



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

**NATURAL PRODUCTS MARKETING ACT
TURKEY MARKETING COMMISSION PLAN
REGULATIONS**

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to February 1, 2004. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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NATURAL PRODUCTS MARKETING ACT
Chapter N-3

TURKEY MARKETING COMMISSION PLAN REGULATIONS

Upon the recommendation of the Prince Edward Island Marketing Council and under authority of subsection 8(1) of the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3, Council made the following Order in Council:

1. Definitions

In this order and in all orders, rules and regulations made hereunder, unless the context otherwise requires, terms defined in the Act shall have the same meaning herein, and

- (a) “**Act**” means the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3;
- (b) “**Appeals Tribunal**” means the Natural Products Appeals Tribunal established under the Act;
- (c) “**Commission**” means the Prince Edward Island Turkey Marketing Commission established under section 4;
- (d) “**Council**” means the Prince Edward Island Marketing Council;
- (e) “**person**” includes any partnership, corporation, co-operative, syndicate, or other business group formed or existing for the purpose of jointly acquiring or administering assets;
- (f) “**plan**” means the plan established by these regulations;
- (g) “**processing**” means the slaughtering of turkey;
- (h) “**processor**” means a person operating a plant for the processing, distribution or selling of turkey;
- (i) “**producer**” means any person engaged in the production of turkeys for his own account;
- (j) “**registered producer**” means a producer registered by the Commission under these regulations. (EC686/91)

2. Turkeys a regulated product

Turkeys are designated as a regulated product. (EC686/91)

PURPOSE OF PLAN

3. Purpose of plan

The purpose and intent of this plan is to provide the Prince Edward Island Turkey Marketing Commission with all the necessary powers and authority to

- (a) provide for the promotion, control and regulation in any or all respects of the production and marketing within Prince Edward Island of turkeys, including the prohibition of production and marketing of turkeys, in whole or in part; and
- (b) act as an agent for, co-operate with or receive the delegation of powers from Canada to regulate the marketing of turkeys; and
- (c) provide for the control and regulation in any or all respects of the quality of turkeys in Prince Edward Island. (EC686/91)

MARKETING COMMISSION

4. Establishment of marketing commission

- (1) There is constituted a marketing commission to be known as the Prince Edward Island Turkey Marketing Commission for the promotion, control and regulation in the province of the marketing of turkeys.

Composition

- (2) The Commission is a body corporate and shall be composed of three persons, appointed by the Lieutenant Governor in Council pursuant to subsection 8(2) of the Act, who are knowledgeable and experienced in the marketing of turkeys and who shall hold office for a term of three years.

Quorum

- (3) A majority of the members of the Commission constitutes a quorum.

Head office

- (4) The head office of the Commission shall be at such location in the province as the Commission may determine.

Seal

- (5) The common seal of the Commission shall be authenticated by the signature of the chairman and of the secretary or of such other person as the Commission may authorize by resolution. (EC686/91)

5. Fiscal year

- (1) The fiscal year of the Commission shall end on December 31 in each and every year.

Filing requirements

- (2) The Commission shall file with the Council
 - (a) a certified copy of the audited financial statements of the Commission accompanied by the report of operations of the Commission within ninety days of the close of the fiscal year;



- (b) a certified copy of all minutes, orders, appointments, agreements, awards, reports, rules, and resolutions of the Commission within seven days of the passage or making thereof.

Books

- (3) The Commission shall keep proper books of account which shall be audited for each fiscal year by an auditor appointed by the Commission. *(EC686/91)*

6. Liability

No member of the Commission or its officers, inspectors, fieldmen or other employees is personally liable for anything done by him in good faith under purporting to be under the authority of this plan, orders or regulations. *(EC686/91)*

7. Powers

- (1) The Lieutenant Governor in Council, pursuant to clause 9(a) of the Act, hereby vests in the Commission all the powers necessary to enable it to effectively promote, control and regulate the marketing of turkeys within the province, including the power to prohibit any aspect of the marketing of turkeys; and without limiting the generality of the foregoing, it may exercise all the powers enumerated in subsection 4(3) of the Act in relation to turkeys as a regulated product.

Idem

- (2) In addition to powers conferred in subsection (1), the Commission may also exercise the powers stated in clauses 9(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m) and (n) of the Act in relation to turkeys as a regulated product. *(EC686/91)*

REGISTRATION OF PRODUCERS

8. Registration

- (1) The Commission shall maintain a continuous up-to-date register of producers which shall be available for inspection by registered producers without charge at all times during normal business hours of the Commission.

Exercise of rights

- (2) Each producer shall register with the Commission.

Removal of name from register

- (3) The Commission may remove from the register any producer by giving thirty days notice in writing stating the grounds therefor, mailed to the latest known address of such unit.

Appeal

- (4) A producer may appeal the removal of his name from the register to the Appeals Tribunal. In the event of such appeal, the name shall remain on the register until the appeal is heard. *(EC686/91)*

MEETINGS

9. Annual meeting

- (1) The Commission shall call an annual meeting of registered producers.

Idem

- (2) The annual meeting of producers shall be held within four months of the end of the fiscal year of the Commission at such time and such place and on such date as the Commission determines.

Financial statement

- (3) At every annual meeting, the Commission shall present the audited financial statement for the preceding fiscal period along with the annual report of the Commission and shall announce the appointment of auditors for the next succeeding year. (EC686/91)

FINANCE

10. Borrowing orders

An order passed by the Commission

- (a) for borrowing money on the credit of the Commission;
- (b) for issuing, selling or pledging securities of the Commission;
- (c) for charging, mortgaging, hypothecating or pledging all or any of the real or personal property of the Commission, including book debts and unpaid calls, rights, powers, franchises and undertakings; or
- (d) to negotiate for any securities or any money borrowed, or other debt, or any other obligation or liability of the Commission

shall state the purpose or purposes for which the money, credit, debt or liability is to be used. (EC686/91)

11. Investment

The Commission shall not invest any surplus funds of the Commission other than in investment certificates of a chartered bank, trust company, credit union, or the provincial or federal government. (EC686/91)

INTERNAL MANAGEMENT

12. *Idem*

The Commission may make rules governing the calling and conduct of meetings, the procedures for the transaction of its business and matters of internal management. (EC686/91)



GENERAL

13. Commission not bound

The Commission shall not be bound by any decision arising from an annual meeting of the producers. *(EC686/91)*

14. Committees

The Commission may appoint committees, the members of which need not be members of the Commission, to advise or assist it in its work. *(EC686/91)*

15. Validity of actions

The actions of the Commission are, notwithstanding any defect or irregularity in the appointment or qualification of any member thereof, as valid as if the Commission and every member thereof has been duly appointed or elected and were duly qualified. *(EC686/91)*

16. Indemnity

Every member or officer of the Commission and his heirs, executors and administrators, and estate and effects, respectively, shall, from time to time and at all times, be indemnified and saved harmless out of the funds of the Commission, from and against

- (a) all costs, charges and expenses whatsoever which such member or officer sustains or incurs in or about any action, suit or proceeding which is brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; and
- (b) all other costs, charges and expenses which he sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his own wilful neglect or default. *(EC686/91)*