



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT

PLEASE NOTE

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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).

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FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT

CHAPTER F-4.2

1. Definitions

In this Act

- (a) “**approved farm organization**” means a general farm organization that is designated as an approved farm organization in an order made under section 3;
- (b) “**Department**” means the Department of Agriculture and Fisheries;
- (c) “**farm business**” means a farming business within the meaning of the *Income Tax Act* (Canada);
- (d) “**general farm organization**” means a provincial farm organization that
 - (i) represents farm businesses,
 - (ii) provides analysis, education or advocacy on behalf of farm businesses belonging to the general farm organization, and
 - (iii) belongs to a national farm organization,but does not include a commodity group, marketing board, or other issue-specific farm group;
- (e) “**Minister**” means the Minister of Agriculture and Fisheries;
- (f) “**Registrar**” means the Registrar of Farms appointed under section 5. *2002,c.10,s.1; 2004,c.36,s.3; 2009,c.73,s.2; 2012,c.17,s.2; 2015,c.28,s.3.*

2. Purposes

The purposes of this Act are to provide for

- (a) the fair and equitable funding of approved farm organizations;
- (b) a farm business registration system designed to facilitate access by farm businesses to benefits and exemptions available under enactments and government assistance programs; and
- (c) the creation of a data base for use by government departments to verify the eligibility of farm businesses for any benefits and exemptions available to farm businesses under enactments or government assistance programs. *2002,c.10,s.2.*

3. Approved farm organizations

The Minister may, by order published in the Gazette, designate a general farm organization as an approved farm organization for the purposes of this Act. *2002,c.10,s.3.*

4. Duties of approved farm organizations

An approved farm organization shall, within 30 days after each annual general meeting of the organization, make available to the Minister, audited financial statements for its most recent completed year. *2002, c.10, s.4.*

5. Appointment of Registrar

(1) The Minister may appoint a Registrar of Farms.

Duties

(2) The Registrar shall

- (a) receive applications from farm businesses for registration pursuant to this Act;
- (b) receive and process fees collected from farm businesses pursuant to this Act as part of the registration process;
- (c) administer and oversee the registration process and data collected pursuant to this Act; and
- (d) perform such other functions as are assigned to the Registrar by the Minister. *2002, c.10, s.5.*

6. Annual application for registration

(1) Subject to subsection (4), a farm business shall apply for registration under this Act each year by submitting to the Registrar, before April 1,

- (a) a completed farm business registration form satisfactory to the Registrar; and
- (b) payment of the registration fee and any application fee required for that year by the regulations.

Fees, payment

(2) The payment of the registration fee and any application fee must be in a form acceptable to the Registrar.

Information

(3) A farm business registration form must contain the following information:

- (a) the name, address and telephone number of the farm business;
- (b) the name and location of the farms operated by the farm business;
- (c) the name, address and telephone number of
 - (i) the individual who carries on the farm business, if the farm business is carried on by an individual,
 - (ii) the partners of the partnership that carries on the farm business, if the farm business is carried on by a partnership, or
 - (iii) the officer of the corporation that carries on the farm business who acts as the corporation's representative in respect of registration under this Act, if the farm business is carried out by a corporation;
- (d) the name of the approved farm organization that the farm business wishes to support with its registration fees;
- (e) such other information concerning the farm business as is required by the regulations.



Exception

- (4) A farm business is not required to register in respect of a year if the annual gross income of the farm business, for the immediately preceding taxation year, is less than \$10,000.

Determination of annual gross income

- (5) For the purposes of subsection (4), the annual gross income of a farm business in respect of an immediately preceding taxation year shall be determined in the same manner as the gross income from farming of the farm business is determined under the *Income Tax Act* (Canada) for the most recent taxation year for which a tax return was filed in relation to farming during the eighteen-month period preceding the date on which the annual farm business registration form is required. *2002, c.10, s.6.*

7. Registration

- (1) On receipt of an application made by a farm business in accordance with section 6, the Registrar shall register the farm business and assign it a registration number for the year of registration.

Requests for information

- (2) The Registrar shall, before July each year, provide the Department with the information obtained from the farm business registration forms submitted under subsection 6(3).

Use of information

- (3) The Department and other government departments may use the information provided pursuant to subsection (1) for the purposes of this Act. *2002, c.10, s.7.*

8. Registration fee

The registration fee paid to the Registrar by a farm business shall be paid by the Registrar, within 30 days of receipt, to the approved farm organization which the farm business wishes to support. *2002, c.10, s.8.*

9. Idem

- (1) A farm business may, before June 1 of each year, request a refund of the registration fee it has paid that year under section 6 by submitting, in writing, a request for a refund to the approved farm organization that it specified on the farm business registration form.

Refund

- (2) An approved farm organization shall, after receiving a request for a refund made in accordance with subsection (1), refund to the farm business, before July 1, the registration fee received that year by the approved farm organization from the farm business.

Notice

- (3) The approved farm organization shall, before June 7 in a year, notify the Registrar in writing of all requests for refunds made by farm businesses in respect of the year.

Registration cancelled

- (4) The Registrar shall cancel the registration of a farm business in respect of a year if the farm business has, pursuant to subsection (1), requested a refund of the registration fee paid in respect of the year. *2002, c.10, s.9; 2005, c.5, s.1.*

10. Regulations

- (1) The Lieutenant Governor in Council may make regulations
- (a) respecting the registration process, including the information required to be provided on registration;
 - (b) respecting forms to be used for the purposes of this Act;
 - (c) respecting application fees;
 - (d) defining any term used but not defined in this Act;
 - (e) respecting the auditing of approved farm organizations; and
 - (f) generally providing for the better administration of this Act.

Registration fees

- (2) Repealed by *2002, c.10, s.10*.

Uniform fees

- (3) The registration fees established under this section for farm businesses shall be uniform, in their amounts, in respect of each of the approved farm organizations that a farm business may wish to support.

Registration fees

- (4) The Lieutenant Governor in Council may, on the recommendation of the approved farm organizations, as ratified by a majority of their members in resolutions made at their annual general meetings, make regulations respecting registration fees, including the refunding of those fees.

Repeal

- (5) Repealed by *2002, c.10, s.10*. *2002, c.10, s.10*.

11. Transitional

Repealed by *2005, c.5, s.2*. *2002, c.10, s.11*; *2005, c.5, s.2*.

