



Canadian Grain Commission
Commission canadienne
des grains

OFFICE CONSOLIDATION
(English)

CANADA GRAIN REGULATIONS

C.R.C., c. 889

WARNING NOTE

Users of this office consolidation are reminded that it is prepared for convenience of reference only and that, as such, it has no official sanction.

Amended to August 1, 2007

Canada

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CANADA GRAIN REGULATIONS (C.R.C., c. 889)

1. The definitions in this section apply in these Regulations.

“accountable gross weight” [Repealed, SOR/2004-198]

“Act” means the *Canada Grain Act*. (*Loi*)

“grading of unofficial samples” [Repealed, SOR/2001-273]

“gross handling variance” means the variance between the gross weight of all grain, grain products and screenings

(a) in store at an elevator as of the previous weigh-over plus that received at that elevator between the previous weigh-over and the current weigh-over; and

(b) in store at the elevator as of the current weigh-over plus that shipped from the elevator since the previous weigh-over. (*écart brut de manutention*)

“gross handling variance percentage” means the gross handling variance divided by the total gross weight of all grain, grain products and screenings received at an elevator between the previous weigh-over and the current weigh-over, multiplied by 100%. (*pourcentage de l'écart brut de manutention*)

“hazardous substance” means any pesticide, desiccant or inoculant. (*substance dangereuse*) [SOR/2004-198]

“inland terminal elevator” [Repealed, SOR/2001-273]

“net weight” means the gross weight of grain less the amount of dockage specified on the elevator or grain receipt or cash purchase ticket issued in respect of the grain. (*poids net*) [SOR/2004-198]

“regional inspector” [Repealed, SOR/2004-198]

“unofficial sample” means any sample of grain that is not an official sample (*échantillon non officiel*)

PART 1

CANADIAN GRAIN COMMISSION

Fees of the Commission

2. The fees of the Commission for services performed under the Act are set out in Schedule 1.
[SOR/2004-198]

Oath or Solemn Affirmation of Commissioner

3. A commissioner's oath or solemn affirmation of office shall be taken as it appears in Form 1 of Schedule 2. [SOR/2003-284]

PART 2

GRAIN GRADES, GRADING AND INSPECTION

Oath or Solemn Affirmation of Member of Grain Standards Committee

4. The oath or solemn affirmation of office of a member of a grain standards committee who is not a commissioner and who is not employed in the public service of Canada shall be taken as it appears in Form 2 of Schedule 2. [SOR/2003-284]

Oath or Solemn Affirmation of Member of Grain Appeal Tribunal

4.1 The oath or solemn affirmation of office to be taken by each member of a grain appeal tribunal, except a chairperson employed in the public service of Canada, shall be taken as it appears in Form 3 of Schedule 2. [SOR/2003-284]

Grain Grades

5.(1) The following seeds are designated as grain for the purposes of the Act: barley, beans, buckwheat, canola, chick peas, corn, fababeans, flaxseed, lentils, mixed grain, mustard seed, oats, peas, rapeseed, rye, safflower seed, solin, soybeans, sunflower seed, triticale and wheat.

(2) The grade names and the specifications for grades of grain are those set out in Schedule 3.
[SOR/2003-285]

Official Samples

[SOR/2003-284]

6.(1) An official sample taken under section 30 of the Act shall be taken in accordance with the Commission's *Sampling Systems Handbook and Approval Guide*. [SOR/2004-198] [SOR/2006-206]

(2) No official samples shall be taken by means of a mechanical sampler unless it is installed, tested and maintained by the licensee under the direction of an inspector.

(3) An official sample shall be retained for the period beginning on the date of the grading of the sample and ending [SOR/2005-361]

(a) not less than six months after that date, if the sample is taken on the discharge of grain out of an elevator into a ship; and [SOR/2006-206]

(b) [Repealed, SOR/2003-284]

(c) not less than 20 days after that date, in any other case. [SOR/2006-206]

Official Inspection

6.1 When a licensed grain dealer or the operator of a licensed elevator requests an official inspection of grain, they shall advise the Commission of the origin of the grain, or of the fact that the grain is of mixed origin, on the appropriate form supplied by the Commission. [SOR/2005-217]

Grading of Unofficial Samples

7.(1) Any licensee or any person not required to be licensed or exempted from licensing under section 44 of the Act may forward an unofficial sample of grain to any regional inspection office of the Commission for a determination of one or more of its grade, dockage and other quality factors. [SOR/2004-198] [SOR/2005-361]

(2) A sample forwarded under subsection (1) shall

(a) consist of at least 750 g;

(b) be taken in such a manner as to ensure that it is an average and representative sample of the parcel of grain from which it is taken; and

(c) be forwarded, with all shipping charges prepaid, in a container that will maintain the integrity of the sample. [SOR/2004-198]

(3) The shipper of a sample forwarded to a regional inspection office under this section shall

(a) state on a form supplied by the Commission that accompanies the sample the name and post office address of each person to whom the report as to the grade, dockage and other quality factors of the sample is to be sent; and [SOR/2004-198] [SOR/2005-361]

(b) place on the form a distinguishing number or mark of identification that the shipper has not previously used in respect of any other sample during that crop year. [SOR/2005-361]

(4) On receipt of a sample and its accompanying form forwarded in accordance with this section, an inspector shall examine the sample and make the requested determination of its grade, dockage or other quality factors and transmit a copy of the determination in writing to each person named on the form. [SOR/2004-198] [SOR/2005/361]

(5) Any person who has an interest in the grain and who is dissatisfied with the determination of the inspector may, within 15 days after the date of the examination, request the chief grain inspector for Canada to re-examine the sample. [SOR/2004-198]

(6) On receipt of the sample, the chief grain inspector for Canada shall examine it, determine its grade, dockage and other quality factors and transmit a copy of the determination to each person named in the request. [SOR/2004-198]

(7) The determination of the chief grain inspector for Canada is final. [SOR/2004-198]

(8) An unofficial sample shall be retained for the period beginning on the date of the grading of the sample and ending not less than 20 days after that date. [SOR/2005-361]

Disposal of Samples

[SOR/2004-198]

8.(1) Official samples and unofficial samples forwarded to the Commission for grading shall be sold by public tender within a reasonable time after the end of the required retention period for the samples under subsection 6(3) or 7(8). [SOR/2004-198] [SOR/2005-361]

(2) [Repealed, SOR/2005-361]

(3) If no tender is received by the Commission for the purchase of an official sample or unofficial sample, the sample shall be discarded. [SOR/2004-198] [SOR/2006-206]

8.1 [Repealed, SOR/2000-213]

Prescribed Form of Inspection Certificate

9. An inspection certificate referred to in section 32 of the Act shall be in the form set out

(a) in the case of Canadian grain other than the case set out in paragraph (b), in Form 12 of Schedule 4; and [SOR/2003-284] [SOR/2004-198]

(b) in the case of Canadian grain inspected on discharge from terminal or transfer elevators, in Form 13 of Schedule 4. [SOR/2003-284] [SOR/2004-198]

10. [Repealed SOR/2002-255]

Grain Appeal Procedures

[SOR/2003-284]

11. (1) An application under section 39 of the Act for an appeal of an official inspection of grain shall be made in writing and include the following information:

- (a) the identification of the parcel of grain from which the official sample was taken;
- (b) the name and location of the elevator or other place where the official sample was taken;
- (c) the date of the official inspection and any reinspection; and
- (d) the grade and dockage assigned to the grain by the official inspection and any reinspection.

[SOR/2004-198]

(2) If the decision of the principal inspector for the region in which the official inspection was conducted is appealed to the chief grain inspector for Canada or the grain appeal tribunal, the principal inspector shall without delay forward the application and the official sample to the chief grain inspector for Canada or the grain appeal tribunal, as the case may be. [SOR/2004-198]

(3) If the decision of the chief grain inspector for Canada is appealed, the chief grain inspector shall without delay forward the application and the official sample to the grain appeal tribunal. [SOR/2004-198]

12. For the purpose of section 40 of the Act, an appeal lies under section 39 of the Act in respect of grain that has been officially inspected on discharge from a primary elevator to a terminal elevator or transfer elevator. [SOR/2001-273] [SOR/2004-198]

13. The result of an appeal to a grain appeal tribunal shall be given without delay in writing by the grain appeal tribunal to the appellant and to the operator of the elevator where the grain was officially inspected. [SOR/2001-273] [SOR/2004-198]

14. If, as a result of an appeal taken under section 39 of the Act to a principal inspector or the chief grain inspector for Canada or a grain appeal tribunal, a grade is assigned to the grain that is different from the grade previously assigned to it, the inspection certificate revised in accordance with section 41 of the Act shall bear the date on which the appeal was decided. [SOR/2000-213] [SOR/2004-198]

PART 3

LICENCES AND LICENSEES

Exemptions from Licensing

[SOR/2001-273]

15. (1) The following types of elevators are exempted under paragraph 117(a) of the Act from the licensing requirements of the Act: [SOR/2006-206]

(a) an elevator constructed for the purpose of handling and storing grain as part of the operation of a feed mill; [SOR/2006-206]

(b) a process elevator, other than an elevator referred to in paragraph (a), if the operator of the elevator does not purchase grain from producers, does not assume obligations to producers for the

payment of money in respect of grain and allows the Commission access to the operator's records for the elevator; [SOR/2004-198] [SOR/2006-206]

(c) an elevator constructed for the purpose of handling and storing grain as part of the operation of a seed cleaning plant, if the operator of the seed cleaning plant does not operate the elevator to handle, store or purchase grain except grain for seed purposes and allows the Commission access to the operator's records for the elevator; and [SOR/2002-255] [SOR/2004-198] [SOR/2006-206]

(d) any elevator, if the operator of the elevator operates the elevator only as an agent or mandatary for licensees, the licensees provide security to the Commission for all grain received into the elevator and the operator allows the Commission access to the operator's records for the elevator. [SOR/2006-206]

(2) The grain handling operation of a grain dealer is exempted under paragraph 117(a) of the Act from the licensing requirements of the Act if the grain dealer allows the Commission access to the grain dealer's records for dealing in and handling western grain and [SOR/2006-206]

(a) the grain dealer does not deal in or handle western grain except as an agent or mandatary for licensees and the licensees provide security to the Commission for all western grain transactions handled by the grain dealer; [SOR/2006-206]

(b) the grain dealer does not deal in or handle western grain except grain for seed purposes; or [SOR/2006-206]

(c) the grain dealer does not purchase western grain from producers and does not assume obligations to producers for the payment of money in respect of western grain. [SOR/2006-206]

15.1 [Repealed SOR/2000-213]

15.2 [Repealed SOR/2000-213]

General Conditions of Licensing

16. It is a condition of every licence to operate an elevator that the licensee shall

(a) store all grain received in an elevator building described in the application for the licence;

(b) notify the Commission in writing of any functional alteration to the elevator building described in the application or any functional alteration respecting grain flows or sampling or control mechanisms, and of any addition to any equipment associated with the elevator, within 15 days after plans for the alteration or addition become available; [SOR/2004-198]

(c) without delay notify the Commission in writing of any damage to, or destruction of, any elevator building described in the application, or damage to, or destruction or removal of, any equipment required by the Commission to be installed in the elevator building;

(d) without delay notify the Commission in writing of any damage to, or the destruction of, any grain stored in any elevator building described in the application;

(e) keep each elevator building and all associated equipment in good repair and in good working order;

(e.1) keep sampling and weighing equipment and areas surrounding the equipment clean and accessible; and [SOR/2005-361]

(f) keep the licence posted in a conspicuous place in the elevator. [SOR/2003-284]

Security

17. The period prescribed for the purpose of paragraph 49(3)(a) of the Act is [SOR/2000-123]
[SOR/2005-361]

(a) if an elevator receipt or grain receipt is issued on delivery of the grain, 90 days; and [SOR/2005-361]

(b) if a cash purchase ticket or other bill of exchange is issued on delivery of the grain or is later issued on surrender of an elevator receipt or grain receipt in respect of the grain, the lesser of [SOR/2005-361]

(i) 90 days, and

(ii) the period that ends 30 days after the day on which the cash purchase ticket or other bill of exchange is issued. [SOR/2005-361]

18. Security is not required from an applicant for a licence or from a licensee if the applicant or licensee is an agent of Her Majesty in right of Canada. [SOR/2000-213]

19. For the purposes of subsection 49(5) of the Act, the prescribed percentage of security realized or enforced is 100%. [SOR/2000-213]

Records to Be Kept by Licensees

20. Each licensee shall keep, for at least six years, all documents that relate to grain that was delivered to, stored by, shipped or otherwise disposed of by the licensee and that specify whether the grain was purchased, received for storage or received for sale on commission. [SOR/2000-213]

20.1 [Repealed SOR/2000-213]

Application for Licence

[SOR/2002-255]

21. (1) Each applicant for a licence shall submit to the Commission, at least 10 days before the commencement date of the licence period, specimens of all tickets, receipts, notes, reports of sales, waivers and any other forms to be used by the licensee under its licence.

(2) [Repealed, SOR/2004-198]

(3) Each applicant for a licence shall submit to the Commission, at least 10 days before the commencement date of the licence period, the licence fee set out in Schedule 1 and the security fixed by the Commission under section 45 of the Act. [SOR/2003-284]

22. [Repealed, SOR/2001-273]

Obligation and Security Reports

23. Every month, each licensed grain dealer, primary elevator operator and process elevator operator shall submit to the Commission a report made on the appropriate form supplied by the Commission or accepted by the Commission respecting the licensee's outstanding obligations for the payment of money or the delivery of grain to holders of elevator receipts, grain receipts and cash purchase tickets and the security amount available to meet those obligations at the end of the preceding month. [SOR/2002-255]

Licensed Grain Dealer Reports

24. Every month, each licensed grain dealer shall submit to the Commission a report made on a form supplied by the Commission or accepted by the Commission respecting the grain dealer's operations during the preceding month. [SOR/2002-255] [SOR/2004-198]

Process Elevator Reports

[SOR/2001-273]

25. Every week, each process elevator licensee shall submit to the Commission a report made on the appropriate form supplied by the Commission or acceptable to the Commission respecting the licensee's operations during the preceding week. [SOR/2000-213]

25.1 [Repealed, SOR/2000-213]

Primary Elevator Reports

[SOR/2001-273]

26. Each primary elevator licensee shall submit to the Commission

(a) every week, a report made on the appropriate form supplied by the Commission or acceptable to the Commission respecting the licensee's operations during the preceding week; and

(b) not later than October 15 in each crop year, an annual report made on the appropriate form supplied by the Commission or acceptable to the Commission for each primary elevator operated by the licensee. [SOR/2000-213]

Transfer Elevator Reports

[SOR/2001-273]

27. Every day, the operator of a transfer elevator shall submit reports to the Commission made on forms supplied by the Commission or accepted by the Commission respecting the elevator's operations during the preceding day. [SOR/2002-255]

28. [Repealed SOR/2005-361]

PART 4**TARIFFS*****Storage Charges if Licensee Unable to Deliver Grain***

29. With respect to a period referred to in subsection 53(2) of the Act, the special maximum storage charge at an elevator is

(a) if the period has lasted seven days, for the next seven days of the period, 75% of the storage charge that could otherwise be made by the operator of the elevator for that type of storage; and

(b) if the period has lasted 14 days, for the remainder of the period, 50% of the storage charge that could otherwise be made by the operator of the elevator for that type of storage. [SOR/2000-213]

Public Notices

29.1 The operator of a licensed primary elevator shall keep posted in a conspicuous place in the elevator the schedule of the current charges filed with the Commission under subsection 50(1) of the Act. [SOR/2004-198]

PART 5**ELEVATORS, GRAIN DEALERS AND GRAIN HANDLING*****Shrinkage Allowance***

30. The maximum shrinkage allowance that may be made on the delivery of grain to a licensed primary elevator or licensed terminal elevator is zero. [SOR/2004-198]

31. [Repealed SOR/2004-198]

32. [Repealed SOR/2004-198]

Receipt of Grain into a Licensed Primary Elevator

33. (1) Every cash purchase ticket or primary elevator receipt issued by the operator of a licensed primary elevator shall be in the appropriate form set out in Schedule 4. [SOR/2003-284]

(2) If grain is purchased by the operator of a licensed primary elevator, the operator shall issue a cash purchase ticket without delay after the grain is unloaded.

(3) If grain is received for storage at a licensed primary elevator, the operator of the elevator shall issue a primary elevator receipt without delay after the grain is unloaded. [SOR/2000-213]

Sampling on Delivery

34. For the purposes of sections 35 and 36, on the delivery of grain to a licensed primary elevator, a 1 kg portion of a sample of the grain that is considered by the elevator operator and the person delivering the grain to be representative of the grain shall be taken from each load and retained at the elevator. [SOR/2002-255] [SOR/2004-198]

Dockage Determination on Receipt at Licensed Primary Elevator

35. (1) The operator of a licensed primary elevator shall make an accurate determination of dockage in grain delivered at the elevator by

(a) taking a representative portion of 500 g from the sample referred to in section 34;

(b) testing the sample with equipment of a type authorized by the Commission and hand-picking, if necessary, any portion that is not separable by that equipment; and

(c) computing the dockage to the nearest 0.1%.

(2) If the person delivering grain to a licensed primary elevator so requests, the test to determine the dockage in the grain shall be made in that person's presence. [SOR/2002-255]

35.1 [Repealed, SOR/95-386]

Subject to Inspector's Grade and Dockage

36. (1) If the operator of a licensed primary elevator and a person delivering grain to the elevator do not agree on the grade of the grain or the dockage in the grain, and an interim primary elevator receipt is issued, the operator, in the presence of the person delivering the grain, shall take a representative portion of 750 g from the sample referred to in section 34 and shall

(a) put the representative portion in a container that is supplied by the operator or the person delivering the grain and that the operator and that person agree will maintain the integrity of the sample; [SOR/2004-198]

(b) identify the container with the name of the owner of the grain and with the interim primary elevator receipt number;

(c) mark the container "Subject to Inspector's Grade and Dockage"; and

(d) forward the container to the nearest regional inspection office of the Commission, with all shipping charges prepaid, accompanied by a written request from the operator or the owner of the grain that an inspector examine the representative portion and report to the persons named in the request what grade and dockage the inspector would assign to the grain if the examination were an official inspection. [SOR/2004-198]

(2) On receipt of the representative portion, an inspector at the regional inspection office of the Commission shall examine it, determine its grade and dockage and transmit a copy of the determination to each person named in the request. [SOR/2004-198]

(3) Any person who has an interest in the grain and who is dissatisfied with the determination of the inspector may, within 15 days after the date of the examination, request the chief grain inspector for Canada to re-examine the representative portion. [SOR/2004-198]

(4) On receipt of the representative portion, the chief grain inspector for Canada shall examine it, determine its grade and dockage and transmit a copy of the determination to each person named in the request. [SOR/2003-284] [SOR/2004-198]

(5) The determination of the chief grain inspector for Canada is final.

(6) On receipt of the final determination, the operator of the elevator shall exchange the interim primary elevator receipt for the appropriate primary elevator receipt or cash purchase ticket indicating the grade and dockage assigned to the representative portion in accordance with this section. [SOR/2002-255] [SOR/2004-198]

(7) For greater certainty, in this section, "grade" includes the tough, damp, moist and wet grades established in the Off Grades of Grain and Grades of Screenings Order. [SOR/2004-198]

36.1 [Repealed, SOR/2000-213]

Identity Preservation of Special Bin Grain

[SOR/2004-198]

37.(1) If grain is lawfully offered at a licensed primary elevator for special binning and the operator of the elevator agrees to specially bin the grain, the operator and person delivering the grain shall

(a) put a sample of the grain in a container that is of a type acceptable to the Commission, that will maintain the integrity of the sample and that is supplied by the operator or the person delivering the grain; [SOR/2004-198]

(b) identify the container with the name of the owner of the grain and with the interim primary elevator receipt number; and

(c) mark the container "Special Bin".

(2) The person delivering the grain to the elevator shall secure the container by means of a lock or seal.

(3) The operator shall keep the container in a locked storage cabinet or storeroom at the elevator, for not less than 30 days. [SOR/2003-284]

(4) [Repealed SOR/2004-198]

(5) [Repealed SOR/2004-198]

(6) [Repealed SOR/2004-198]

(7) [Repealed SOR/2004-198]

38. [Repealed SOR/2004-198]

Drying of Grain at Licensed Primary Elevators

38.1 (1) Subject to these Regulations, the operator of a licensed primary elevator may dry tough, damp, moist or wet grain at the elevator in accordance with orders of the Commission.

(2) The operator of a licensed primary elevator shall issue an elevator grain drying receipt in a form supplied by the Commission or accepted by the Commission for each load of grain containing excessive moisture delivered to the elevator for artificial drying.

(3) The holder of the drying receipt may surrender the receipt to the operator and take from the operator any other appropriate receipts that the circumstances require or take delivery of the grain. [SOR/2002-255]

Cleaning of Grain

39. (1) If, in accordance with section 63 of the Act, grain is lawfully offered for storage at a licensed primary elevator and a request is made that it be cleaned, the elevator receipt that is required to be issued under that section shall be a combined primary elevator receipt in Form 7 of Schedule 4, endorsed as follows: [SOR/2003-284] [SOR/2004-198]

"To be cleaned before being shipped or settled for."

(2) The holder of the elevator receipt shall surrender it after the grain is cleaned, and the operator of the licensed primary elevator shall then issue the appropriate primary elevator receipt or cash purchase ticket for the grain, adjusted to the grade and quantity of the grain after cleaning.

(3) If grain that is delivered for cleaning is returned to the owner of the grain, the operator of the licensed primary elevator shall issue a cleaning receipt for the grain, in a form acceptable to the Commission. [SOR/2000-213]

Shipment of Grain from a Licensed Primary Elevator

40. (1) The operator of a licensed primary elevator shall issue all shipping bills for grain shipped from the elevator and shall notify of each shipment any persons that the holder of a primary elevator receipt directs.

(2) If grain is shipped from a licensed primary elevator, the operator of the elevator shall, on request from the holder of the primary elevator receipts in respect of the grain, give the holder particulars as to the grain shipped.

(3) If a conveyance is supplied at a licensed primary elevator on the application of any person other than the operator of the elevator, the operator shall not load into that conveyance any grain other than

(a) in the case of specially binned grain, grain offered by that person; or

(b) in the case of grain other than specially binned grain,

(i) grain offered by that person, or

(ii) grain that is of the same kind, grade and quantity as the grain referred to in the elevator receipts surrendered by that person. [SOR/2000-213]

41. The operator of a licensed primary elevator

(a) shall, on request by the Commission, produce elevator receipts or bills of lading for all grain that has been shipped from the elevator for which primary elevator receipts are outstanding; and

(b) shall not assign, mortgage, pledge or hypothecate any grain stored in the elevator for which primary elevator receipts are outstanding. [SOR/2000-213]

42. If the operator of a licensed primary elevator requires the holder of a primary elevator receipt to take delivery of the grain in accordance with section 65 of the Act, the operator shall

(a) deliver to the holder of the primary elevator receipt in person, or send by registered mail to the holder's latest known address, a notice that

(i) identifies the receipt issued in respect of the grain,

(ii) makes the demand that the grain be removed from the elevator, and

(iii) shows the final date on which the holder may take delivery of the grain; and

(b) forward to the Commission a duplicate copy of the notice. [SOR/2000-213]

Elevator Receipts - Right of Redelivery

43.(1) [Repealed SOR/2003-284]

(2) The holder of a primary elevator receipt who waives the right to demand delivery from the operator of the elevator of the grain referred to in the receipt shall sign the following waiver set out on the receipt:

"I hereby waive the right to demand delivery of the grain described in this receipt from the operator of the elevator." [SOR/2000-213]

Receipt of Grain into a Licensed Process Elevator

[SOR/2001-273]

44. A grain receipt or a cash purchase ticket that is required by subsection 78(2) of the Act to be issued by the operator of a licensed process elevator on the receipt of grain from a producer into the elevator shall be issued on delivery of the grain by the producer and shall be in Form 1 or Form 6 of Schedule 4, as appropriate. [SOR/2003-284]

Receipt of Grain by a Licensed Grain Dealer

45.(1) For the purpose of this section, delivery of grain to an agent or mandatary of a licensed grain dealer is considered to be delivery to the licensed grain dealer. [SOR/2006-206]

(2) A grain receipt or a cash purchase ticket that is required by subsection 81(1) of the Act to be issued by a licensed grain dealer shall be issued on receipt of western grain delivered by a producer or on being entitled to western grain delivered to an elevator by a producer, and shall be in Form 1 or Form 6 of Schedule 4, as appropriate. [SOR/2003-284]

46. [Repealed SOR/2003-284]

Direct Hit Shipments

47. The operator of a licensed terminal elevator or licensed transfer elevator may receive grain without causing it to be officially inspected and officially weighed and without issuing an elevator receipt for it if

(a) the grain is transferred directly from a railway car or other conveyance to a ship and is officially inspected and weighed on transfer to the ship; and [SOR/2005-361]

(b) the operator provides the Commission with advance notice of the shipment. [SOR/2002-255]
[SOR/2004-198]

Receipt & Discharge of Grain from Licensed Transfer Elevators

48. [Repealed SOR/2004-198]

49. [Repealed SOR/2004-198]

50. The operator of a licensed transfer elevator may [SOR/2003-284]

(a) receive grain without causing it to be officially inspected, unless it is western grain that has not been previously officially inspected and an unofficial sample of it has not been submitted to the Commission for grading, on or before receipt of the grain, in lieu of an official inspection; [SOR/2006-206]

(i) it is eastern grain, or

(ii) it is western grain and either it has previously been officially inspected or an unofficial sample of the grain has been graded by the Commission on or before receipt; [SOR/2005-361]

(b) discharge grain, without causing it to be officially inspected, if

(i) it is not for export,

(ii) it is for export to the United States by rail or truck, or

(iii) it is eastern grain for export by ship, it has previously been officially inspected and it meets the conditions in respect of its sale and inspection that are set out in the document published under the authority of the Commission and entitled *Policy for Previously Inspected Eastern Grain*; [SOR/2005-361]

(c) receive grain without causing it to be officially weighed, unless it is western grain that has not been previously officially weighed; and [SOR/2006-206]

(i) it is eastern grain, or

(ii) it is western grain and it has been previously officially weighed; and

(d) discharge grain, without causing it to be officially weighed, if

(i) it is not for export, or

(ii) it is for export to the United States by rail or truck. [SOR/2002-255]

Dockage Determination at Licensed Transfer Elevator

[SOR/2004-198]

51. If the Commission does not provide official inspection services, the operator of a licensed transfer elevator shall make an accurate determination of dockage of grain delivered at the elevator, computing the dockage to the nearest 0.1%. [SOR/2000-213]

52. [Repealed SOR/2004-198]

Discharge of Grain Containing Dockage

[SOR/2005-361]

53. If the operator of a licensed terminal elevator or licensed transfer elevator wishes to obtain the permission of the Commission under paragraph 75(b) of the Act to discharge from the elevator grain containing dockage, the operator shall make a written request to the Commission stating [SOR/2004-198]

- (a) the kind, grade and quantity of the grain;
- (b) the final destination of the grain; and
- (c) the reasons for the request. [SOR/2000-213]

54. [Repealed SOR/2002-255]

55. [Repealed SOR/2004-198]

56. [Repealed, SOR/2005-217]

Special Binning

57. The operator of a licensed terminal elevator or a licensed transfer elevator may specially bin any grain if either [SOR/2004-198]

- (a) the following conditions are met, namely,
 - (i) the operator and the person wishing to specially bin the grain enter into a special bin agreement in the form set out in Form 15 of Schedule 4, [SOR/2003-284] [SOR/2004-198]
 - (ii) all the grain is binned in accordance with the agreement, [SOR/2004-198]
 - (iii) not more than 30% of the total operating capacity of the elevator is contractually committed to special binning of grain, and [SOR/2004-198]
 - (iv) a copy of the agreement is filed by the operator with the Commission before the commencement date of the agreement; or [SOR/2000-213] [SOR/2004-198]
- (b) the grain is binned according to protein level.

57.1 [Repealed, SOR/2000-213]

Registration and Cancellation of Terminal Elevator and Transfer Elevator Receipts

58. (1) A terminal elevator receipt or transfer elevator receipt shall be in Form 9 or 10, respectively, of Schedule 4. [SOR/2003-284] [SOR/2004-198]

(2) The Commission shall register and cancel terminal and transfer receipts issued by operators of licensed terminal elevators and licensed transfer elevators. [SOR/2004-198]

(3) If grain is shipped from a licensed terminal elevator, the operator of the elevator shall present to the Commission for cancellation registered terminal elevator receipts covering grain of the same kind, grade and quantity as the grain shipped within

(a) three working days after the shipment of the grain, in the case of any grain other than wheat; and

(b) 10 clear calendar days after the shipment of the grain, in the case of wheat. [SOR/2004-198]

(4) If grain is shipped from a licensed transfer elevator, the operator of the elevator shall, within 24 hours after the loading of the grain, present to the Commission for cancellation registered transfer elevator receipts covering grain of the same kind, grade and quantity as the grain shipped. [SOR/2004-198]

(5) [Repealed, SOR/2002-255]

Compulsory Removal of Grain from Licensed Terminal Elevators and Transfer Elevators

59. (1) A notice in writing given by the operator of a licensed terminal elevator or a licensed transfer elevator to the last known holder of a terminal elevator receipt or a transfer elevator receipt under section 77 of the Act shall

(a) be delivered to the holder of the receipt in person or sent by registered mail to the holder's latest known address;

(b) show the numbers of the elevator receipts issued in respect of the grain to be removed from the elevator;

(c) make the demand that the grain be removed from the elevator; and

(d) show the final date before which the holder is required to take delivery of the grain.

(2) If the operator of a licensed terminal elevator or licensed transfer elevator gives a notice in accordance with subsection (1), the operator shall at the same time forward a copy of the notice to the Commission. [SOR/2000-213]

Weigh-overs

60. (1) Each operator of a licensed primary elevator shall:

(a) weigh over the grain, grain products and screenings contained in the elevator in accordance with section 79 of the Act not less than once every three years; and

(b) after the weigh-over, supply to the Commission a report of the stocks in store in Form 8 of Schedule 4. [SOR/2003-284] [SOR/2005-361]

(2) The Commission shall weigh over the grain, grain products and screenings contained in every licensed terminal elevator and licensed transfer elevator, under subsection 80(1) of the Act, within the following intervals:

(a) in the case of terminal elevators, at least once every 30 months; and

(b) in the case of transfer elevators, at least once every 60 months, unless otherwise specified by the Commission.

(c) [Repealed, SOR/2001-273]

(d) [Repealed, SOR/2001-273]

(3) If the gross handling variance percentage determined as a result of a weigh-over at a licensed terminal elevator is less than or equal to 0.125%, the operator of the elevator may retain the overage arising out of the operation of the elevator in respect of any grain of any grade.

(4) If the gross handling variance percentage determined as a result of a weigh-over at a licensed terminal elevator is greater than 0.125%, the maximum overage that the operator of the elevator may retain shall

(a) in respect of No. 1 Canada Western Red Spring Wheat and No. 2 Canada Western Red Spring Wheat, be 0.25% of the total quantity of wheat of that grade received between consecutive weigh-overs at that elevator;

(b) in respect of all grades of wheat other than those described in paragraph (a), and in respect of all grades of other grains named in the Act or any regulations made under the Act, other than oilseeds, mixed grain and screenings, be 0.5% of the total quantity of the grade received between consecutive weigh-overs at that elevator after the making of the allowance, if any, authorized by subsection 80(5) of the Act;

(c) in respect of all grades of oilseeds, be 2% of the total quantity of the grade received between consecutive weigh-overs at that elevator after the making of the allowance, if any, authorized by subsection 80(5) of the Act; and

(d) in respect of the total of all mixed grain and screenings and after the making of the allowance, if any, authorized by subsection 80(5) of the Act, be the greater of

(i) 2% of the gross total of all grades of grain received between consecutive weigh-overs at that elevator, and

(ii) the total of the quantity of dockage and shrinkage allowance assessed on all grain received between consecutive weigh-overs at that elevator.

(5) The maximum overage, determined as a result of a weigh-over at a licensed transfer elevator, that may be retained in respect of grain of any grade by the operator of the elevator shall, after the making of the allowance, if any, authorized by subsection 80(5) of the Act, be 0.0625% of the total quantity of grain of that grade received between consecutive weigh-overs at that elevator, except that if an overage occurs in a lower grade, regard shall be had for the differences in value represented by shortages in higher grades.

(6) If a weigh-over at a licensed terminal elevator or licensed transfer elevator indicates that there is a deficiency of grain in storage at that elevator compared to the amount of grain represented in all the outstanding elevator receipts for the kind and grade of grain at that elevator, the operator shall tender those receipts for cancellation before tendering for registration any receipts for grain found as a result of

the weigh-over to be in excess of the amount of grain represented in all the outstanding elevator receipts.
[SOR/2001/273]

Hazardous Substances and Contaminated Grain in Elevators

[SOR/2004-198]

61. (1) No hazardous substances, other than substances approved by the Commission, shall be used for the treatment of grain at an elevator.

(2) No hazardous substances shall be stored in an area of a licensed elevator or annex to it unless

(a) there is no direct access from the area to any area used for the handling or storage of grain;

(b) the operator of the elevator has specifically designated the area for the storage of hazardous substances; and

(c) the storage of hazardous substances in the area is not a danger to the handling or storage of grain at the elevator.

(3) If grain that is being received into, stored in or discharged from a licensed elevator is found to be contaminated, the operator of the elevator shall without delay notify the Commission and shall dispose of the contaminated grain in accordance with directions given by the chief grain inspector for Canada under an order of the Commission under paragraph 118(d) of the Act. [SOR/2001-273]

62. [Repealed SOR/2001-273]

63. [Repealed SOR/2001-273]

Infestation in Elevators

[SOR/2001-273]

64. If grain stored in an elevator is found to be infested, the operator of the elevator shall

(a) in the absence of Commission personnel at the elevator, without delay provide the Commission with full particulars of the nature and extent of the infestation;

(b) send to the Commission in a sealed container a 1 kg sample of the grain containing specimens of the pests with which the grain is infested;

(c) treat the infested grain in accordance with instructions issued by the Commission; and
[SOR/2005-361]

(c.1) [Repealed, SOR/2005-361]

(d) clean out and treat any emptied annex or bin that contained infested grain and any equipment used in handling that grain in accordance with instructions issued by the Commission.

65. [Repealed, SOR/2004-198]

66. [Repealed, SOR/2002-255]

67. [Repealed, SOR/2004-198]

PART 6

CARRIAGE OF GRAIN

Producer Railway Cars

68. (1) One or more producers of grain who wish to apply for a railway car under section 87 of the Act shall send to the Commission a completed application in Form 14 of Schedule 4. [SOR/2003-284]

(2) If a railway car that is allocated by the Commission as a result of the application arrives at a delivery point chosen by the producer or producers, as the case may be, the producer or producers shall load the grain declared in the application form directly from a siding or private bulk-loading facility into the railway car. [SOR/2000-213]

68.1 [Repealed, SOR/2000-213]

Condition of Conveyances

69. A conveyance is not in fit condition to receive grain unless

(a) it is clean, dry and structurally sound and free from infestation; and [SOR/2005-361]

(b) if the conveyance is a ship, the holds are sufficiently protected while loading during rainstorms to prevent excessive water from mixing with the grain. [SOR/2004-198]

(c) [Repealed, SOR/2004-198]

Transport of Grain

70. (1) Any person may transport or cause to be transported

(a) western grain from the Western Division to the Eastern Division or eastern grain from the Eastern Division to the Western Division on the condition that the Commission is notified in writing of the kind, quantity and destination of the grain, before the grain is transported; [SOR/2004-198]

(b) any grain for export to a final destination in the continental United States by rail or truck on condition that the Commission is notified in writing before the grain is transported; and

(c) any grain for export by container on condition that the Commission is notified in writing before the grain is transported.

(d) [Repealed, SOR/2004-198]

(2) [Repealed, SOR/2004-198]

PART 7

END-USE CERTIFICATES

71. (1) An end-use certificate referred to in section 87.1 of the Act shall be in Form 1 of Schedule 6. [SOR/2003-284]

(2) If grain is consigned directly to a milling, manufacturing, brewing, distilling or other processing facility in accordance with an end-use certificate, the operator of the facility is authorized to receive the grain.

(3) The importer referred to in an end-use certificate shall provide the Commission, within 10 days after the delivery of grain to the consignee referred to in the end-use certificate, with a copy of the bill of lading on which an authorized representative of the consignee has acknowledged receipt of the grain and the date of receipt at the consignee's processing facility.

(4) The consignee referred to in an end-use certificate shall provide the Commission, every three months after receipt of the grain referred to in the end-use certificate, with a report in the form set out in Form 2 of Schedule 6, until the grain has been fully consumed at the processing facility of the consignee. [SOR/2003-284]

72. – 74. [Repealed SOR/2000-213]

75. – 79. [Repealed SOR/96-508]

80. – 82. [Repealed SOR/2000-213]

83. [Repealed SOR/83-628]

84. [Repealed SOR/86-813]

85. [Repealed SOR/95-386]

86. – 87. [Repealed SOR/2000-213]

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<ul style="list-style-type: none"> - process elevators 	16, Sch. 4, Forms 1, 6	45(1), 78(2)
<ul style="list-style-type: none"> - security 	17, 18, 19	45(1)(b), 116(1)(k)
<ul style="list-style-type: none"> - terminal and transfer elevators 	16	45(2)
<ul style="list-style-type: none"> - fees - <i>see</i> Fees of the Commission and Charges for Services 		
<ul style="list-style-type: none"> - forms - <i>see</i> Forms 		
<ul style="list-style-type: none"> - filing of specimens 	21	116(1)(p)
<ul style="list-style-type: none"> - insurance - <i>see</i> Insurance 		
<ul style="list-style-type: none"> - records to be kept by licensees 	20	116(1)(l)
<ul style="list-style-type: none"> - reports to Commission 	23-27	116(1)(l)
<ul style="list-style-type: none"> - grain dealer 	24	
<ul style="list-style-type: none"> - primary elevator 	26	
<ul style="list-style-type: none"> - process elevator 	25	

SUBJECT	RELATED SECTION OF THE REGULATIONS	RELATED SECTION OF THE ACT
<ul style="list-style-type: none"> - transfer elevator - stocks in store <ul style="list-style-type: none"> - primary elevator - terminal or transfer elevator - tariffs - see Charges for Services 	27 60(1)(b)	116(1)(l)
<p>Mixing of Grain - see Terminal and Transfer Elevators and Drying of Grain</p>		
<p>Oath of Commissioner</p>	3, Sch. 2, Form 1	6(1)
<p>Oath of Member of Grain Standards Committee</p>	4, Sch. 2, Form 2	21(1)
<p>Oath of Member of Grain Appeal Tribunal</p>	5, Sch. 2, Form 3	36(2)
<p>Official Inspection</p>	6.1	30(1)
<p>Official Samples</p> <ul style="list-style-type: none"> - manual sampling - mechanical sampler <ul style="list-style-type: none"> - conditions - period of retention 	6 6(1) 6(1) 6(2) 6(3)	30(1) 31, 30(1)(b)
<p>Overage - see Weighovers</p>		
<p>Primary Elevators</p> <ul style="list-style-type: none"> - cleaning of grain <ul style="list-style-type: none"> - adjusted elevator receipt - cleaning receipt form - receipt before cleaning - compulsory removal of grain <ul style="list-style-type: none"> - notice to holder of receipt - dockage assessment <ul style="list-style-type: none"> - presence of producer - documentation on receipt of grain <ul style="list-style-type: none"> - cash purchase ticket - elevator receipt - forms - disagreement on grade - see Interim Elevator Receipts - discharge from elevator 	30-43 39 39(2) 39(3) 39(1); Sch. 4, Form 7 42 42(a) 35(1) 35(2) 33 33; Sch. 4, Form 6 33; Sch. 4, Form 7 Sch. 4	60-68.1 63, 116(1)(b.1) 65 65(1) 61 61 2, 61(a), 68, 111(1) 2, 61(a) 103

SUBJECT	RELATED SECTION OF THE REGULATIONS	RELATED SECTION OF THE ACT
- elevator receipts outstanding	41	65(3)
- grain to be loaded	40(3)	67(2)
- information re: shipment	40(2)	67(2)(a)
- elevator receipts		
- cleaning of grain	39	
- outstanding	41	
- equipment		46(1)(b), 56, 116(1)(s)
- foreign grain		2, 116(1)(h)
-interim elevator receipt procedure - see Interim Elevator Receipts		
- interpretation (definition)		61(b)(iii)
- public carrier, receipt from		84
- public notices	29.1	
-sampling on receipt	34	61
- identification of container	34	
- storage of sample	34	
- taking of sample	34	
- shrinkage allowance	30	116(1)(f)
- special binning dispute	37	62(3)
- non-preservation of identity	37(1)(a)	
-stocks in store	60(1)(b)	
- waiver by holder of receipt	43(2)	66
Producer Railway Cars - see Carriage of Grain		
Records - see Licences and Licensees		
Registration of Elevator Receipts - see Terminal Elevator Receipts, Transfer Elevator Receipts and Interim Elevator Receipts		
Reports - see also Licences and Licensees		
- obligation and security report	23	
- grain dealer reports	24	
- primary elevator reports	26	
- process elevator reports	25	
- material to be submitted	21	
- stocks in store reports		
- primary elevator	60(1)(b)	
- transfer elevator reports	27	
Samples - see also Primary		61, 62, 116(1)(c)

SUBJECT	RELATED SECTION OF THE REGULATIONS	RELATED SECTION OF THE ACT
<p>Elevators, Special Binning</p> <ul style="list-style-type: none"> - dockage assessment - grade dispute at transfer elevator - infested grain <ul style="list-style-type: none"> - primary and process elevators - terminal and transfer elevators - moisture content dispute - see Primary Elevators <p>Primary Elevators</p> <ul style="list-style-type: none"> - official samples - see Official Samples - primary elevator - see Primary Elevators - special bin dispute - see Primary Elevators - unofficial samples - see Grading of Unofficial Samples 	<p>34, 35(1) 50 64(b) 64(b) 64(b)</p>	
<p>Schedules - see also Forms</p> <ul style="list-style-type: none"> - cash purchase ticket - fees of the Commission - oaths of office <p>- grade names - see <i>also</i> Grades of Grain Tables</p> <ul style="list-style-type: none"> - receipt forms and certificates - see <i>also</i> Forms - reports see <i>also</i> Forms - maximum shrinkage allowance at primary elevators - see <i>also</i> Shrinkage - maximum shrinkage allowance at terminal elevators - see <i>also</i> Shrinkage - dockage testing equipment - end-use certificate - special bin agreement 	<p>Sch. 4, Form 6 2; Schedule 1 3, 4, 5; Schedule 2, Forms 1-3 5; Schedule 3 9, 33, 39, 58, 68; Sch. 4, Forms 1, 7, 13 23-27, 58 30 30 35 71; Schedule 6, Form 1 Schedule 4, Form 15</p>	<p>6(1), 21(1), 36(2) 16, 19, 116(1)(a)</p>
<p>Security</p> <ul style="list-style-type: none"> - percentage of security realized or enforced - period (90 days) 	<p>17, 18, 19 19 17</p>	<p>49 49(5) 49(3)</p>
<p>Shortage - see Weighovers</p>		
<p>Shrinkage</p>	<p>30</p>	<p>2</p>

SUBJECT	RELATED SECTION OF THE REGULATIONS	RELATED SECTION OF THE ACT
Special Binning	37, 57; Sch. 4, Form 15	2, 62, 116(1)(d)
<ul style="list-style-type: none"> - non-preservation of identity <li style="padding-left: 20px;">- decision of chief inspector <li style="padding-left: 20px;">- filing complaint <li style="padding-left: 20px;">- where no official inspection - special bin elevator receipt - special bin agreements 	<ul style="list-style-type: none"> 37(1) 37(2) 37(1) 37(3) Sch. 4, Form 7 57; Sch. 4, Form 15 	62(1)
Tables see Grades of Grain Tables		
Tariffs - see Charges for Services		
Terminal and Transfer Elevators		69-77
<ul style="list-style-type: none"> - compulsory removal of grain <li style="padding-left: 20px;">- notice to Commission <li style="padding-left: 20px;">- notice to receipt holder - dockage 	<ul style="list-style-type: none"> 59 59(2) 59(1) 	<ul style="list-style-type: none"> 77 77(1) 77(1) 2, 56, 70(c), 71, 75(b), 116(1)(e)
<ul style="list-style-type: none"> <li style="padding-left: 20px;">- discharge permission - discharge from transfer elevator - foreign grain <li style="padding-left: 20px;">- application to receive <li style="padding-left: 20px;">- domestic consumption <li style="padding-left: 20px;">- qualification of grade 	<ul style="list-style-type: none"> 53 50 	<ul style="list-style-type: none"> 76(b) 70(d) 2 57(c)
<ul style="list-style-type: none"> - interpretation 		2
<ul style="list-style-type: none"> - shrinkage allowance - special binning - western grain at transfer elevator 	<ul style="list-style-type: none"> 30 57; Sch. 4, Form 15 47 	<ul style="list-style-type: none"> 2, 62 70(b)
Terminal Elevator Receipts		71, 111-114
<ul style="list-style-type: none"> - cancellation - registration 		<ul style="list-style-type: none"> 114 113
<ul style="list-style-type: none"> - form 	58(2); Sch. 4, Form 9	71, 103
Transfer Elevator Receipts	58	71, 111-114
<ul style="list-style-type: none"> - definitions <li style="padding-left: 20px;">- cancellation <li style="padding-left: 20px;">- registration 	58(1)	<ul style="list-style-type: none"> 114 113
<ul style="list-style-type: none"> - form <li style="padding-left: 20px;">- regular receipt <li style="padding-left: 20px;">- reports to Registrar - see also 	<ul style="list-style-type: none"> Sch. 4, Form 10 27, 58(4), 60 	71, 103
Forms		
<ul style="list-style-type: none"> - forwarding documents - interim transfer receipts - see 	58(4)	

SUBJECT	RELATED SECTION OF THE REGULATIONS	RELATED SECTION OF THE ACT
Interim Elevator Receipts		
Transfer Elevators - see Terminal and Transfer Elevators and Transfer Elevator Receipts		
Treatment of Grain	61	63, 71(2), 76
- restriction on poisonous compounds	61	116(1)(e.1)
- storage	61(2)	
- treatment of grain	61(1)	
Violation of Regulations		107(2)
Weighovers	60	2, 79, 80
- maximum overage		80(2), 80(3), 80(4)
- terminal elevator	60(2), 61(4)	80
- transfer elevator	60(3), 61(4)	80
- primary elevator	60(1)	79
- form of report	60(1)(b)	
- interval	60(1)(a)	79(a)
- set-off of shortage	60(4)	80(5)