REPEALED

Repealed by M.R. 229/2004.
Date of repeal: 1 Jan. 2005

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

ABROGÉ

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

Milk Quality Penalties Regulation*

Regulation 220/98
Registered December 21, 1998

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Definitions

1 In this regulation,

"**board**" means Manitoba Milk Producers;

"**latest 6-month period**" when used in reference to a contravention, means the 6-month period beginning on the first day of the month 5 months before the month in which the contravention occurred and ending on the last day of the month in which the contravention occurred;

"**latest 12-month period**" when used in reference to a contravention, means the 12-month period beginning on the first day of the month 11 months before the month in which the contravention occurred and ending on the last day of the month in which the contravention occurred;

* This regulation is made under the *Manitoba Milk Producers' Marketing Plan Regulation*, Manitoba Regulation 247/87R, and is Regulation No. 2, 1998 of Manitoba Milk Producers.
"**tested**" means tested by the Animal Industry Branch of Manitoba Agriculture or by MFC Testing and Research Inc.

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: 14/2002; 91/2004.

Penalty re bacteria

2(1) In this section, "**contravention**" means,

(a) for marketing that takes place before August 1, 1999, the marketing of milk that is tested and found to have a bacteria count of 75,000 or more per millilitre;

(b) for marketing that takes place on or after August 1, 1999, the marketing of milk that is tested and found to have a bacteria count of 50,000 or more per millilitre.

2(2) A producer who commits a contravention under this section is to receive a warning from the board for the first two contraventions in the latest 6-month period.

2(3) Subject to subsection 7(2), a producer who commits more than two contraventions in the latest 6-month period shall pay a penalty with respect to all milk marketed by the producer in the month in which the contravention occurs of

(a) $1.00 per hectolitre if the contravention is the producer's third contravention in the latest 6-month period;

(b) $3.00 per hectolitre if the contravention is the producer's fourth contravention in the latest 6-month period;

(c) $5.00 per hectolitre if the contravention is the producer's fifth contravention in the latest 6-month period; and

(d) $7.00 per hectolitre if the contravention is the producer's sixth contravention in the latest 6-month period.

2(4) Subject to subsection 7(2), where a producer is liable to pay a penalty under clause (3)(d), milk pickups from that producer shall, unless the board is satisfied that adequate measures are being taken to avoid any further contraventions, be suspended until two consecutive milk samples taken at least six days apart are tested and found to have a bacteria count which would not constitute a contravention.

Penalty re adulteration

3(1) In this section, "**contravention**" means the marketing of milk that is tested and found to have a freezing point of –0.507° C or higher.

3(2) A producer who commits a contravention under this section is to receive a warning from the board for the first two contraventions in the latest 6-month period.

3(3) Subject to subsection 7(2), a producer who commits more than two contraventions in the latest 6-month period shall pay a penalty with respect to all milk marketed by the producer in the month in which the contravention occurs of

(a) $1.00 per hectolitre if the contravention is the producer's third contravention in the latest 6-month period;

(b) $3.00 per hectolitre if the contravention is the producer's fourth contravention in the latest 6-month period;

(c) $5.00 per hectolitre if the contravention is the producer's fifth contravention in the latest 6-month period; and

(d) $7.00 per hectolitre if the contravention is the producer's sixth contravention in the latest 6-month period.

3(4) Subject to subsection 7(2), where a producer is liable to pay a penalty under clause (3)(d), milk pickups from that producer shall, unless the board is satisfied that adequate measures are being taken to avoid any further contraventions, be suspended until two consecutive milk samples taken at least six days apart are tested and found to have a freezing point of less than –0.507° C .

4 Repealed.

M.R. 14/2002

Penalty re premises

5(1) In this section, "**contravention**" means the marketing of milk that has been

(a) produced in premises that do not comply with *The Dairy Act* or regulations made under it; or

(b) handled with equipment that does not comply with *The Dairy Act* or regulations made under it.

5(2) Repealed.

M.R. 91/2004

5(3) Subject to subsection 7(2), a producer who commits a contravention in the latest 6-month period shall pay a penalty with respect to all milk marketed by the producer in the month in which the contravention occurs of

(a) $1.00 per hectolitre if the contravention is the producer's first contravention in the latest 6-month period;

(b) $3.00 per hectolitre if the contravention is the producer's second contravention in the latest 6-month period;

(c) $5.00 per hectolitre if the contravention is the producer's third contravention in the latest 6-month period; and

(d) $7.00 per hectolitre if the contravention is the producer's fourth contravention in the latest 6-month period.

M.R. 91/2004

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Current from 10 Sept. 2026 at 7:48 pm CDT to 1 Jan. 2005
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À jour du 10 sept. 2026 à 19 h 48 au 1er janv. 2005

5(4) Subject to subsection 7(2), where a producer is liable to pay a penalty under clause (3)(d), milk pickups from that producer shall be suspended until the producer's premises or equipment are inspected by a dairy inspector appointed under *The Dairy Act* and found to comply with *The Dairy Act* and regulations made under it.

M.R. 91/2004

Penalty re somatic cell count

6(1) In this section "**contravention**" means the marketing of milk that is tested and found to have a somatic cell count of 500,000 or more per millilitre.

6(2) A producer who commits a contravention under this section is to receive a warning from the board for the first two contraventions in the latest 6-month period.

6(3) Subject to subsection 7(2), a producer who commits more than two contraventions in the latest 6-month period shall pay a penalty with respect to all milk marketed by the producer in the month in which the contravention occurs of

(a) $1.00 per hectolitre if the contravention is the producer's third contravention in the latest 6-month period;

(b) $3.00 per hectolitre if the contravention is the producer's fourth contravention in the latest 6-month period;

(c) $5.00 per hectolitre if the contravention is the producer's fifth contravention in the latest 6-month period; and

(d) $7.00 per hectolitre if the contravention is the producer's sixth contravention in the latest 6-month period.

6(4) Subject to subsection 7(2), where a producer is liable to pay a penalty under clause (3)(d), milk pickups from that producer shall, unless the board is satisfied that adequate measures are being taken to avoid any further contraventions, be suspended until two consecutive milk samples taken at least six days apart are tested and found to have a somatic cell count of less than 500,000 per millilitre

Highest penalty only payable

7(1) Subject to subsection 7(2), where a producer in a month commits more than one contravention under a section of this regulation, the producer shall pay only one penalty for the month under that section based on the last contravention in the month.

7(2) Except with respect to penalties under section 4, the board may waive or reduce a penalty under this regulation if it is satisfied that it is appropriate to do so, considering any factors the board reasonably considers relevant including the following:

(a) public interest in a good quality milk supply;

(b) reasonable requirements of manufacturers and processors;

(c) effects of the contravention on other milk producers;

(d) any special circumstances of the contravention or the producer; and

(e) any measures taken or promised by the producer to prevent further contraventions.

Notification

8 Where a producer is liable to pay a penalty under this regulation, the board shall notify the producer in writing of the penalty, stating the amount of the penalty and how it was calculated.

Due date for penalties

9 A penalty under this regulation is due and payable by the producer to the board on receipt by the producer of a notice under section 8, and the amount of the penalty shall be deducted and retained from money that the board receives from the sale of milk marketed by the producer.

Repeal

10 The *Milk Quality Penalty Levies Regulation*, Manitoba Regulation 211/96, is repealed.

November 19, 1998

MANITOBA MILK PRODUCERS:

William Swan
Vice-Chairman

W.J.S. Wade
Secretary

APPROVED

December 15, 1998

THE MANITOBA NATURAL
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G. H. MacKenzie
Secretary

The Queen's Printer
for the Province of Manitoba