

Processing Potato General Order*

Regulation 61/2007
Registered March 26, 2007

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Method of marketing potatoes

1 No producer shall market a regulated product other than

(a) to a registered processor

(i) pursuant to a form of potato growing agreement established by this Board for use by that processor to acquire potatoes, which agreement was entered into before the planting of the seed to produce the regulated product,

(ii) pursuant to a permit issued by this Board, or

(iii) pursuant to an exemption issued by this Board; or

(b) to this Board.

* This order is made under the *Manitoba Processing Potato Marketing Plan Regulation*, Manitoba Regulation 206/2006, and is Order No. 2, 2007 of Keystone Potato Producers Association.

Method of acquiring potatoes

2 No registered processor shall acquire a regulated product other than

(a) from a registered producer

(i) pursuant to a form of potato growing agreement established by this Board for use by that processor to acquire potatoes, which agreement was entered into before the planting of the seed to produce the regulated product,

(ii) pursuant to a permit issued by this Board, or

(iii) pursuant to an exemption issued by this Board; or

(b) from this Board.

Varieties of regulated product

3 All regulated product marketed by a producer shall be properly classified at the time of marketing as one of the following varieties:

(a) Russet Burbank Potatoes;

(b) Ranger Russet Potatoes;

(c) Shepody Potatoes;

(d) Umatilla Russet Potatoes;

(e) Specialty Potatoes.

Permits

4(1) A producer may apply to this Board for a permit to market a specific quantity of a specific variety of regulated product to a specific purchaser as contemplated under subclause 1(a)(ii). Such application shall be in writing, in the form prescribed by this Board for such purpose, signed by the applicant, and shall be forwarded to the head office of this Board together with the requisite fee, if any, prescribed from time to time by this Board.

4(2) A processor may apply to this Board for a permit to acquire a specific quantity of a specific variety of regulated product from a specific producer as contemplated under subclause 1(a)(ii). Such application shall be in writing, in the form prescribed by this Board for such purpose, signed by the applicant, and shall be forwarded to the head office of this Board together with the requisite fee, if any, prescribed from time to time by this Board.

Exemptions

5 Any person may apply to this Board for an exemption from the provisions of sections 1 through 3 of this Order.

Pooling

6(1) This Board may agree to assist a registered producer in the marketing of a regulated product as contemplated in clause 1(b) by agreeing to market such regulated product as part of a pool conducted by this Board.

6(2) With respect to regulated product marketed by this Board on a pooling basis, the following provisions will apply:

(a) The sale proceeds from the regulated product shall be pooled and distributed as set out below.

(b) Pool periods shall commence and terminate on such date as may be established by this Board from time to time.

(c) Initial payments for regulated product may be made to each registered producer in accordance with the initial payment schedule established from time to time by this Board based on the quantity, quality, variety, grade or size of the regulated product marketed. Any amount owing by a producer to this Board for fees or levies imposed by this Board will be deducted from any initial payment to be made to that producer.

(d) All amounts received by this Board from the sale of regulated product in each pool period shall, after deduction of any initial payments made by this Board, be placed in a pool.

(e) At the termination of each pool period, all necessary and proper disbursements and expenses incurred in marketing regulated product and in conducting the pool, and all allowances for reserves as may be approved by the Manitoba Farm Products Marketing Council, will be deducted from that pool and the remainder of the money in that pool will be distributed to the producers of regulated product relative to the quantity, quality, variety, grade or size of regulated product delivered by each producer during that pool period. Any initial payments which may have been paid to a producer and any amount owing by that producer to this Board for fees or levies imposed by this Board or for materials or services provided by this Board to that producer will be taken into account in making the final distribution at the end of each pool period.

6(3) Nothing in this Order shall be taken to mean that this Board is required to receive or market regulated product which does not meet grade specifications established by this Board.

6(4) Nothing in this Order shall be taken to mean that this Board is required to receive or market any regulated product produced by a registered producer whether such regulated product was produced pursuant to a potato growing agreement entered into by that producer or was produced otherwise by that producer.

Delivery orders

7(1) No person shall transport or deliver for transport a regulated product (except to a transporter retained by or on behalf of this Board) unless such person has been issued a delivery order in a form approved by this Board authorizing the transportation of the regulated product being transported.

7(2) Subsection (1) does not apply to the transportation of regulated product by a producer to or from that producer's storage for the purpose of washing, sorting and storing such regulated product and for no other purpose.

7(3) A person transporting or delivering for transport a regulated product must keep in the vehicle transporting such regulated product a copy of the delivery order issued by this Board authorizing the transportation of that regulated product.

General

8 Applications, forms or documents to be used in connection with marketing regulated product shall be those prescribed from time to time by this Board and shall contain such information as may be indicated on such applications, forms or documents, properly certified as true, accurate and complete in every respect.

Non-application

9 This Order is subject to the exemptions provided for in section 25 of the Plan.

March 13, 2007

KEYSTONE POTATO PRODUCERS ASSOCIATION:

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