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

**Levies Regulation re Non-Quota Potatoes**

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Regulation 19/2009  
Registered January 26, 2009

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\* This regulation is made under the *Manitoba Vegetable Producers' Marketing Plan Regulation*, Manitoba Regulation 249/87 R, and is Regulation No. 1, 2008 of Peak of the Market.

## PART I

### LEVIES ON REGISTERED PRODUCERS

#### **Definition**

**1** In this Part, "**adjusted average total annual marketings**" of a registered table potato producer for a crop year will be determined by the Board prior to September 1 of that crop year using a formula adopted by resolution of the Board, which resolution shall be subject to the approval of the Manitoba Council.

#### **Notice of adjusted average total annual marketings**

**2** The Board will forward to each registered table potato producer prior to September 15 of each crop year a notice indicating the adjusted average total annual marketings of that producer for that crop year.

#### **Levies imposed on excess marketings re russet type potatoes**

**3** A levy is imposed on each producer registered as a table potato producer and allotted a quota for russet type potatoes of \$1 for each 100 pounds or portion thereof of russet type potatoes marketed during a crop year by such producer in excess of an amount equal to the greater of the annual table quota allotted to such producer for russet type potatoes and the adjusted average total annual marketings assigned to that producer for russet type potatoes for that crop year in addition to other fees, levies and charges imposed on such producer.

#### **Levies imposed on excess marketings re red type potatoes, white type potatoes and yellow type potatoes**

**4** A levy is imposed on each producer registered as a table potato producer and allotted a quota for red type potatoes, white type potatoes or yellow type potatoes of \$1 for each 100 pounds or portion thereof of red type potatoes, white type potatoes and yellow type potatoes marketed during a crop year by such producer in excess of an amount equal to the greater of the annual table quotas allotted to such producer for red type potatoes, white type potatoes and yellow type potatoes and the adjusted average total annual marketings assigned to that producer for red type potatoes, white type potatoes and yellow type potatoes for that crop year in addition to other fees, levies and charges imposed on such producer.

## PART II

### LEVIES ON UNAUTHORIZED MARKETINGS

#### **Levies imposed re unauthorized marketings**

**5** A levy is imposed on every producer who markets potatoes in any manner prohibited by sections 40, 41, 42, or 43 of the *Potato Quota Order*, Manitoba Regulation 13/95, of \$5 for each 100 pounds or portion thereof of potatoes so marketed.

**Effect of payment**

**6** The payment of any levies pursuant to this Part shall not be construed as an approval or a sanctioning in any way by this Board of the marketing of such potatoes and the provisions of all regulations and orders of this Board, and all sanctions provided under the Act, shall apply to such marketing notwithstanding such payment of levies.

PART III

GENERAL

**Collection of levies by purchasers**

**7** Each purchaser shall at the time the purchaser takes delivery of potatoes from a producer deduct from the monies payable for such potatoes all levies payable by the producer of such potatoes to this Board pursuant to this regulation and shall forward such levies to this Board at its office, 1200 King Edward Street, Winnipeg, Manitoba, not later than 30 days following the receipt of such potatoes by that purchaser.

**Payment of levies by producer**

**8** Every producer shall pay to this Board at its office, 1200 King Edward Street, Winnipeg, Manitoba, all levies payable by that producer under this regulation that were not deducted and forwarded to this Board by the person who received such potatoes from that producer, not later than 45 days following the marketing of potatoes by that producer.

**Repeal**

**9** The *Levies Regulation re Non-Quota Potatoes*, Manitoba Regulation 89/95, is repealed.

August 26, 2008

PEAK OF THE MARKET:

David Jeffries  
Chair

Wayne Rempel  
Secretary

APPROVED  
December 23, 2008

MANITOBA FARM PRODUCTS  
MARKETING COUNCIL:

David Gislason  
Chair

Debora Durnin-Richards  
Secretary

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