



PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

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CHAPTER N-3

NATURAL PRODUCTS MARKETING ACT

APPEALS PROCEDURE REGULATIONS

Pursuant to section 29 of the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3 and upon the recommendation of the Prince Edward Island Marketing Council, Council made the following regulations:

- 1.** In these regulations Interpretation
- (a) “Act” means the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3; Act
- (b) “appellant” means a person who submits a written notice of appeal to the Appeals Tribunal under subsection 19(2) of the Act; appellant
- (c) “Council” means the Prince Edward Island Marketing Council; Council
- (d) “hearing” means a public hearing held pursuant to subsection 19(6) of the Act; hearing
- (e) “intervenor” means a person or party who files a statement in accordance with subsection 6(1); intervenor
- (f) “person” includes any partnership, corporation, cooperative, syndicate, board, commission or commodity group; person
- (g) “Secretary” means a person designated by the Appeals Tribunal to act on its behalf in organizing the conduct of a proceeding and the person who acts as Secretary at a hearing. (EC142/86) Secretary
- 2.** (1) These regulations apply to every proceeding before the Appeals Tribunal pursuant to section 19 of the Act. Application
- (2) The Appeals Tribunal may, in any proceeding, direct either orally or in writing that any provision of these regulations shall not apply to that proceeding and may, during the proceedings, give directions for the purpose of ensuring the expeditious conduct of the business of the Appeals Tribunal. (EC142/86) Directions
- 3.** (1) Every appellant shall file with the Secretary notice of appeal in writing. Notice of appeal
- (2) Every notice of appeal filed pursuant to subsection (1) shall Content of notice

- (a) specify the commodity board or marketing commission and the decision appealed from or, in the case of the Council, the order, direction or regulation the subject of the appeal;
- (b) contain a clear and concise statement of the facts, the grounds of the appeal on which the appellant relies and the nature of the relief sought;
- (c) set out the name, address and telephone number of the appellant; and
- (d) be signed by the appellant. (EC142/86)

Additional information

4. At any time after the filing of a notice of appeal and before the disposition thereof by the Appeals Tribunal, the Appeals Tribunal may require any person to furnish the Appeals Tribunal with such other information or documents as the Appeals Tribunal requires to enable it to obtain a full and satisfactory understanding of the issues. (EC142/86)

Rectification to deficiencies

5. (1) Where a notice of appeal does not meet the requirements of these regulations, the Secretary shall notify the appellant of the deficiencies in the notice and the appeal shall not be considered until it is in a form satisfactory to the Appeals Tribunal and otherwise meets the requirements of these regulations.

Procedure

(2) Where an appeal is in a form satisfactory to the Appeals Tribunal and otherwise meets the requirements of these regulations, the Secretary shall

- (a) set the application down for hearing at such date and place as the Appeals Tribunal directs;
- (b) within seven days of the filing of the notice of appeal serve notice on the appellant of the date, time and place of the hearing; and
- (c) publish a notice respecting the appeal, in such form as may be determined by the Appeals Tribunal, in two newspapers in general circulation in the province. (EC142/86)

Reply, etc.

6. (1) Where a respondent or an intervenor intends to oppose or intervene in a hearing, the respondent or intervenor shall file with the Secretary, within the time specified in the notice referred to in clause 5(2)(c) for filing a reply, intervention or submission, a written statement containing his reply or submission, together with any supporting information or documents.

Content of reply

(2) Every reply, intervention or submission referred to in subsection (1) shall be signed by the party making the reply, intervention or submission or by his agent, and

- (a) shall contain a concise statement of the facts from which the nature of the respondent's or intervenor's interest in the proceeding may be determined;
- (b) may admit or deny any or all of the facts alleged by any other person in the proceeding;
- (c) shall set out the name, address and telephone number of the respondent or intervenor and his agent, if any;
- (d) shall state whether the intervenor or respondent wishes to appear.

(3) A respondent or an intervener shall serve a copy of his reply, intervention or submission on such persons as the Appeals Tribunal may direct, within the time period specified by the Appeals Tribunal. (EC142/86) Service

7. (1) The Appeals Tribunal may, at any time, allow the whole or any part of any appeal, reply, intervention or submission filed with the Secretary to be amended on such terms and conditions, including conditions as to notice, as the Appeals Tribunal considers appropriate in the circumstances, and the Appeals Tribunal may order to be amended or struck out any matter that, in its opinion, may prejudice, embarrass or delay a fair hearing of the case on its merits. Amendments

(2) The Appeals Tribunal may direct an appellant, respondent or intervenor to make such amendments to any notice of appeal, reply, intervention or submission filed with the Secretary as may be necessary for the purpose of hearing and determining the question in issue between the parties. Idem

(3) No proceeding shall be defeated by any objections based solely on defects in form. (EC142/86) Formal defect

8. Where it appears to the Appeals Tribunal that any statement or information contained in any notice of appeal, reply, intervention or submission does not sufficiently disclose the issues of fact in dispute, or to be defined, between the parties in the proceeding, the Appeals Tribunal may direct the parties to prepare an issue, and such issue shall, if the parties do not agree to the issues of fact in dispute, or to be defined, between them, be settled by the Appeals Tribunal either before the hearing or during the course of the hearing. (EC142/86) Definition of issues

9. The Appeals Tribunal may, in any appeal proceeding, direct the parties or their agents to appear before a member of the Appeals Tribunal or the Secretary at a specified time and place for a conference for the purpose of formulating issues and considering Conference

- (a) the simplification of issues;

- (b) the necessity or desirability of amending the notice of appeal, reply, intervention or submission for the purpose of clarification, amplification or limitation;
- (c) the procedure to be followed at the hearing;
- (d) the mutual exchange between the parties of documents and exhibits proposed to be submitted at the hearing; and
- (e) such other matters as may aid in the simplification of the evidence and the disposition of the proceeding. (EC142/86)

Place of hearing

10. A hearing shall normally be held in the City of Charlottetown, but may be held in such other places in the province as the Appeals Tribunal deems necessary or desirable for the conduct of its business. (EC142/86)

Examination of witnesses

11. The witnesses at a hearing shall be examined orally on oath unless otherwise ordered by the Appeals Tribunal. (EC142/86)