

Farm Products Marketing Act

R.S.O. 1990, CHAPTER F.9

Consolidation Period: From June 1, 2011 to the [e-Laws currency date](#).

Last amendment: 2010, c. 15, s. 225.

Legislative History: 1994, c. 27, s. 20; 2006, c. 19, Sched. A, s. 7; 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 21, Sched. F, s. 136 (1); 2009, c. 33, Sched. 1, s. 12; 2009, c. 33, Sched. 6, s. 58; 2010, c. 15, s. 225.

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Definitions

1 In this Act,

“Commission” means the Ontario Farm Products Marketing Commission under the *Ministry of Agriculture, Food and Rural Affairs Act*; (“Commission”)

“Director” means the Director appointed under this Act; (“directeur”)

“farm product” means animals, meats, eggs, poultry, wool, dairy products, grains, seeds, fruit, fruit products, vegetables, vegetable products, maple products, honey, tobacco, wood, or any class or part of any such product, and articles of food or drink manufactured or derived in whole or in part from any such product, and such other natural products of agriculture as are designated in the regulations, and, for the purposes of this Act, fish shall be deemed to be a farm product; (“produit agricole”)

“licence” means a licence provided for under this Act; (“permis”)

“local board” means a board constituted under a plan; (“commission locale”)

“marketing” includes advertising, assembling, buying, financing, offering for sale, packing, processing, selling, shipping, storing and transporting and “market” and “marketed” have corresponding meanings; (“commercialisation”, “commercialiser”, “commercialisé”)

“Minister” means the Minister of Agriculture, Food and Rural Affairs; (“ministre”)

“plan” means a plan to provide for the control and regulation of the producing or marketing or both of a farm product that is in force under this Act, and includes a scheme approved under any predecessor of this Act; (“plan”)

“regulated product” means a farm product in respect of which a plan is in force; (“produit réglementé”)

“regulations” means the regulations made under this Act. (“règlements”) R.S.O. 1990, c. F.9, s. 1; 2009, c. 33, Sched. 1, s. 12 (1, 2).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 1, s. 12 (1, 2) - 15/12/2009

Purpose of Act

2 The purpose of this Act is to provide for the control and regulation in any or all aspects of the producing and marketing within Ontario of farm products including the prohibition of such producing or marketing in whole or in part. R.S.O. 1990, c. F.9, s. 2.

Authority of Commission

3 (1) The Commission may,

- (a) subject to the regulations, investigate, adjust or otherwise settle any dispute relating to the marketing of a regulated product between producers and persons engaged in marketing or processing the regulated product;
- (b) investigate any matter relating to the producing, marketing or processing of a regulated product;
- (c) after a hearing, prohibit a person engaged in marketing a regulated product from terminating or varying, without just cause, the buying or the selling, as the case may be, of the regulated product;
- (d) investigate the cost of producing, processing and marketing any farm product, prices, price spreads, trade practices, methods of financing, management policies and other matters relating to the marketing of farm products;
- (e) require persons engaged in producing or marketing a regulated product to register the business contact information and description of the business with the Commission or local board;
- (f) require persons engaged in producing or marketing a regulated product to furnish such information relating to the production or marketing of the regulated product, including the completing and filing of returns, as the Commission or local board determines;
- (g) appoint persons to,
 - (i) inspect the books, records, documents, lands and premises and any regulated product of persons engaged in producing or marketing the regulated product,
 - (ii) enter on lands or premises used for the producing of any regulated product and measure the area of land used to produce the regulated product or perform a count of the regulated product, and
 - (iii) inspect any growing plants or development in the producing of a regulated product;
- (h) stimulate, increase and improve the marketing of farm products by such means as it considers proper;
- (i) co-operate with a marketing board, local board, marketing commission or marketing agency of Canada or of any province in Canada for the purpose of marketing any regulated product;
- (j) do such acts and make such orders and issue such directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations or any plan. R.S.O. 1990, c. F.9, s. 3 (1); 2009, c. 33, Sched. 1, s. 12 (3).

Application of *Public Inquiries Act, 2009*

(2) Section 33 of the *Public Inquiries Act, 2009* applies to an investigation under this section. 2009, c. 33, Sched. 6, s. 58.

Delegation of powers

(3) The Commission may delegate to a local board such of its powers under subsection (1) as it considers necessary, and may, at any time, terminate such delegation. R.S.O. 1990, c. F.9, s. 3 (3).

Regulations with respect to by-laws

(3.1) The Commission may make regulations prescribing by-laws for regulating the government of local boards and the conduct of their affairs, but any local board may make by-laws not inconsistent with this Act or the regulations made under this subsection or those made under the plan under which the local board is established as amended from time to time. 1994, c. 27, s. 20 (1).

Regulations respecting the filing of records with the Commission

(4) The Commission may make regulations,

- (a) providing for the filing by each local board with the Commission of true copies of,
 - (i) minutes of all meetings of the local board,
 - (ii) all by-laws of the local board,
 - (iii) all orders and directions of the local board,
 - (iv) all reports of annual operations of the local board,
 - (v) all annual financial statements and audited reports of the local board, and
 - (vi) such further statements and reports as the Commission requires from the local board;
- (b) providing for,
 - (i) the furnishing to persons engaged in the producing, marketing or processing of a regulated product of copies of the annual statement of operations and the financial report of each local board, and
 - (ii) the publication of the annual statement of operations and the financial report of each local board; and
- (c) providing for the manner in which and fixing the times at which, or within which, copies of minutes, orders, directions, reports and statements shall be filed with the Commission, furnished to producers or published, as the case may be, under clause (a) or (b). R.S.O. 1990, c. F.9, s. 3 (4).

Local board a body corporate

(5) Every local board is a body corporate to which the *Corporations Act* and the *Corporations Information Act* do not apply. R.S.O. 1990, c. F.9, s. 3 (5).

Protection from personal liability

(6) No member of a local board and no officer, clerk or employee of a local board is personally liable for anything done or omitted to be done by the board or by the member, officer, clerk or employee in good faith in the exercise of any power or the performance of any duty under or purporting to be under this Act or any other Act of Ontario or Canada. R.S.O. 1990, c. F.9, s. 3 (6).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 20 (1) - 09/12/1994

2009, c. 33, Sched. 1, s. 12 (3) - 15/12/2009; 2009, c. 33, Sched. 6, s. 58 - 01/06/2011

Commission may make recommendations re plan

4 (1) Where the Commission receives from a group of producers in Ontario or any part thereof a petition or request asking that a plan be established for the control and regulation of the producing or marketing of a farm product or any class or part thereof and the Commission is of the opinion that the group of producers is representative of the persons engaged in the production of the farm product or class or part thereof, the Commission may recommend the establishment of such plan to the Minister. R.S.O. 1990, c. F.9, s. 4 (1).

Amendment to plan

(2) Where the Commission receives from a local board a request that amendment be made to the plan or to regulations under the plan under which the local board is constituted, the Commission may recommend such amendment to the Minister. R.S.O. 1990, c. F.9, s. 4 (2).

Regulations re plans and local boards

5 (1) Despite section 4, the Lieutenant Governor in Council may make regulations,

- (a) establishing, amending and revoking plans for control and regulation of the producing or marketing within Ontario or any part thereof of any farm product and constituting local boards to administer such plans;
- (b) REPEALED: 2006, c. 19, Sched. A, s. 7 (1).
- (c) defining any word or words for the purpose of any plan;
- (d) prescribing the powers, duties and functions of a local board constituted under clause (a);
- (e) prescribing by-laws for regulating the conduct of the affairs of the Commission;
- (f) REPEALED: 1994, c. 27, s. 20 (2).
- (g) providing for,
 - (i) the carrying out by the Commission or a trustee of any or all of the powers of a local board,
 - (ii) the vesting of the assets of a local board in the Commission or a trustee, and
 - (iii) the disposing of any or all of the assets of a local board in such manner as is prescribed,

and, where any regulation made under this clause is in conflict with any by-law of the local board, the regulation prevails;

- (h) dissolving a local board on such terms and conditions as the Lieutenant Governor in Council considers proper and providing for the disposition of its assets. R.S.O. 1990, c. F.9, s. 5 (1); 1994, c. 27, s. 20 (2); 2006, c. 19, Sched. A, s. 7 (1); 2009, c. 33, Sched. 1, s. 12 (4).

Application of plan and regulations

(2) A plan or any regulations may apply to all of Ontario or to any area within Ontario and may apply to one or more farm products or any part, class, variety, grade or size of farm product, including any part or class of farm product produced or marketed for a particular purpose, and to any or all persons engaged in producing or marketing one or more farm products or any part, class, variety, grade or size of farm product, including any part or class of farm product produced or marketed for a particular purpose. R.S.O. 1990, c. F.9, s. 5 (2).

Contents of plan

(3) The method by which the members of a local board shall be appointed, elected or chosen and the application of the plan shall be set out in the plan under which the local board is established. R.S.O. 1990, c. F.9, s. 5 (3).

Acts of members valid

(4) The acts of a member or an officer of a local board are valid despite any defects that may afterwards be discovered in his or her qualifications and appointment or election. R.S.O. 1990, c. F.9, s. 5 (4).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 20 (2) - 09/12/1994

2006, c. 19, Sched. A, s. 7 (1) - 22/06/2006

2009, c. 33, Sched. 1, s. 12 (4) - 15/12/2009

Regulations amending plans

5.1 Subject to the Minister's approval, the Commission may make regulations amending plans for control and regulation of the producing or marketing within Ontario, or any part of it, of any farm product and constituting local boards to administer such plans. 1994, c. 27, s. 20 (3).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 20 (3) - 09/12/1994

Production of records, etc.

6 (1) Every person when requested to do so by a person, appointed by the Commission or a local board to carry out one or more of the duties referred to in clause 3 (1) (g) respecting a regulated product, shall, in respect of that regulated product, produce such books, records and documents and permit inspection thereof and supply extracts therefrom, permit inspection of such lands or premises and regulated product and growing plants or development in the producing of the regulated product and permit such measurement of the area of land used to produce the regulated product or the performance of such count of the regulated product. R.S.O. 1990, c. F.9, s. 6 (1); 2009, c. 33, Sched. 1, s. 12 (5).

(2), (3) REPEALED: 2009, c. 33, Sched. 1, s. 12 (6).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 1, s. 12 (5, 6) - 15/12/2009

Regulations

- 7 (1) The Commission may make regulations generally or with respect to any regulated product,
1. providing for the licensing of any or all persons before commencing or continuing to engage in the producing, marketing or processing of a regulated product and delegating to the Director the authority to grant, refuse to grant, renew, suspend and revoke licences;
 2. prescribing or providing for classes of licences and the imposition of terms and conditions on any class of licence;
 3. providing that the Commission, Director or local board may impose such terms and conditions upon a licence as the Commission, Director or local board considers proper;
 4. prohibiting persons from engaging in the producing, marketing or processing of any regulated product except under the authority of a licence and except in compliance with the terms and conditions of the licence;
 5. providing for the refusal to grant or renew or the suspension or revocation of a licence,
 - i. where the applicant or licensee is not qualified by experience, financial responsibility or equipment to properly engage in the business for which the application was made or the licence granted, or
 - ii. where the applicant or licensee has failed to comply with or has contravened any provision of this Act, the regulations, any plan or any order or direction of the Commission, Director or local board or of a marketing agency of Canada;
 6. providing for the imposition, amount, disposition and use of penalties where, after a hearing, the Commission, Director or local board is of the opinion that the applicant or licensee has failed to comply with or has contravened any term or condition of a licence or any provision of this Act, the regulations, any plan or any order or direction of the Commission, Director or local board;
 7. providing for the fixing of licence fees and the payment thereof by any or all persons producing, marketing or processing a regulated product and the collecting of the licence fees and their recovery by suit in a court of competent jurisdiction;
 8. requiring any person who receives a regulated product to deduct from the money payable for the regulated product any licence fees payable to the local board by the person from whom the person receives the regulated product, and to forward such licence fees to the local board;
 9. requiring any person who produces and processes a regulated product to furnish to the Commission or the local board statements of the amounts of the regulated product that the person produced and used for processing in any year;
 10. prescribing the form of licences;
 11. providing for the exemption from any or all of the regulations, orders or directions under any plan of any class, variety, grade or size of regulated product, or any person or class of persons engaged in the producing or marketing of the regulated product or any class, variety, grade or size of regulated product;
 12. requiring and providing for the furnishing of security or proof of financial responsibility or of a performance bond by a person or class of persons engaged in the producing, marketing or processing of a regulated product and providing for the administration, forfeiture and disposition of any money or securities so furnished and the proceeds therefrom;
 13. authorizing the fixing of prompt payment discounts, delayed payment penalties and interest on licence fees and service charges owing by any person engaged in the producing, marketing or processing of a regulated product;
 14. authorizing a local board,
 - i. to require that a regulated product be marketed on a quota basis,
 - ii. to prohibit any person to whom a quota has not been fixed and allotted for the marketing of a regulated product or whose quota has been cancelled from marketing any of the regulated product,
 - iii. to prohibit any person to whom a quota has been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product in excess of such quota, and

- iv. to prohibit any person to whom a quota has been fixed and allotted for the marketing of a regulated product produced on lands or premises in respect of which such quota was fixed and allotted from marketing any of the regulated product other than the regulated product produced on such lands or premises;
15. authorizing a local board,
 - i. to fix and allot to persons quotas for the marketing of a regulated product on such basis as the local board considers proper,
 - ii. to refuse to fix and allot to any person a quota for the marketing of a regulated product for any reason that the local board considers proper,
 - iii. to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for the marketing of a regulated product for any reason that the local board considers proper, and
 - iv. to permit any person to whom a quota has been fixed and allotted for the marketing of a regulated product to market any of the regulated product in excess of such quota on such terms and conditions as the local board considers proper;
16. authorizing a local board,
 - i. to require that a regulated product be produced on a quota basis,
 - ii. to prohibit any person to whom a quota has not been fixed and allotted for the producing of a regulated product or whose quota has been cancelled from producing any of the regulated product,
 - iii. to prohibit any person to whom a quota has been fixed and allotted for the producing of a regulated product from producing any of the regulated product in excess of such quota, and
 - iv. to prohibit any person to whom a quota has been fixed and allotted for the producing of a regulated product on lands or premises in respect of which such quota was fixed and allotted from producing any of the regulated product other than the regulated product produced on such lands or premises;
17. authorizing a local board,
 - i. to fix and allot to persons quotas for the producing of a regulated product on such basis as the local board considers proper,
 - ii. to refuse to fix and allot to any person a quota for the producing of a regulated product for any reason that the local board considers proper,
 - iii. to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for producing a regulated product for any reason that the local board considers proper, and, without limiting the generality of the foregoing, to cancel or reduce any such quota as a penalty where the local board believes on reasonable grounds that the person to whom the quota was fixed and allotted has contravened any provision of this Act or the regulations, and
 - iv. to permit any person to whom a quota has been fixed and allotted for the producing of a regulated product to produce any of the regulated product in excess of such quota on such terms and conditions as the local board considers proper;
18. providing for the control and regulation of the producing or marketing of any regulated product, including the times and places at which the regulated product may be produced or marketed;
19. providing for the control and regulation of agreements entered into by producers of a regulated product with persons engaged in marketing or processing the regulated product, and the prohibition of any provision or clause in such agreements;
20. authorizing a local board to use any class of licence fees, service charges and other money payable to it, for the purposes of paying the expenses of the local board, carrying out and enforcing this Act and the regulations and carrying out the purposes of the plan under which the local board is established;
21. providing that no local board shall make grants or other like payments of money to any person or association or body of persons without the approval of the Commission;
22. authorizing a local board to establish a fund in connection with any plan for the payment of any money that may be required for the purposes mentioned in paragraph 20;

23. providing for the establishment, in connection with any plan, of advisory committees that may be empowered to advise and make recommendations to the local board or to any person or organization represented on the committee in respect of,
 - i. the promotion of harmonious relationships between persons engaged in the production and marketing of the regulated product,
 - ii. the promotion of greater efficiency in the production and marketing of the regulated product,
 - iii. the prevention and correction of irregularities and inequities in the marketing of the regulated product,
 - iv. the improvement of the quality and variety of the regulated product,
 - v. the improvement of the circulation of market information respecting the regulated product,
 - vi. without limiting the generality of any of the foregoing, any matter with respect to which the Commission or the local board may be empowered to make regulations under this Act;
24. determining the constitution of such advisory committees and regulating the practice and procedure of such committees;
25. providing for the establishment in connection with any plan, of negotiating agencies that may be empowered to adopt or settle by agreement any or all of the following matters:
 - i. minimum prices for the regulated product or for any class, variety, grade or size of the regulated product,
 - ii. terms, conditions and forms of agreements relating to the producing or marketing of the regulated product,
 - iii. any charges, costs or expenses relating to the production or marketing of the regulated product,
 - iv. the minimum amount of rental to be paid by or on behalf of a person engaged in processing a regulated product to lease land from an owner or tenant for the production of the regulated product and the terms and conditions of lease that shall apply in respect of the leasing of any such land;
26. providing for the establishment, in connection with any plan, of a conciliation board that may be empowered,
 - i. to endeavour to effect agreement on any matter referred to in paragraph 25 that a negotiating agency has failed to adopt or settle by agreement, and
 - ii. to recommend adoption of any agreement effected under subparagraph i to such negotiating agency;
27. providing for the arbitration by a board of any matter not adopted or settled by agreement under paragraph 25;
28. providing for the arbitration by an arbitrator or by a board of any dispute arising out of any agreement adopted or settled under paragraph 25 or any award made under paragraph 27;
29. determining the constitution of negotiating agencies, conciliation boards and boards of arbitration, providing for the appointment of arbitrators and conciliators and regulating the practice, procedure and methods of dispute resolution of such agencies, boards and arbitrators;
30. requiring that no charges, costs or expenses relating to the production or marketing of the regulated product shall be made other than such charges, costs or expenses as are provided in the agreement or award or renegotiated agreement or award in force for the marketing of the regulated product;
31. authorizing any local board to conduct a pool or pools for the distribution of all money received from the sale of the regulated product and, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the money received from the sale in such manner that every producer receives a share of the remainder of the money received from the sale in relation to the amount, class, variety, grade or size of the regulated product delivered by the producer, and authorizing such local board to make an initial payment on delivery of the regulated product and subsequent payments until all of the remainder of the money received from the sale is distributed to the producers;
32. authorizing any local board to require the price or prices payable or owing to the producers for the regulated product to be paid to or through the local board and to recover such price or prices by suit in a court of competent jurisdiction;
33. authorizing any local board to prohibit the marketing of any class, variety, grade or size of any regulated product;
34. providing for the carrying out of any plan declared by the Lieutenant Governor in Council to be in force;
35. designating as farm products any natural products of agriculture;

36. providing for the holding of a plebiscite of producers upon a question of favour of a plan or amendment of a plan or any matter respecting the producing or marketing of a regulated product;
37. providing for the holding of public hearings on matters respecting the operation of any plan or the holding of a plebiscite of producers;
38. requiring any person who produces a regulated product to offer to sell and to sell the regulated product to or through the local board constituted to administer the plan under which the regulated product is regulated;
39. prohibiting any person from processing, packing or packaging any of the regulated product that has not been sold to, by or through the local board constituted to administer the plan;
40. authorizing a local board to appoint agents, to prescribe their duties and terms and conditions of appointment and to provide for their remuneration;
41. providing for the making of agreements relating to the marketing of any regulated product by or through a local board, and prescribing the forms and the terms and conditions of such agreements;
42. providing for the making of such orders and the issuing of such directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations, any plan or any order or direction of the Commission or a local board or a marketing agency of Canada; and
43. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1990, c. F.9, s. 7 (1); 2009, c. 33, Sched. 1, s. 12 (7, 8).

Same

(1.1) The Commission may make regulations adding to, removing, replacing or changing in any other way the grounds upon which or the circumstances in which a licence may be granted, renewed, suspended or revoked under paragraph 5 of subsection (1). 1994, c. 27, s. 20 (4).

Limitations on penalties

(2) A penalty imposed on a producer under paragraph 6 of subsection (1) shall not exceed 10 per cent of the price payable to the producer for the regulated product marketed during the immediately preceding twelve month period by the producer and a 20 per cent reduction in the amount of regulated product which may be marketed during any twelve month period by the producer. R.S.O. 1990, c. F.9, s. 7 (2).

Idem

(3) A penalty imposed on a person other than a producer under paragraph 6 of subsection (1) shall not exceed 10 per cent of the price payable to the producers for the regulated product marketed or processed during the immediately preceding twelve month period by the person. R.S.O. 1990, c. F.9, s. 7 (3).

Agreements and awards

(4) Every agreement made under paragraph 25 of subsection (1) and every award made under paragraph 27 or 28 of subsection (1) and every renegotiated agreement or award made under clause (b) of this subsection,

(a) shall be filed with the Commission forthwith after the making thereof and the Commission may, despite any defect in the establishment of the negotiating agency or the board of arbitration, as the case may be, by order declare the agreement or award or renegotiated agreement or award or part thereof to come into force on the day it is so filed or on such other day as is named in the agreement or award or renegotiated agreement or award, as the case may be, and, subject to clause (b), shall remain in force for one year or for such period as is provided in the agreement or award or renegotiated agreement or award; and

(b) may at any time upon an order of the Commission be renegotiated in whole or in part in such manner as the Commission may determine. R.S.O. 1990, c. F.9, s. 7 (4).

Order not regulation

(5) Part III (Regulations) of the *Legislation Act, 2006* does not apply to any order of the Commission made under subsection (4). R.S.O. 1990, c. F.9, s. 7 (5); 2006, c. 21, Sched. F, s. 136 (1).

Regulations may be limited

(6) Any regulation made under this section may be limited as to time and place. R.S.O. 1990, c. F.9, s. 7 (6).

Delegation of powers to local board

(7) The Commission may delegate to a local board such of its powers under subsection (1) as it considers necessary, and may at any time terminate such delegation. R.S.O. 1990, c. F.9, s. 7 (7).

Authority of local board to make regulations, etc.

(8) Where the Commission authorizes a local board to exercise any of the powers mentioned in subsection (1), the local board, in the exercise of such powers, may make regulations, orders, policies and decisions or issue directions. R.S.O. 1990, c. F.9, s. 7 (8).

Acts of local board deemed administrative

(9) Everything that is done by a local board under the authority of paragraph 15 or 17 of subsection (1) shall be deemed to be of an administrative and not of a legislative nature. R.S.O. 1990, c. F.9, s. 7 (9).

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 20 (4) - 09/12/1994

2006, c. 21, Sched. F, s. 136 (1) - 25/07/2007

2009, c. 33, Sched. 1, s. 12 (7, 8) - 15/12/2009

Regulations vesting powers in local board

8 (1) The Commission may make regulations vesting in any local board any powers that the Commission considers necessary or advisable to enable such local board effectively to promote, regulate and control the producing or marketing of the regulated product, and, without limiting the generality of the foregoing, may make regulations,

- (a) vesting in any local board any or all of the following powers,
 - (i) to direct and control, by order or direction either as principal or agent, the producing or marketing of the regulated product, including the times and places at which the regulated product may be produced or marketed,
 - (ii) to determine the quality of each class, variety, grade and size of the regulated product that shall be marketed by each producer,
 - (iii) to prohibit the marketing of any class, variety, grade or size of the regulated product,
 - (iv) to determine from time to time the price or prices that shall be paid to producers or to the local board, as the case may be, for the regulated product or any class, variety, grade or size of the regulated product and to determine different prices for different parts of Ontario,
 - (v) to fix and impose service charges from time to time for the marketing of the regulated product,
 - (vi) to require the price or prices payable or owing to the producer for the regulated product to be paid to or through the local board,
 - (vii) to collect from any person by suit in a court of competent jurisdiction the price or prices or any part thereof of the regulated product,
 - (viii) to purchase or otherwise acquire such quantity or quantities of the regulated product as the local board considers advisable and to sell or otherwise dispose of any of the regulated product so purchased or acquired,
 - (ix) to pay from service charges imposed under subclause (v) its expenses in carrying out the purposes of the plan,
 - (x) to pay to the producers the price or prices for the regulated product less service charges imposed under subclause (v) and to fix the times at which or within which such payments shall be made;
- (b) REPEALED: 2006, c. 19, Sched. A, s. 7 (2).
- (c) providing that the regulated product shall be marketed by or through the local board and prohibiting any person from marketing any of the regulated product except by or through the local board;
- (d) providing for statements to be given by any local board to persons engaged in the producing, marketing or processing of the regulated product showing the class, variety, grade or size and the number or quantity of the regulated product marketed, the price or prices paid and the particulars of the service charges imposed by it. R.S.O. 1990, c. F.9, s. 8 (1); 2006, c. 19, Sched. A, s. 7 (2).

Powers may be limited

(2) Any powers exercisable by a local board may be limited as to time and place. R.S.O. 1990, c. F.9, s. 8 (2).

Power of local board to make regulations, etc.

(3) Where the Commission vests in a local board any of the powers mentioned in clause (1) (a) or (b), the local board, in the exercise of such powers, may make regulations or orders or issue directions. R.S.O. 1990, c. F.9, s. 8 (3).

Commission may require information

(4) The Commission may from time to time with respect to any regulated product require the local board to furnish any information that the Commission considers necessary to determine the operations of the local board and, without limiting the generality of the foregoing, may require the local board to furnish particulars of,

- (a) the service charges fixed under subclause (1) (a) (v);
- (b) the purposes for which the service charges are used and the amounts expended for each purpose;
- (c) any proposed changes in the amounts of the service charges;
- (d) operating deficits or profits and reserves of the local board;
- (e) property leased, owned or otherwise acquired or used by the local board; and
- (f) the purposes of the plan in effect for the producing or marketing of the regulated product. R.S.O. 1990, c. F.9, s. 8 (4).

Maximum service charges

(5) The Commission may by order in respect of any regulated product require the local board to fix the service charges under subclause (1) (a) (v) at such amounts, or at amounts not exceeding such amounts, as the Commission considers proper. R.S.O. 1990, c. F.9, s. 8 (5).

Commission may require information

(6) The Commission may require any local board,

- (a) to furnish to the Commission particulars of any proposed change in the purposes of the plan at least ten days before the proposed change becomes effective;
- (b) to carry out any purpose of the plan that the Commission considers necessary or advisable;
- (c) to vary any purpose of the plan as the Commission considers advisable; and
- (d) to cease or desist from the carrying out of any purpose or proposed purpose of the plan that the Commission considers unnecessary or inadvisable. R.S.O. 1990, c. F.9, s. 8 (6).

Section Amendments with date in force (d/m/y)

2006, c. 19, Sched. A, s. 7 (2) - 22/06/2006

Limitation of powers of local board

9 Where the Commission delegates to a local board powers or authorizes a local board to exercise powers under this Act or vests in a local board powers under this Act, the Commission may at any time,

- (a) limit the powers of the local board in any or all respects; and
- (b) revoke any regulation, order or direction of the local board made or purporting to be made under such powers. R.S.O. 1990, c. F.9, s. 9.

Producer-processor

10 (1) Any person who is a producer and a processor of a regulated product is entitled in the person's respective capacities as a producer and as a processor to all the rights and privileges and is subject to all the duties and obligations of a producer and a processor. R.S.O. 1990, c. F.9, s. 10 (1).

Idem

(2) Any person who is a producer and a processor of a regulated product shall be deemed to have received in the person's capacity as a processor from the person in the person's capacity as a producer the regulated product produced by the person that the person processes and to have contracted in that capacity with the person in the person's capacity as a producer for the sale thereof upon the condition that the regulations, orders, directions, agreements and awards and the renegotiated agreements and awards made under this Act apply. R.S.O. 1990, c. F.9, s. 10 (2).

Producer deemed to be a producer-processor

(3) Where a producer or producers, directly, or through a corporation of which the producer or producers are members or shareholders, or through an agent, arrange for the processing, on the producer's or producers' account, by a processor, of any regulated product produced by the producer or producers, the producer or producers shall be deemed to be a producer and processor or producers and processors for the purposes of subsections (1) and (2). R.S.O. 1990, c. F.9, s. 10 (3).

Producer and person marketing regulated product

(4) Any person who is a producer and a person engaged in marketing a regulated product is entitled in the person's respective capacities as a producer and as a person engaged in marketing the regulated product to all the rights and privileges and is subject to all the duties and obligations of a producer and a person engaged in marketing the regulated product. R.S.O. 1990, c. F.9, s. 10 (4).

Idem

(5) Any person who is a producer and a person engaged in marketing a regulated product shall be deemed to have received in the person's capacity as a person engaged in marketing the regulated product from the person in the person's capacity as a producer the regulated product produced by the person that the person engages in marketing and to have contracted in that capacity with the person in the person's capacity as a producer for the sale thereof upon the condition that the regulations, orders, directions, agreements and awards and the renegotiated agreements and awards made under this Act apply. R.S.O. 1990, c. F.9, s. 10 (5).

Producer deemed to be person marketing regulated product

(6) Where a producer or producers, directly, or through a corporation of which the producer or producers are members or shareholders, or through an agent, arrange for the marketing, on the producer's or producers' account, by a person engaged in marketing, of any regulated product produced by the producer or producers, the producer or producers shall be deemed to be a producer and person engaged in marketing or producers and persons engaged in marketing for the purposes of subsections (4) and (5). R.S.O. 1990, c. F.9, s. 10 (6).

Director

11 (1) The Minister may appoint a Director for the purposes of this Act. R.S.O. 1990, c. F.9, s. 11 (1).

Duties of director

(2) The Director shall exercise the powers and perform the duties conferred or imposed under this or any other Act. R.S.O. 1990, c. F.9, s. 11 (2).

Designation of association of producers

12 (1) Where the Commission receives from a group of producers in Ontario or any part thereof a petition or request asking that an association of producers of a farm product, other than a regulated product, incorporated under Part II of the *Agricultural and Horticultural Organizations Act* or the *Corporations Act* or any predecessor of either of such Acts, and having as its objects the stimulating, increasing and improving of the producing or marketing locally within Ontario of the farm product by advertising, education, research or other means, be designated as the representative association for all producers in Ontario of that farm product, the Commission shall,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is amended by striking out "the *Corporations Act*" in the portion before clause (a) and substituting "the *Not-for-Profit Corporations Act, 2010*". See: 2010, c. 15, ss. 225 (1), 249.

- (a) obtain such information as it considers necessary to determine that the association is representative of the persons engaged in the production of the farm product;
- (b) consider any proposed program of the association for the stimulating, increasing or improving of the producing or marketing locally within Ontario of the farm product; and
- (c) obtain estimates of the cost of carrying out such program. R.S.O. 1990, c. F.9, s. 12 (1).

Recommendation by Commission for designation of association and establishment of program

(2) Where the Commission is of the opinion that a majority of the producers in Ontario of the farm product mentioned in subsection (1) are in favour of the designation of the association as the representative association of all producers of that farm product in Ontario and are in favour of a proposed program of the association for stimulating, increasing and improving the producing or marketing of the farm product, the Commission may recommend to the Minister the designation of the association as the representative association of producers of the farm product within Ontario and the establishment of such program. R.S.O. 1990, c. F.9, s. 12 (2).

Regulations

- (3) The Lieutenant Governor in Council may make regulations,
- (a) designating any association of producers of a farm product, other than a regulated product, incorporated under Part II of the *Agricultural and Horticultural Organizations Act* or the *Corporations Act* or any predecessor of either of such Acts, as the representative association of producers of the farm product within Ontario for the carrying out of a program for stimulating, increasing and improving the producing or marketing locally within Ontario of the farm product by advertising, education, research or other means;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (a) is amended by striking out “the *Corporations Act*” and substituting “the *Not-for-Profit Corporations Act, 2010*”. See: 2010, c. 15, ss. 225 (2), 249.

- (b) establishing, amending and revoking any program for stimulating, increasing and improving the producing or marketing locally within Ontario of a farm product, other than a regulated product;
- (c) requiring producers of the farm product to pay licence fees to the association;
- (d) designating the amounts of licence fees and requiring payment of the fees in different amounts or in instalments;
- (e) requiring persons who buy the farm product from a producer to deduct from money payable to the producer any licence fees payable by the producer and to forward such licence fees to the association;
- (f) authorizing the association to use the licence fees for the purposes of defraying the expenses of the association in the carrying out of its objects;
- (g) requiring the association to furnish to the Commission such information and financial statements as the Commission determines. R.S.O. 1990, c. F.9, s. 12 (3).

Where producers deemed licence holders

(4) Where the Lieutenant Governor in Council makes regulations establishing a program under subsection (3), every producer of the farm product shall be deemed to be the holder of a licence for the production of the farm product. R.S.O. 1990, c. F.9, s. 12 (4).

Limitations and exceptions

- (5) Any regulation under subsection (3) may,
- (a) be limited as to time and place;
 - (b) exempt from the regulations any person or class of persons or any class, variety, grade or size of the farm product; and
 - (c) fix licence fees of different amounts for different classes, varieties, grades or sizes of the farm product. R.S.O. 1990, c. F.9, s. 12 (5).

Inspection of records and furnishing of information

- (6) Where a regulation has been made under subsection (3), the Commission may,
- (a) appoint any person to inspect the books, records and premises of persons who produce or buy the farm product, and section 6 applies with necessary modifications in respect of a person so appointed; and
 - (b) require persons engaged in producing or buying the farm product to furnish such information and make such returns and reports as the Commission determines. R.S.O. 1990, c. F.9, s. 12 (6).

Section Amendments with date in force (d/m/y)

2010, c. 15, s. 225 (1, 2) - not in force

Injunction proceedings

13 Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or any plan, order, direction, agreement, award or renegotiated agreement or award made under this Act has been or is being committed by any person engaged in marketing or processing a regulated product, the Superior Court of Justice or a judge thereof may, upon the application of the Commission, Director or a local board, enjoin any such person from continuing to engage in marketing or processing the regulated product absolutely or for such period as seems just, and any injunction cancels the licence, if any, of the person named in the order for the same period. R.S.O. 1990, c. F.9, s. 13; 2006, c. 19, Sched. C, s. 1 (1).

Section Amendments with date in force (d/m/y)

2006, c. 19, Sched. C, s. 1 (1) - 22/06/2006

Regulations vesting power in local board to make regulations

14 (1) The Commission may make regulations vesting in any local board the power to make regulations,

- (a) providing for the seizure and detention of the whole or any part of any regulated product or any class, variety, grade or size thereof by any person appointed pursuant to clause 3 (1) (g) where the person believes on reasonable grounds an offence against this Act or the regulations has been committed in respect of the regulated product;
- (b) providing for the release from detention of the whole or any part of any regulated product or any class, variety, grade or size thereof where the local board is satisfied that the owner of the regulated product that has been seized and detained complies with this Act and the regulations respecting the regulated product;
- (c) providing for the disposal of the whole or any part of any regulated product or any class, variety, grade or size thereof that has been seized and detained and providing for the administration and disposition of any money derived from any such disposal; and
- (d) prescribing the manner in which the regulated product shall be seized, detained, released and disposed of. R.S.O. 1990, c. F.9, s. 14 (1).

Regulated product seized and detained at risk and expense of owner

(2) Any regulated product seized and detained under this section is seized and detained at the risk and expense of the owner. R.S.O. 1990, c. F.9, s. 14 (2).

Notice

(3) Where any regulated product is seized and detained under this section, the local board shall forthwith notify the owner or person who had possession of the regulated product of the seizure and detention, any release from detention and any disposal of the regulated product. R.S.O. 1990, c. F.9, s. 14 (3).

Powers of inspector

(4) Where the local board makes a regulation under subsection (1), a person appointed pursuant to clause 3 (1) (g) may,

- (a) enter any vessel, boat, car, truck or other conveyance or any premises used for the producing, marketing or processing of the regulated product and inspect any of the regulated product found therein;
- (b) stop any conveyance that the person believes to contain any of the regulated product and inspect the conveyance and any of the regulated product found therein; and
- (c) obtain a sample of any of the regulated product at the expense of the owner for the purpose of making an inspection thereof. R.S.O. 1990, c. F.9, s. 14 (4); 2009, c. 33, Sched. 1, s. 12 (9).

Marketing of detained product prohibited

(5) No person shall, without approval in writing by the local board, market a regulated product that is under detention. R.S.O. 1990, c. F.9, s. 14 (5).

Approval by Commission

(6) No regulation made by a local board under subsection (1) comes into force until it has been approved by the Commission. R.S.O. 1990, c. F.9, s. 14 (6).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 1, s. 12 (9) - 15/12/2009

Powers on inspection, etc.

Entry onto lands or premises

14.1 (1) A person authorized under this Act to enter lands or premises other than a dwelling may do so at any reasonable time. 2009, c. 33, Sched. 1, s. 12 (10).

Entry into a dwelling

(2) A person authorized under this Act to enter premises may enter premises that are a dwelling at any reasonable time if reasonable notice has been given to the occupant and the occupant has consented or if the entry is under the authority of a warrant. 2009, c. 33, Sched. 1, s. 12 (10).

Warrants

(3) A person authorized under this Act to carry out one or more of the duties referred to in clause 3 (1) (g) may apply, without notice, to a provincial judge or a justice of the peace to obtain a warrant,

- (a) to enter premises that are a dwelling; or
- (b) to enter any premises or conveyance,
 - (i) if entry to the premises or conveyance has been refused, or
 - (ii) if there are reasonable grounds to believe that entry to the premises or conveyance is likely to be refused. 2009, c. 33, Sched. 1, s. 12 (10).

Application, dwelling

(4) An application for a warrant to enter premises that are a dwelling shall specifically indicate that the application relates to premises that are a dwelling. 2009, c. 33, Sched. 1, s. 12 (10).

Obstruction

(5) No person shall hinder or obstruct any person who is exercising a power or carrying out a duty under this Act or refuse to answer questions on matters relevant to the exercise of that power or the carrying out of that duty or provide the person exercising that power or carrying out that duty with false or misleading information. 2009, c. 33, Sched. 1, s. 12 (10).

Certificate of appointment

(6) The production by any person of a certificate of his or her appointment by the Commission or a local board under this Act purporting to be signed by the chair and secretary of the Commission or the local board shall be accepted by any person as proof, in the absence of evidence to the contrary, of the appointment. 2009, c. 33, Sched. 1, s. 12 (10).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 1, s. 12 (10) - 15/12/2009

Offences

15 Every person who contravenes this Act or the regulations or any plan or any order or direction of the Commission, the Director or any local board, or any agreement or award or renegotiated agreement or award declared to be in force by the Commission is guilty of an offence and on conviction is liable for a first offence to a fine of not more than \$2,000 for each day that the offence continues and for a subsequent offence to a fine of not more than \$10,000 for each day that the offence continues. R.S.O. 1990, c. F.9, s. 15.

Failure to pay minimum price

16 (1) Every person who fails to pay at least the minimum price established for a regulated product in an agreement or award filed with the Commission or the price of a regulated product determined by a local board is, in addition to the fine provided for in section 15, liable to a penalty of an amount equal to the amount of such minimum or determined price, less any amount paid by such person as payment in full or in part for such regulated product. R.S.O. 1990, c. F.9, s. 16 (1).

Disposition of penalty

- (2) Every penalty imposed under subsection (1) shall be paid to the local board and the local board shall,
- (a) distribute the money so paid proportionately among the persons who failed to receive at least the minimum or determined price; or
 - (b) use the money to stimulate, increase and improve the producing or marketing of the regulated product. R.S.O. 1990, c. F.9, s. 16 (2).

Money received by Commission

17 All money received by the Commission shall be deposited to the credit of the Consolidated Revenue Fund. R.S.O. 1990, c. F.9, s. 17.

Evidence

18 In an action or prosecution under this Act where the production of an agreement, award, order, regulation, direction, rule, resolution, determination or minute of the Commission or a local board is required, any document purporting to be a copy of such agreement, award, order, regulation, direction, rule, resolution, determination or minute, certified to be a true copy thereof by the chair or secretary of the Commission or the local board, as the case may be, is admissible in evidence as proof,

in the absence of evidence to the contrary, of the making and the text thereof without production of the original document and without proof of the signature of the person purporting to have certified it. R.S.O. 1990, c. F.9, s. 18.

Action or prosecution

19 (1) In an action or prosecution under this Act, the onus is upon the defendant or the accused, as the case may be, to prove that the product in respect of which the action or prosecution is brought is not a regulated product within the meaning of this Act. R.S.O. 1990, c. F.9, s. 19 (1).

Evidence applicable

(2) In a prosecution under the *Agricultural Products Marketing Act* (Canada), the court, if it finds that the offence is not proved under that Act but the evidence establishes an offence of a similar kind in relation to the control or regulation of the marketing of the regulated product locally within Ontario under section 15 or 16, may convict the accused under this Act although no information has been laid under this Act. R.S.O. 1990, c. F.9, s. 19 (2).

20 REPEALED: 2009, c. 33, Sched. 1, s. 12 (11).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 1, s. 12 (11) - 15/12/2009

Chicks, eggs and fowl

21 (1) In this section,

“chicks-for-placement” means female chickens 19 weeks of age or less or any class of them; (“poussins pour la mise en place”)

“eggs” means eggs of a domestic hen other than hatching eggs; (“oeufs”)

“fowl” means a domestic hen more than 19 weeks of age; (“poule adulte”)

“hatching eggs” means eggs of a domestic hen produced for the purpose of hatching into chicks; (“oeufs d’incubation”)

“local board” means the Egg Farmers of Ontario; (“commission locale”)

“producing” means,

- (a) in the case of chicks-for-placement, the provision of housing, feed, water or care therefor and the preparation thereof for sale or for use as fowl, and
- (b) in the case of eggs and hatching eggs, the provision of housing, feed, water or care for the fowl that lay such eggs or hatching eggs and the preparation of the eggs or hatching eggs for sale or for hatching, as the case may be. (“produire”) R.S.O. 1990, c. F.9, s. 21 (1); 2006, c. 19, Sched. A, s. 7 (3).

Regulations re chicks-for-placement

(2) The Commission may make regulations,

- (a) authorizing the local board,
 - (i) to require that chicks-for-placement be produced on a quota basis,
 - (ii) to prohibit any person to whom a quota has not been fixed and allotted for the producing of chicks-for-placement or whose quota has been cancelled from producing any chicks-for-placement,
 - (iii) to prohibit any person to whom a quota has been fixed and allotted for the producing of chicks-for-placement from producing any chicks-for-placement in excess of such quota, and
 - (iv) to prohibit any person from producing chicks-for-placement in premises other than premises in respect of which a quota for producing chicks-for-placement has been fixed and allotted to such person;
- (b) authorizing the local board,
 - (i) to fix and allot to persons quotas for producing chicks-for-placement on such basis as the local board considers proper,
 - (ii) to refuse to fix and allot to any person a quota for producing chicks-for-placement for any reason that the local board considers proper,
 - (iii) to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for producing chicks-for-placement for any reason that the local board considers proper, and, without limiting the generality of the

- foregoing, to cancel or reduce any such quota as a penalty where the local board has reasonable grounds for belief that the person to whom the quota was fixed and allotted has contravened any provision of this Act or the regulations, and
- (iv) to permit any person to whom a quota has been fixed and allotted for the producing of chicks-for-placement to produce any chicks-for-placement in excess of such quota on such terms and conditions as the local board considers proper;
- (c) authorizing the local board,
- (i) to require that eggs be produced on a quota basis,
 - (ii) to prohibit any person to whom a quota has not been fixed and allotted for the producing of eggs or whose quota has been cancelled from producing any eggs,
 - (iii) to prohibit any person to whom a quota has been fixed and allotted for the producing of eggs from producing any eggs in excess of such quota, and
 - (iv) to prohibit any person from producing eggs in premises other than premises in respect of which a quota for producing eggs has been fixed and allotted to such person;
- (d) authorizing the local board,
- (i) to fix and allot to persons quotas for producing eggs on such basis as the local board considers proper,
 - (ii) to refuse to fix and allot to any person a quota for producing eggs for any reason that the local board considers proper,
 - (iii) to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for producing eggs for any reason that the local board considers proper, and, without limiting the generality of the foregoing, to cancel or reduce any such quota as a penalty where the local board has reasonable grounds for belief that the person to whom the quota was fixed and allotted has contravened any provision of this Act or the regulations, and
 - (iv) to permit any person to whom a quota has been fixed and allotted for the producing of eggs to produce any eggs in excess of such quota on such terms and conditions as the local board considers proper;
- (e) authorizing the local board,
- (i) to require that hatching eggs be produced on a quota basis,
 - (ii) to prohibit any person to whom a quota has not been fixed and allotted for the producing of hatching eggs or whose quota has been cancelled from producing any hatching eggs,
 - (iii) to prohibit any person to whom a quota has been fixed and allotted for the producing of hatching eggs from producing any hatching eggs in excess of such quota, and
 - (iv) to prohibit any person from producing hatching eggs in premises other than premises in respect of which a quota for producing hatching eggs has been fixed and allotted to such person;
- (f) authorizing the local board,
- (i) to fix and allot to persons quotas for producing hatching eggs on such basis as the local board considers proper,
 - (ii) to refuse to fix and allot to any person a quota for producing hatching eggs for any reason that the local board considers proper,
 - (iii) to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for producing hatching eggs for any reason that the local board considers proper, and, without limiting the generality of the foregoing, to cancel or reduce any such quota as a penalty where the local board has reasonable grounds for belief that the person to whom the quota was fixed and allotted has contravened any provision of this Act or the regulations, and
 - (iv) to permit any person to whom a quota has been fixed and allotted for the producing of hatching eggs to produce any hatching eggs in excess of such quota on such terms and conditions as the local board considers proper;
- (g) authorizing the local board,
- (i) to require that fowl be possessed on a quota basis,
 - (ii) to prohibit any person to whom a quota has not been fixed and allotted for the possession of fowl or whose quota has been cancelled from possessing any fowl,

- (iii) to prohibit any person to whom a quota has been fixed and allotted for possessing fowl from possessing any fowl in excess of such quota, and
 - (iv) to prohibit any person from possessing fowl in premises other than premises in respect of which a quota for possessing fowl has been fixed and allotted to such person;
- (h) authorizing the local board,
- (i) to fix and allot to persons quotas for possessing fowl on such basis as the local board considers proper,
 - (ii) to refuse to fix and allot to any person a quota for possessing fowl for any reason that the local board considers proper,
 - (iii) to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for possessing fowl for any reason that the local board considers proper, and, without limiting the generality of the foregoing, to cancel or reduce any such quota as a penalty where the local board has reasonable grounds for belief that the person to whom the quota was fixed and allotted has contravened any provision of this Act or the regulations, and
 - (iv) to permit any person to whom a quota has been fixed and allotted for possessing fowl to possess any fowl in excess of such quota on such terms and conditions as the local board considers proper. R.S.O. 1990, c. F.9, s. 21 (2).

Regulation may be limited

(3) Any regulation made under this section may be limited as to time and place. R.S.O. 1990, c. F.9, s. 21 (3).

Exercise of powers by local board

(4) Where the Commission authorizes the local board to exercise any of the powers mentioned in subsection (2), the local board, in the exercise of such powers, may make regulations, policies or orders or issue directions. R.S.O. 1990, c. F.9, s. 21 (4).

Actions of local board deemed to be administrative

(5) Everything that is done by the local board under the authority of clause (2) (b), (d), (f) or (h) shall be deemed to be of an administrative and not of a legislative nature. R.S.O. 1990, c. F.9, s. 21 (5).

Powers of search, inspection, etc.

- (6) Every person appointed under clause 3 (1) (g) or under a regulation made thereunder may, without a warrant,
- (a) stop, enter and search any vehicle;
 - (b) enter and search any premises, other than a dwelling; and
 - (c) open and inspect any package or container,

if the person has reasonable grounds to believe that any of them contains any chicks-for-placement, eggs, hatching eggs or fowl in respect of which there is or has been a contravention of this Act or the regulations. R.S.O. 1990, c. F.9, s. 21 (6).

Exercise of powers

(7) A person referred to in subsection (6) may use as much force as is necessary for him or her to exercise the powers conferred upon the person by subsection (6). R.S.O. 1990, c. F.9, s. 21 (7).

Section Amendments with date in force (d/m/y)

2006, c. 19, Sched. A, s. 7 (3) - 22/06/2006

Agreements

22 (1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into agreements with the Government of Canada providing for,

- (a) the performance by a marketing agency of Canada, on behalf of the Government of Ontario, of any function relating to intraprovincial trade in a regulated product in respect of which the marketing agency may exercise its powers relating to interprovincial or export trade;
- (b) the performance by the Commission or any local board of Ontario, on behalf of the Government of Canada, of any function relating to interprovincial or export trade in a regulated product in respect of which the Commission or local board may exercise its powers relating to intraprovincial trade; and

(c) such other matters relating to intraprovincial and interprovincial or export trade as may be agreed upon by the Minister and the Government of Canada. R.S.O. 1990, c. F.9, s. 22 (1).

Authority to exercise powers conferred by agreement

(2) The Commission or a local board may perform on behalf of the Government of Canada any function relating to interprovincial or export trade in a regulated product that is specified in an agreement entered into under subsection (1). R.S.O. 1990, c. F.9, s. 22 (2).

Delegation of powers

(3) The Commission or a local board may, with the approval of the Lieutenant Governor in Council, grant authority to any marketing agency of Canada that is authorized to exercise powers of regulation in relation to interprovincial or export trade in a regulated product to perform on behalf of the Commission or local board any function relating to intraprovincial trade that the Commission or local board may perform. R.S.O. 1990, c. F.9, s. 22 (3).

Idem

(4) The Lieutenant Governor in Council may grant authority to any marketing agency of Canada that is authorized to exercise powers of regulation in relation to interprovincial or export trade in a farm product to regulate the marketing within Ontario of such farm product, and for such purposes to exercise any power that it may exercise in relation to the marketing of such farm product in interprovincial or export trade. R.S.O. 1990, c. F.9, s. 22 (4).

Français

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