REPEALED

Repealed by M.R. 5/2014.
Date of repeal: 6 Jan. 2014

This version was current for the period set out in the footer below.

The regulation was last amended by: M.R. 193/94

ABROGÉ

Abrogé par R.M. 5/2014.
Date d'abrogation : 6 janv. 2014

La présente version était à jour pendant la période indiquée en bas de page.

Dernière modification intégrée : R.M. 193/94

Regulation 149/94
Registered July 18, 1994

PART I

DEFINITIONS AND INTERPRETATION

"Cream quota" defined

1 In this regulation, "**cream quota**" means a quota allotted pursuant to the *Cream Marketing Quota Order*.

Determination of butterfat marketed (cream)

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.

PART II

LEVY ON MARKETINGS

Levy imposed re marketings

3 A levy is imposed on each person who markets cream to a processor of $.085 per kilogram of butterfat marketed in the form of cream in respect of all such cream marketed by that person to a processor.

* This regulation is made under the *Cream Marketing Plan Regulation*, Manitoba Regulation 134/90 and is Regulation No. 1, 1994 of Manitoba Milk Producers.

All persons making use of this consolidation are reminded that it has no legislative sanction. Amendments have been inserted into the base regulation for convenience of reference only. The original regulation should be consulted for purposes of interpreting and applying the law. Only amending regulations which have come into force are consolidated. This regulation consolidates the following amendments: 193/94.

PART III

PENALTY ON MARKETINGS

Penalty imposed re marketing in excess of cream quota

4 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 allocated to that person for that dairy year.

M.R. 193/94

Penalty imposed re marketing to non-designated processing plant

5 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 other than to the processing plant of the processor designated by the Board to receive cream from that person.

Penalty re other unauthorized marketing by a licenced cream producer

6 A penalty is imposed on each licenced cream producer who markets cream other than to a processor of $10.00 per litre of cream so marketed by that licenced cream producer.

Penalty re marketing without a cream quota

7 A penalty is imposed on each person who markets cream and who has not been allotted a cream quota of $10.00 per litre of cream marketed by that person.

PART IV

REDUCTION OF PENALTIES

Reduction of penalties

8 If a person markets cream and pays penalties to the Canadian Dairy Commission under the *Canadian Dairy Commission Levies Regulation* for Manitoba with respect to such marketings, and does not receive a subsequent credit with respect to such penalties, the penalties imposed on the same marketings under sections 4, 5, or 7 of this regulation may be reduced by an amount equal to the penalties so paid to the Canadian Dairy Commission on such marketings.

PART V

GENERAL

Due date for penalties and levies
9 The levies and penalties imposed by this regulation shall be due and payable to this Board at the time and place of marketing of the cream.

Calculation and recording of marketings
10 Each processor shall maintain a record with respect to all cream received by that processor at each processing plant from each person who markets cream to such processor, and shall calculate, determine and record the butterfat content, the grade, the type, and the volume of cream in each container of cream received from each such person using the Babcock method for determining butterfat.

Calculation of levies and penalties
11 Each processor shall calculate the levies and penalties imposed under this regulation on each person who markets cream to such processor basis information received in writing from the Board or otherwise known by the processor as to

(a) the persons designated to market cream to such processor at each processing plant;

(b) the cream quota allotted to such person by the Board; and

(c) the cumulative marketings of cream by such person during that dairy year.

Collection of levies and penalties
12 Each processor, before making payment to a person who markets cream to it, shall deduct from the total amount payable to such person the levies and penalties imposed by this regulation and shall pay any amounts so deducted to this Board not later than the 15th of the month following the month in which the deductions are made.

Extract from plan

13 This regulation is subject to the provisions of section 15 of the Plan.

Repeal

14 Manitoba Regulation 173/90 is repealed.

June 30, 1994

MANITOBA MILK PRODUCERS:

Neil Van Ryssel
Chairman

W.J.S. Wade
Secretary

APPROVED

July 11, 1994

THE MANITOBA NATURAL PRODUCTSMARKETING COUNCIL:

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Secretary

The Queen's Printer
for the Province of Manitoba