



Province of Alberta

MARKETING OF AGRICULTURAL PRODUCTS ACT

SUGAR BEET PRODUCTION AND MARKETING REGULATION

Alberta Regulation 287/1997

With amendments up to and including Alberta Regulation 67/2019

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Office Consolidation

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(Consolidated up to 67/2019)

ALBERTA REGULATION 287/97

Marketing of Agricultural Products Act

SUGAR BEET PRODUCTION AND MARKETING REGULATION

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Definitions

- 1(1)** In this Regulation,
- (a) repealed AR 217/2013 s2;

- (b) repealed AR 3/2018 s2;
- (c) repealed AR 179/2008 s2;
- (d) “contract” means the annual sugar beet contract between a producer and a processor;
- (d.1) “crop year” means a 12-month period commencing on January 1 and terminating on December 31 of that same calendar year;
- (e) “family” includes a spouse, adult interdependent partner, child, parent, sibling, grandparent, grandchild, son-in-law, daughter-in-law, father-in-law, mother-in-law, sister-in-law, brother-in-law, niece or nephew
 - (i) of the producer, if the producer is an individual,
 - (ii) of any shareholder of the corporation, if the producer is a corporation, or
 - (iii) of a partner in the partnership, if the producer is a partnership;
- (f) “licensed processor” means a person who holds a processor’s licence under this Regulation;
- (f.1) “licensed producer” means a person who holds a producer’s licence and has a contractual relationship with a licensed processor;
- (g) “new producer” means a person who at the time the Board intends to allot quota
 - (i) does not hold a quota,
 - (ii) repealed AR 3/2018 s2,
 - (iii) is not a shareholder in a corporation that holds quota,
 - (iv) is not the spouse or adult interdependent partner of a person who holds quota, and
 - (v) is at least 18 years of age;
- (h) repealed AR 217/2013 s2;
- (i) “Plan” means the Sugar Beet Marketing Plan;
- (i.1) “processor” means any person who utilizes or purchases the regulated product and holds a processor’s licence;

- (j) “producer’s licence” means a licence issued under section 6;
- (k) “quota” means the acreage from which a producer may produce the regulated product;
- (l) “quota certificate” means a quota certificate issued under section 26;
- (1.1) “research licence” means a licence under which a person may produce regulated product that is used primarily for research purposes in accordance with the conditions imposed under section 39.1;
- (1.2) “research purposes” means a bona fide scientific experiment or study;
- (m) repealed AR 217/2013 s2;
- (n) repealed AR 126/2003 s2.

(1.1) For the purposes of this regulation, a person is actively engaged in the production and marketing of the regulated product if the individual or the controlling person, as the case may be, participates on a regular, continuous and substantial basis to a farming operation situated in Alberta through a combination of contributions related to capital, land and equipment, but does not include direct and regular personal labour and direct and regular personal management but does not include an individual or controlling person whose farming operation is that of a landlord.

(2) Words defined in the Act and the Plan have the same meaning in this Regulation.

AR 287/97 s1;126/2003;179/2008;86/2009;217/2013;64/2016;
3/2018;67/2019

Application

2 This Regulation applies

- (a) to all persons who produce sugar beets or market sugar beets, or both, in Alberta through processors, or to new producers who propose to produce sugar beets or market sugar beets, or both, in Alberta through processors,
- (b) to processors who process sugar beets produced on land contained within Alberta, and
- (c) to all persons who hold a research licence under section 39.1 or who propose to hold a research licence

except to a person who has been exempted by the Board from a regulation, order or direction made in respect of this Regulation.

AR 287/97 s2;67/2019

Part 1 Registration and Licensing of Producers

Prohibition re production and marketing

3 No person shall produce or market the regulated product in Alberta through a processor unless that person is a registered producer and holds a producer's licence, or the person holds a research licence and has been authorized in accordance with section 39.1 to produce or market the regulated product.

AR 287/97 s3;67/2019

Application for registration

4(1) Every person who wishes to become registered with the Board as a licensed producer must apply to the Board for registration by providing to the Board, on a form prescribed by it, the following information:

- (a) the name, telephone number, e-mail address, if available, and mailing address of the applicant;
- (b) the legal description of the land on which the applicant intends to produce the regulated product;
- (c) a declaration in writing stating that the applicant is or will be able to grow and produce sugar beets and will be actively engaged in producing sugar beets;
- (d) repealed AR 217/2013 s3;
- (e) proof satisfactory to the Board that,
 - (i) in the case of an applicant who is an individual, the applicant is a Canadian citizen or lawfully admitted to Canada for permanent residence,
 - (ii) in the case of an applicant that is a partnership or a corporation,
 - (A) at least 50% of the partners in the partnership or the members or shareholders of the corporation are persons who are Canadian citizens or lawfully admitted to Canada for permanent residence, and

- (B) at least 50% of the beneficial ownership of the partnership or corporation is held by persons who are Canadian citizens or lawfully admitted to Canada for permanent residence,

or

- (iii) in the case of an applicant that is

- (A) an unincorporated organization other than a partnership, or

- (B) a group of individuals that is carrying on an activity for a common purpose and is neither a partnership nor an unincorporated organization referred to in paragraph (A),

at least 50% of the members of the unincorporated organization or of the group of individuals are persons who are Canadian citizens or lawfully admitted to Canada for permanent residence;

- (f) any other relevant information that the Board may require to make a decision on the application.

(2) The Board may consider an application only if there is quota available for the calendar year in which the application is received in the area in which the land referred to in subsection (1)(b) is located.

(3) The Board must promptly notify an applicant of its decision on the application.

(4) If the Board approves the application, the approval is conditional only and the Board shall not finally register the applicant as a producer until the applicant has been issued a producer's licence and allotted a quota.

(5) A conditional approval expires unless the applicant is issued a producer's licence and allotted a quota in the calendar year in which the applicant's application is received.

AR 287/97 s4;179/2008;217/2013

List of producers registered

5 The Board must establish and maintain, at its head office, a list of persons who have been registered as producers and must assign a registration number to each such person.

Producer's licence

- 6(1)** The Board must consider for a producer's licence any person whose application for registration as a producer has been conditionally approved under section 4.
- (2)** The Board must promptly notify an applicant under subsection (1) of its decision on whether or not to approve the issuing of a producer's licence to the applicant.
- (3)** The Board may approve the issuing of a producer's licence to an applicant under subsection (1) if the applicant makes a declaration in writing stating that the producer meets the definition of actively engaged.
- (4)** If the Board approves the issuing of a producer's licence the approval is conditional only and the Board shall not finally issue a producer's licence until the applicant has been allotted a quota.
- (5)** A conditional approval expires unless the applicant is allotted a quota in the calendar year in which the Board makes its decision under subsection (2).
- (6)** A person must hold a separate producer's licence for each quota allotted to that person by the Board.
- (7)** A person holds a producer's licence until it is cancelled or suspended by the Board.

AR 287/97 s6;217/2013

List of licensed producers

- 7** The Board must establish and maintain at its head office a list of licensed producers and must assign a licence number to each licence held by a licensed producer.

AR 287/97 s7;179/2008

Authority of producer's licence

- 8** A producer's licence is authority for the person to whom the licence is granted to engage in the production and marketing of the regulated product in Alberta on the land described in the licence and in accordance with that person's quota.

Disposal of licence prohibited

- 9(1)** No person shall sell, transfer, assign or otherwise dispose of a producer's licence.
- (2)** If a producer's licence is sold, transferred, assigned or otherwise disposed of, it is void.

Refusal, suspension and cancellation

10(1) The Board may refuse to grant a producer's licence if

- (a) it is of the opinion that the person does not meet the requirements of section 6(3),
- (b) it is of the opinion that the person has contravened the Act, the Plan, the regulations under the Act or an order or direction of the Council or the Board,
- (c) no quota is available for allotment, or
- (d) the person does not meet the definition of actively engaged.

(2) The Board may cancel or suspend a producer's licence if it is of the opinion that the licensee has contravened the Act, the Plan, the regulations under the Act or an order or direction of the Council or the Board.

(3) The Board must promptly notify a person whose licence has been cancelled or suspended.

(4) A person who receives a notice of cancellation or suspension under this section must, on receipt of the notice, forthwith cease producing and marketing the regulated product.

AR 287/97 s10;217/2013

Reinstatement

11 The Board may remove the suspension of a producer's licence if it considers it appropriate to do so.

**Part 2
Processor's Licence**

Application for licence

12(1) Every person who wishes to process the regulated product must apply to the Board for a processor's licence by providing to the Board, on a form prescribed by the Board, the following information:

- (a) the name, telephone number, e-mail address, if available, and mailing address of the processor;
- (b) the physical address of the processor, if it is not the mailing address;
- (c) any other relevant information the Board may require to make a decision on the application.

(2) Despite subsection (1), a person who wishes to process the regulated product only for research purposes is not required to apply to the Board for a processor's licence.

AR 287/97 s12;217/2013;67/2019

Granting of licence

13 The Board may issue a processor's licence to an applicant if it is satisfied that it is appropriate to do so.

Authority of licence

14 A processor's licence is authority for the processor to receive and process the regulated product in accordance with this Regulation.

Disposal of licence prohibited

15(1) No person shall sell, transfer, assign or otherwise dispose of a processor's licence.

(2) If a processor's licence is sold, transferred, assigned or otherwise disposed of, it is void.

Refusal, suspension and cancellation

16(1) The Board may refuse to grant a processor's licence or may cancel or suspend a processor's licence if it is of the opinion that the applicant or licensee has contravened the Act, the Plan, the regulations under the Act or an order or direction of the Council or the Board.

(2) The Board must promptly notify a person whose application for a processor's licence has been refused or whose licence has been cancelled or suspended.

(3) A person who receives a notice of cancellation or suspension under this section must, on receipt of the notice, forthwith cease receiving the regulated product.

Reinstatement

17 The Board may remove the suspension of a processor's licence if it considers it appropriate to do so.

Dual licensing

18(1) If a person operates in more than one of the following capacities, this Regulation applies to that person in each capacity:

- (a) a licensed processor;

- (b) a licensed producer;
- (c) a research licence holder;

(2) A person operating in more than one capacity must hold the applicable licence for each capacity in which they operate.

AR 287/97 s18;67/2019

Part 3 Service Charges, Legal Actions and Records

Service charges

19(1) A licensed processor who receives the regulated product from a licensed producer must deduct from the first payment due to the licensed producer a service charge of up to \$17 per acre of the regulated product received and forward that service charge to the Board.

(2) The service charge is \$17 per acre unless another amount is set by the Board under subsection (3).

(3) A service charge of less than \$17 per acre may be set by an order of the Board that is approved by a vote of delegates at an annual general meeting or special general meeting.

(4) A service charge that is set under subsection (3) comes into effect immediately upon being approved by a vote of delegates at an annual general meeting or special general meeting.

(5) For the purposes of this section, tonnage must be determined in accordance with the master agreement referred to in section 40(1).

AR 287/97 s19;179/2008;217/2013;64/2016;135/2016;67/2019

Legal action

20 The Board may collect by legal action,

- (a) from a licensed producer, all service charges payable by the licensed producer under this Regulation and not actually paid, and
- (b) from any other person, all money owing to a licensed producer for the regulated product.

AR 287/97 s20;179/2008

Records

21(1) During ordinary business hours, a licensed processor must make available for review by the Board or persons appointed by the

Board records that bear directly on the final settlement price to be paid to the producers for the regulated product received by that licensed processor including, without limitation, the following records:

- (a) sales records, including sales orders, invoices, books of accounts and other records related to the sale of beet sugar, including records relating to any other products resulting from processing;
- (b) disbursement records, including vouchers and books of accounts related to shared expenses and other disbursements;
- (c) vouchers and other evidence supporting charges and credits received from related companies;
- (d) grower delivery records pertaining to the delivery of the regulated product, records related to the processing of the regulated product and other records necessarily required to verify beet sugar and other products resulting from processing;
- (e) other documentation that is considered necessary to determine the final settlement price to be paid to producers for the regulated product delivered to a licensed processor;
- (f) other documentation that is considered necessary to determine the research costs to be paid by the Board in connection with a joint project with the licensed processor.

(2) Every person who produces or markets the regulated product must furnish to the Board any relevant information or record relating to the production or marketing of the regulated product that the Board considers necessary, including, without limitation, information or records related to soil testing, seeds, fertilizing, crop rotation, harvesting, transportation and delivery and payment.

AR 287/97 s21;179/2008;217/2013

Part 4 Quota

Allotting of quota

22 A quota may only be allotted, varied, transferred, leased, cancelled, suspended or reduced in accordance with this Regulation.

AR 287/97 s22;3/2018

Persons to be considered for quota

23(1) The Board must consider for a quota any person in respect of whom the Board has conditionally approved the issuing of a producer's licence under section 6.

(2) The Board must promptly notify a person as to its decision in respect of the allotment of quota to that person.

(3) A person to whom a quota is allotted under this section must immediately become actively engaged in the production and marketing of the regulated product and declare to the Board the land location to which the quota relates.

(4) If a quota is allotted under this section, that quota may not, until at least 3 years have expired from the date of that allotment, be transferred or allotted again.

(5) Notwithstanding subsection (4), the Board may authorize a quota to which subsection (4) applies to be transferred or allotted again within the 3-year period if the Board is of the opinion that extenuating circumstances exist that warrant that transfer or allotment.

AR 287/97 s23;217/2013

Quota allotment

24 A quota must

- (a) specify, by legal description, as declared by the licensed producer, the land to which the quota is attached, and
- (b) name the licensed producer in respect of whom the quota is allotted and specify the quota.

AR 287/97 s24;179/2008;217/2013

Authority of quota

25 Subject to this Regulation, a quota is authority for the licensed producer in respect of whom the quota is allotted to produce the regulated product for processing in accordance with this Regulation from

- (a) the number of acres, and
- (b) the land

specified in the quota.

AR 287/97 s25;179/2008

Quota certificate

26(1) When the Board allots a quota, it must issue to the licensed producer a quota certificate in a form prescribed by the Board.

(2) A quota certificate must be issued annually and must

- (a) name the licensed producer in respect of whom the quota is allotted,
- (b) specify, by legal description, the land on which the regulated product may be produced in the calendar year,
- (c) specify the quota variation, if any, for the calendar year,
- (d) specify the quota, and
- (e) contain any other information the Board considers relevant.

(3) The Board may require a producer to make known to the Board all regulated product production and marketing intentions by January 15 of a particular year before issuing a quota certificate to the producer.

(4) The Board must establish and maintain at its head office

- (a) a copy of the quota certificates issued to producers, and
- (b) a record of any additional quota issued under this Regulation.

(5) The Board must send a copy of the list of quota certificates to the licensed processors as soon as practicable after the quota certificates are issued each year.

(6) If additional quota is allotted after the date on which the list of quota certificates is mailed under subsection (5), the Board must promptly advise the licensed processors in writing of that fact.

(7) If a licensed producer is requested to do so by the licensed processor, the licensed producer's quota certificate must be presented to the licensed processor for inspection.

AR 287/97 s26;179/2008

Quota decrease

27 If the total acreage requirement is decreased, the Board may, by notice in writing to all licensed producers, reduce each licensed producer's quota as follows:

- (a) first, the Board must apply the quota decrease to the available but unallocated quota in all areas;

- (b) second, the Board must decrease each licensed producer's quota by an equal percentage.

AR 287/97 s27;179/2008

Quota increase

28(1) If the total acreage requirement is increased over the base quota, the Board may allot that quota to applicants who currently hold a quota or to new producers who propose to produce and market the regulated product.

(2) In considering to whom the quota should be allotted, the Board may, without limitation, consider

- (a) information the Board has received under section 26(3), and
- (b) all applications conditionally approved under section 4.

(3) If the Board decides to allot the quota, the Board must allot it as follows:

- (a) first, the amount of quota offered in an area must be a percentage equal to the percentage of quota presently in the area as it relates to the overall quota of all areas;
- (b) second, 25% of the quota must be offered to new producers in the area;
- (c) third, the quota remaining after allotment under clause (b) may be offered to other producers in the area who currently hold a quota and then subsequently offered to new producers in the area;
- (d) fourth, the quota remaining after allotment under clause (c) may be offered in an equal percentage to producers in other areas, including new producers.

(4) If a decrease in quota occurs and there is a subsequent increase in quota within 5 years following the decrease in quota, the Board must allot the subsequent increase in quota to the same registered producers that existed at the time of the quota decrease.

(5) Any quota remaining after the increased quota under subsection (4) has been applied must be allotted as follows:

- (a) first, the amount of quota offered in an area must be a percentage equal to the percentage of quota presently in the area as it relates to the overall quota of all areas;
- (b) second, 25% of the quota must be offered to new producers in the area;

- (c) third, the quota remaining after allotment under clause (b) may be offered to other producers in the area who currently hold a quota and then subsequently offered to new producers in the area;
- (d) fourth, the quota remaining after allotment under clause (c) may be offered in an equal percentage to producers in other areas, including to new producers in those areas.

AR 287/97 s28;179/2008;67/2019

Section 39 quota

29 If quota becomes available pursuant to section 39, the Board must consider the following if the Board allots the quota:

- (a) first, the amount of quota must be offered to producers in the area from which the amount of quota is derived;
- (b) second, 25% of the quota must be offered to new producers in the area;
- (c) third, the quota remaining after allotment under clause (b) may be offered to other producers in the area who currently hold a quota and then subsequently offered to new producers in the area;
- (d) fourth, the quota remaining after allotment under clause (c) may be offered in an equal percentage to producers in other areas, including new producers.

AR 287/97 s29;179/2008

Allowed quota variation

30 Notwithstanding sections 39(a)(iii) and 47(4) and (5), unless first authorized in writing by the Board, a licensed producer may only produce and market in any quota certificate period the regulated product from an acreage that varies from the acreage stated in the quota certificate by no more than 3 acres or 4% of the acreage, whichever is greater.

AR 287/97 s30;179/2008

Quota limit

30.1(1) Subject to section 30, the Board shall not allow an excess of 4% of the total quota allotted by the Board to be held, directly or indirectly, by a producer.

(2) For the purposes of subsection (1), the Board may

- (a) reduce or cancel quota,

- (b) approve a transfer of quota,
- (c) rescind the Board's approval of the leasing of a quota, or
- (d) take any other action the Board considers necessary.

(3) The Board may determine that a producer holds quota indirectly if, in the opinion of the Board, the producer has or will benefit from or have an interest in that quota.

AR 67/2019 s9

Application not to produce and market

31(1) A licensed producer may apply to the Board in writing for authorization not to produce and market the regulated product in accordance with the licensed producer's quota and this Regulation.

(2) Notwithstanding section 39(a)(ii), if a licensed producer applies under subsection (1), the Board may give the authorization without cancelling or reducing the licensed producer's quota.

(3) An application under subsection (1) must be received by the Board before May 1 of the year to which it relates.

(4) An authorization under subsection (2) may only be given in respect of the particular year to which the application relates.

(5) In determining whether to give an authorization under subsection (2), the Board must consider the following:

- (a) the health of the applicant;
- (b) the effect of any irrigation works within the meaning of the *Irrigation Districts Act* on the applicant's ability to produce and market the regulated product;
- (c) any other factors the Board considers to be relevant.

AR 287/97 s31;274/2002;179/2008;67/2019

Restrictions on changes in quota

32(1) The Board shall not

- (a) approve increases in a quota,
- (b) approve the transfer of or the leasing of a quota, or
- (c) approve changes in the beneficial ownership of a corporation or partnership pursuant to section 39(b),

if the approval would result in a producer directly or indirectly holding in excess of 4% of the total allotment of quota.

(2) For the purpose of determining whether a person would hold a quota in excess of 4% of the total allotment of quota, the Board may include in its calculation any quota that, in the opinion of the Board, the person has or will benefit from or have an interest in.

AR 287/97 s32;274/2002;217/2013;3/2018;67/2019

Disposal of quota prohibited

33(1) No person shall sell, buy, assign, transfer, lease or otherwise dispose of quota except in accordance with this Regulation.

(2) If a quota is sold, bought, assigned, transferred, leased or disposed of otherwise than in accordance with this Regulation, the quota is void.

34 Repealed AR 217/2013 s12.

Family transfers

35(1) The Board may approve an application by a producer to transfer all or part of that producer's quota to a family member, including an adult interdependent partner of a member, if the proposed transferee is a licensed producer or has made application and is eligible to become a licensed producer.

(2) A person to whom a quota is transferred under this section must immediately become actively engaged in the production and marketing of the regulated product.

(3) If a quota is allotted pursuant to a transfer under this section, that quota may not, until at least 3 years have expired from the date of that allotment, be transferred or allotted again.

(4) Notwithstanding subsection (3), the Board may authorize a quota to which subsection (3) applies to be transferred or allotted again within that 3-year period if the Board is of the opinion that extenuating circumstances exist that warrant that transfer or allotment.

(5) Notwithstanding subsection (1), if the producer is a corporation, the Board may not approve an application to transfer all or part of that producer's quota to a family member unless the shareholders of the corporation have agreed to the transfer.

(6) Notwithstanding subsection (1), the Board may not approve an application to transfer all or part of a producer's quota to a family member if the approval would result in a producer directly or indirectly holding a quota in excess of 4% of the total allotment of quota.

AR 287/97 s35;126/2003;67/2019

Transfer to actively engaged producer

35.1 A licensed producer who has been allotted quota may apply to the Board to have all or a portion of the quota allotted to another licensed producer under the following conditions:

- (a) the producer that quota is allocated to must be actively engaged;
- (b) the quota must stay in the same growing area;
- (c) the quota can only be transferred every 3 years unless the Board is of the opinion that extenuating circumstances exist that warrant the transfer.

AR 3/2018 s5

Leasing quota

35.2(1) The Board may authorize a licensed producer to lease up to 25 per cent of the licensed producer's quota in accordance with this Regulation and subject to terms and conditions the Board considers appropriate.

(2) The Board may refuse to authorize the lease of quota by a licensed producer if

- (a) the proposed lessor has failed to pay outstanding service charges owing to the Board,
- (b) the proposed lessee does not qualify for a licence to operate as a licensed producer,
- (c) the proposed lease does not comply with the quota leasing policies of the Board, or
- (d) the proposed lessor or lessee has contravened the Act, the Plan, any regulation made under the Act or an order or direction of Council or the Board.

AR 3/2018 s5

36 and 37 Repealed AR 217/2013 s12.

38 Repealed AR 3/2018 s6.

Reduction, cancellation and suspension of quota

39 The Board may reduce, cancel or suspend a quota

- (a) if the licensed producer to whom the quota is allotted

- (i) contravenes the Act, the Plan, the regulations under the Act or an order or direction of the Council or the Board,
 - (ii) does not use, or voluntarily gives up, all or any part of the allotted quota during any quota certificate period,
 - (iii) markets the regulated product from an acreage in excess of the allotted quota,
 - (iv) has had the producer's licence cancelled or suspended,
 - (v) ceases to be actively engaged in the production and marketing of the regulated product in respect of any portion of the quota, or
 - (vi) fails to become actively engaged in the production and marketing of the regulated product as required by section 23(3) or 35(2),
- (b) in the case of a quota allotted to a corporation or a partnership, if there is a change in the beneficial ownership of the corporation or partnership without the prior approval of the Board, or
 - (c) in the case of a quota allotted to an unincorporated organization other than a partnership, or to a group of individuals that is carrying on an activity for a common purpose and is neither a partnership nor an unincorporated organization, if there is a change in the membership of the unincorporated organization or group of individuals without the prior approval of the Board.

AR 287/97 s39;179/2008;217/2013

Research licence

39.1(1) The Board may grant a research licence to a person who applies for a research licence if, in the opinion of the Board,

- (a) the regulated product will be used for research purposes,
- (b) there will not be any significant detrimental effect on quota holders,
- (c) there will be potential advantages to the sugar beet industry from the proposed research, and
- (d) results of the research will be available to the Board.

(2) An applicant for a research licence must provide information as required by the Board for the purposes of assessing the application.

(3) A research licence granted under this section is authority for the person in respect of whom the licence is granted to produce the regulated product only for the specified research purposes from

- (a) the number of acres, and
- (b) the land

specified in the research licence.

(4) The Board may impose conditions in respect of a research licence to ensure compliance with subsections (1) and (3).

(5) A research licence holder may, with the written permission of the Board, market the regulated product produced under the research licence.

(6) The Board may impose conditions in respect of marketing allowed under subsection (5).

(7) The Board may revoke a research licence if the research licence holder fails to comply with any condition imposed by the Board under subsection (4) or (6).

(8) A research licence does not grant the research licence holder any right to receive or hold a quota.

(9) For greater certainty, a research licence holder may also be a quota holder, and the research licence will not affect the application of this Regulation to the person as a quota holder.

(10) A research licence may be granted for a period of not more than 52 weeks.

(11) A person who holds or has held a research licence may apply from time to time for a further research licence in accordance with this section.

AR 67/2019 s13

Part 5 General

Negotiations

40(1) The Board must negotiate with the licensed processors, in accordance with regulations made by the Council, to determine the master agreement between the licensed processors and the licensed producers.

(2) Subject to this Regulation, a licensed producer may enter into a contract with a licensed processor only after the conclusion of the negotiations referred to in subsection (1) and on receipt of a quota certificate issued by the Board.

(3) The master agreement determined under subsection (1) applies to all licensed processors and if a new processor is licensed in a quota certificate period, the master agreement shall be amended to reflect the additional processor.

AR 287/97 s40;179/2008;67/2019

Delivery of sugar beets

41 A licensed producer who produces or markets the regulated product must comply with any written order or direction of the Board dealing with the time, place or manner in which the regulated product is to be delivered to the licensed processor.

AR 287/97 s41;179/2008

Determination of price

42 The Board may negotiate annually with the licensed processors, as part of the master agreement, the amount of money to be paid by the licensed processors to the licensed producers for the regulated product and any product resulting from processing it, and that amount shall be determined by means of a formula based on sugar content and tonnes produced.

AR 287/97 s42;179/2008;217/2013

Expenses of the Board

43 The Board may use the service charges, licence fees and money resulting from investments and any other income earned by the Board for paying the Board's expenses in carrying out and enforcing the regulations and in carrying out the purposes of the Plan.

Orders and directions

44 The Board may issue any orders and directives the Board considers to be necessary to carry out and enforce the regulations and to carry out the purposes of the Plan.

AR 287/97 s44;217/2013

Notice

45 When a notice is required to be given under this Regulation

- (a) by the Board, the Board must give notice in writing

- (i) by mail sent to the last address filed with the Board by the registered producer,
 - (ii) by electronic means sent to the last electronic address filed with the Board by the registered producer, or
 - (iii) by personal service,
- or
- (b) to the Board, the person giving the notice must give notice in writing
 - (i) by mail sent to the head office of the Board,
 - (ii) by electronic means sent to the electronic address of the Board, or
 - (iii) by personal service.

AR 287/97 s45;217/2013

Notice of changes

46 If any change occurs in the information provided to the Board by a licensed producer or licensed processor, that person must forthwith notify the Board of the change.

AR 287/97 s46;179/2008

Prohibitions

47(1) No person shall sell, offer for sale or deliver the regulated product to any person other than a licensed processor.

(1.1) Despite subsection (1), a research licence holder may be authorized under section 39.1 to sell, offer for sale or deliver the regulated product to a person who is not a licensed processor.

(2) No licensed processor shall receive the regulated product from any person unless that person holds a producer's licence, a quota, a quota certificate and a contract with the licensed processor, or the person holds a research licence and the person has been authorized to market the regulated product to a licensed processor.

(3) No person shall sell, buy, deliver or receive, or offer to sell, buy, deliver or receive the regulated product except in accordance with this Regulation or on terms other than those negotiated by the Board and the licensed processors or fixed by an arbitrator pursuant to regulations made by the Council.

(4) No licensed producer shall market the regulated product from acreage in excess of that contracted for with the licensed processor.

(5) No licensed processor shall receive from a licensed producer or research licence holder, or pay a licensed producer or research licence holder for, regulated product delivered from acreage that is in excess of that specified in the licensed producer's quota certificate or the research licence holder's research licence.

(6) Except as permitted by this Regulation, no person shall purchase or otherwise acquire the regulated product from a licensed producer or research licence holder

- (a) if that regulated product was grown on land that was not identified on the quota certificate or research licence, or
- (b) if no quota is allotted under this Regulation in respect of that licensed producer.

(7) No licensed producer or research licence holder shall produce or market the regulated product on land other than the land described in the licensed producer's quota certificate or the research licence holder's research licence.

(8) No person shall produce or market the regulated product unless the person

- (a) holds a producer's licence and a quota and quota certificate, or holds a research licence, and
- (b) except in the case of a research licence holder who has been authorized by the Board, holds a contract with a licensed processor.

(9) No person shall buy or receive the regulated product unless that person holds a processor's licence.

(10) Subsection (9) does not apply to a person who is buying or receiving the regulated product only for research purposes.

AR 287/97 s47;179/2008;217/2013;67/2019

Part 6 Transitional, Repeal, Expiry and Coming into Force

48 and 49 Repealed AR 217/2013 s18.

Repeal

50 The *Sugar Beet Production and Marketing Regulation* (AR 36/91) is repealed.

Expiry

51 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 November 30, 2023.

AR 287/97 s51;274/2002;218/2007;179/2008;217/2013;
3/2018

Coming into force

52 This Regulation comes into force on January 1, 1998.



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