



Province of Alberta

MARKETING OF AGRICULTURAL PRODUCTS ACT

ALBERTA CANOLA PRODUCERS MARKETING REGULATION

Alberta Regulation 142/1998

With amendments up to and including Alberta Regulation 124/2023

Current as of October 17, 2023

Office Consolidation

© Published by Alberta King's Printer

Alberta King's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952

E-mail: kings-printer@gov.ab.ca
Shop on-line at kings-printer.alberta.ca

Copyright and Permission Statement

The Government of Alberta, through the Alberta King's Printer, holds copyright for all Alberta legislation. Alberta King's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and copyright is acknowledged in the following format:

© Alberta King's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(Consolidated up to 124/2023)

ALBERTA REGULATION 142/98

Marketing of Agricultural Products Act

ALBERTA CANOLA PRODUCERS MARKETING REGULATION

Table of Contents

1	Definitions
2	Service charges
3	Variation of service charge
4	Collection of service charge
5	Refund of service charges
6	Dealer's licence required
7	Application for dealer's licence
8	Granting of dealer's licence
9	Authority of dealer's licence
10	Disposal of dealer's licence
11	Term of dealer's licence
12	Refusal to grant a dealer's licence
13	Suspension or cancellation of dealer's licence
15	Report to Commission
16	Information
17	Inspection of records
18	Use of funds
19	Interest
20	Legal action
21	Repeal
22	Expiry

Definitions

1(1) In this Regulation,

- (a) "Act" means the *Marketing of Agricultural Products Act*;
- (a.1) "Council" means the Alberta Agricultural Products Marketing Council;
- (a.2) "dealer" means a person purchasing or acquiring regulated product from a producer and includes

- (i) a person who is an elevator or grain company, a grain dealer or a canola crusher, and
- (ii) a person who acquires regulated product from a producer to sell on the producer's behalf;
- (b) "Plan" means the Alberta Canola Producers Marketing Plan;
- (c) "producer" means a person who
 - (i) grows canola on one or more parcels of land in Alberta for sale, and
 - (ii) is entitled to a share of the canola grown on any land pursuant to a crop share agreement.

(2) Words that are defined in either the Act or the Plan have the same meaning when used in this Regulation.

AR 142/98 s1;85/2008

Service charges

2 Any producer who sells any regulated product must pay to the Commission a service charge in the amount of \$1.00 per metric tonne or portion of metric tonne of regulated product sold.

AR 142/98 s2;33/2003

Variation of service charge

3(1) The Board of Directors of the Commission may, on behalf of the Commission, change the amount of the service charge.

(2) Notwithstanding subsection (1), a change in the amount of the service charge is not effective until it has been approved by the eligible producers at an annual Commission meeting or a special Commission meeting.

AR 142/98 s3;33/2003

Collection of service charge

4(1) All dealers who

- (a) purchase regulated product from a producer, or
- (b) acquire regulated product from a producer for sale on the producer's behalf

must deduct the amount of the service charge from any proceeds payable to or on behalf of the producer.

(2) Any dealer who collects a service charge must, subject to any directions given by the Commission, pay the amount of the service charge to the Commission within 55 days from the end of the month within which the service charge was collected.

(3) Any person required to collect and pay to the Commission the service charge payable by a producer must, when that person pays the service charge to the Commission, provide to the Commission, in respect of that producer, a summary detailing

- (a) the amount of regulated product acquired from the producer,
- (b) the amount of service charge being paid on behalf of the producer,
- (c) the name and address of the producer, and
- (d) the identification number assigned to the producer by the dealer, if available.

(4) A person who is a producer and a dealer is entitled to all the rights and privileges, and is subject to all the duties and obligations of a producer and a dealer.

(5) A person who is a producer and a dealer is deemed

- (a) to have received canola in that person's capacity as a dealer from that producer in the capacity as a producer of the canola, and
- (b) to have contracted, in that producer's capacity as a dealer, with that producer in that producer's capacity as a producer, for the marketing of the canola on the condition that this Regulation applies.

AR 142/98 s4;124/2023

Refund of service charges

5(1) A service charge paid by or on behalf of a producer is refundable to the producer on request of the producer in accordance with this section.

(2) A request for a refund of the service charge must

- (a) be made in writing on a form that is provided by or acceptable to the Commission, and
- (b) contain the following information:
 - (i) the producer's name;

- (ii) the producer's mailing address and telephone number;
- (iii) the producer's identification number, if available;
- (iv) the quantity of regulated product sold;
- (v) the name and address of any dealer who collected the service charge on behalf of the producer;
- (vi) any other information requested by the Commission.

(3) A request for a refund must be received by the Commission at its office

- (a) prior to the end of August, for a service charge collected during the period commencing on the previous February 1 and ending on July 31, and
- (b) prior to the end of February, for a service charge collected during the period commencing on the previous August 1 and ending on January 31.

(4) Subject to subsection (5), a request for a refund that does not comply with subsections (2) and (3) shall not be considered by the Commission and the producer is not entitled to a refund in respect of the service charge in question.

(5) The Commission may consider a request for a refund that does not comply with subsections (2) or (3) if the Commission is satisfied that extenuating circumstances exist that warrant it doing so and may

- (a) refund the service charge in question, or
- (b) refuse to refund the service charge in question.

(6) The Commission must refund the service charge to the producer

- (a) within 90 days after the end of August, if the request complies with subsection (2) and was received in accordance with subsection (3)(a),
- (b) within 90 days after the end of February, if the request complies with subsection (2) and was received in accordance with subsection (3)(b), or
- (c) within 90 days after receipt of the request, if the request was considered and the service charge is to be refunded under subsection (5).

Dealer's licence required

- 6(1)** No person shall carry on the business of a dealer in the regulated product unless that person is licensed as a dealer under this Regulation.
- (2)** If a person is both a producer and a dealer, that person shall not carry on the business of a dealer in the regulated product unless that person is licensed as a dealer under this Regulation.
- (3)** No person, other than a producer, shall engage in the marketing of the regulated product unless that person is licensed as a dealer under this Regulation.

Application for dealer's licence

- 7(1)** Every person who wishes to deal in the regulated product must apply to the Commission for a dealer's licence.
- (2)** An applicant for a dealer's licence must provide to the Commission in a form prescribed by the Commission
- (a) the name, telephone number and mailing address of the applicant,
 - (b) the address of the applicant, if it is different from the mailing address, and
 - (c) any other information requested by the Commission.

AR 142/98 s7;124/2023

Granting of dealer's licence

- 8** If the Commission is satisfied that a dealer's licence should be granted to the applicant, the Commission must grant the applicant a dealer's licence in a form prescribed by the Commission.

Authority of dealer's licence

- 9** A dealer's licence is authority for the dealer to receive and deal in the regulated product in accordance with this Regulation.

Disposal of dealer's licence

- 10** A dealer's licence becomes void when the dealership is sold, transferred, assigned or otherwise disposed of.

Term of dealer's licence

- 11** The term for a dealer's licence commences on August 1 and ends on July 31 of the following year.

Refusal to grant a dealer's licence

12 The Commission may refuse to grant a dealer's licence

- (a) if it is satisfied that the applicant
 - (i) will not comply with the Act, the Plan, this or other regulations applying to the applicant or orders or directions of the Council or the Commission,
 - (ii) will not comply with any other statute, regulation or order applicable to the business in which the applicant is engaged, or
 - (iii) does not have a licence from the Canadian Grain Commission,

or

- (b) for any other lawful reason the Commission considers proper.

Suspension or cancellation of dealer's licence

13(1) If the Commission is of the opinion that a holder of a dealer's licence has

- (a) failed to comply with the Act, the Plan or any regulation under the Act, or
- (b) failed to comply with any order or direction of the Council or the Commission,

the Commission may suspend or cancel that dealer's licence.

(2) The Commission may suspend or cancel a person's dealer's licence if that person's licence issued by the Canadian Grain Commission is suspended or cancelled.

(3) If the Commission refuses to grant a licence or suspends or cancels a licence, the Commission must notify the person who was refused a licence or whose licence was suspended or cancelled, of its decision in writing.

(4) The Commission may

- (a) suspend a licence for a period of time that it considers appropriate, or
- (b) in the case of a licence that is suspended, remove the suspension.

- (5) If the Commission refuses to grant a licence or cancels, suspends or refuses to renew a licence, the person who was refused a licence or whose licence was suspended or cancelled
- (a) must, on receiving notice of the Commission's decision, immediately cease carrying on the activity authorized by the licence, and
 - (b) may make an application to the Commission pursuant to Part 5 of the Act and the *Review and Appeal Regulation* (AR 199/2016).

AR 142/98 s13;74/2013;132/2013;124/2023

14 Repealed AR 74/2013 s3.

Report to Commission

15 A dealer must

- (a) record for each month the total volume of regulated product acquired by the dealer from producers, and
- (b) report to the Commission the amounts so determined for that month and forward this report to the Commission within 55 days from the end of the month within which the service charges were collected.

Information

16 The Commission may request from a producer or a dealer the following information:

- (a) the amount of regulated product marketed by a producer and the details of the marketing;
- (b) the amount of regulated product marketed by a person and the manner in which the regulated product is marketed;
- (c) any other general information relating to production and marketing of the regulated product that the Commission requires to carry out its purposes under the Act and the Plan.

Inspection of records

17 If the Commission is of the opinion that circumstances warrant it, the Commission may in writing require that a dealer produce for the Commission's inspection any record in the possession or under the control of the dealer that relates to the collection of service charges by the dealer.

Use of funds

18 Any funds received by the Commission under the Plan plus interest that accrues on the funds must be used by the Commission for purposes of paying its expenses and administering the Plan and this Regulation.

Interest

19 Interest must be paid to the Commission for any late payment of service charges or licence fees at the rate of 1% per month calculated on the balance due.

Legal action

20 The Commission may commence and maintain any legal action that is necessary to enforce the payment of service charges that are payable under the Plan and this Regulation.

Repeal

21 The *Alberta Canola Producers Marketing Regulation* (AR 175/89) is repealed.

Expiry

22 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on May 31, 2030.

AR 142/98 s22;33/2003;85/2008;74/2013;
80/2018;12/2023;124/2023



Printed on Recycled Paper 