



## **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

#### PRINCE EDWARD ISLAND MARKETING COUNCIL REGULATIONS

Made by the Lieutenant Governor in Council upon the recommendation of the Prince Edward Island Marketing Council under the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3

- 1.** In these regulations 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; Definitions
  - (b) “commodity board” and “board” means any board formed pursuant to the Act to administer a plan approved or authorized under the Act; commodity board,  
board
  - (c) “Council” means the Prince Edward Island Marketing Council; Council
  - (d) “person” includes any corporation, board, partnership, cooperative, or syndicate; person
  - (e) “Returning Officer” shall be a person who is not directly or indirectly involved in the production or marketing of the natural product for which a plebiscite, poll or an election is being held. (EC273/76) Returning Officer
- 2.** The Prince Edward Island Marketing Council is continued as a body corporate. (EC273/76) Continuation of  
Council

#### APPLICATION

- 3.** The regulations herein set forth shall apply, *inter alia*, to every plan of marketing approved under the Act and to every commodity board constituted, appointed or elected pursuant to the Act. (EC273/76) Application
- 4.** The Council shall have general direction and supervision over the operations of all commodity boards constituted or authorized under the Act and, without limiting the generality of the foregoing, the Council may Powers of Council
- (a) fix and alter the remuneration and the expenses of the chairman and members of a commodity board;

- (b) require a commodity board to hold an election in any case where the producers have failed to elect a member or members to the commodity board;
- (c) fill either by election or by appointment any vacancy in the membership of a commodity board;
- (d) require a commodity board to make provisions for preventing the marketing of any natural product in any manner or in any place prejudicial to the operations of any other commodity board;
- (e) suspend the operation of a commodity board for failing to comply with the provisions of the Act, the regulations or the plan, and in the event the operation of a commodity board is suspended, the Council may, where necessary, assume the functions of the commodity board until such time as another commodity board is established or an existing commodity board is expanded to include the functions of that commodity board; and
- (f) recommend to the Lieutenant Governor in Council that a plebiscite be held at any time to determine whether the producers to whom a plan applies wish the plan to be continued in operation and, if a poll is approved by the Lieutenant Governor in Council, the Prince Edward Island Marketing Council shall direct the manner in which the poll shall be conducted and appoint a Returning Officer to count the ballots cast. (EC273/76)

#### ESTABLISHMENT, AMENDMENT OR REVOCATION MARKETING PLANS

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| Request for commodity board | <b>5.</b> (1) The Council, upon receiving a petition or written request from a substantive number of producers of any natural product requesting that a commodity board be established under the provisions of the Act, may authorize a plebiscite to be held to determine whether a commodity board should be established. |
| Plebiscite                  | (2) Where the Council is of the opinion that a plebiscite of producers of a natural product should be held to determine whether a commodity board should be established, such plebiscite shall be held in such manner and at such a time as may be determined by the Council (EC273/76)                                     |
| Amendment of plan           | <b>6.</b> (1) Notwithstanding anything to the contrary contained in any plan or in these regulations, every plan approved under the Act shall be subject to amendment or revocation by the Lieutenant Governor in Council on the recommendation of the Prince Edward Island Marketing Council at any time.                  |
| <i>Idem</i>                 | (2) The Council, upon receiving a petition or request from the registered producers under a marketing plan, or from the commodity board administering such a plan, requesting that the plan be amended or   |

revoked may authorize a plebiscite to be held to determine whether such plan should be so amended or revoked. (EC273/76)

7. (1) Where a plebiscite of producers is held to determine whether a commodity board should be established, amended or revoked, the Council shall

Plebiscite,  
registration of  
voters

- (a) appoint and authorize a person or persons to prepare a register of producers;
- (b) determine the qualifications required for a person to be entered in the register of producers;
- (c) determine the date on which the register of producers shall be closed for the purposes of a plebiscite;
- (d) require that a notice of registration be published in at least two newspapers within the province stating the time, date and place of balloting, the qualifications necessary to register, and the date on which the register will close;
- (e) provide for the register of producers to be displayed to the public at times and places to be determined;
- (f) provide for a time, place and procedure of hearings at which the eligibility of a person whose name is inscribed on the register of producers may be challenged;
- (g) appoint a returning officer to conduct a plebiscite of registered producers and determine the time, place, date and method of the balloting;
- (h) appoint a witness to be present at the counting of the ballots to represent the Council;
- (i) provide for the appointment by the Returning Officer of not more than three additional witnesses;
- (j) require that ballots be counted in the presence of the appointed witnesses who shall, along with the Returning Officer, complete a report attesting to the results.

(2) A copy of the proposed plan shall be mailed to each registered producer or published in at least two Prince Edward Island newspapers not less than ten days prior to the holding of the plebiscite and such plan shall include therein

Publication of plan

- (a) the time, place and manner by which the members to any commodity board shall be elected;
- (b) the qualifications of those persons qualified to vote in any election and to be qualified for election to membership on any commodity board;
- (c) the number of persons to be elected for membership to any commodity board;

- (d) the designation of districts as defined by the Council for the purpose of election and the number of members to be elected to represent each district on any commodity board;
- (e) the term of office of any person elected to any commodity board.

Ballots

- (3) No person shall cast more than one ballot in a plebiscite.

Voting by corporations, etc.

- (4) A partnership, corporation, board, co-operative, or syndicate shall file with the Registrar in writing the name of the person authorized to vote for said partnership, corporation, board, co-operative or syndicate and such name shall appear on the register of producers on behalf of the said partnership, corporation, board, co-operative or syndicate.

Eligibility

- (5) Persons whose names appear on the register of producers shall be the only persons eligible to cast a ballot. (EC273/76)

Conduct of plebiscite

**8. When a plebiscite is conducted by mail**

- (a) the Council shall prescribe
  - (i) the date the ballots are to be mailed to producers,
  - (ii) the date and time the balloting shall be declared completed, and
  - (iii) the date, time and place at which ballots are to be opened and counted;
- (b) the Returning Officer shall cause to be mailed to each producer whose name appears on the register of producers a ballot stating the question to be decided;
- (c) the registered producer shall be deemed to have received any notice or ballot which is addressed to him, postage prepaid, at the address appearing on the register of producers and failure of any producer to receive such notice or ballot shall not invalidate any plebiscite;
- (d) the counterfoil shall be signed by the registered producer completing the ballot;
- (e) all ballots shall be returned by mail, with the counterfoil attached, to the Returning Officer and shall be postmarked not later than the date prescribed by the Council;
- (f) the post office box and the envelopes shall be opened by the Returning Officer in the presence of the appointed witnesses;
- (g) the Returning Officer shall compare the signature on the counterfoil with the producer's signature appearing in the register of producers;
- (h) only those ballots of which the counterfoil signature has been validated by the Returning Officer shall be counted;
- (i) all ballots shall have the counterfoil removed before being placed in the ballot box;

- (j) ballots shall be opened and counted by the Returning Officer in the presence of the witnesses on the date provided by the Council and a complete report of the results, bearing the signatures of those present, shall be filed with the Council; and
- (k) the failure of a witness to witness the counting of ballots shall not invalidate the plebiscite. (EC273/76)

**9.** (1) The Council, upon receiving a petition from producers of any natural product requesting the inclusion of that product under an existing commodity board, may, on receipt of written confirmation from the existing commodity board accepting the inclusion of the product to be added, authorize a plebiscite to be held among the producers of that product. Request for inclusion of product

(2) A plebiscite under subsection (1) shall be conducted in accordance with sections 7 and 8. Plebiscite

(3) The Council, having received the Returning Officer's report of the plebiscite ballot count from the Returning Officer and the written consent of the commodity board agreeing to the amendment of the marketing plan, may recommend to the Lieutenant Governor in Council the amendment of the plan to incorporate the new product. Amendment of plan

(4) Producers of a crop added to an existing plan shall not be liable for any actions of the commodity board prior to their inclusion in the plan. (EC273/76) Liability

#### PROVISIONAL COMMODITY BOARD

**10.** Notwithstanding any of the provisions of these regulations, the Council may recommend to the Lieutenant Governor in Council the appointment of persons to a provisional commodity board to hold office and to conduct the business of the commodity board until such time as the first general election of members to such commodity board is held. (EC273/76) Provisional board

**11.** (1) 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 him in good faith in the performance or intended performance of his duties. Indemnity

(2) Every member or officer of the Council 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 board, from and against Idem

- (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 willful neglect or default. (EC273/76)