REPEALED

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Turkey Penalty Levies Regulation*

Regulation 97/2003
Registered June 19, 2003

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*This regulation is made under the *Manitoba Turkey Producers' Marketing Plan Regulation*, Manitoba Regulation 248/87 R, and is Regulation No. 2, 2003 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.

Levies imposed on marketings in excess of temporary quota permit
2 A levy is imposed on each person to whom this Board has issued a temporary quota permit for a category of $0.30 per kilogram of turkey of that category marketed by such person during the period specified in such temporary quota permit in excess of the amount of turkey of the category specified in such temporary quota permit.

Levies imposed on unregistered producers
3(1) A levy is imposed on each person who is not registered as a producer by this Board and who markets turkey of $10.00 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 a producer provided such turkeys have been raised by that person and are delivered by that person during that calendar year directly to an individual for consumption by that individual and that individual's immediate family or any one of them.

PART 2

CATEGORY OVERMARKETING PENALTY LEVIES

Levies imposed on overmarketings re toms
4 A 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 A 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 A 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 A 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 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 turkey from that producer, provided that such written requests are 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; and

"**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
POULT MARKETING PENALTY LEVIES

Non-application to poults

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

Levies imposed re unauthorized poult marketings

13(1) A levy is imposed on each producer who markets turkeys which are less than 10 days old of $2.00 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.

13(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 5
GENERAL

Live weight references

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

Payment of levies

15 The levies imposed under this regulation shall be due and payable to this Board at its office, Unit 206, 1460 Chevrier Blvd., 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

16 The *Turkey Penalty Levies Regulation*, Manitoba Regulation 133/2002, is repealed.

Coming into force

17 This regulation comes into force on May 1, 2003 or on the date it is registered with the Registrar of Regulations, whichever occurs later.

April 1, 2003

MANITOBA TURKEY PRODUCERS:

Emmy Byle
Chairman

Sheila Perry
Secretary

APPROVED
June 17, 2003

MANITOBA FARM PRODUCTS MARKETING COUNCIL:

Rhéal Cenerini
Chair
Gordon H. MacKenzie
Secretary

The Queen's Printer
for the Province of Manitoba