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

Milk Quality Regulation, amendment*

Regulation 56/2020
Registered June 25, 2020

Manitoba Regulation 135/2017 amended

1 The *Milk Quality Regulation*, Manitoba Regulation 135/2017, is amended by this regulation.

2 Section 1 is amended by repealing the definition "latest 12-month period".

3(1) Subsection 2(1) is amended by striking out "25%" and substituting "10%".

3(2) Subsection 2(2) is amended by striking out "and" at the end of clause (e).

4 Subsection 3(2) is amended by striking out "and" at the end of clause (e).

* This regulation is made under the *Dairy Farmers of Manitoba Marketing Plan Regulation*, Manitoba Regulation 89/2004, and is Regulation No. 2, 2020 of Dairy Farmers of Manitoba.

5(1) Subsection 4(3) is replaced with the following:

4(3) A producer who commits a contravention is subject to the following penalties:

(a) for the producer's first contravention in a 12-month period, \$3 per hectolitre of all milk marketed by the producer in the month in which the contravention occurs;

(b) for the producer's second contravention in a 12-month period, \$4 per hectolitre of all milk marketed by the producer in the month in which the contravention occurs;

(c) for the producer's third contravention in a 12-month period, \$5 per hectolitre of all milk marketed by the producer in the month in which the contravention occurs;

(d) for the producer's fourth or subsequent contravention in a 12-month period, \$7 per hectolitre of all milk marketed by the producer in the month in which the contravention occurs.

5(2) Subsection 4(4) is amended by striking out "If a producer is liable to pay a penalty under clause (3)(d)" and substituting "If a producer commits four or more contraventions in a 12-month period".

5(3) Subsection 4(5) is amended

(a) **by adding** "for the purposes of subsection (4)" **after** "milk samples"; **and**

(b) **by striking out** "service charge" **and substituting** "service charge,".

5(4) Subsection 4(6) is amended by striking out "shall be liable for" and substituting "is subject to".

5(5) Subsection 4(7) is amended by striking out "clause 4(2)(c)" and substituting "clause (2)(c)".

6(1) Subsection 5(1) is amended

(a) **by striking out** "In this section" **and substituting** "In this section,"; **and**

(b) **by striking out** "25%" **and substituting** "10%".

6(2) Subsection 5(2) is amended by striking out "and" at the end of clause (e).

7(1) Subsection 6(2) is amended, in the part before clause (a), by striking out "shall pay" and substituting "is subject to".

7(2) Subsection 6(3) is amended, in the part before clause (a),

(a) by striking out "Where" and substituting "When"; and

(b) by striking out "liable to pay" and substituting "subject to".

8 Subsections 7(3) and (4) are amended by striking out "shall pay" and substituting "is subject to".

9 Section 10 is replaced with the following:

Notification

10(1) The board shall provide written notice to a producer who is subject to a penalty or charge under any of sections 2 to 8.

10(2) The board may determine the date on which a suspension of milk pickups commences under any of sections 2 to 5.

10 The following is added after section 14:

Transition

14.1(1) For the purpose of determining if a producer committed a contravention under section 2, 3 or 5 during a three-month period ending in July or August 2020, the board may use a test of a producer's milk taken before the coming into force of this section in doing so.

14.1(2) When determining a penalty under subsection 2(2), the board must treat the following as a contravention if committed during the applicable 12-month period:

(a) a contravention under subsection 2(1) of this regulation as it read immediately before the coming into force of this section;

(b) a contravention under subsection 2(1) of this regulation as it read immediately before the coming into force of the *Milk Quality Regulation, amendment*, Manitoba Regulation 41/2020.

14.1(3) When determining a penalty under subsection 3(2), the board must treat the following as a contravention if committed during the applicable 12-month period:

(a) a contravention under subsection 3(1) of this regulation as it read immediately before the coming into force of this section;

(b) a contravention under subsection 3(1) of this regulation as it read immediately before the coming into force of the *Milk Quality Regulation, amendment*, Manitoba Regulation 41/2020.

14.1(4) When determining a penalty under subsection 5(2), the board must treat the following as a contravention if committed during the applicable 12-month period:

(a) a contravention under subsection 5(1) of this regulation as it read immediately before the coming into force of this section;

(b) a contravention under subsection 5(1) of this regulation as it read immediately before the coming into force of the *Milk Quality Regulation, amendment*, Manitoba Regulation 41/2020.

Coming into force

11 This regulation comes into force on July 1, 2020, or the day it is registered under *The Statutes and Regulations Act*, whichever is later.

June 18, 2020

Dairy Farmers of Manitoba:

David Wiens, Chair

Brent Achtemichuk, Corporate Secretary

APPROVED

June 25, 2020

Manitoba Farm Products Marketing Council:

Ed Helwer, Chair

Ingrid Peters-Fransen, Secretary