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

Turkey Penalty Levies Regulation*

Regulation 172/2010
Registered December 13, 2010

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* This regulation is made under the *Manitoba Turkey Producers Marketing Plan Regulation*, Manitoba Regulation 38/2004, and is Regulation No. 3, 2010 of Manitoba Turkey Producers.

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PART 1
GLOBAL PENALTY LEVIES

Levies imposed on marketings in excess of market allotment

1 A levy is imposed on each person to whom this board has allotted a market allotment of \$0.30 per kilogram of turkey marketed by such person during any marketing year in excess of the aggregate of the market allotments allotted to such person for that marketing year.

Non-application re temporary market allotment permits

2 The levies imposed under section 1 are not applicable to turkey marketed by a registered producer pursuant to a temporary market allotment permit.

Levies imposed on non-registered producers

3(1) A levy is imposed on each person who markets turkey and is not registered as a producer with this board of \$10 per turkey marketed by such person.

3(2) The levy imposed under subsection (1) is not applicable for the first 99 turkeys marketed during the calendar year by such person.

PART 2

CATEGORY OVERMARKETING PENALTY LEVIES

Levies imposed on overmarketings re toms

4 In addition to the levy imposed under Part 1, an additional levy is imposed on each registered producer who has been allotted a market allotment for toms and who markets turkeys as toms in excess of 105% of such market allotment in a marketing year (such excess amount referred to in this section as the "excess amount") equal to the excess amount multiplied by the difference between the minimum price per kilogram established by this board for toms and the minimum price per kilogram established by this board for hens on the day that such excess amount is marketed, or \$0.10 per kilogram, whichever shall be greater.

Levies imposed on overmarketings re heavy toms

5 In addition to the levy imposed under Part 1, an additional levy is imposed on each registered producer who has been allotted a market allotment for heavy toms and who markets turkeys as heavy toms in excess of 105% of such market allotment in a marketing year (such excess amount referred to in this section as the "excess amount") equal to the excess amount multiplied by the difference between the minimum price per kilogram established by this board for heavy toms and the minimum price per kilogram established by this board for toms on the day that such excess amount is marketed, or \$0.10 per kilogram, whichever shall be greater.

Levies imposed on overmarketings re broilers

6 In addition to the levy imposed under Part 1, an additional levy is imposed on each registered producer who has been allotted a market allotment for broilers and who markets turkeys as broilers in excess of 105% of such market allotment in a marketing year (such excess amount referred to in this section as the "excess amount") equal to the excess amount multiplied by the difference between the minimum price per kilogram established by this board for broilers and the minimum price per kilogram established by this board for toms on the day that such excess amount is marketed, or \$0.10 per kilogram, whichever shall be greater.

Levies imposed on overmarketings re hens

7 In addition to the levy imposed under Part 1, an additional levy is imposed on each registered producer who has been allotted a market allotment for hens and who markets turkeys as hens in excess of 105% of such market allotment in a marketing year (such excess amount referred to in this section as the "excess amount") equal to the excess amount multiplied by the difference between the minimum price per kilogram established by this board for hens and the minimum price per kilogram established by this board for toms on the day that such excess amount is marketed, or \$0.10 per kilogram, whichever shall be greater.

Waiver of category overmarketing levies

8 In addition to the levy imposed under Part 1, the board may from time to time waive the application of a levy imposed on a registered producer under this Part upon the written request of such producer and the processor which is agreeable to the acquisition of such excess turkey from that producer, in circumstances where the board is satisfied that such excess was the result of matters which could not be reasonably anticipated by or were beyond the control of such producer, provided that such written request is received and approved by the board prior to the marketing of such turkeys.

PART 3

BROILER AVERAGE WEIGHT MARKETING PENALTY LEVIES

Definitions

9 In this Part,

"broiler penalty amount" for a marketing day means an amount per kilogram equal to the difference between the minimum price per kilogram established by this board for broilers and the minimum price per kilogram established by this board for hens on that day, or \$0.10 per kilogram, whichever shall be greater;

"penalty weight" for a registered producer means the total weight of turkeys marketed by a producer as broilers, minus an amount equal to the number of turkeys so marketed multiplied by 6.2 kilograms.

Levies imposed on broiler average weight overage

10 A levy is imposed on each registered producer who markets turkeys as broilers each time that registered producer markets turkeys as broilers, equal to the penalty weight for that registered producer multiplied by the broiler penalty amount for that marketing day.

Waiver of broiler average weight overage levies

11 The board may from time to time waive the application of the levy imposed on a registered producer under this Part upon the written request of such producer and the processor which is agreeable to the acquisition of such turkey as broilers from that producer, provided that such written requests are received and approved by the board prior to the marketing of such turkeys.

PART 4

PRODUCTION PENALTY LEVIES

Levies imposed on registered producers

12(1) A levy is imposed on each registered producer of \$10 per turkey of a category raised or kept by such registered producer at any point in time during a marketing year in excess of the production quota allotted to that producer for that category in that marketing year.

12(2) The board may from time to time waive the application of all or a portion of the levy imposed on a producer under subsection (1) upon written request of such producer provided that such producer did not market turkey of that category during that marketing year in excess of the aggregate of the market allotment for that category allotted to that producer for that marketing year.

Purchaser's obligation to deduct and remit

13(1) Each operator of a poultry processing plant who receives live turkeys from a turkey producer shall deduct from the money payable for the turkeys all levies payable by the producer to this board under this Part and shall forward such levies to this board at its office, 895B Century Street, Winnipeg, MB R3H 0M3 not later than seven days from the last day of the week in which the turkeys were received.

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13(2) The obligations of an operator of a poultry processing plant referred to in subsection (1) are only applicable to turkeys received from a turkey producer after such operator has received a notice provided by the board to such operator indicating that such turkey producer owes levies to the board under this Part and the amount of levies owed by such producer.

Non-application re temporary production permits

14 The levies imposed under section 12 are not applicable to turkey raised or kept by a registered producer pursuant to a temporary production permit.

Levies imposed on non-registered producers

15(1) A levy is imposed on each person who raises or keeps turkey and who is not registered as a producer with this board of \$10 per turkey raised or kept by such person in excess of 99 turkeys raised or kept in a calendar year by such person.

15(2) The levy imposed under subsection (1) does not apply to a person who has provided the board with a satisfactory undertaking that he or she will market fewer than 100 turkeys in a calendar year, provided that such person markets fewer than 100 turkeys in that year.

PART 5

POULT MARKETING PENALTY LEVIES

Levies imposed re poult marketings

16(1) A levy is imposed on each producer who markets turkeys which are less than 10 days old of \$2 per turkey marketed by such person unless the recipient of such turkey has been issued a Poult Placement Permit authorizing that recipient to purchase or to otherwise take delivery of turkey from that person at the time of such marketing.

16(2) The levy imposed under subsection (1) is not applicable to the sale or delivery of turkey to a recipient in any calendar year if fewer than 100 turkeys less than ten (10) days old are marketed to that recipient in that calendar year by the person marketing such turkey.

PART 6

GENERAL

Non-application to poults

17 The levies imposed under Part 1, Part 2, Part 3 and Part 4 are not applicable to the marketing of turkeys less than 10 days old.

Live weight references

18 All references to weight of turkey in this regulation are references to live weight of such turkey (or equivalent).

Special treatment re turkey egg producers

19 Unless the basic allotments of a Turkey Egg Producer for a category of turkey other than turkeys marketed under any Breeder/Mature Program of the board aggregate 60,000 kilograms or greater, the board will treat the turkey raised or kept by a Turkey Egg Producer, or marketed by a Turkey Egg Producer as a single aggregate category for the purpose of this regulation.

Payment of levies

20 The levies imposed under this regulation shall be due and payable to this board at its office, 895B Century Street, Winnipeg, Manitoba, within 15 days following delivery of notice in writing to such person by this board of the amount of the levy calculated by this board to be owing by such person to this board.

Repeal

21 The *Turkey Penalty Levies Regulation*, Manitoba Regulation 97/2003, is repealed.

Coming into force

22 This regulation comes into force on October 1, 2010 or on the date it is registered with the Registrar of Regulations, whichever occurs later.

September 2, 2010

Manitoba Turkey Producers:

Bill Uruski, Chair

Helga Wheddon, General Manager

APPROVED
November 29, 2010

**Manitoba Farm Products
Marketing Council:**

Ken Caldwell, Chair

Debora Durnin-Richards, Secretary