



Province of Alberta

MARKETING OF AGRICULTURAL PRODUCTS ACT

ALBERTA HATCHING EGG PLAN REGULATION

Alberta Regulation 117/2023

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Extract

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ALBERTA REGULATION 117/2023

Marketing of Agricultural Products Act

ALBERTA HATCHING EGG PLAN REGULATION

Table of Contents

- 1 Definitions
- 2 Designation of agricultural products

**Part 1
General Operation of Plan**

**Division 1
Plan**

- 3 Plan continued
- 4 Application of Plan
- 5 Purposes of Plan

**Division 2
Administration of Plan by the Board**

- 6 Board continued
- 7 Functions of the Board
- 8 Regulations to operate Plan
- 9 Financing of Plan
- 10 Authority from Governor in Council
- 11 Indemnification funds

**Part 2
Governance of Plan**

- 12 Members of the Board
- 13 Elections
- 14 Insufficient attendance
- 15 Election irregularities
- 16 Vacancy

**Part 3
Review, Transitional and Repeal**

- 17 Review
- 18 Transitional

19 Repeal**Definitions****1** In this Regulation,

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (b) “annual producer meeting” means an annual general meeting of the members of the Board and the producers;
- (c) “Board” means the Board known as the Alberta Hatching Egg Producers referred to in section 6;
- (d) “breeder chicken” means a chicken, male or female of any age, raised or maintained for the purpose of producing hatching eggs;
- (e) “broiler chick” means a chick intended to be grown into a chicken for the purpose of producing meat for consumption;
- (f) “bylaws” means the bylaws made by the Alberta Hatching Egg Producers pursuant to section 26(2.1) of the Act;
- (g) “hatchery” means a person who operates a facility where hatching eggs are incubated for the production of broiler chicks;
- (h) “hatching egg” means an egg produced by a female breeder chicken for the purpose of hatching into a broiler chick;
- (i) “person” means a person as defined in the *Interpretation Act* and includes
 - (i) a partnership as defined in the *Partnership Act*;
 - (ii) any unincorporated organization that is not a partnership referred to in subclause (i);
 - (iii) any group of individuals who are carrying on an activity for a common purpose and are neither a partnership referred to in subclause (i) nor an unincorporated organization referred to in subclause (ii);
- (j) “Plan” means the Alberta Hatching Egg Plan referred to in section 3;
- (k) “processor” means a person engaged in the business of hatching those eggs that are produced as hatching eggs;

- (l) “producer” means a person engaged in the production of hatching eggs in Alberta;
- (m) “producer’s representative” means an individual appointed to represent a producer under the bylaws;
- (n) “quota” means the privilege granted by the Board to a producer to engage in the production and marketing of hatching eggs and may be expressed as the maximum number of breeder hens and pullets that a producer may have in the producer’s possession from time to time;
- (o) “regulated product” means hatching eggs produced or marketed in Alberta;
- (p) “special producer meeting” means a special general meeting of the members of the Board and the producers.

Designation of agricultural products

- 2** Hatching eggs and breeder chickens are designated as agricultural products for the purposes of the Act.

Part 1 General Operation of Plan

Division 1 Plan

Plan continued

3(1) The Alberta Hatching Egg Plan continued under the *Alberta Hatching Egg Plan Regulation* (AR 283/96) is amended and continued under this Regulation.

(2) The Plan does not terminate at the conclusion of a specific period of time and shall remain in force unless otherwise terminated pursuant to the Act.

Application of Plan

- 4** The Plan applies
- (a) to all of Alberta;
 - (b) to all persons who produce or market, or both produce and market, the regulated product;
 - (c) to hatcheries for the purposes of section 8(1)(b), (c), (d), (e), (f), (g), (h) and (2)(f), (h), (i), (j), (k), (l), (m), (p), (q) and (r).

Purposes of Plan**5** The purposes of the Plan are

- (a) to provide for the effective promotion, control and regulation in all respects of the production or marketing, or both, of the regulated product, including the prohibition of production and marketing in whole or in part of the regulated product, and
- (b) without limiting the generality of clause (a), to accomplish the following:
 - (i) to maintain a fair and stabilized price for the regulated product;
 - (ii) to develop and maintain a system of orderly marketing of the regulated product, including participation in and compliance with any system established under a Canada Act;
 - (iii) to ensure the availability of an adequate supply of the regulated product to meet market demand;
 - (iv) to ensure that a high-quality regulated product is available to the market;
 - (v) to establish a system of quotas for the production and marketing of the regulated product;
 - (vi) to establish standards for the production and marketing of the regulated product;
 - (vii) to work and cooperate with other marketing boards and other organizations, whether in or outside Alberta, having objectives similar to or compatible with the objectives of the Board, including the joining of those organizations and the contribution of funds to them;
 - (viii) to initiate or support projects or programs that are intended to stimulate, increase or improve the production or marketing, or both, of the regulated product;
 - (ix) to provide for the prohibition of production or marketing of the regulated product where the regulated product is not produced or marketed under a quota;
 - (x) to fund, initiate, conduct or carry on research and development and studies with respect to the

production, handling, marketing and processing of the regulated product, including research and studies concerning the development and use of the regulated product.

Division 2 Administration of Plan by the Board

Board continued

6 The board known as the “Alberta Hatching Egg Producers” is continued.

Functions of the Board

7 The Board is, subject to the Act, responsible for the operation, regulation, supervision and enforcement of the Plan, the regulations made by the Board and the bylaws.

Regulations to operate Plan

8(1) The Board is authorized under section 26(1) of the Act to make, with the approval of the Council, regulations

- (a) requiring producers engaged in the production or marketing, or both, of the regulated product to register their names and addresses with the Board;
- (b) requiring any person who produces, markets or processes the regulated product to furnish to the Board any information or record relating to the production, marketing or processing of the regulated product that the Board considers necessary;
- (c) requiring persons to be licensed under the Plan before they become engaged in the production, marketing and processing, or any one or more of those functions, of the regulated product;
- (d) prohibiting persons from engaging in the production, marketing or processing, as the case may be, of the regulated product except under the authority of a licence;
- (e) governing the issuance, suspension or cancellation of a licence;
- (f) providing for
 - (i) the assessment, charging and collection of service charges and licence fees, as the case may be, from

- producers from time to time for the purposes of the Plan, and
- (ii) the taking of legal action to enforce payment of the service charges and licence fees, as the case may be;
- (g) requiring any person who receives the regulated product from a producer
- (i) to deduct from the money payable to the producer any service charges, licence fees or levies, as the case may be, payable by the producer to the Board, and
 - (ii) to forward the amount deducted to the Board;
- (h) providing for the use of any class of service charges, licence fees, levies or other money payable to or received by the Board for the purpose of paying its expenses and administering the Plan and the regulations made by the Board;
- (i) providing for the payment to a Canada Board of money that is payable under a Canada Act.
- (2)** The Board is authorized under section 27(1) of the Act to make, with the approval of the Council, regulations
- (a) requiring that the production or marketing, or both, of the regulated product be conducted pursuant to a quota;
 - (b) governing
 - (i) the fixing and allotting of quotas,
 - (ii) the increase or reduction of quotas,
 - (iii) the cancelling of quotas, and
 - (iv) the refusal to fix and allot quotas,to producers for the production or marketing, or both, of the regulated product on any basis the Board considers appropriate;
 - (c) governing the transferability or non-transferability of quotas and prescribing the conditions and procedures applicable to the transfer of quotas, if any, that the Board considers appropriate;
 - (d) establishing

- (i) a formula for determining the amount or number of regulated product deemed to have been produced or marketed by a producer, and
 - (ii) the period of time in respect of which the formula is to be applied,

for the purpose of determining the amount of regulated product produced or marketed by a producer during a period of time;
- (e) respecting assurance programs and standards;
- (f) providing for
 - (i) the assessment, charging and collection of a levy from any producer whose production or marketing, or both, of the regulated product is in excess of the quota that has been fixed and allotted to that producer, and
 - (ii) the taking of legal action to enforce payment of the levy;
- (g) requiring any person who provides any agricultural product to a producer under the Plan to furnish to the Board any information requested by the Board;
- (h) determining the quantity of each class, variety, size, grade and kind of regulated product that shall be produced or marketed, or both, by each producer;
- (i) directing, controlling or prohibiting, as the case may be, the production or marketing, or both, of the regulated product or any class, variety, size, grade or kind of regulated product in such a manner that the Board considers appropriate;
- (j) regulating and controlling the production or marketing, or both, of the regulated product, including the times and places at which the regulated product may be produced or marketed;
- (k) providing for the purchase or acquisition of any of the regulated product that the Board considers advisable and the sale or disposition of it;
- (l) providing for the establishment and operation of one or more programs for the disposition of any agricultural product considered to be surplus to market requirements;

- (m) providing for the payment to a producer of the money payable or owing for the regulated product, less any service charges and levies owing to the Board by the producer, and fixing the time or times at which or within which the payments shall be made;
 - (n) governing
 - (i) the furnishing of security or proof of financial responsibility by any person engaged in the production, marketing or processing of the regulated product, and
 - (ii) the administration and disposition of any money or securities so furnished;
 - (o) prohibiting a person to whom a quota has not been fixed and allotted for the production or marketing, or both, of the regulated product from producing or marketing, as the case may be, any regulated product;
 - (p) prohibiting a producer to whom a quota has been fixed and allotted for the production or marketing, or both, of the regulated product from producing or marketing, as the case may be, any regulated product in excess of that quota;
 - (q) prohibiting any person from purchasing or otherwise acquiring from a producer any regulated product that is in excess of the quota that has been fixed and allotted to the producer for the production or marketing, or both, of the regulated product;
 - (r) prohibiting any person from purchasing or otherwise acquiring any regulated product from a person to whom a quota has not been fixed and allotted for the production or marketing, or both, of the regulated product;
 - (s) determining from time to time the minimum price or prices that shall be paid to producers for the regulated product or any class, variety, grade, size or kind of regulated product and determining different prices for different parts of Alberta.
- (3)** The Board may be authorized by the Council, under section 27(2) of the Act, to make regulations
- (a) governing breeder chickens in the same manner as if breeder chickens were a regulated product under the Plan;

- (b) governing with respect to breeder chickens the producers of the regulated product under the Plan in the same manner as if breeder chickens were a regulated product under the Plan;
- (c) establishing and governing a formula for determining the amount or number of the regulated product produced or deemed to have been produced from breeder chickens.

(4) A regulation referred to in this section that is made by the Board shall not be filed in accordance with the *Regulations Act* unless the regulation is first submitted to and approved by the Council.

Financing of Plan

9 In accordance with the regulations, the Plan shall be financed by the charging and collection of service charges, licence fees and levies.

Authority from Governor in Council

10 In accordance with section 50 of the Act, with respect to the production or marketing, or both, of the regulated product, the Board may be authorized to perform any function or duty and exercise any power imposed or conferred on the Board by or under the *Agricultural Products Marketing Act (Canada)* or the *Farm Products Agencies Act (Canada)*, or both of them.

Indemnification funds

11(1) The Board may establish one or more funds under section 34 or 35 of the Act.

(2) In order to finance the funds, the Board may raise amounts in accordance with sections 34 and 35 of the Act.

Part 2 Governance of Plan

Members of the Board

12 The Board shall consist of 5 members elected or appointed in accordance with the Plan and the bylaws.

Elections

13(1) Elections to the Board shall be conducted by means of a vote of the producers and producer's representatives in accordance with the procedures set out in the bylaws

- (a) at the annual producer meeting,
- (b) at a special producer meeting, if the Council directs under section 15(5)(a) that an election be held, or
- (c) by mail-in ballot, if the Board so directs.

(2) A producer or producer's representative who is eligible to vote under the bylaws may vote for any number of candidates not exceeding the number of members to be elected to the Board notwithstanding that the producer may manage, operate, own, lease or hold equity in 2 or more operations that are registered separately with the Board.

Insufficient attendance

14(1) If an election is held under the Plan and there is in attendance at the meeting at which the election is held an insufficient number of producers who are eligible to vote at the election,

- (a) the election is void, and
- (b) the position for which the election was held is vacant.

(2) Notwithstanding that a position is vacant pursuant to subsection (1), the bylaws may provide that the term of office of the position is deemed to have commenced as if an individual had been elected to the position.

Election irregularities

15(1) If a producer questions

- (a) the eligibility of a candidate,
- (b) the eligibility of a voter,
- (c) any matter relating to a ballot or the tabulation of ballots,
or
- (d) any other irregularity with respect to the conduct of an election,

the producer may, not later than 30 days after the day of the election, apply in writing to the Council to have the election declared void and the position declared vacant.

(2) If the Council has not received an application within the 30-day period referred to in subsection (1), an individual elected at that election is deemed to be duly elected.

(3) The Council shall not consider an application under subsection (1) that is not received by the Council within 30 days after the day of the election.

(4) On receipt of an application under subsection (1), the Council shall consider the matter and may

- (a) declare the election to be proper and the position filled if, in the opinion of the Council, there is no basis for the application,
- (b) declare the election to be proper and the position filled, notwithstanding that there is a basis for the application if, in the opinion of Council,
 - (i) the basis for the application did not materially affect the result of the election, and
 - (ii) the election was conducted substantially in accordance with the Plan, the bylaws and the Act,

or

- (c) declare the election to be void and the position vacant if, in the opinion of the Council, there is a basis for the application and the basis is sufficient to or did affect the result of the election.

(5) If the Council declares an election to be void and the position vacant, the Council may

- (a) order that, within the time that Council considers proper, a special producer meeting be held and an election conducted to fill the vacant position for the unexpired portion of the term, or
- (b) notify the Board that the position is vacant and that the Board may appoint an individual to fill the vacant position in accordance with section 16.

(6) Notwithstanding that an election is declared void and a position is declared vacant under subsection (4)(c), the bylaws may provide that the term of office of the position is deemed to have commenced on the day that the election that was declared void was held.

Vacancy

16(1) If a vacancy occurs on the Board, the Board may, in accordance with the bylaws and with the approval of the Council, appoint from among the individuals who are eligible to be elected

to the Board an individual to act as a Board member until the date of the next annual producer meeting.

(2) At the next annual producer meeting following the appointment of an individual under subsection (1), the position shall be filled by an election held in accordance with the Plan and the bylaws for the unexpired portion of the term.

Part 3

Review, Transitional and Repeal

Review

17 In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before September 30, 2025.

Transitional

18 Where an individual is a member of the Board immediately before the coming into force of this regulation, that person continues to be a member of the Board until the expiry of that individual's term of office in accordance with the Plan and the bylaws unless

- (a) the individual is removed or resigns from office, or
- (b) the bylaws reduce the term of office for that position.

Repeal

19 The *Alberta Hatching Egg Plan Regulation* (AR 283/96) is repealed.



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