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Le texte figurant ci-dessous constitue la codification la plus récente en date du 13 avril 2026. Son contenu était à jour pendant la période indiquée en bas de page.

Last amendment included: M.R. 114/2023

Dernière modification intégrée : R.M. 114/2023

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

Milk General Order*

Regulation 301/89
Registered December 19, 1989

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* This order is made under The *Manitoba Milk Producers' Marketing Plan Regulation*, Man. Reg. 247/87 R and is Order 3/89 of The Manitoba Milk Producers' Marketing Board.

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PART I
DEFINITIONS

Definitions

1(1) The following definitions apply in this order.

"**acceptable milk**" means milk that is not substandard milk.

"**dairy plant**" means a place where milk is received for the purpose of being processed into a dairy product.

"**over-quota production**" means any butterfat production that is more than a farm's upper flexibility limit of five days of daily quota calculated monthly.

"**plan**" means the *Dairy Farmers of Manitoba Marketing Plan Regulation*, Manitoba Regulation 89/2004.

"**substandard milk**" means substandard milk as defined in the *Milk Quality Regulation*, Manitoba Regulation 135/2017.

1(2) The following terms have the same meaning in this order as they have in the plan:

"board"

"dairy product"

"marketing"

"milk"

"processor"

"quota"

"registered producer"

"regulated product"

"transportation"

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PART I.1
INFORMATION

Books, records and reporting

1.1 Every person engaged in the marketing of the regulated product shall

(a) maintain and keep complete and accurate books and records of all matters relating to such marketing; and

(b) on request of the board, promptly report any information respecting the marketing of regulated product requested by the board, and, if required by the board, report the information on a form approved by the board no later than the seventh day after the request is received.

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Monthly utilization reports

2 Notwithstanding the generality of section 1, every processor shall, in respect of each month;

(a) make and sign a milk utilization report in a form provided by this Board in respect of each dairy plant of the processor correctly indicating:

(i) the receipt and utilization of all milk received by the dairy plant, and

(ii) such other information as this Board may require; and

(b) deliver such milk utilization report to this Board on or before the 10th day of the next following month, or where a statutory holiday falls within that 10 day period, on or before the 11th day of that month.

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Inspection of books and records

3 Every person engaged in the transporting, processing or distributing of the regulated product shall at all times permit any authorized representative of this Board to inspect such books and records in respect to any part of their operations; and shall make available such books and records and shall facilitate such inspection.

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PART II

POOLING

Producers to sell to Board

4 No registered producer shall market milk except to this Board and shall deliver all milk marketed by him to this Board as directed by this Board.

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Processors to buy from Board

5 All milk supplied to a processor shall be sold to the processor by this Board and bought by the processor from this Board on the terms and conditions set down by this Board.

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Processors to limit operations

6 Except with the permission of this Board, no processor shall sell, process, pack or package milk except milk purchased from this Board.

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7 and 8 [Repealed]

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Daily Quota Pool

9(1) Subject to any fees or charges payable to the board, the board shall hold in the Daily Quota Pool all proceeds that it receives in consideration for marketing acceptable milk that complies with the Daily Quota Policy.

9(2) At the end of each month the board shall distribute the proceeds held in the Daily Quota Pool to the registered producers relative to the quantity of milk delivered by each registered producer in that month but subject to

(a) any adjustments, disbursements or expenses incurred by the board during that month in marketing milk or administering the Daily Quota Pool; and

(b) any contributions by the board to the reserve of the Daily Quota Pool that are approved by the Manitoba council.

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Over-quota production

10 A registered producer who delivers over-quota production milk to the board is not entitled to payment for the milk and is subject to a penalty of \$10.00 per kg of over-quota production in addition to any other fees or deductions of the board that apply.

M.R. 114/2023

11 to 14 [Repealed]

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PART III

TRANSPORTATION

Transportation by producers regulated

15 The provisions of this Part include the transportation of milk by the producer of such milk from the bulk milk tank of such producer.

Transportation agreements required

16 No person shall transport raw milk in bulk carriers unless he has entered into a valid written agreement with this Board providing for the transportation of milk as the agent of this Board.

Milk collection manifests required

17 Every person transporting milk shall at all times carry and keep with the vehicle carrying such milk copies of all milk collection manifests for the milk so transported by him.

Receipt of milk by processors

18 Every processor shall:

- (a) accept delivery of milk as negotiated with the board;
- (a.1) provide space and facilities for the unloading of milk from a milk tank truck, and approved facilities for the washing of milk tank trucks;
- (b) unload the milk from a milk tank truck,
 - (i) within two hours of the time of arrival at the dairy plant where the arrival is at a time agreed upon by this Board and processor, or
 - (ii) within such additional time as may be required where an emergency exists at the dairy plant by reason of a processing breakdown;
- (c) sign a milk collection manifest in the form provided by this Board, and made and signed by operator of the milk tank truck;
- (d) receive from the operator of the milk tank truck a copy of the milk collection manifest made and signed by the operator.
- (e) test the milk for inhibitory substances using tests and testing methods required by the board and promptly provide the confirmed positive results of those tests to the board.

M.R. 114/2023

PART IV
GENERAL

19 [Repealed]

M.R. 160/92

Repeal

20 Manitoba Regulations 246/74, 34/77, 137/81 and 233/81 are repealed.

November 30, 1989

The Manitoba Milk Producers' Marketing Board:

Louis Balcaen, Chairman
R.L. Seekings, Secretary