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

Broiler Breeder Laying Hen Quota Order, amendment*

Regulation 30/2021
Registered April 16, 2021

Manitoba Regulation 43/2008 amended

1 The Broiler Breeder Laying Hen Quota Order, Manitoba Regulation 43/2008, is amended by this Order.

2 Section 1 is amended

(a) in the definition "maximum quota", by striking out "20,000 laying hens" wherever it occurs and substituting "30,000 laying hens"; and

(b) in the definition "minimum quota", by striking out "7,000 laying hens" and substituting "10,000 laying hens".

* This Order is made under the *Manitoba Chicken Broiler Producers Marketing Plan Regulation*, Manitoba Regulation 246/2004, and is Order No. 2, 2021 of Manitoba Chicken Producers.

3 Section 23 is replaced with the following:

Transfers by a substantial holder

23(1) If all or part of the beneficial or legal ownership of an interest in a substantial holder in an entity that is a registered producer is transferred by the legal or beneficial owner of the interest, the board may cancel or reduce the quotas of the registered producer unless the parties to the transfer have requested in writing that the board waive this subsection and have each provided the board, by statutory declaration and certificate, in a form acceptable to the board, full particulars of the proposed transfer, together with any other documents or information the board may require, and the board has in its discretion waived this subsection either conditionally or unconditionally.

23(2) The registered producer and the parties to the transfer must provide the board with a written undertaking, in a form satisfactory to the board, stating that the party will not apply

(a) for a retirement payment under the Retirement and Basic Allotment Reallocation System;

(b) for the approval of a change in the beneficial ownership of the registered producer pursuant to Part VIII;

(c) for the approval of an association of the registered producer with another registered producer pursuant to Part IX;

(d) for the reallocation of the quotas allotted to the registered producer pursuant to Part X; or

(e) to relocate the facilities of the registered producer under section 46;

for a minimum of five years following the waiver unless the party has first received the approval of the board.

4 Section 24 is replaced with the following:

Grounds for non waiver re transfers

24 The board must not grant a waiver under subsection 23(1) if the proposed transfer will result in a person having a direct or indirect interest in a quota or quotas which aggregate in excess of the maximum quota.

Board's further powers re waiver

24.1 Without limiting the generality of subsection 23(1), the board may refuse a request for a waiver in the following circumstances:

(a) any aspect of the proposed transfer contravenes this order;

(b) value has been attributed, whether directly or indirectly, in any manner whatsoever, to the quotas of the registered producer at issue;

(c) any statutory declaration, certificate, or other information or document provided to the board in relation to the proposed transfer is false or misleading;

(d) a party to the proposed transfer has contravened a regulation, order or directive of the board;

(e) any undertaking required of a party to the proposed transfer has not been adhered to;

(f) a party to the proposed transfer has not complied with any terms or conditions required by the board in relation to the transfer;

(g) a refusal is in the interests of Manitoba producers, consumers, or the broiler breeder laying hen industry.

5 Section 26 is replaced with the following:

False or misleading information

26 If the board determines that a statutory declaration, certificate, or other information or document provided to it under this Part is false or misleading, the board may cancel or reduce the quotas of the registered producer, whether or not the provisions of section 23 or 25 have been waived by the board, either conditionally or unconditionally.

6 Section 27 is repealed.

7 Section 32 is replaced with the following:

Complete farm sales

32(1) When a registered producer sells the land, buildings, and equipment used by the producer for raising or keeping laying hens, the board may reallocate the quotas used in association with the facilities to any purchaser if it is satisfied that no value has been attributed to the quotas and that no more than fair market value has been paid for the facilities.

32(2) The registered producer and the purchaser must each submit a statutory declaration in a form acceptable to the board confirming the sale and purchase consideration (both direct and indirect), and all agreements between the registered producer and the purchaser (including a detailed listing of all assets included in such sale) must be included with the statutory declaration.

32(3) The purchaser must each provide the board with a written undertaking, in a form satisfactory to the board, stating that the purchaser will not apply

(a) for a retirement payment under the Retirement and Basic Allotment Reallocation System;

(b) for the approval of a change in the beneficial ownership of the registered producer pursuant to Part VIII;

(c) for the approval of an association of the registered producer with another registered producer pursuant to Part IX;

(d) for the reallocation of the quotas allotted to the registered producer pursuant to Part X; or

(e) to relocate the facilities of the registered producer under section 46;

for a minimum of five years following the reallocation unless the party has first received the approval of the board.

8 Section 33 is replaced with the following:

Sale of moveable buildings and equipment

33(1) When a registered producer is selling a building used in raising or keeping laying hens, the board may reallocate the quotas associated with the building (and any equipment included in the sale) to the purchaser of the building if the board is satisfied that

(a) the building can be moved to a new foundation on the purchaser's property;

(b) the building and any equipment included in the sale are capable of being used for at least five years after being relocated and installed on the new foundation;

(c) the consideration for the building and any equipment included in the sale does not exceed their fair market value; and

(d) written consent is provided by all creditors of the registered producer who have been granted security with respect to the building (and any equipment included in the sale).

33(2) To be eligible for a reallocation under subsection (1), the registered producer and the purchaser must each provide the board with a statutory declaration that includes

(a) a statement of all consideration, both direct and indirect, in relation to the sale of the building and, if applicable, the equipment;

(b) confirmation that the purchaser is capable of complying with the requirements of clauses (1)(a) and (b);

(c) copies of all agreements between the registered producer and purchaser in relation to the sale; and

(d) a detailed list of all assets included in the sale.

33(3) The board must not reallocate quotas under subsection (1) before receiving a written undertaking from the purchaser stating that

(a) the purchaser will use the building and any equipment included in the sale for at least five years after being relocated and installed; and

(b) the purchaser will not apply for any of the following within five years of the board reallocating the quota without leave of the board:

(i) for a retirement payment under the Retirement and Basic Allotment Reallocation System;

(ii) for the approval of a change in the beneficial ownership of the registered producer pursuant to Part VIII;

(iii) for the approval of an association of the registered producer with another registered producer pursuant to Part IX;

(iv) for the reallocation of the quotas allotted to the registered producer pursuant to Part X;

(v) to relocate the facilities of the registered producer under section 46.

33(4) A statutory declaration under subsection (2) or a written undertaking under subsection (3) must be in a form acceptable to the board.

9 Sections 36, 37 and 38 are amended by replacing the part after clause (b) with the following:

subject to any policies or directives of the board.

10(1) Subsection 39(4) is replaced with the following:

39(4) The applicant and the recipient must each provide the board with a statutory declaration in an acceptable form setting out the information required by the board.

10(2) Subsection 39(5) is amended

(a) by replacing the part before clause (a) with the following:

39(5) The applicant and the recipient must each submit a written undertaking to the board, in a form satisfactory to the board, stating that they will not apply

(b) in the part after clause (e), by striking out everything after "unless" and substituting "they first receive the approval of the board."

11 The following is added after section 40:

Board may refuse reallocation

40.1 Without limiting the powers of the board under this Part, the board may refuse to reallocate quota under this Part if it determines that

- (a) any aspect of a proposed transfer contravenes this order;
- (b) any statutory declaration, certificate, or other information or document provided to the board in relation to the proposed transfer is false or misleading;
- (c) a party to the proposed transfer has contravened a regulation, order or directive of the board;
- (d) any undertaking required of a party to the proposed transfer has not been adhered to;
- (e) a party to the proposed transfer has not complied with any terms or conditions required by the board in relation to the transfer;
- (f) a refusal is in the interests of Manitoba producers, consumers, or the broiler breeder laying hen industry.

False or misleading information

40.2 If the board determines that any statutory declaration, certificate, document or other information provided to it under this Part is false or misleading, the board may cancel or reduce the quotas in question, whether or not the quotas were reallocated.

12 Section 49 is amended, in the part after clause (c), by striking out "Manitoba Council" and substituting "board".

13 Section 50 is amended by striking out "with respect to a transfer or change of the nature outlined in section 27, or".

14 Subsection 7(1) of the Schedule is replaced with the following:

Retirement and quota reallocation program procedures

7(1) Designated Staff may operate a Retirement and Quota Reallocation Program for each category on such regular business day, as may be determined by Designated Staff, in consultation with the offeror, provided that said regular business day is not less than 30 days or more than 60 days following the date on which notification is given by the board to registered producers of such program.

March 11, 2021
11 mars 2021

Manitoba Chicken Producers:

Jake Wiebe, Chair

Wayne Hiltz, Executive Director

APPROVED

April 16, 2021
16 avril 2021

Manitoba Farm Products Marketing Council:

Ed Helwer, Chair

Ingrid Peters-Fransen, Secretary