
THE FARM PRODUCTS MARKETING ACT
(C.C.S.M. c. F47)

Chicken Broiler Penalty Levies Regulation*

Regulation 94/2001
Registered June 26, 2001

Levies imposed on registered producers re three cycle period

1(1) This section applies to those registered producers who are named on the Basic Allotment List.

1(2) For the purpose of this section, the Board will assign to each registered producer, on a consecutive basis, a Three Cycle Period for each category of chicken broiler for which that producer has been allotted a quota, each Three Cycle Period being made up of three consecutive marketing cycles specified by the Board for that producer. A producer may confirm the commencement and termination date of his Three Cycle Period by contacting the Board at its office, 430-A Dovercourt Drive, Winnipeg, Manitoba.

1(3) A levy is imposed on each registered producer of \$0.25 per kilogram of chicken broiler of a category marketed by such registered producer during the third marketing cycle in that producer's Three Cycle Period for that category in excess of 103% of the market allotment for that category allotted to that producer for that marketing cycle.

1(4) In addition to the levy imposed under subsection (3), an additional levy is imposed on each registered producer of \$0.25 per kilogram of chicken broiler of a category marketed by such registered producer during the third marketing cycle in that producer's Three Cycle Period for that category in excess of 105% of the market allotment for that category allotted to that producer for that marketing cycle.

1(5) The Board may from time to time waive the application of all or a portion of the levy imposed on a producer under subsection (3) upon the written request of such producer and a processor which is agreeable to the acquisition of such excess chicken broiler from that producer, in circumstances where the Board is satisfied that such excess was the result of matters which could not be reasonably anticipated by or were beyond the control of such producer.

* This regulation is made under the *Manitoba Chicken Broiler Producers' Marketing Plan Regulation*, Manitoba Regulation 241/87 R and is Regulation No. 5, 2001 of Manitoba Chicken Producers.

Non-application re temporary market allotment permits

2 The levies imposed under section 1 are not applicable to chicken broiler marketed by a registered producer pursuant to a Temporary Market Allotment Permit.

Levies imposed on non-registered producers

3(1) A levy is imposed on each person who markets chicken broilers and who is not registered as a producer with this Board of \$3.00 per chicken broiler marketed by such person.

3(2) The levy imposed under subsection (1) is not applicable to the first 999 chicken broilers marketed during a calendar year by a producer, provided such chicken broilers have been raised by that person and are delivered by that person during that calendar year

(a) directly to an individual for consumption by that individual and that individual's immediate family or any one of them; or

(b) directly to a specified processor pursuant to an exemption authorizing such person to market chicken broilers to that specified processor.

Non-application to chicks

4 The levies imposed under sections 1 and 3 are not applicable to the marketing of chicken broilers less than 10 days old.

Levies imposed re chick marketings

5(1) A levy is imposed on each producer who markets chicken broilers which are less than 10 days old of \$0.80 per chicken broiler marketed by such person unless the recipient of such chicken broilers has been issued a Chick Placement Permit authorizing that recipient to purchase or otherwise take delivery of such chicken broilers from that person at the time of such marketing.

5(2) The levy imposed under subsection (1) is not applicable to a sale or delivery of chicken broiler if less than 1,000 chicken broilers are marketed by the person marketing chicken broiler to the same recipient in a calendar year.

Live weight reference

6 References to weight of chicken broiler in this regulation are references to the live weight of such chicken broiler.

Payment of levies

7 The levies imposed under this regulation shall be due and payable to this Board at its office, 430-A Dovercourt Drive, Winnipeg, Manitoba, within 15 days following delivery of notice in writing to such person by this Board of the amount of the levy calculated by this Board to be owing by him to this Board.

Repeal

8 The *Chicken Broiler Penalty Levies Regulation*, Manitoba Regulation 137/96, is repealed.

Coming into force

9 This regulation comes into force on June 2, 2002 or on the date it is registered with the Registrar of Regulations, whichever is later.

May 9, 2001

MANITOBA CHICKEN PRODUCERS:

Waldie Klassen
Chairman

Fred Homann
Secretary

APPROVED

June 20, 2001

THE MANITOBA NATURAL PRODUCTS
MARKETING COUNCIL:

Howard Motheral
Chairman

Gordon H. MacKenzie
Secretary