

Laying Hen Quota Order, amendment*

Regulation 170/2008
Registered November 13, 2008

Manitoba Regulation 128/98 amended

1 **The *Laying Hen Quota Order*, Manitoba Regulation 128/98, is amended by this Order.**

2 **Section 33 is replaced with the following:**

Allotments to associated producers

33(1) If two or more producers are associated, the Board may treat the quotas allotted or the permits issued to one of them as having been allotted or issued to any of them.

Deemed association

33(2) For the purpose of this Order, a person is deemed to be associated with another person if:

- (a) one person is an entity of which the other person is an officer, director or substantial holder;
- (b) one person is an entity of which the other person is a partner;
- (c) one person is an entity that is controlled, directly or indirectly, by the other person;
- (d) 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;
- (e) both persons are members of a voting trust where the trust controls or operates or has an interest in the other person; or
- (f) both persons are associated within the meanings of clauses (a) to (e) with the same person.

* This order is made under the *Manitoba Egg and Pullet Producers Marketing Plan Regulation*, Manitoba Regulation 70/2005, and is Order No. 2, 2008 of Manitoba Egg Producers.

Association of producers

33(3) 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.

3 Section 34 is replaced with the following:

Association of registered producers

34 In the event that a registered producer is or becomes associated with another registered producer, the Board may cancel or reduce the quotas or permits 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, in a form acceptable to the Board, 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.

4 Section 35 is replaced with the following:

Grounds for non-waiver re association

35 The provisions of section 34 will not be waived by the Board if the quotas allotted or permits issued to such registered producers aggregate more than maximum quota or more than maximum permit, or if the Board has reasonable grounds for believing that a person would directly or indirectly have a legal or beneficial interest in a quota or quotas which aggregate more than maximum quota or in a permit or permits which aggregate more than maximum permit.

September 3, 2008

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Chair

Penny Kelly
Secretary

October 20, 2008

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