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THE FARM PRODUCTS MARKETING ACT  
(C.C.S.M. c. F47)

**Laying Hen Penalty Levies Regulation\***

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Regulation 44/97  
Registered March 3, 1997

**Registered producers**

**1(1)** A levy is imposed on every person to whom this Board has allotted a laying hen quota, of \$4.00 per laying hen raised or kept by him in Manitoba at any time in any week in excess of such laying hen quota.

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M.R. 129/98

**1(2)** The levy imposed under subsection (1) hereof shall not apply to any laying hens raised or kept by the registered producer pursuant to a laying hen permit issued by this Board.

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M.R. 129/98

**Non-Registered Producers**

**2(1)** A levy is imposed on every person who raises or keeps laying hens in Manitoba and who has not been allotted a laying hen quota by this Board of \$4.00 per laying hen raised or kept by him in Manitoba at any time in any week in excess of 99 laying hens.

**2(2)** The levy imposed under subsection (1) hereof shall not apply to a person who has been designated by this Board as a designated small non-registered producer, or as a designated multi-family non-registered producer, for such period of time that such designation is in effect.

**Designated Small Non-Registered Producer**

**3(1)** A levy is imposed on every designated small non-registered producer of \$4.00 per laying hen raised or kept by him in Manitoba at any time in any week in excess of such producer's verified number of laying hens.

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\* This regulation is made under the *Manitoba Egg and Pullet Producers' Marketing Plan Regulation*, Manitoba Regulation 242/87 R and is Regulation No. 1, 1997 of Manitoba Egg Producers.

All persons making use of this consolidation are reminded that it has no legislative sanction. Amendments have been inserted into the base regulation for convenience of reference only. The original regulation should be consulted for purposes of interpreting and applying the law. Only amending regulations which have come into force are consolidated. This regulation consolidates the following amendments: 129/98.

**3(2)** Except as provided in subsection (3), in this regulation:

(a) "**designated small non-registered producer**" means a person who

(i) during the period February 27, 1984 to February 26, 1985, both inclusive,

(A) was not a registered producer,

(B) raised or kept more than 99 laying hens at any time during such period, and

(ii) is currently designated as a designated small non-registered producer by this Board; and

(b) "**verified number of laying hens**" means the maximum number of laying hens that this Board is satisfied that a designated small non-registered producer kept during the period February 27, 1984 to February 26, 1985, both inclusive, as indicated in a resolution by the Board certifying such producer's verified number of laying hens.

**3(3)** A person may also be designated as a designated small non-registered producer in the following circumstances:

(a) In the event a designated small non-registered producer sells the farm on which he resides and raises or keeps laying hens, including the buildings and equipment used by him for raising or keeping laying hens located on such farm, the Board may, upon written application of such designated small non-registered producer (herein called the "Applicant") and the purchaser of such farm, cancel the designation of the Applicant, designate such purchaser as a designated small non-registered producer, and establish such purchaser's verified number of laying hens in a number equal to the Applicant's verified number of laying hens. In dealing with such application, the Applicant and the purchaser will be required to provide a statutory declaration and certificate in a form acceptable to the Board confirming such details of the sale and purchase transaction as may be requested by the Board.

(b) In the event a designated small non-registered producer sells the equipment used by him in raising or keeping laying hens to a member of his immediate family (spouse, child or parent) (herein called the "family member"), the Board may, upon written application of such designated small non-registered producer (herein called "the Applicant") and such family member, cancel the designation of the Applicant, designate such family member as a designated small non-registered producer, and establish such family member's verified number of laying hens in a number equal to the Applicant's verified number of laying hens. In dealing with such application the Board may require the Applicant to undertake in writing that the Applicant will cease raising or keeping laying hens for a period of time as may be specified by the Board, and the Applicant and the family member will be required to provide a statutory declaration and certificate in a form acceptable to the Board confirming such information as may be requested by the Board.

#### **Designated Multi-Family Non-Registered Producers**

**4(1)** A levy is imposed on every designated multi-family non-registered producer of \$4.00 per laying hen raised or kept by such multi-family non-registered producer in Manitoba at any time in any week in excess of 499 laying hens.

**4(2)** In this regulation:

(a) "**designated multi-family non-registered producer**" means two (2) or more individuals who

(i) are not members of the same immediate family and who raise or keep laying hens in the same facility, in partnership, or in circumstances where there is a sharing by them of labour, expenses, production, and profits or losses in connection with such egg laying operations; and

(ii) is currently designated as a designated multi-family non-registered producer by his Board; and

(b) "**immediate family**" means an individual's spouse, parent, child, grandparent, or the spouse of the individual's child or grandchild.

**Payment of Levies**

**5** The levies imposed under this Regulation shall be due and payable to this Board at its office, Suite 18 - 5 Scurfield Boulevard, Winnipeg, Manitoba, R3Y 1G3, within 7 days following delivery of notice in writing to such person by this Board of the amount of the levy calculated by this Board to be owing by him to this Board.

**Repeal**

**6** Manitoba Regulation 268/88 is repealed.

February 4, 1997

MANITOBA EGG PRODUCERS:

Harold Froese  
Chairman

Penny Kelly  
Secretary

APPROVED

February 27, 1997

THE MANITOBA NATURAL PRODUCTS  
MARKETING COUNCIL:

Howard Motheral  
Chairman

Gordon H. MacKenzie  
Secretary

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