

Chicken Broiler Quota Order, amendment*

Regulation 84/2008
Registered April 22, 2008

Manitoba Regulation 228/2006 amended

1 The Chicken Broiler Quota Order, Manitoba Regulation 228/2006, is amended by this Order.

2 Section 42 is replaced with the following:

Allotments to associated producers

42(1) If two or more producers are associated, the Board may treat the allotments and quotas allotted to one of them as having been allotted to any of them.

Acquisitions of interests in excess of maximum allotment prohibited

42(2) Notwithstanding anything contained in this Order, but subject to sections 43, 44 and 54, the Board will take appropriate action to prevent any person from acquiring control of or acquiring a direct or indirect interest in allotments in excess of maximum allotment.

3 Section 52 is replaced with the following:

Deemed association

52(1) For the purpose of this Order, a person is deemed to be associated with another person if

- (a) both persons are members of the same immediate family;
- (b) if an individual has a legal or beneficial interest in the person and a member of that individual's immediate family has a legal or beneficial interest in the other person;
- (c) one person is an entity of which the other person is an officer, director or substantial holder;
- (d) one person is an entity of which the other person is a partner;

* This order is made under the *Manitoba Chicken Broiler Producers Marketing Plan Regulation*, Manitoba Regulation 246/2004, and is Order No. 1, 2008 of Manitoba Chicken Producers.

(e) one person is an entity that is controlled, directly or indirectly, by the other person;

(f) both persons are entities and one entity is controlled, directly or indirectly, by the same individual or entity that controls, directly or indirectly, the other person;

(g) both persons are members of a voting trust where the trust controls or operates or has an interest in the other person; or

(h) both persons are associated within the meanings of clauses (a) to (g) with the same person.

Association of producers

52(2) For the purpose of this Order, a producer shall be deemed to be associated with another producer if one person has a direct or indirect legal or beneficial interest in the producer, and a person associated with that person has a direct or indirect interest in the other producer.

4 Section 53 is replaced with the following:

Association of registered producers

53 In the event that a registered producer is or becomes associated with another registered producer, the Board may cancel or reduce the quotas and allotments of such registered producers unless the registered producers have requested in writing that the Board waive this provision and have each provided the Board, by Statutory Declaration and Certificate, with full particulars of all persons having a direct or indirect interest in such registered producers and the Board has in its discretion waived this provision either conditionally or unconditionally.

5 Section 54 is replaced with the following:

Grounds for non-waiver re association

54 The provisions of section 53 will not be waived by the Board if the allotments allotted to such associated producers aggregate more than maximum allotment or if the Board has reasonable grounds for believing that a person would directly or indirectly have a legal or beneficial interest in allotments which aggregate more than maximum allotment; provided however that this provision shall not apply to producers which are associated solely as a result of individuals being members of the same immediate family, as long as the aggregate allotments to such producers do not exceed 200% of maximum allotment.

April 4, 2008

MANITOBA CHICKEN PRODUCERS:

Waldie Klassen
Chair

Wayne Hiltz
Secretary

APPROVED

April 21, 2008

MANITOBA FARM PRODUCTS
MARKETING COUNCIL:

David Gislason
Chair

Gordon H. MacKenzie
Secretary

The Queen's Printer
for the Province of Manitoba