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

**Milk Quality Regulation, amendment\***

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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).**

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\* 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