

(Consolidated up to 40/2004)

ALBERTA REGULATION 204/98
Marketing of Agricultural Products Act
CATTLE MARKETING REGULATION

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Definitions

1 In this Regulation,

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (a.1) “Canada Act” means the *Farm Products Agencies Act* (Canada);
- (a.2) “Canada Board” means the Canadian Beef Cattle Research, Market Development and Promotion Agency;
- (b) “cattle” includes bulls, cows, heifers, steers and calves;
- (c) “cattle products” includes beef, offal, hides and other cattle by-products from the slaughter and processing of cattle;
- (d) “Commission” means Alberta Beef Producers;
- (e) “Council” means the Alberta Agricultural Products Marketing Council;

- (f) “dealer” means a person who is in the business of buying and selling the regulated product and includes
 - (i) a livestock dealer as defined in the *Livestock Dealers and Livestock Dealers’ Agents Regulation* (AR 66/98) or any successor to that Regulation, and
 - (ii) a livestock dealer’s agent as defined in the *Livestock Dealers and Livestock Dealers’ Agents Regulation* (AR 66/98) or any successor to that Regulation;
- (g) “marketing” in respect of the regulated product means buying, owning, selling, offering for sale, storing, grading, assembling, packing, transporting, advertising or financing and includes
 - (i) slaughtering, and
 - (ii) any other function or activity designated as marketing by the Lieutenant Governor in Council;
- (h) “person” means a person as defined in the *Interpretation Act* and includes
 - (i) a partnership as defined in the *Partnership Act*;
 - (ii) an unincorporated organization that is not a partnership referred to in subclause (i);
 - (iii) any group of individuals who are carrying on an activity for a common purpose and are neither a partnership referred to in subclause (i) nor an unincorporated organization referred to in subclause (ii);
- (i) “Plan” means the *Alberta Beef Producers Plan Regulation* (AR 272/97);
- (j) “producer” means
 - (i) a person who raises, feeds or owns cattle,
 - (ii) a person who takes possession of cattle from a producer under a security interest or any other security for a debt, or
 - (iii) a person who under any arrangement is entitled to a share of the cattle raised by a producer or any portion of the revenue derived from the sale of the cattle;
- (k) “regulated product” means cattle and cattle products;

- (l) “security interest” means a security interest as defined in the *Personal Property Security Act*.

AR 204/98 s1:279/2002

Service charges

2(1) A producer who sells cattle shall pay to the Commission a service charge in the amount of \$3.00 per head of cattle sold by that producer.

(2) A producer who is in the business of feeding and slaughtering that producer’s own cattle shall pay to the Commission a service charge in the amount of \$3.00 per head of cattle fed and slaughtered by that producer.

(3) Where, in the ordinary course of business as a dealer, a dealer feeds or owns cattle for a period of not more than 7 days, the dealer is deemed not to be a producer and is not liable to pay the service charge to the Commission under subsection (1).

AR 204/98 s2:49/99;40/2004

Payable by the producer who sells cattle

3(1) With respect to the service charge referred to in section 2(1), the producer shall, subject to subsection (2),

- (a) pay the service charge to the Commission, and
- (b) account to the Commission for the service charge, in the form prescribed by the Commission,

by the 25th day of the month next following the month in which the cattle were sold.

(2) If the service charge is deducted from the money payable to the producer in accordance with sections 5 and 6, the producer is not liable to the Commission for the amount of the service charge.

(3) If the service charge is not deducted from the money payable to the producer in accordance with sections 5 and 6 and the producer fails to pay the service charge to the Commission in accordance with subsection (1), the producer is liable to the Commission for the amount of the service charge.

Payable by the producer who feeds and slaughters cattle

4(1) With respect to the service charge referred to in section 2(2), the producer shall

- (a) pay the service charge to the Commission, and

- (b) account to the Commission for the service charge, in the form prescribed by the Commission,

by the 25th day of the month next following the month in which the cattle were slaughtered.

(2) If the producer fails to pay the service charge to the Commission in accordance with subsection (1), the producer is liable to the Commission for the amount of the service charge.

Deduction by purchasers

5(1) Where cattle are sold by a producer directly to a purchaser without engaging the services of a dealer, that purchaser shall

- (a) deduct the amount of the service charge from the money payable to the producer, and
- (b) forward the amount deducted to the Commission and account to the Commission for the amount deducted, in the form prescribed by the Commission, by the 25th day of the month next following the month in which the cattle were sold.

(2) If the purchaser fails to deduct and forward the service charge to the Commission in accordance with subsection (1), the purchaser is liable to the Commission for the amount of the service charge.

Deduction by dealers

6(1) Where a dealer is engaged in a purchase or sale of cattle the dealer shall

- (a) deduct the amount of the service charge from the money payable to the producer, and
- (b) forward the amount deducted to the Commission and account to the Commission for the amount deducted, in the form prescribed by the Commission, by the 25th day of the month next following the month in which the cattle were sold.

(2) If the dealer fails to deduct and forward the service charge to the Commission in accordance with subsection (1), the dealer is liable to the Commission for the amount of the service charge.

Recovery of service charge

7(1) The amount of the service charge that

- (a) is not paid to the Commission by the producer in accordance with sections 3 and 4, or
- (b) is not deducted and forwarded to the Commission by the purchaser or dealer in accordance with sections 5 and 6

is a debt owing to the Commission and the Commission may take legal action to recover the service charge.

(2) In a case where section 5 or 6 applies, the producer and the purchaser or dealer, as the case may be, are jointly and severally liable to the Commission for the amount of the service charge.

Use of service charge

8(1) The Commission may use the service charge or other money payable to or received by the Commission for the purpose of paying the Commission's expenses and administering the Plan and the regulations made by the Commission.

(2) Without restricting the generality of subsection (1), the Commission may pay \$1.00 for each \$3.00 service charge collected under section 2 to the Canada Board for services performed by the Canada Board on behalf of the Commission pursuant to any agreement entered into between the Commission and the Canada Board.

AR 204/98 s8;279/2002;40/2004

Information

9(1) Any person who markets cattle or cattle products shall furnish to the Commission on the request of the Commission any information or record relating to the marketing of cattle or cattle products that the Commission considers necessary for the purposes of administering

- (a) the Plan,
- (b) this Regulation, and
- (c) any other regulation made under the Act in respect of the Commission.

(2) Where the Commission requests a person to furnish information under subsection (1), that person must furnish that information to the Commission by the 25th day of the month next following the month in which the request was made for the information.

Reports by livestock dealer, etc.

10 Any person who

- (a) is a livestock dealer and licensed under the *Livestock Dealers and Livestock Dealers' Agents Regulation* (AR 66/98), or
- (b) is a supervisor of a feeder association operating under the *Feeder Associations Guarantee Act*,

shall, within the reporting period set by the Commission, complete to the satisfaction of the Commission the forms prescribed by the Commission for the reporting of the particulars of sales, whether or not those persons have marketed cattle during the reporting period.

Transitional

11 All rights and obligations under the *Cattle Marketing Regulation* (AR 347/88) become rights and obligations under this Regulation on this Regulation coming into force.

Repeal

12 The *Cattle Marketing Regulation* (AR 347/88) is repealed.

Expiry

13 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on July 1, 2008.

AR 204/98 s13:279/2002