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c 77 Commodity Boards and Marketing Agencies Act

Ontario

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CHAPTER 77

Commodity Boards and Marketing Agencies Act

1. In this Act,

Interpre-
tation

- (a) "commodity board" means a local board under the *Farm Products Marketing Act* or a marketing board under the *Milk Act*; R.S.O. 1980,
cc. 158, 266
- (b) "marketing agency" means a marketing agency of Canada that is authorized to exercise powers of regulation in relation to the marketing of a regulated product in interprovincial or export trade and that has been granted authority to regulate the marketing of the regulated product locally within Ontario;
- (c) "regulated product" means a natural product of agriculture that is regulated by a commodity board or a marketing agency. 1978, c. 30, s. 1.

2.—(1) The Lieutenant Governor in Council may, by regulation, grant to any commodity board or marketing agency in relation to the marketing of any regulated product locally within Ontario, authority to fix, impose and collect levies or charges from persons engaged in the production or marketing of the whole or any part of the regulated product and for such purpose to classify such persons into groups and fix the levies or charges payable by the members of the different groups in different amounts, and to use such levies or charges for the purposes of such commodity board or marketing agency, including the creation of reserves, the payment of expenses and losses resulting from the sale or disposal of any such regulated product, and the equalization or adjustment among producers of any regulated product of moneys realized from the sale thereof during such period or periods of time as the commodity board or marketing agency may determine. Lieutenant
Governor
in Council
may grant
authority
re levies
or charges

(2) The Lieutenant Governor in Council may in a regulation made under subsection (1) require any person who receives a regulated product to deduct from the moneys payable for the regulated product any levies or charges payable to a commodity board or marketing agency by the Regulation
may require
deduction
of levies
or charges

person from whom he receives the regulated product and to forward such levies or charges to the commodity board or marketing agency or its agent designated for that purpose.

Authority of commodity board or marketing agency to make regulations, etc.

(3) Where the Lieutenant Governor in Council authorizes a commodity board or marketing agency to exercise any of the powers mentioned in subsection (1), the commodity board or marketing agency, in the exercise of such powers, may make regulations or orders or issue directions.

Authority may be revoked

(4) The Lieutenant Governor in Council may, by regulation, revoke any authority granted under subsection (1). 1978, c. 30, s. 2.

Regulations

3. The Lieutenant Governor in Council may make regulations prescribing the terms and conditions governing the granting and revocation of authority under section 2 and generally may make regulations in respect of any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1978, c. 30, s. 3.

Offence

4.—(1) Every person who fails to comply with or contravenes any of the provisions of any regulation or order made or any direction issued under this Act is guilty of an offence and on conviction is liable for a first offence to a fine of not more than \$500 and for a subsequent offence to a fine of not more than \$5,000.

Onus

(2) In any prosecution or action under this Act, the act or omission complained of, in respect of which the prosecution or action was instituted shall, unless the accused or defendant proves the contrary, be deemed to relate to the marketing of a regulated product locally within Ontario. 1978, c. 30, s. 4.

Levies or charges deemed validly imposed or collected or may be collected
R.S.C. 1970, c. A-7
1970-71-72, c. 65 (Can.)

5. All levies or charges heretofore imposed or collected by,

- (a) a commodity board, the Canadian Turkey Marketing Agency or the Canadian Egg Marketing Agency pursuant to or purporting to be pursuant to the *Agricultural Products Marketing Act* (Canada) or the *Farm Products Marketing Agencies Act* (Canada); or
- (b) after the 19th day of January, 1978, a commodity board, the Canadian Turkey Marketing Agency or the Canadian Egg Marketing Agency,

in respect of regulated products marketed locally within Ontario shall be deemed to have been imposed or collected pursuant to a regulation made under this Act and such

levies or charges are hereby declared to have been validly imposed or collected and, where they were imposed but not collected, may be collected as if they had been imposed under this Act. 1978, c. 30, s. 5.

