

Laying Hen Quota Order, amendment*

Regulation 194/2004
Registered October 29, 2004

Manitoba Regulation 128/98 amended

1 The *Laying Hen Quota Order*, Manitoba Regulation 128/98, is amended by this order.

2 Section 3 is repealed and replaced with the following:

Criteria for allotment of quota

3 Each applicant for an allotment of a laying hen quota must be the registered owner or the sole operator of a facility that meets all of the requirements or standards for buildings, equipment, operation, egg storage, and animal care established by the Board from time to time.

3 The following is added after section 6:

Allocation to new entrants

6.1 From time to time the Board may select an individual or a Hutterite Colony to become a registered producer and may offer to allot a laying hen quota to such person. In selecting such persons the Board may establish a system for receiving applications from such persons and a method of selecting such persons from among the applicants. Each application shall be in writing in a form prescribed by the Board, must be signed by the applicant and accompanied by the processing fees established by the Board, and must be forwarded to the head office of the Board.

In the event the Board offers to allot a laying hen quota to a person, and such person does not accept the terms and conditions proposed by the Board in making such offer within the time specified by the Board, or in the event a person fails to comply with any term or condition established by the Board in making such offer or allotment to the person, the Board may withdraw such offer and allotment.

* This order is made under the *Manitoba Egg and Pullet Producers' Marketing Plan Regulation*, Manitoba Regulation 242/87 R and is Order No. 1, 2004 of Manitoba Egg Producers.

No individual and no Hutterite Colony shall be eligible to be selected for an allocation under this section if that individual or that Colony is or at any time has been a registered producer or has had an interest, direct or indirect, in a registered producer. For the purpose of this provision any person who is or was a partner or a shareholder of an entity that is or was a registered producer at a point in time shall be deemed to have an interest in that registered producer at that time.

The fact that

(a) the parent of an individual is or at any time has been a registered producer or has had an interest, direct or indirect in a registered producer; or

(b) a Hutterite Colony was established from the membership of a Hutterite Colony which is or at any time has been a registered producer or has had an interest, direct or indirect in a registered producer;

shall not in itself disqualify an individual or a Hutterite Colony from being eligible to be selected under this section.

4 Section 7 is repealed and replaced with the following:

Allocation of overbase

7 If the global allocation is estimated to be in excess of 54.189 million dozen eggs in any calendar year, after any adjustments under Part IV, such excess (the "Overbase") shall be allocated using the rate of lay multiplier to registered producers and to other applicants in accordance with the following formula:

(a) allotting approximately one-third of the Overbase as laying hen quota to persons who are not registered producers at that time and who have applied for registration, certification of a facility, and the allotment of a quota, and to any other terms or conditions established by the Board with respect to such allotment, on such basis as the Board may deem proper, provided no person shall be entitled to a quota in excess of 10,000 laying hens under this provision; and

(b) allotting the balance of the Overbase to registered producers who have applied for an increase in their quota and whose facility meets all of the conditions or standards for buildings, equipment, operation, egg storage, and animal care, and any other terms and conditions established by the Board with respect to such increase, on a pro rata basis.

October 6, 2004

MANITOBA EGG PRODUCERS:

Kurt Siemens
Chair

Penny Kelly
Secretary

APPROVED

October 25, 2004

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The Queen's Printer
for the Province of Manitoba