



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

**NATURAL PRODUCTS MARKETING ACT
POULTRY MEAT COMMODITY MARKETING
REGULATIONS**

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to September 28, 2024. 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

POULTRY MEAT COMMODITY MARKETING REGULATIONS

On the recommendation of the Prince Edward Island Marketing Council and under the authority of subsections 4(2) and (3) and section 29 of the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3, Council made the following regulations:

1. Definitions

- (1) In these regulations and the Board orders made under them,
- (a) “**Act**” means the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3;
 - (b) “**board**” means the Chicken Farmers of Prince Edward Island continued under section 2;
 - (c) “**Council**” means the Prince Edward Island Marketing Council;
 - (d) “**fowl meat**” means the meat from any part or class of domestic hens and turkey over six months of age and accruing from the egg producing sector of the poultry and turkey industry;
 - (e) “**marketing**” includes buying, selling, packing, grading, storing, shipping for sale or storage, and offering for sale, in respect of a natural product, and includes its production and its transportation in any manner by any person, and “**market**” and “**marketing**” have corresponding meanings;
 - (f) “**person**” shall include any partnership, corporation, cooperative, syndicate, or other business group formed or existing for the purpose of jointly acquiring or administering assets;
 - (g) “**plan**” means the Prince Edward Island Poultry Meat Commodity Marketing Plan;
 - (h) “**poultry meat**” means the meat or any part or class thereof, whether live, fresh or frozen, from
 - (i) a chicken of not more than six months of age, produced from the egg of a domestic hen not raised or produced for egg production, and
 - (ii) revoked by EC685/91;
 - (i) “**processing**” means the slaughtering of poultry;
 - (j) “**processor**” means a person operating a plant for the processing, distribution or selling of poultry meat;
 - (k) “**producer**” means a person engaged in raising or producing domestic chicken resulting in the production of poultry meat;
 - (k.1) “**register**” means the register of producers maintained under section 29;

- (1) “**registered producer**” means a producer registered pursuant to section 29.

Board definitions

- (2) The board may define any term used in a board order if the term is not defined in the Act or these regulations. *(EC277/76; 685/91; 547/09; 869/24)*

2. Continuation of board

The board known as the Prince Edward Island Poultry Meat Commodity Marketing Board as established by Order in Council No. 344/73 of April 12, 1973, is renamed the Chicken Farmers of Prince Edward Island and is continued as a body corporate. *(EC277/76; 547/09)*

2.1 Purposes

The board

- (a) is constituted as a commodity board under the Act for the promotion, control, and regulation of the marketing of poultry meat in the province; and
- (b) shall represent and protect the interests of the province’s registered producers at the provincial and national levels. *(EC869/24)*

2.2 Policies and process

The board shall, after consultation with the province’s registered producers, create policies respecting the roles and responsibilities of the board and its committees, including a process to be followed by the board for responding to resolutions passed at annual and special meetings of registered producers. *(EC869/24)*

2.3 Powers

The board has all the powers contained in subsection 4(3) of the Act. *(EC869/24)*

3. Head office

The head office of the board shall be in the County of Queens, or at such other location in the province as may be determined from time to time by the board. *(EC277/76; 869/24)*

4. Seal

The board shall adopt a common seal, the use of which shall be authenticated by the signature of the chairperson, secretary, or other person as the board may authorize by resolution. *(EC277/76; 869/24)*

5. Fiscal year

The fiscal year of the board shall end on December 31 in each and every year. *(EC277/76)*

6. Filing of information

The board shall file with the Council

- (a) a certified copy of the audited financial statement of the board accompanied by the report of operations of the board within 90 days of the close of the fiscal year;

- (b) a certified copy of all minutes, orders, appointments, agreements, awards, reports, rules, resolutions and regulations of the board within seven days of the passage or making thereof;
- (c) where the board appoints an agent, the agent shall file with the Council a certified copy of the audited financial statement and annual report of the agent within 90 days of the close of the fiscal year of that agent. *(EC277/76; 869/24)*

6.1 Committees

- (1) The board may establish and maintain committees as it considers necessary to advise or assist the board in its work.

No sub-delegation

- (2) The board shall not delegate any of its powers to any committees established by it.

Membership

- (3) Members of committees established under subsection (1) are not required to be board members.

Term: re-appointment

- (4) The board
 - (a) shall make appointments of members to committees for one-year terms; and
 - (b) may re-appoint members to the same or different committees. *(EC869/24)*

7. Records

- (1) The board shall keep proper books of account which shall be audited for each fiscal year, by an auditor approved by the board.

Audited financial statements

- (2) A copy of the audited financial statement accompanied by a report of the operations of the board shall be presented to the board within 60 days of the close of the fiscal year of the board at a regularly scheduled meeting of the board or a special meeting of the board called by the chairperson to consider the report.

Copies to producers

- (3) Copies of the annual audited financial statement shall be presented to the producers at the annual meeting of producers. *(EC277/76; 869/24)*

8. Membership

The board shall consist of five members, each of whom shall be a registered producer in the province. *(EC277/76; 562/80)*

9. Eligibility to vote

- (1) To be eligible to vote for a member of the board a producer shall be registered by the board in accordance with these regulations.

Voting by corporations, etc.

- (2) A registered producer that is a partnership, corporation, cooperative or syndicate of any type shall be entitled to one vote only and such vote shall be cast by the representative of the

partnership, corporation, co-operative or syndicate named in writing to the board. (EC277/76; 869/24)

10. Eligibility for election

To be eligible for election or appointment to the board, a producer shall hold the qualifications set out in section 9. (EC277/76)

11. Election of members

- (1) The members of the board shall be elected by the registered producers listed in the register.

Election procedures

- (2) The procedures for electing members of the board shall provide for the elections to be conducted at the board's annual meeting or at a special meeting called for this purpose, by the casting of ballots in person or by mail-in ballot, as determined by the board. (EC277/76; 869/24)

12. Returning officer

- (1) Where an election to the board is to be held, the board shall appoint a returning officer.

Duties

- (2) The returning officer shall
- (a) not later than the second Saturday of January in each year in which an election is to be held, ensure that an election notice is
 - (i) published in at least two daily or weekly newspapers in circulation in the province, or
 - (ii) mailed to each registered producer who is eligible to vote in the election at the most recent address provided by the registered producer to the board; and
 - (b) advise that nomination forms shall be provided by the board. (EC277/76; 869/24)

13. Nominations

- (1) A registered producer who seeks election to the board shall be nominated and the registered producer's name submitted, either electronically or by regular mail, to a nominating committee established by the board under section 6.1 for this purpose.

Acceptance

- (2) Nominations may be accepted by the nomination committee prior to a nomination meeting of the board or from the floor at the nomination meeting.

Nomination form

- (3) Every registered producer submitting a nomination form shall ensure that the nomination form is postmarked or received by the returning officer not later than January 31 of the election year.

Notice of acceptance

- (4) Acceptance of a nomination by the nominee shall be by notice in writing from the nominee to the returning officer and the notice shall accompany the nomination.

No nomination received

- (5) If no nomination is received for a board position for which an election is being held, the incumbent is deemed elected.

Single nominee

- (6) Where only one eligible registered producer is nominated to fill a vacancy, that registered producer shall be declared elected for the ensuing term by the returning officer at the conclusion of the election.

More than one nomination

- (7) If more than one nomination is received to fill a vacancy for which an election is being held, the returning officer shall conduct an election by hand-delivered or mail-in ballots.

Register closed

- (8) For the purpose of conducting an election, the register shall be closed on the last day of the month following the end of the fiscal year. *(EC277/76; 869/24)*

14. Ballot

- (1) The returning officer shall ensure the following is mailed to eligible registered producers
- (a) a mail-in ballot which shall bear the name of each candidate nominated for election;
 - (b) a ballot envelope;
 - (c) a return addressed envelope; and
 - (d) voting instructions.

Notice

- (2) A registered producer shall be deemed to have received a mail-in ballot under subsection (1) which is addressed to the registered producer, with postage prepaid at the last known address of the registered producer, recorded in the register four business days after the returning officer mailed it.

Notice not received

- (3) Failure by a registered producer to receive a mail-in ballot shall not invalidate an election.

Counterfoil

- (4) The counterfoil of the mail-in ballot shall have the registered producer's name recorded on it.

Return of mail-in ballots

- (5) All mail-in ballots shall be returned by mail, with the counterfoil attached, to the returning officer and shall be received by the returning officer or postmarked by a date to be determined at a meeting of the board.

Scrutineer

- (6) Each candidate in an election is entitled to appoint one scrutineer to represent the candidate at the opening and counting of the mail-in ballots.

Counting of ballots

- (7) The returning officer shall set a date for counting the mail-in ballots for the election. *(EC277/76; 869/24)*

14.1 Witnesses

- (1) The returning officer may appoint any persons necessary to witness the opening and counting of the mail-in ballots.

Council witness

- (2) The Council may appoint a witness to represent the Council at the opening and counting of the mail-in ballots.

Validity

- (3) The failure of a scrutineer or a person appointed under subsection (1) or (2) to witness the opening and counting of the mail-in ballots shall not invalidate an election.

Valid ballots

- (4) Mail-in ballots shall only be counted where
- (a) the mail-in ballot is postmarked by a date to be determined by the Board;
 - (b) the registered producer's name is recorded on the counterfoil; and
 - (c) the counterfoil is removed by the returning officer before it is placed in the ballot box.

Counting

- (5) Mail-in ballots shall be opened and counted by the returning officer in the presence of the persons appointed under subsection 14(6) and subsections (1) and (2).

Valid results

- (6) A complete report of the results of the counting of the mail-in ballots, bearing the signatures of those present, shall be filed with the board and the Council.

Declaration

- (7) The candidate receiving the greatest number of votes for each vacancy shall be declared elected by the returning officer.

Resolution of tied vote

- (8) Where, upon the counting of the votes, two or more candidates for a vacancy on the board have an equal number of votes and none can be declared the winner, the returning officer shall immediately
- (a) write the names of those candidates on separate, identical blank sheets of paper;
 - (b) fold the sheets of paper in an identical manner so that the names are concealed;
 - (c) deposit the sheets of paper in a receptacle and withdraw a sheet to select the candidate to be elected; and
 - (d) declare the candidate whose name appears on the sheet withdrawn to be elected.
(EC869/24)

14.2 Term, assumption of office

Each member of the board shall be elected for a two-year term and shall assume office at the first meeting of the board following the member's election. (EC869/24)

14.3 Office may be declared vacant

- (1) The board may declare vacant the office of any member of the board who has been convicted of any offence under the Act or under the *Criminal Code* (Canada), has resigned or become ineligible, or who has failed to attend three consecutive meetings of the board without reasonable cause.

No longer registered producer

- (2) The board may declare vacant the office of any member of the board who discontinues being a registered producer during the member's term. (EC869/24)

14.4 Council may appoint

If no member is elected to the board in accordance with these regulations, or if an elected member becomes unwilling or unable to act, or if a vacancy occurs on the board for any other reason, the Council may, after consulting with the board, appoint a registered producer to fill the unexpired term of office of the member being replaced, or until the date of the next election. (EC869/24)

15. Officers

- (1) The board shall, at the first meeting in the fourth month following the end of the fiscal period, elect from its members a chairperson and a vice-chairperson and shall appoint a secretary and a treasurer, who may be the same person.

Idem

- (2) The board may also appoint such officers and employees as it deems necessary. (EC277/76; 869/24)

16. Duties of chairperson

The chairperson of the board shall

- (a) arrange for the calling of meetings and the time and place thereof;
- (b) chair all meetings the chairperson is able to attend;
- (c) be a signing officer of the board;

and may vote on all motions. (EC277/76; 869/24)

17. Vice-chairperson

The vice-chairperson of the board shall perform all the duties and functions of the chairperson in the chairperson's absence, or in the event of the chairperson's inability or refusal to act. (EC277/76; 869/24)

18. Secretary

The duties of the secretary are to

- (a) attend all meetings of the board and keep true minutes thereof and to send a copy of the minutes to every member of the board within 10 days of the meeting;
- (b) attend all meetings of producers called by the board and keep true minutes thereof;
- (c) conduct the correspondence of the board;
- (d) sign all orders and regulations of the board;

- (e) keep a record of
 - (i) all business transactions of the board,
 - (ii) all orders, directions or determinations of the board,
 - (iii) all reports of committees that are from time to time appointed by the board, and
 - (iv) all annual statements, auditor's reports and annual reports;
- (f) maintain at the head office of the board true copies of all regulations and orders of the board and the secretary shall permit any registered producer to inspect same without charge during normal business hours of the board;
- (g) maintain a register of producers in which shall be recorded the names of all producers eligible for registration, and the secretary shall permit any registered producer to inspect such register without charge during normal business hours of the board; and
- (h) perform such other duties as may be prescribed from time to time by the board.
(EC277/76; 514/79; 869/24)

19. Treasurer

The duties of the treasurer are

- (a) under the direction of the board, to provide for the deposit of money, the safekeeping of securities and the disbursement of funds of the board;
- (b) to keep full and accurate books of account in which shall be recorded all receipts and disbursements of the funds of the board;
- (c) to prepare reports showing the financial position of the board as the board may direct; and
- (d) to perform such other duties as may be prescribed from time to time by the board.
(EC277/76)

20. Duties of members

The members of the board shall

- (a) attend the meetings of the board;
- (b) act in the best interests of the industry in the province; and
- (c) subject to clause (b) represent the registered producers. (EC277/76)

21. Assistants

- (1) Any powers and duties of an officer to whom an assistant has been appointed by the board may be exercised and performed by the assistant.

Variation of functions

- (2) The board may add to or limit the powers and duties of an officer or an officer's assistant.

Term of office

- (3) Every member or official of the board shall hold office until a replacement is elected or appointed. (EC277/76; 869/24)

BOARD MEETINGS

22. Annual meeting

The annual meeting of the board for the purpose of electing or appointing officers of the board shall be held not later than the 15th day of the fourth month next following the end of the fiscal year. (EC277/76; 869/24)

23. Other meetings

- (1) Meetings of the board shall be held from time to time at such place, at such time and on such day as the chairperson, or in the chairperson's absence the vice-chairperson or any two members of the board shall determine and the secretary, when directed or authorized by either of the said officers or by any two members of the board, shall give or cause to be given notice of the meeting.

Place

- (2) Unless otherwise stated in the notice calling the meeting, meetings of the board shall be held at the head office.

Notice

- (3) Notice of a meeting shall
 - (a) include the date and time of the meeting; and
 - (b) be given, in writing by mail, or orally or by telephone.

Waiver of notice

- (4) No notice of a meeting is required to be given where, in addition to the members of the board present, those absent waive notice of meeting either before or after the meeting.

Mail

- (5) Notice in writing by mail is sufficiently given if mailed to a member at the member's latest known address as recorded in the books of the board.

Quorum

- (6) A majority of the members of the board constitutes a quorum for the transaction of business.

Majority vote

- (7) All questions arising at a meeting of the board are decided by the majority of the votes of the members present and in the event of a tie vote, the motion shall be tabled for reconsideration.

Absence

- (8) Where the secretary is absent from a meeting the board may appoint a secretary for the purpose of that meeting. (EC277/76; 869/24)

24. Transaction of business

- (1) The board may transact business matters other than at a meeting called and conducted in accordance with sections 22 and 23 upon condition that
 - (a) the chairperson of the board is of the opinion that the matter of business should be decided sooner than a meeting can be called;
 - (b) the chairperson submits the matter to be decided to the secretary of the board;

- (c) the chairperson or the secretary submits the matter for decision to the members of the board by mail or orally or by telephone; and
- (d) the secretary makes a record in the minute book of the board of the matter to be decided and the decision of each member.

Record

- (2) Where the conditions prescribed in subsection (1) have been complied with and the record shows a majority of members in favour of, or against, the matter of business, it shall be decided accordingly.

Confirmation of record

- (3) Where the secretary of the board makes a record in the minute book under subsection (1), the record shall be read and confirmed at the next meeting of the board. (EC277/76; 869/24)

25. Finance

- (1) An order passed by the board
 - (a) for borrowing money on the credit of the board;
 - (b) for issuing, selling or pledging securities of the board;
 - (c) for charging, mortgaging, hypothecating or pledging all or any of the real or personal property of the board, 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 board,

shall state the purpose or purposes for which the money, credit, debt or liability is to be used.

Majority on financial resolution

- (2) No order referred to in subsection (1) is effective unless it is passed at a meeting of the members of the board called for the purpose of considering the order and not less than two-thirds of the total board members are present and vote in favour thereof. (EC277/76)

26. Bond

- (1) The board shall require the treasurer to furnish a bond for the faithful discharge of the treasurer's duties in such form and with such security as the board may from time to time prescribe.

Idem

- (2) The board may require such other officers and such employees and agents as the board deems advisable to furnish bonds for the faithful discharge of their duties in such form and with such security as the board may from time to time prescribe.

Costs

- (3) The board shall pay the cost of any bond required under subsection (1) or (2). (EC277/76; 869/24)

27. Investment

The board shall not invest any surplus funds of the board other than in investment certificates of a chartered bank, trust company, credit union, or the provincial or federal treasurers. (EC277/76)

28. Audit

- (1) The board shall cause its accounts to be audited annually by one or more auditors within 60 days of the end of the fiscal year of the board.

Auditor's report

- (2) The auditor shall make a report to the board based on the accounts examined by the auditor and on every balance sheet laid before the board at a general meeting and in the report shall state whether, in the auditor's opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the board's affairs as shown by its books and the treasurer's financial statements.

Filing financial statements

- (3) The board shall file or cause to be filed a true copy of every audited financial statement with the Council within 90 days of the close of the fiscal year. *(EC277/76; 869/24)*

29. Register of producers

- (1) The secretary of the board 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 board.

Mandatory registration

- (2) Every producer, 18 years of age or older, who delivered more than 500 chickens to a killing plant registered by Agriculture Canada during either of the two immediately preceding calendar years shall be registered with the board.

Discretionary registration

- (2.1) Any producer, 18 years of age or older, who raised, produced and sold poultry meat from 500 chickens but did not deliver the chickens to a killing plant registered by Agriculture Canada during either of the two immediately preceding calendar years may register with the board by completing a registration form provided by the board.

Corporations, etc.

- (3) In the event that a producer who complies with subsection (2) is a corporation, partnership or syndicate or business group, that producer shall be registered in the corporate or firm name of such producer and all rights and privileges and responsibilities of such producer shall be exercised by an individual designated by notice in writing from the producer to the board.

Removal from register

- (4) The board may remove from the register any producer who does not comply with subsection (2) by giving 30 days notice in writing mailed to the last known address of such producer.

Appeal of removal from register

- (5) A producer may appeal the removal of the producer's name from the register to the Appeals Tribunal and the producer's name shall remain on the register until the appeal is heard.

Appeals procedure

- (6) An appeal under subsection (5) shall be heard in accordance with the Appeals Procedure Regulations (EC142/86) made under the Act. *(EC277/76; 944/76; 869/24)*

30. Annual meeting

- (1) The board shall call an annual meeting of producers registered under the plan.

Date of meeting

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

Statements to be presented

- (3) At every annual meeting the board shall present the audited financial statement for preceding fiscal period along with the annual report of the board and shall announce the appointment of auditors for the next succeeding annual meeting or meetings. (EC277/76)

31. Special meeting

- (1) Where the board receives a petition or request signed by at least 10% of the registered producers requesting that a special meeting of producers be held for discussion of matters respecting the operation of the plan or of the board, the board shall call a special meeting of producers within 30 days of the receipt of such a petition or request.

Matters for discussion

- (2) A petition or request shall contain or be accompanied by a statement of the matters for discussion at the special meeting.

Notice

- (3) A meeting referred to in subsection (1) or (2) may be called
- (a) by giving notice thereof in writing to each registered producer; or
 - (b) by publication of such notice in at least two newspapers in the province,
- and such notice shall contain a statement of the matters to be discussed and shall be given at least two weeks prior to the date of such meeting.

Agenda

- (4) At such special meeting only those matters contained in the notice of meeting may be brought before the meeting. (EC277/76; 869/24)

32. Board not bound

The board shall not be bound by any decision arising from a special or annual meeting of producers. (EC277/76)

33. Committees

The board may appoint committees, the members of which need not be members of the board, to advise or assist it in its work, but shall not sub-delegate any powers delegated to the board under the plan. (EC277/76)

34. Validity of actions

The actions of the board are, notwithstanding any defect or irregularity in the appointment or election or qualifications of any member thereof, as valid as if the board and every member thereof has been duly appointed or elected and were duly qualified. (EC277/76)

35. Liability

No action shall be brought against any person who at any time acts, purports to act or who hereafter acts or purports to act under or pursuant to the provisions of the Act for anything done by the person in good faith in the performance or intended performance of the person's duties. (EC277/76; 869/24)

36. Indemnity

Every member or officer of the board and every member's or officer's 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 board, 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 the member or officer, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by the member or officer, in or about the execution of the duties of the member's or officer's office; and
- (b) all other costs, charges and expenses which the member or officer sustains or incurs in or about or in relation to the affairs of the member or officer, except the costs, charges or expenses as are occasioned by the member's or officer's own willful neglect or default. (EC277/76; 869/24)

37. Remuneration

- (1) The remuneration to be paid to members of the board shall be such *per diem* allowance as the board may from time to time determine.

Expenses

- (2) The members are also entitled to be paid their travelling or other expenses properly incurred by them in connection with the business of the board.

Other services

- (3) The members may also by resolution award special remuneration to any member undertaking any special services on behalf of the board. (EC277/76)

38. Powers of the board

The Lieutenant Governor in Council hereby vests in the Chicken Farmers of Prince Edward Island all powers necessary to enable it effectively to promote, control and regulate the marketing of poultry meat within the province including the power to prohibit any aspect of the marketing of poultry meat, and without limiting the generality of the foregoing or any other provisions of these regulations it has the following additional powers:

- (a) to regulate the time and place at which and to designate the agency or sub-agency, or the agencies or sub-agencies through which poultry meat is to be marketed;
- (b) to determine the manner of distribution, the quantity and quality, grade or class of poultry meat that is to be marketed;
- (c) to prohibit any aspect of the marketing of any grade, quality or class of poultry meat;
- (d) to determine the charges that may be made for its services by any designated agency;
- (e) to exempt from any determination or order any person or class of persons engaged in the production of, or any aspect of marketing of poultry meat or any class, variety, or grade thereof;

- (f) to require any or all persons engaged in the production of, or any aspect of marketing of poultry meat to register with and obtain licenses from the commodity board;
- (g) to fix and collect yearly, half yearly, quarterly, or monthly license fees from any or all persons engaged in the production of, or any aspect of the marketing of poultry meat, and for this purpose to classify such persons into groups and fix the license fees payable by the members of the different groups;
- (h) to fix and collect from such persons fees and levies for services rendered or to be rendered by the commodity board;
- (i) to recover such license, levies or other fees by suit in any court of competent jurisdiction;
- (j) to suspend or revoke at any time any license granted under the Act and to establish appeal procedures;
- (k) to impose penalties as provided by regulations for violation of any determination or order made under this Act;
- (l) to require full information relating to the production and any aspect of marketing of poultry meat from all persons engaged therein;
- (m) to require periodic returns to be made by such persons;
- (n) to inspect the books and premises of such persons;
- (o) to fix price or prices, minimum price or prices, at which poultry meat, or any grade or class thereof may be bought or sold in the province, or that shall be paid for poultry meat by a designated agency;
- (p) to authorize any marketing agency or sub-agency appointed under the plan to conduct a pool or pools for the distribution of all proceeds received from the sale of poultry meat and requiring any such marketing agency to distribute the proceeds of sale, after deducting all necessary and proper disbursements, expenses, and charges, in such manner that each person receives a share of the total proceeds in relation to the amount, variety, size, grade and class of poultry meat delivered by each person and to make payments in respect thereof until the total net proceeds are distributed;
- (q) to seize and dispose of any poultry meat marketed in violation of any order of the commodity board;
- (r) to require the person in charge of any vehicle to permit any agent or employee authorized by the commodity board to search the vehicle;
- (s) to use in carrying out the purposes of the plan and paying the expenses of the commodity board any money received by such board;
- (t) to delegate its powers to any agent or employee authorized by the board for the proper operation of the plan under which the commodity board is constituted, provided that this clause shall not permit the delegation by such board of the powers contained in clauses (f), (g) and (j);
- (u) to make orders, rules and regulations affecting the production or marketing of poultry meat;
- (v) to establish and regulate sales and production quotas, and to prohibit the marketing or production of regulated products in excess of such quotas, or by persons to whom a quota has not been allotted;
- (w) to investigate and arbitrate any dispute arising from the sale of poultry meat between producers, shippers, transporters and distributors;
- (x) to require proof of financial responsibility by any person engaged in marketing; and
- (y) to establish price stabilization programs and to fix and collect from producers fees and levies to be used for services rendered or to be rendered to establish a price

stabilization program and for the general purposes of orderly marketing. (EC277/76; 547/09; 869/24)

39. Dual capacity

Every person who operates in more than one of the capacities dealt with in this plan shall be deemed to act in each of such capacities separately from the others, and to contract in each of the capacities separately from the others, and to contract in each of the capacities individually in each of the other capacities in which the person acts, for the purposes of this plan, and shall comply with all provisions in the Act, this plan, and all orders, rules and regulations of the board that apply to the person or the person's operations in each capacity. (EC277/76; 869/24)

PART II — COMPREHENSIVE CHICKEN MARKETING PROGRAM

40. Definitions

In this Part

- (a) **“Agency”** means the Canadian Chicken Marketing Agency established by the Canadian Chicken Marketing Agency Proclamation issued pursuant to the *Farm Products Marketing Agencies Act* (Canada) R.S.C. 1985, Chap. F-4;
- (b) **“Board”** means the Prince Edward Island Marketing Council;
- (c) **“Commodity Board”** means the Chicken Farmers of Prince Edward Island;
- (d) **“Council”** means the National Farm Products Marketing Council established pursuant to the *Farm Products Marketing Agencies Act*;
- (e) **“delegation”** means an order made by the Agency pursuant to subsection 22(3) of the *Farm Products Marketing Agencies Act* delegating to the Board or Commodity Board functions of the Agency relating to the implementation of the interprovincial or export quota system;
- (f) **“quota”** means the number of pounds or kilograms of chicken meat expressed in eviscerated weight that a chicken producer is entitled to market in intraprovincial trade during a specified period of time;
- (g) **“quota system”** means a system whereby chicken producers are allotted quotas by the Board or the Commodity Board thus enabling the Commodity Board to fix and determine the quantity, if any, in which chicken of any variety, class or grade thereof may be marketed in intraprovincial trade by each chicken producer and by all chicken producers. (EC526/79; 547/09)

41. Quotas

The Commodity Board shall, on the coming into force of this Part, establish by order, regulation, policy directive or policy decision a quota system in order to allot quotas to all members of classes of producers in the province in such manner that the number of pounds or kilograms of eviscerated chicken meat produced in the province and authorized to be marketed in interprovincial trade in a year when taken together with the number of pounds or kilograms of eviscerated chicken meat produced in the province and authorized to be marketed in interprovincial and export trade in the same year pursuant to quotas assigned by the Agency or pursuant to quotas allotted by the Commodity Board, pursuant to the provisions of the delegation, pursuant to subsection 22(3) of the *Farm Products Marketing Agencies Act* will equal the number of pounds or kilograms of eviscerated chicken meat set out for that year on the basis established in section 42 for the province. (EC526/79)

42. *Idem*

For the purposes of section 41, the number of kilograms or pounds of eviscerated chicken meat set out in this section for a province set out in column I of an item of the table to this section is the number of kilograms or pounds set out in column II of the item for meat classified as being under 1.8 kilograms or under 4 pounds and the number of kilograms or pounds set out in column III of the item for meat classified as being 1.8 kilograms or over or 4 pounds or over.

Province	Column I	Column II	Column III	
		Under 1.8 kilograms 4 pounds Eviscerated Weight	1.8 kilograms 4 pounds and over Eviscerated Weight	
B.C.	24,645.902	54,334,000	1,698.732	3,745,000
Alta	18,929.182	41,731,000	820.109	1,808,000
Sask.	6,235.639	13,747,000	429.559	947,000
Man.	10,593.828	23,355,000	920.354	2,029,000
Ont.	93,756.852	206,695,000	6,399.389	14,108,000
Que.	93,756.852	206,695,000	14,719.320	32,450,000
N.B.	6,876.576	15,160,000	575.618	1,269,000
N.S.	10,390.615	22,907,000	614.174	1,354,000
P.E.I.	406.426	896,000	131.544	290,000
Nfld.	2,032.128	4,480,000		

(EC526/79)

43. Commodity Board decisions

- (1) No order, regulation, policy directive or policy decision shall be made by the Commodity Board where the effect thereof would be to increase or decrease the aggregate of
- (a) the number of pounds or kilograms of eviscerated chicken meat produced in the province and authorized by quotas assigned or allotted by the Commodity Board, pursuant to this Plan, and by quotas assigned by the Agency or assigned and allotted by the Commodity Board, pursuant to a delegation, to be marketed in intraprovincial, interprovincial and export trade; and
 - (b) the number of pounds or kilograms of chicken meat produced in the province and anticipated to be marketed in intraprovincial, interprovincial and export trade, other than as authorized by quotas allotted by the Commodity Board or by quotas assigned by the Agency
to a number that is greater or lesser, on a yearly basis, than the number of pounds or kilograms of eviscerated chicken meat set out in section 42 for the province, unless the Commodity Board has taken into account
 - (c) any significant change in consumer demands;
 - (d) the ability of any province to meet its allocated production;
 - (e) total market requirement within each market area;
 - (f) the proportion of market demand in a province which is met by production in that province;
 - (g) the comparative advantage of production in marketing of chicken,

and the Council has approved and the Agency has enacted a similar order or regulation.

Decision

- (2) Where the Council has approved and the Agency has enacted an order or regulation pursuant to the provision of a marketing plan similar to the provisions of subsection (1), the Commodity Board shall make a similar order, regulation, policy decision or policy directive. *(EC526/79)*

44. Commodity Board function

The Commodity Board, pursuant to the delegation shall perform on behalf of the Agency and functions delegated to it in accordance with the terms and conditions of such delegation. *(EC526/79)*

45. Idem

The Board and Commodity Board shall make, approve, and implement any orders, regulations, policy directives or policy decisions necessary to reflect any of the provisions of this Part. *(EC526/79)*

46. Quota allocation

The quota allocation for a province

- (a) shall not be augmented as a result of predatory marketing practices, including the shorting of a market traditionally supplied for the purpose of supplying a market not traditionally supplied; and
- (b) shall be liable to subsequent reduction if such predatory marketing practices have occurred. *(EC526/79)*

47. Marketing quantity

The Commodity Board shall not market any quantity of chicken in excess of the number of pounds or kilograms of chicken meat referred to in sections 41, and 42 or as modified pursuant to section 43 of this Part without the prior approval of the Agency. *(EC526/79)*

48. Availability of documents

The Commodity Board shall make available to the Agency any documents establishing the registration or licensing of producers when any such system is in force. *(EC526/79)*

49. Collection of levies

The Commodity Board shall, within the concurrence of the Agency, collect on its behalf any levies imposed by the Agency and remit them to the Agency at such times as may be prescribed by the Agency. *(EC526/79)*

50. Sales monitoring

- (1) The Commodity Board shall make regulations and orders requiring producers, packers, dealers, wholesalers and processors to give to it all the information necessary to monitor sales.

Sales verification system

- (2) The Commodity Board shall establish a verification system of sales.

Information

- (3) The Commodity Board shall provide all information obtained from the implementation of the system referred to in subsections (1) and (2) to the Agency when requested. *(EC526/79)*

51. Commodity Board cooperation

The Commodity Board shall take all reasonable steps to promote a high degree of cooperation between itself and the Agency and, without limiting the generality of the foregoing, shall

- (a) make available to the Agency the records, extracts of minutes or decisions of the Commodity Board, relating to the operation of the Agency;
- (b) allow an officer or employee of the Agency who is designated by the Agency for such purpose to attend meetings of the Commodity Board at which any matter that is of concern to the Agency is likely to be discussed and for such purpose shall give notice of all such meetings to the officer or employee so designated; and
- (c) forward to the Agency
 - (i) forthwith after the issue or transfer of quotas; and
 - (ii) before issuance, any proposed increase or decrease of individual quota allocation,
notice of such issue, transfer, proposed increase or proposed decrease. *(EC526/79)*