REPEALED

Repealed by S.M. 2022, c. 7, s. 9.
Date of repeal: 20 Apr. 2022

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

It was the first version.

ABROGÉ

Abrogé par L.M. 2022, c. 7, s. 9.
Date d'abrogation : 20 avril 2022

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

Il s'agit de la première version.

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

Potato Small Grower Exemption Order*

Regulation 54/2011
Registered May 10, 2011

TABLE OF CONTENTS

Section

1 Definitions
2 Purpose
3 Exempt activities
4 Limitation on producing and marketing
5 Partnerships and shared arrangements
6 Compliance with federal and provincial legislation
7 Coming into force

Definitions

1 In this Order,

"**a person related to a registered producer**" includes a shareholder, director or officer of a registered producer, a person who has a legal or beneficial interest in a registered producer, and the spouse or dependent child of a registered producer or of such other person;

"**eligible small potato producer**" means a person who is not a registered producer or a person related to a registered producer under the *Manitoba Vegetable Producers Marketing Plan Regulation*, Manitoba Regulation 117/2009, and is not a registered producer under the *Manitoba Processing Potato Marketing Plan Regulation*, Manitoba Regulation 206/2006;

"**farmers' market**" means a facility operated by a member of the Farmers' Markets Association of Manitoba Co-op Inc.;

* This Order is made under the *Manitoba Vegetable Producers Marketing Plan Regulation*, Manitoba Regulation 117/2009, and is Order No. 3, 2011 of Peak of the Market.

"**federal and provincial legislation**" includes *The Plant Pests and Diseases Act* and regulations made pursuant to that Act, the *Pest Control Products Act* (Canada) and regulations made pursuant to such Act, as well as all other applicable federal and provincial food safety, grading, classification, packaging and labelling regulations, programs and protocols;

"**local stand-alone grocery store**" means a retail outlet catering to the public

(a) which includes fresh, whole vegetables in the items it offers for sale,

(b) the majority of the legal and beneficial owners and all of the operators of which are all residents of Manitoba,

(c) which is not part of any buying group or advertising group, and

(d) which does not include in its signage or advertising a name or logo similar to that used by any other grocery store in Manitoba;

"**prepared food service facility**" means a facility catering to the public where food is prepared and cooked on premises and sold to the public in hot form for consumption in such facility or for take away consumption by customers;

"**roadside vendor**" means a facility located outside of the boundaries of a city, town or village, or located on the same land on which the potatoes offered for sale in such facility were grown.

Purpose

2 The purpose of this Order is to provide certain exemptions for the production and marketing of potatoes by an eligible small potato producer from the supply managed system for the production and marketing of potatoes conducted by the Board.

Exempt activities

3 Subject to the terms of this Order, an eligible small potato producer is exempt from the following:

(a) *Potato and Root Crop Producer Registration Order*, Manitoba Regulation 92/2010;

(b) *Potato General Order*, Manitoba Regulation 123/2000, except the provisions of section 12;

(c) *Potato Quota Order*, Manitoba Regulation 13/95;

(d) *Potato Promotion and Research Levies Regulation*, Manitoba Regulation 111/2010;

with respect to any potatoes produced and marketed by such person in accordance with the terms of this Order.

Limitation on producing and marketing

4 The exemptions provided for in section 3 of this Order are subject to the following conditions:

(a) that the eligible small potato producer does not produce or attempt to produce potatoes on more than a total of five acres of land in any calendar year;

(b) that such potatoes are produced, harvested, and marketed by the eligible small potato producer using land, equipment and facilities solely owned or leased or rented solely to, and solely operated by the eligible small potato producer;

(c) that such potatoes are marketed in fresh, whole form by the eligible small potato producer:

(i) at a roadside vendor or at a stall in a farmers' market operated by the eligible small potato producer,

(ii) to an operator of a roadside vendor or a stall in a farmers' market for resale by such operator at such roadside vendor or at such stall in a farmers' market in fresh, whole form,

(iii) to a prepared food service facility operator for use by that operator in preparing cooked food products to be sold immediately following such cooking in hot form in that operator's prepared food service facility to customers of that operator for consumption by such customers, or

(iv) to a local stand-alone grocery store operator to be sold by that operator at that operator's local stand-alone grocery store in fresh, whole form.

Partnerships and shared arrangements

5(1) For the purpose of this Exemption Order, if two or more persons produce or market potatoes together

(a) the potatoes produced or marketed by one of them are deemed to be produced or marketed by the other person or persons; and

(b) such persons shall be treated as a single person for the purpose of determining whether or not a person produces or attempts to produce potatoes on more than a total of five acres of land, or whether a person is a registered producer.

5(2) Subsection (1) applies where persons produce or market potatoes:

(a) in partnership;

(b) in circumstances in which they share facilities, equipment, labour or services provided directly or indirectly by any or all of them or by the same corporation, firm or individual, whether the sharing is familial, communal or otherwise; or

(c) in circumstances where one or more of the persons has an interest in an employment arrangement, a management arrangement or a loan or a guarantee involving one or more of the other persons, other than the lending of money to a person in the ordinary course of business by a bank, credit union, trust company, Farm Credit Canada, the Manitoba Agricultural Services Corporation or any other commercial lender approved by the Board.

Compliance with federal and provincial legislation

6 Nothing in this Order relieves a person from complying with federal and provincial legislation with respect to their potato production and marketing activities.

Coming into force

7 This Order comes into force on the 19th day of January, 2011 or on the date it is registered with the Registrar of Regulations, whichever date shall be later.

January 19, 2011

Peak of the Market:

Keith Kuhl
Chair

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APPROVED

April 28, 2011

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