Farm Products Grades and Sales Amendment Act, 1984

Ontario
CHAPTER 40

An Act to amend the
Farm Products Grades and Sales Act
Assented to June 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses 2 (1) (k), (p) and (u) of the Farm Products Grades and Sales Act, being chapter 157 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

(k) providing for the exemption from this Act and the regulations, or any part thereof, of any person or class of persons or any farm product or class, variety, grade or size of farm product;

(p) prescribing grounds for refusal to issue or renew, suspension or revocation of licences in addition to the grounds mentioned in section 10, 11, 12 or 13, as the case may be;

(pa) requiring the furnishing of security or proof of financial responsibility by dealers or any class thereof and providing for the administration, forfeiture and disposition of any moneys or securities so furnished;

(pb) prescribing the manner in which, and the conditions under which, a dealer or any class thereof shall make payment for farm products or any class thereof;

(u) prescribing the books and records to be kept, reports to be made and information to be furnished
by dealers or any class thereof, and the places at which such books and records shall be kept;

(ua) establishing classes of dealers;

(ub) establishing classes of farm products.

(2) Subsection 2 (4) of the said Act is repealed and the following substituted therefor:

Any regulation made under this section may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any grade, standard, grade name or mark, packaging, packing, marking or labelling requirement or specification of containers or packages established under the Canada Agricultural Products Standards Act, as amended or re-enacted from time to time, and may require compliance with any such grade, standard, grade name or mark, packaging, packing, marking or labelling requirement or specification of containers or packages so adopted, including any such changes.

2. Clause 10 (2) (c) of the said Act is repealed and the following substituted therefor:

(c) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations or the terms and conditions upon which the licence is issued.

3. Clause 11 (b) of the said Act is repealed and the following substituted therefor:

(b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the business to contravene, any provision of this Act or the regulations or of any other law in force in Ontario applying to the carrying on of such business or the terms and conditions of the licence and such contravention warrants such refusal to renew, suspension or revocation of the licence.

4. Clause 12 (4) (d) of the said Act is repealed and the following substituted therefor:

(d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations or
the terms and conditions upon which the licence is issued.

5. Clause 13 (b) of the said Act is repealed and the following substituted therefor:

(b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the business to contravene, any provision of this Act or the regulations or of any other law in force in Ontario applying to the carrying on of such business or the terms and conditions of the licence and such contravention warrants such refusal to renew, suspension or revocation of the licence.

6. The said Act is amended by adding thereto the following sections:

13a.—(1) The Director may impose such terms and conditions upon a licence as he considers proper.

(2) Where a licensee is not satisfied with a term or condition imposed upon his licence by the Director, he may apply to the Director to have the term or condition varied or removed and, where the Director proposes to refuse to vary or remove the term or condition, he shall hold a hearing.

13b.—(1) Notwithstanding section 11 or 13, the Director may, without a hearing, provisionally suspend or refuse to renew a licence where in his opinion it is necessary to do so for the immediate protection of,

(a) the safety or health of any person or the public;

(b) the interests of persons selling farm products to the licensee; or

(c) a fund for producers of farm products established under the Farm Products Payments Act.

(2) Notice of suspension or refusal to renew under subsection (1), together with the reasons therefor, shall be given forthwith to the licensee and, as soon as is practicable thereafter, the Director shall hold a hearing to determine whether the licence should be further suspended or revoked or whether renewal of the licence should be refused.
7. Section 14 of the said Act is repealed and the following substituted therefor:

14. Subject to section 13b, where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has,

(a) applied for a renewal of his licence;

(b) paid the prescribed fee;

(c) where proof of financial responsibility or security is required, furnished or deposited such proof or security; and

(d) observed or carried out the other provisions of this Act and the regulations and the terms and conditions upon which the licence was issued,

his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

8.—(1) Subsection 17 (1) of the said Act is repealed and the following substituted therefor:

(1) Where the Director refuses to issue or renew or suspends or revokes a licence or, after a hearing, imposes terms or conditions upon a licence or refuses to vary a term or condition of a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board.

(2) Subsection 17 (3) of the said Act is amended by striking out “to determine whether the licence should be issued, renewed, suspended or revoked” in the third and fourth lines.

9. Section 23 of the said Act is repealed and the following substituted therefor:

23.—(1) Subject to subsection (2), every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than $2,000 for a first offence and not more than $5,000 for any subsequent offence.

(2) Where a fund for producers of a farm product is established under the Farm Products Payments Act, every person who commences or continues to carry on business as a dealer
in such farm product without a licence therefor from the Director is guilty of an offence and on conviction is liable to a fine of not less than $2,000 for a first offence and not less than $5,000 for any subsequent offence.

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

11. The short title of this Act is the *Farm Products Grades and Sales Amendment Act, 1984.*