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

Turkey Penalty Levies Regulation*

Regulation 133/2002
Registered August 14, 2002

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*This regulation is made under the *Manitoba Turkey Producers' Marketing Plan Regulation*, Manitoba Regulation 248/87 R, and is Regulation No. 1, 2002 of Manitoba Turkey Producers.

PART 1

GLOBAL PENALTY LEVIES

Levies imposed on marketings in excess of market allotment

1 A levy is imposed on each person to whom this Board has allotted a market allotment of \$0.30 per kilogram of turkey marketed by such person during any marketing year in excess of the aggregate of the market allotments allotted to such person for that marketing year.

Levies imposed on marketings in excess of temporary quota permit

2 A levy is imposed on each person to whom this Board has issued a temporary quota permit for a category of \$0.30 per kilogram of turkey of that category marketed by such person during the period specified in such temporary quota permit in excess of the amount of turkey of the category specified in such temporary quota permit.

Levies imposed on other unauthorized marketings

3 A levy is imposed on each person who markets turkey and who has not been allocated a market allotment or has not been issued a temporary quota permit of \$0.30 per kilogram of turkey marketed by such person.

PART 2

CATEGORY OVERMARKETING PENALTY LEVIES

Levies imposed on overmarketings re toms

4 A levy is imposed on each registered producer who has been allotted a market allotment for toms and who markets turkeys as toms in excess of 105% of such market allotment in a marketing year (such excess amount referred to in this section as the "excess amount") equal to the excess amount multiplied by the difference between the minimum price per kilogram established by this Board for toms and the minimum price per kilogram established by this Board for hens on the day that such excess amount is marketed, or \$0.10 per kilogram, whichever shall be greater.

Levies imposed on overmarketings re heavy toms

5 A levy is imposed on each registered producer who has been allotted a market allotment for heavy toms and who markets turkeys as heavy toms in excess of 105% of such market allotment in a marketing year (such excess amount referred to in this section as the "excess amount") equal to the excess amount multiplied by the difference between the minimum price per kilogram established by this Board for heavy toms and the minimum price per kilogram established by this Board for toms on the day that such excess amount is marketed, or \$0.10 per kilogram, whichever shall be greater.

Levies imposed on overmarketings re broilers

6 A levy is imposed on each registered producer who has been allotted a market allotment for broilers and who markets turkeys as broilers in excess of 105% of such market allotment in a marketing year (such excess amount referred to in this section as the "excess amount") equal to the excess amount multiplied by the difference between the minimum price per kilogram established by this Board for broilers and the minimum price per kilogram established by this Board for toms on the day that such excess amount is marketed, or \$0.10 per kilogram, whichever shall be greater.

Levies imposed on overmarketings re hens

7 A levy is imposed on each registered producer who has been allotted a market allotment for hens and who markets turkeys as hens in excess of 105% of such market allotment in a marketing year (such excess amount referred to in this section as the "excess amount") equal to the excess amount multiplied by the difference between the minimum price per kilogram established by this Board for hens and the minimum price per kilogram established by this Board for toms on the day that such excess amount is marketed, or \$0.10 per kilogram, whichever shall be greater.

Waiver of category overmarketing levies

8 The Board may from time to time waive the application of a levy imposed on a registered producer under this Part upon the written request of such producer and the processor which is agreeable to the acquisition of such turkey from that producer, provided that such written requests are received and approved by the Board prior to the marketing of such turkeys.

PART 3

BROILER AVERAGE WEIGHT MARKETING PENALTY LEVIES

Definitions

9 In this Part

"**broiler penalty amount**" for a marketing day means an amount per kilogram equal to the difference between the minimum price per kilogram established by this Board for broilers and the minimum price per kilogram established by this Board for hens on that day, or \$0.10 per kilogram, whichever shall be greater; and

"**penalty weight**" for a registered producer means the total weight of turkeys marketed by a producer as broilers, minus an amount equal to the number of turkeys so marketed multiplied by 6.2 kilograms.

Levies imposed on broiler average weight overage

10 A levy is imposed on each registered producer who markets turkeys as broilers each time that registered producer markets turkeys as broilers, equal to the penalty weight for that registered producer multiplied by the broiler penalty amount for that marketing day.

Waiver of broiler average weight coverage levies

11 The Board may from time to time waive the application of the levy imposed on a registered producer under this Part upon the written request of such producer and the processor which is agreeable to the acquisition of such turkey as broilers from that producer, provided that such written requests are received and approved by the Board prior to the marketing of such turkeys.

PART 4

GENERAL

Live weight references

12 All references to weight of turkey in this regulation are references to live weight of such turkey (or equivalent).

Payment of levies

13 The levies imposed under this regulation shall be due and payable to this Board at its office, Unit 206, 1460 Chevrier Blvd., 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 such person to this Board.

Non-application

14 The levies imposed under section 3 of this regulation do not apply to any person who is exempt from registering with the Board under subsection 27(3) of the Plan.

Repeal

15 The *Turkey Penalty Levies Regulation*, Manitoba Regulation 50/95 is repealed.

June 7, 2002

MANITOBA TURKEY PRODUCERS:

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Chairman

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APPROVED
August 13, 2002

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