



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **AGRICULTURAL PRODUCTS STANDARDS ACT**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to December 2, 2015. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## AGRICULTURAL PRODUCTS STANDARDS ACT

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## AGRICULTURAL PRODUCTS STANDARDS ACT

### CHAPTER A-9

#### 1. Definitions

In this Act

- (a) “**agricultural product**” means any product as defined under the Canada Act;
- (b) “**Canada Act**” means the *Canada Agricultural Products Act* Stats. Can. 1988, c.27 or, as the case may be, the *Canada Grain Act*, R.S.C. 1985 Chap. G-10;
- (c) “**condition defects**” means any defect that may develop in an agricultural product during storage or transit;
- (d) “**designated product**” means an agricultural product designated by the Lieutenant Governor in Council;
- (e) renumbered as (g.1) by 2015,c.36,s.2;
- (f) “**grade**” includes standards;
- (g) “**grade name**” includes any mark, description or designation of a grade;
- (g.1) “**inspector**” means a person appointed as an inspector pursuant to section 5;
- (h) “**marketing**” includes selling, offering for sale, or having in possession for sale;
- (i) “**Minister**” means the Minister of the Crown designated by the Lieutenant Governor in Council to administer this Act;
- (j) “**place**” includes any vehicle or vessel;
- (k) “**prescribed**” means prescribed by the regulations;
- (l) “**vehicle**” means every device in, upon or by which any person or property may be transported or drawn upon land or water. 1975,c.65,s.1; 1985,c.5,s.1; 2015,c.36,s.2.

#### 2. Designation of agricultural products

The Lieutenant Governor in Council may designate any or all of the products included in the definition of agricultural products to be a product to which standards shall apply under this Act. 1975,c.65,s.2.

#### 3. Standards, grades and grade names

- (1) The standards, grades, or grade names which shall apply to any designated product marketed in the province are the standards, grades, and grade names set and established under the Canada Act.

##### Provincial standards, etc.

- (2) Notwithstanding subsection (1), the Lieutenant Governor in Council may make regulations establishing standards, grades and grade names which shall apply to any designated product marketed in the province.

**Provincial standards, effect**

- (3) Standards, grades and grade names established under subsection (2) may be in addition to or in substitution for those set and established under subsection (1). *1975,c.65,s.3; 1992,c.2,s.1.*

**4. Regulations**

The Lieutenant Governor in Council may make regulations

- (a) requiring as a condition of the grading or inspection of a designated product under this Act, that it be prepared and graded in an establishment that, at the time of the preparation or grading of the product,
  - (i) complied with prescribed conditions, and
  - (ii) was registered in the prescribed manner, and in respect of which the prescribed registration fee was paid;
- (b) prescribing fees that may be charged for the grading or inspection of designated products;
- (c) prescribing the sizes, dimensions and other specifications of packages in which a designated product must be packed and the manner in which it must be packed and marked as a condition to application or use of the name of a grade so established;
- (d) respecting the cleanliness and sanitation of premises in which designated products are graded, packed, or assembled;
- (e) exempting from this Act the marketing of designated products at certain times or at certain places;
- (f) prescribing condition defects in a designated product where they are not prescribed under the Canada Act;
- (g) respecting any other matter concerning which the Lieutenant Governor in Council deems any regulations necessary for carrying out the purposes of the Act. *1975,c.65,s.4.*

**5. Inspectors, appointment**

- (1) The Minister may appoint as inspectors for the enforcement of this Act and the regulations such persons as he may deem expedient, including any inspector employed in Prince Edward Island under and for the enforcement of any Act of the Parliament of Canada dealing with any agricultural product.

**Powers**

- (2) Inspectors shall have all the powers prescribed for inspectors under the Canada Act, and all such powers shall be deemed to be set forth in this Act.

**Certificates, proof of**

- (3) A certificate of the appointment of any inspector and any inspection certificate or other certificate purporting to be signed by an inspector is, without further proof of the signature or official position of the person signing the certificate *prima facie* evidence in any court of the facts set forth in the certificate. *1975,c.65,s.5.*

**6. Failure to comply with standards or regulations**

No person shall market a designated product in the province that does not meet the standards referred to in section 3 or that does not comply with the regulations. *1975,c.65,s.6.*



**7. Obstruction of inspector**

- (1) No person shall obstruct or hinder an inspector or other officer in the carrying out of his functions under this Act.

**False or misleading statement**

- (2) No person shall make a false or misleading statement either verbally or in writing to an inspector or other officer engaged in carrying out his functions under this Act.

**Assistance to inspectors**

- (3) The owner or person in charge of any place, and every person found therein, shall give an inspector all reasonable assistance in his power to enable the inspector to carry out his functions under this Act and shall furnish him with such information with respect to the administration of this Act and the regulations as he may reasonably require. *1975,c.65,s.7.*

**8. Damaging or causing deterioration in designated product**

- (1) No person shall, during the course of shipment in this province of a designated product that has been packed, marked or graded under this Act,
- (a) wilfully or carelessly damage the designated product; or
  - (b) handle the product in such a manner
    - (i) that is likely to deteriorate in quality, or
    - (ii) that it is likely to fail to meet the requirements prescribed under this Act for the grade applied thereto.

**"During the course of shipment" defined**

- (2) For the purposes of this section, the expression "during the course of shipment" includes loading and unloading and any acts preparatory to loading, shipping or unloading. *1975,c.65,s.8.*

**9. Violation of Act, offence**

- (1) Every person who, or whose employee or agent, has violated any provision of this Act or any regulation made hereunder, is guilty of an offence and is liable on summary conviction
- (a) for a first offence to a fine of not less than \$25 nor more than \$500; and
  - (b) for each subsequent offence to a fine of not less than \$200 nor more than \$1,000;
  - (c) repealed by *1994,c.58,s.6.*

**Forfeiture of product being subject of violation**

- (2) Where a person has been convicted of a violation of this Act, every designated product or other thing by means of or in relation to which the offence was committed is, upon the conviction, in addition to any penalty imposed, forfeited to Her Majesty the Queen in right of the province if such forfeiture is directed by the courts. *1975,c.65,s.9; 1994,c.58,s.6; 2015,c.36,s.2.*