Agricultural Products Act

ALBERTA BEEF PRODUCERS COMMISSION REGULATION

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Definitions

1(1) In this Regulation, “Plan” means the *Alberta Beef Producers Plan Regulation*.

(2) Words used in this Regulation have the same meaning as they do in the Plan.

AR 204/98 s1;279/2002;57/2009;278/2009

Service charges

2(1) A producer who sells cattle shall pay to the Commission a service charge in the amount of \$3.00 per head of cattle sold by that producer.

(2) A producer who is in the business of feeding and slaughtering that producer's own cattle shall pay to the Commission a service charge in the amount of \$3.00 per head of cattle fed and slaughtered by that producer.

(3) Where, in the ordinary course of business as a dealer, a dealer feeds or owns cattle for a period of not more than 7 days, the dealer is deemed not to be a producer and is not liable to pay the service charge to the Commission under subsection (1).

AR 204/98 s2;49/99;40/2004

Variation of service charge

2.1(1) The Commission may, from time to time, change the amount of the service charge.

(2) Notwithstanding subsection (1), a change in the amount of the service charge shall not be effective until it has been approved by a vote of the delegates at an annual delegate meeting or a special delegate meeting.

AR 24/2010 s2

Payable by the producer who sells cattle

3(1) With respect to the service charge referred to in section 2(1), the producer shall, subject to subsection (2),

- (a) pay the service charge to the Commission, and
- (b) account to the Commission for the service charge, in the form prescribed by the Commission,

by the 25th day of the month next following the month in which the cattle were sold.

(2) If the service charge is deducted from the money payable to the producer in accordance with sections 5 and 6, the producer is not liable to the Commission for the amount of the service charge.

(3) If the service charge is not deducted from the money payable to the producer in accordance with sections 5 and 6 and the producer fails to pay the service charge to the Commission in accordance with subsection (1), the producer is liable to the Commission for the amount of the service charge.

Payable by the producer who feeds and slaughters cattle

4(1) With respect to the service charge referred to in section 2(2), the producer shall

- (a) pay the service charge to the Commission, and

- (b) account to the Commission for the service charge, in the form prescribed by the Commission,

by the 25th day of the month next following the month in which the cattle were slaughtered.

(2) If the producer fails to pay the service charge to the Commission in accordance with subsection (1), the producer is liable to the Commission for the amount of the service charge.

Deduction by purchasers

5(1) Where cattle are sold by a producer directly to a purchaser without engaging the services of a dealer, that purchaser shall

- (a) deduct the amount of the service charge from the money payable to the producer,
- (b) forward the amount deducted to the Commission and account to the Commission for the amount deducted, in the form prescribed by the Commission, by the 25th day of the month next following the month in which the cattle were sold, and
- (c) provide to that producer a document that clearly shows
 - (i) the number of cattle sold,
 - (ii) the amount of the service charge that was deducted,
 - (iii) the name, address and telephone number of the purchaser, and
 - (iv) the date of the transaction in respect of which the deduction was made.

(2) If the purchaser fails to deduct and forward the service charge to the Commission in accordance with subsection (1), the purchaser is liable to the Commission for the amount of the service charge.

AR 204/98 s5;24/2010

Deduction by dealers

6(1) Where a dealer is engaged in a purchase or sale of cattle the dealer shall

- (a) deduct the amount of the service charge from the money payable to the producer,
- (b) forward the amount deducted to the Commission and account to the Commission for the amount deducted, in the form prescribed by the Commission, by the 25th day

of the month next following the month in which the cattle were sold, and

- (c) provide to that producer a document that clearly shows
 - (i) the number of cattle sold,
 - (ii) the amount of the service charge that was deducted,
 - (iii) the name, address and telephone number of the dealer, and
 - (iv) the date of the transaction in respect of which the deduction was made.

(2) If the dealer fails to deduct and forward the service charge to the Commission in accordance with subsection (1), the dealer is liable to the Commission for the amount of the service charge.

AR 204/98 s6;24/2010

Refund of service charge

6.1(1) Subject to this section, any service charge that is paid by or on behalf of a producer is refundable to that producer on request of that producer.

(2) A producer may request a refund of all or a portion of the service charge paid.

(3) A request for a refund of a service charge must

- (a) be in a form approved by the Commission,
- (b) be sent to the Commission
 - (i) by postmarked mail or courier to the address designated by the Commission for that purpose, or
 - (ii) by fax or e-mail to a fax number or e-mail address designated by the Commission for that purpose,
- (c) contain
 - (i) the producer's name, mailing address and telephone number,
 - (ii) the number of cattle in respect of which the service charge is requested to be refunded,
 - (iii) the amount of the service charge that is requested to be refunded,

- (iv) the date of the transactions for which the service charge is requested to be refunded,
- (v) if applicable, the name of the purchaser or dealer who deducted the service charge under section 5 or 6, and
- (vi) any other information required by the Commission,

and

- (d) be accompanied by such documents as may be required by the Commission to prove to the satisfaction of the Commission that the service charge was
 - (i) paid to the Commission by the producer, or
 - (ii) deducted under section 5(1)(a) or 6(1)(a), and not passed on to another producer for payment.

(4) A request for a refund of a service charge must be submitted to the Commission

- (a) during the month of July in a year in respect of a service charge paid during the months of January to June of that year, or
- (b) during the month of January in a year in respect of a service charge paid during the months of July to December of the previous year.

(5) A producer is not entitled to a refund in respect of a service charge where the request for the refund of the service charge is not submitted to the Commission in accordance with subsections (3) and (4), unless the Commission decides to accept the request under subsection (6).

(6) The Commission may decide to accept a request for a refund that is not submitted to the Commission in accordance with subsections (3) and (4) if the Commission is satisfied that extenuating circumstances warrant accepting the request.

(7) If the request for a refund meets the requirements of subsections (1), (3) and (4), the Commission must refund the service charge to the producer

- (a) by October 31 of the year in which the request is submitted in respect of a request submitted in accordance with subsection (4)(a), or

- (b) by April 30 of the year in which the request is submitted in respect of a request submitted in accordance with subsection (4)(b).

(8) If the Commission accepts a request for a refund under subsection (6), the Commission must refund the service charge to the producer within 90 days of accepting the request.

AR 24/2010 s5

Interest

6.2 The Commission may charge interest for any late payment of a service at the rate of 2% per month calculated on the balance due.

AR 24/2010 s5

Recovery of service charge

7(1) The amount of the service charge that

- (a) is not paid to the Commission by the producer in accordance with sections 3 and 4, or
- (b) is not deducted and forwarded to the Commission by the purchaser or dealer in accordance with sections 5 and 6

is a debt owing to the Commission and the Commission may take legal action to recover the service charge.

(2) In a case where section 5 or 6 applies, the producer and the purchaser or dealer, as the case may be, are jointly and severally liable to the Commission for the amount of the service charge.

Use of service charge

8(1) The Commission may use the service charge or other money payable to or received by the Commission for the purpose of paying the Commission's expenses and administering the Plan and the regulations made by the Commission.

(2) Without restricting the generality of subsection (1), the Commission may pay \$1.00 for each \$3.00 service charge collected under section 2 to the Canada Board for services performed by the Canada Board on behalf of the Commission pursuant to any agreement entered into between the Commission and the Canada Board.

AR 204/98 s8;279/2002;40/2004

Information

9(1) Any person who produces, markets or processes cattle or cattle products shall furnish to the Commission on the request of

the Commission any information or record relating to the production, marketing or processing of cattle or cattle products that the Commission considers necessary for the purposes of administering

- (a) the Plan,
- (b) this Regulation, and
- (c) any other regulation made under the Act in respect of the Commission.

(2) Where the Commission requests a person to furnish information under subsection (1), that person must furnish that information to the Commission by the 25th day of the month next following the month in which the request was made for the information.

(3) A producer, purchaser or dealer shall, on request, furnish to the Commission, within 7 days after receiving the request, any information or record relating to the sale or feeding and slaughter of cattle that the Commission considers necessary for the purposes of considering or processing a request for a refund of a service charge.

AR 204/98 s9;57/2009;24/2010

Inspection of records

9.1 If the Commission is of the opinion that circumstances warrant it, the Commission may in writing require a producer, purchaser or dealer to produce for the Commission's inspection any information or record in the possession or under the control of the producer, purchaser or dealer that relates to the deduction, remittance and payment of service charges by the producer, purchaser or dealer.

AR 24/2010 s7

Reports by livestock dealer, etc.

10 Any person who

- (a) is a purchaser,
- (a.1) is a dealer, or
- (b) is a supervisor of a feeder association operating under the *Feeder Associations Guarantee Act*,

shall, within the reporting period set by the Commission, complete to the satisfaction of the Commission the forms prescribed by the

Commission for the reporting of the particulars of sales, whether or not those persons have marketed cattle during the reporting period.

AR 204/98 s10;57/2009;24/2010

Request for information or report

10.1 A request by the Commission for information or records under section 9 or 9.1 or a report under section 10

- (a) must be in writing, and
- (b) may be sent
 - (i) by postmarked mail or courier to the person's last address shown on the records of the Commission, or
 - (ii) by fax or e-mail to the person's last fax number or e-mail address shown on the records of the Commission.

AR 24/2010 s9

Determination of date of request, information and report

10.2(1) A refund request is considered to be submitted under section 6.1, information or records are considered to be requested, furnished or produced under section 9 or 9.1 and a report is considered to be requested or completed under section 10

- (a) on the day that it is postmarked or delivered, where the request, information, record or report is sent by mail or courier, or
- (b) on the day that it is sent where the request, information, record or report is sent by fax or e-mail.

(2) If there is a dispute as to whether the request, information, record or report was sent to the recipient within the time required by this Regulation, the onus is on the person sending the request, information, record or report to prove that it was so sent.

AR 24/2010 s9

Transitional

11 All rights and obligations under the *Cattle Marketing Regulation* (AR 347/88) become rights and obligations under this Regulation on this Regulation coming into force.

Repeal

12 The *Cattle Marketing Regulation* (AR 347/88) is repealed.

Expiry

13 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 June 30, 2015.

AR 204/98 s13;279/2002;260/2007;57/2009;24/2010