As of 2017-03-30, this is the most current version available. It is current for the period set out in the footer below.

Last amendment included: M.R. 63/95.

Le texte figurant ci-dessous constitue la codification la plus récente en date du 2017-03-30. Son contenu était à jour pendant la période indiquée en bas de page.

Dernière modification intégrée : R.M. 63/95.

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

Canadian Dairy Commission Levies Regulation for Manitoba*

Regulation 147/94
Registered July 18, 1994

PART I

APPLICATION

1 This Levies Regulation applies to the marketing of milk and cream produced in Manitoba and marketed in intraprovincial trade.

PART II

DEFINITION AND INTERPRETATION

Definitions
2 In this regulation,

"**base monthly allotted butterfat**" of a registered producer for a calendar month means a quantity of butterfat, expressed in kilograms, determined by multiplying 98% of the Daily T.A.P. allotted to that producer by the Board by the deemed number of production days of that producer for that calendar month;

* This regulation is made under the *Canadian Dairy Commission Delegation Regulation*, Manitoba Regulation 133/90, and is Regulation No. 1, 1994 of the Commission.

"**base monthly allotted SNF**" of a registered producer for a calendar month means a quantity of solids non-fat, expressed in kilograms, determined by dividing the base monthly allotted butterfat of that producer for that calendar month by the butterfat test of that producer for that calendar month, and multiplying the result by the SNF test of that producer for that month;

"**Board**" means the Manitoba Milk Producers;

"**butterfat test**" of a producer for deliveries of milk to the Board during a month means the average butterfat content of the milk delivered by that producer to the Board, expressed as a weight per volume factor, determined conclusively by random tests conducted by MFC Testing and Research Inc. on milk delivered by that producer to the Board during that month, as reported to the Board by MFC Testing and Research Inc.;

"**Commission**" means the Canadian Dairy Commission;

"**cream quota**" means a quota allocated pursuant to the *Cream Marketing Quota Order*;

"**Daily T.A.P.**" means a quota allocated pursuant to the *Milk Marketing Quota Order*;

"**deemed number of production days**" of a producer for a calendar month means a number assigned to that producer for that calendar month by the Board representing the number of days of milk production deemed by the Board to have been marketed by that producer during that calendar month;

"**licenced cream producer**" means a producer licenced under the *Cream Marketing Plan Regulation*;

"**monthly sleeve butterfat**" of a registered producer for a calendar month means a quantity of butterfat, expressed in kilograms, equal to the difference between the total monthly allotted butterfat and the base monthly allotted butterfat of that producer for that calendar month;

"**monthly sleeve SNF**" of a registered producer for a calendar month means a quantity of solids non-fat, expressed in kilograms, equal to the difference between the total monthly allotted SNF and the base monthly allotted SNF of that producer for that calendar month;

"**registered producer**" means a producer registered under the *Manitoba Milk Producers' Marketing Plan Regulation*;

"**SNF test**" of a producer for deliveries of milk to the Board during a month means the average solids non-fat content of the milk delivered by that producer to the Board, expressed as a weight per volume factor, determined conclusively by random tests conducted by MFC Testing and Research Inc. on milk delivered by that producer to the Board during that calendar month, as reported to the Board by MFC Testing and Research Inc.;

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"**solids non-fat**" means the protein, lactose, and mineral content found in milk;

"**total monthly allotted butterfat**" of a registered producer for a calendar month means a quantity of butterfat, expressed in kilograms, determined by multiplying the Daily T.A.P. allotted to that producer by the Board by the deemed number of production days of that producer for that calendar month;

"**total monthly allotted SNF**" of a registered producer for a calendar month means a quantity of solids non-fat, expressed in kilograms determined by dividing the total monthly allotted butterfat of that producer for that calendar month by the butterfat test of that producer for that calendar month, and multiplying the result by the SNF test of that producer for that month.

Determination of butterfat marketed (milk)

3(1) For the purpose of this regulation the quantity of butterfat marketed by a producer in the form of milk in any calendar month shall be conclusively determined based on

(a) the total volume of milk marketed by that producer during that month, as calculated by the Board; and

(b) the average butterfat content of such milk, as determined conclusively by random tests conducted by MFC Testing and Research Inc. on such milk during that month, as reported to the Board by MFC Testing and Research Inc.

Determination of butterfat marketed (cream)

3(2) For the purpose of this regulation the quantity of butterfat marketed in the form of cream shall be determined using the Babcock method for determining butterfat.

Determination of solids non-fat marketed

4 For the purpose of this regulation the quantity of solids non-fat marketed by a producer in the form of milk in any calendar month shall be conclusively determined based on

(a) the total volume of milk marketed by that producer during that month, as calculated by the Board; and

(b) the average solids non-fat content of such milk, as determined conclusively by random tests conducted by MFC Testing and Research Inc. on such milk during that month, as reported to the Board by MFC Testing and Research Inc.

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PART III

BUTTERFAT MARKETING (MILK)

Levy on base monthly allotted butterfat

5 A levy is imposed on each registered producer of $0.21 per kilogram of butterfat marketed by that producer in the form of milk in any calendar month within the base monthly allotted butterfat of that producer for that calendar month.

M.R. 63/95

Additional levy on monthly sleeve butterfat

6 An additional levy is imposed on each registered producer of $4.60 per kilogram of butterfat marketed by that producer in the form of milk in any calendar month in excess of the base monthly allotted butterfat of that producer for that calendar month, but within the monthly sleeve butterfat of that producer for that calendar month.

M.R. 63/95

Over-allocation penalty re marketing in excess of the total monthly allotted butterfat

7 A penalty is imposed on each registered producer of $6.00 per kilogram of butterfat marketed by that producer in the form of milk in any calendar month in excess of the total monthly allotted butterfat of that producer for that calendar month.

M.R. 63/95

Credit of monthly sleeve butterfat additional levies

8 In the event the quantity of butterfat marketed by a registered producer in the form of milk in a calendar month is less than the base monthly allotted butterfat of that producer for that calendar month (such difference being referred to as the "current base monthly allotted butterfat undermarketings"), the Commission may credit any additional levies imposed and paid by that producer pursuant to section 6 during the fiscal year of the Board in which such marketings occurred at the rate of $4.39 per kilogram of butterfat marketed in the form of milk on a quantity of butterfat not to exceed the current base monthly allotted butterfat undermarketings.

M.R. 63/95

Credit of over-allocation butterfat marketing penalties

9 In the event the quantity of butterfat marketed by a registered producer in the form of milk in a calendar month is less than the total monthly allotted butterfat of that producer for that calendar month (such difference being referred to as the "current total monthly allotted butterfat undermarketings"), the Commission may credit any penalties imposed and paid by that producer pursuant to section 7 during the fiscal year of the Board in which such marketings occurred at the rate of $1.61 per kilogram of butterfat marketed in the form of milk on a quantity of butterfat not to exceed the current total monthly allotted butterfat undermarketings.

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Waiver of monthly sleeve butterfat additional levies

10 In the event the quantity of butterfat marketed by a registered producer in the form of milk in a calendar month is in excess of the base monthly allotted butterfat of that producer for that calendar month but the total quantity of butterfat marketed by that producer in the form of milk in all completed calendar months of that fiscal year of the Board is less than the aggregate of all base monthly allotted butterfat quantities of that producer in all completed calendar months of that fiscal year of the Board, (such difference being referred to as the "year-to-date base monthly allotted butterfat undermarketings"), the Commission may waive all or a portion of the additional levies imposed on that producer pursuant to section 6 for that calendar month on a quantity of butterfat not to exceed the year-to-date base monthly allotted butterfat undermarketings.

Waiver of over-allocation butterfat marketing penalties

11 In the event the quantity of butterfat marketed by a registered producer in the form of milk in a calendar month is in excess of the total monthly allotted butterfat allotted to that producer for that calendar month, but the total quantity of butterfat marketed by that producer in the form of milk in all completed calendar months of that fiscal year of the Board is less than the aggregate of all total monthly allotted butterfat quantities of that producer for all completed calendar months of that fiscal year of the Board, (such difference being referred to as the "year-to-date total monthly allotted butterfat undermarketings"), the Commission may waive all or a portion of the penalties imposed on that producer pursuant to section 7 of that calendar month on a quantity of butterfat not to exceed the year-to-date total monthly allotted butterfat undermarketings.

PART IV

SNF MARKETINGS (MILK)

Levy on base monthly allotted SNF

12 A levy is imposed on each registered producer of $0.14 per kilogram of solids non-fat marketed by that producer in the form of milk in any calendar month within the base monthly allotted SNF of that producer for that calendar month.

M.R. 63/95

Additional levy on marketings of monthly sleeve SNF

13 An additional levy is imposed on each registered producer of $1.58 per kilogram of solids non-fat marketed by that producer in the form of milk in any calendar month in excess of the base monthly allotted SNF of that producer for that calendar month, but within the monthly sleeve SNF of that producer for that calendar month.

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Over-allocation penalty re marketing in excess of the total monthly allotted SNF

14 A penalty is imposed on each registered producer of $2.00 per kilogram of solids non-fat marketed by that producer in the form of milk in any calendar month in excess of the total monthly allotted SNF of that producer for that calendar month.

M.R. 63/95

Credit of monthly sleeve SNF additional levies

15 In the event the quantity of solids non-fat marketed by a registered producer in the form of milk in a calendar month is less than the base monthly allotted SNF of that producer for that calendar month (such difference being referred to as the "current base monthly allotted SNF undermarketings"), the Commission may credit any additional levies imposed and paid by that producer pursuant to section 13 during the fiscal year of the Board in which such marketings occurred at the rate of $1.44 per kilogram of solids non-fat marketed in the form of milk on quantity of solids non-fat not to exceed the current base monthly allotted SNF undermarketings.

M.R. 63/95

Credit of over-allocation SNF marketing penalties

16 In the event the quantity of solids non-fat marketed by a registered producer in the form of milk in a calendar month is less than the total monthly allotted SNF of that producer for that calendar month (such difference being referred to as the "current total monthly allotted SNF undermarketings"), the Commission may credit any penalties imosed and paid by that producer pursuant to section 14 during the fiscal year of the Board in which such marketings occurred at the rate of $0.56 per kilogram of solids non-fat marketed in the form of milk on a quantity of solids non-fat not to exceed the current total monthly allotted SNF undermarketings.

M.R. 63/95

Waiver of monthly sleeve SNF additional levies

17 In the event the quantity of solids non-fat marketed by a registered producer in the form of milk in a calendar month is in excess of the base monthly allotted SNF of that producer for that calendar month but the total quantity of solids non-fat marketed by that producer in the form of milk in all completed calendar months of that fiscal year of the Board is less than the aggregate of all base monthly allotted SNF quantities of that producer in all completed calendar months of that fiscal year of the Board, (such difference being referred to as the "year-to-date base monthly allotted SNF undermarketings"), the Commission may waive all or a portion of the additional levies imposed on that producer pursuant to section 13 for that calendar month on a quantity of solids non-fat not to exceed the year-to-date base monthly allotted SNF undermarketings.

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Waiver of over-allocation SNF marketing penalties

18 In the event the quantity of solids non-fat marketed by a registered producer in the form of milk in a calendar month is in excess of the total monthly allotted SNF allotted to that producer for that calendar month, but the total quantity of solids non-fat marketed by that producer in the form of milk in all completed calendar months of that fiscal year of the Board is less than the aggregate of all total monthly allotted SNF quantities of that producer for all completed calendar months of that fiscal year of the Board, (such difference being referred to as the "year-to-date total monthly allotted SNF undermarketings"), the Commission may waive all or a portion of the penalties imposed on that producer pursuant to section 14 for that calendar month on a quantity of solids non-fat not to exceed the year-to-date total monthly allotted SNF undermarketings.

PART V

BUTTERFAT MARKETINGS (CREAM)

Penalty imposed re marketing in excess of cream quota

19 A penalty is imposed on each person who markets cream to a processor of $5.03 per kilogram of butterfat marketed in the form of cream in respect of all cream marketed by that person during a dairy year in excess of the cream quota allotted to that person for that dairy year.

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Penalty imposed re marketing to a non-designated processor

20 A penalty is imposed on each person who markets cream to a processor of $10.00 per kilogram of butterfat marketed in the form of cream in respect of all cream marketed by that person to a processor other than to the processing plant of the processor designated by the Board to receive cream from that person.

PART VI

UNAUTHORIZED MARKETINGS

Penalty re marketing without Daily T.A.P.

21 A penalty is imposed on every person who markets milk produced in Manitoba and who has not been allotted a Daily T.A.P. by the Board of $75.00 per hectolitre of milk marketed by that person.

Penalty re marketing without a cream quota

22 A penalty is imposed on every person who markets cream produced in Manitoba and who has not been allotted a cream quota by the Board of $10.00 per litre of cream marketed by that person.

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PART VII

GENERAL

Payment of levies and penalties
23 The levies and penalties imposed under this regulation shall be due and payable to the Commission by the person marketing such milk or cream within 20 days after the end of the calendar month in which such dairy product was marketed.

Collection of levies
24 The Commission hereby appoints the Board as its agent for the purpose of collecting the levies and penalties imposed under this regulation.

Processor to deduct
25 Each processor, before making payments to a person who markets milk or cream to it, shall deduct from the total amount payable to such person for such milk or cream, the levies and penalties imposed by this regulation and shall pay any amounts so deducted to the Board as agent for the Commission not later than the 20th of the calendar month following the calendar month in which the deductions are made.

Non-application
26 This regulation does not apply to milk or cream which is used in any form for the personal consumption of the producer of that milk or cream and any member of that producer's household.

Repeal
27 Manitoba Regulation 197/90 is repealed.

June 23, 1994

CANADIAN DAIRY COMMISSION:

Gilles Prégent
Chairman

Charles Birchard
Secretary

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APPROVED

June 30, 1994

MANITOBA MILK PRODUCERS:

Neil Van Ryssel
Chairman

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Secretary

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