

Alberta Regulation 10/2022
Regional Health Authorities Act
REGIONAL HEALTH AUTHORITIES
AMENDMENT REGULATION

Filed: February 16, 2022

For information only: Made by the Lieutenant Governor in Council (O.C. 027/2022) on February 16, 2022 pursuant to section 23 of the Regional Health Authorities Act.

1 The *Regional Health Authorities Regulation* (AR 15/95) is amended by this Regulation.

2 Section 2.71(6) is repealed and the following is substituted:

(6) Notwithstanding subsection (1), but subject to any directive, a regional health authority may transfer supplies to a third party, without charge, if the regional health authority determines that the transfer is required to protect the public health and may lessen the impact of COVID-19.

3 Section 2.9 is amended

(a) in subsection (1)

(i) in clause (a) by adding “, excluding asset retirement obligations” after “statement of financial position”;

(ii) in clause (b) by adding “, excluding asset retirement obligations” after “statement of financial position”;

(iii) in clause (c)

(A) in subclause (i) by adding “, excluding expenses recognized for asset retirement obligations,” after “total expenses for a fiscal year”;

(B) in subclause (ii) by adding “, excluding revenue recognized for asset retirement obligations,” after “total revenue for a fiscal year”;

(iv) by adding the following after clause (c):

- (d) “asset retirement obligations” means asset retirement obligations within the meaning of Section PS 3280, *Asset Retirement Obligations*, of the Public Sector Accounting Standards issued by the Public Sector Accounting Board (August 2018) and included in the CPA Canada Public Sector Accounting Handbook published by the Chartered Professional Accountants of Canada, as amended from time to time.
- (b) in subsection (4) by striking out “4 months” and substituting “6 months”;
- (c) by repealing subsection (6).

4 The following is added after section 9:

Expiry

10 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, 2026.

Alberta Regulation 11/2022

Alberta Indigenous Opportunities Corporation Act

**ALBERTA INDIGENOUS OPPORTUNITIES CORPORATION
AMENDMENT REGULATION**

Filed: February 16, 2022

For information only: Made by the Lieutenant Governor in Council (O.C. 028/2022) on February 16, 2022 pursuant to sections 2 and 14 of the Alberta Indigenous Opportunities Corporation Act.

1 The *Alberta Indigenous Opportunities Corporation Regulation* (AR 162/2019) is amended by this Regulation.

2 Section 1 is repealed and the following is substituted:

Exercising powers under section 2(6) of Act

1(1) The Corporation may only exercise the powers under section 2(6) of the Act if one or more indigenous groups are investing a total of at least \$20 000 000 in

- (a) a specific authorized natural resource project or related infrastructure, or
- (b) any other specific authorized project or related infrastructure

that fall within the mandate of the Corporation for the purposes of the Act.

(2) For the purposes of subsection (1), the amount of any direct investment by the Corporation in an authorized natural resource project, any other authorized project or related infrastructure, as the case may be, shall be considered to be and shall be calculated as part of the total amount of indigenous group investment in that project or related infrastructure, as the case may be.

3 Section 2(2) is repealed and the following is substituted:

(2) The Corporation shall not make a grant or contribution for the purpose of providing funds to purchase or invest in an authorized natural resource project, any other authorized project or related infrastructure, as the case may be.

Alberta Regulation 12/2022

Municipal Government Act

**SOCIAL AND AFFORDABLE HOUSING ACCOMMODATION
EXEMPTION REGULATION**

Filed: February 18, 2022

For information only: Made by the Minister of Municipal Affairs (M.O. MAG:001/22) on February 14, 2022 pursuant to section 370(a) of the Municipal Government Act.

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Definitions

1 In this Regulation,

- (a) “affordable housing accommodation” means affordable housing accommodation as defined in the *Alberta Housing Act*;
- (b) “affordable housing provider” means affordable housing provider as defined in the *Alberta Housing Act*;
- (c) “management body” means management body as defined in the *Alberta Housing Act*;
- (d) “social housing accommodation” means social housing accommodation as defined in the *Social Housing Accommodation Regulation* (AR 244/94).

Application

2 This Regulation applies to taxation in 2022 and later years.

Tax exemption — Alberta Social Housing Corporation

3 Property that is owned by the Alberta Social Housing Corporation is exempt from taxation under section 361(b) of the Act to the extent of 100% of its assessment.

Tax exemption — former Alberta Social Housing Corporation property

4(1) A property or unit in a property purchased from the Alberta Social Housing Corporation by an affordable housing provider or management body is exempt from taxation under section 361(b) of the Act to the extent of 100% of its assessment

- (a) during any period of time that the Minister of Seniors and Housing considers is reasonably required by the affordable housing provider or management body or any other affordable housing provider or management body to renovate or repair the property or unit for use as an affordable housing accommodation or social housing accommodation,
- (b) while the affordable housing provider or management body or any other affordable housing provider or management body uses the property or unit to provide affordable housing accommodation or social housing accommodation, and
- (c) during any period of time that the Minister of Seniors and Housing considers reasonable where the affordable housing provider or management body or any other affordable housing provider or management body intends to use the

property or unit to provide affordable housing accommodation or social housing accommodation but the property or unit is vacant.

(2) Subsection (1) does not apply during any period of time that occurs after an affordable housing provider or management body uses the property or unit in circumstances other than those referred to in subsection (1)(a) to (c).

**Non-application of Community Organization
Property Tax Exemption Regulation**

5 The *Community Organization Property Tax Exemption Regulation* (AR 281/98) does not apply to an exemption from taxation described in section 3 or 4.

Repeal

6 The *Alberta Social Housing Corporation Exemption Regulation* (AR 258/2017) is repealed.

Coming into force

7 This Regulation comes into force on the coming into force of the *Alberta Housing Amendment Act, 2021*.

Alberta Regulation 13/2022

Government Organization Act

**DESIGNATION AND TRANSFER OF RESPONSIBILITY
AMENDMENT REGULATION**

Filed: February 23, 2022

For information only: Made by the Lieutenant Governor in Council (O.C. 034/2022) on February 23, 2022 pursuant to section 16 of the Government Organization Act.

1 The *Designation and Transfer of Responsibility Regulation* (AR 44/2019) is amended by this Regulation.

2 Section 2(1) is amended by adding the following after clause (f):

(f.1) *Skilled Trades and Apprenticeship Education Act*;

3 Section 6(1) is amended

(a) by adding the following after clause (b):

(b.1) *Arts Professions Recognition Act*;

(b) by adding the following after clause (g):

(g.1) *Freedom to Care Act*;

(g.2) *Genocide Remembrance, Condemnation and Prevention Month Act*;

(c) by adding the following after clause (j):

(j.1) *Polish-Canadian Heritage Day Act*;

(d) by adding the following after clause (k):

(k.1) *Reservists' Recognition Act*;

4 Section 8 is amended by adding the following after clause (a):

(a.01) *College of Alberta School Superintendents Act*;

5 Section 9 is amended

(a) in subsection (1)

(i) by adding the following after clause (k):

(k.1) *Mineral Resource Development Act*;

(ii) by adding the following after clause (s):

(s.1) *Preserving Canada's Economic Prosperity Act*;

(b) by repealing subsection (2)(c).

6 Section 10(1) is amended by adding the following after clause (w):

(w.1) *Trails Act*;

7 Section 11(1) is amended by adding the following after clause (e):

(e.1) *COVID-19 Related Measures Act*;

8 Section 13(1) is amended by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):

(a) section 6 of the *Infrastructure Accountability Act*;

9 Section 14(1) is amended

(a) **by adding the following after clause (i):**

(i.1) *Citizen Initiative Act*;

(b) **by adding the following after clause (xxx):**

(xxx.1) *Recall Act*;

10 Section 15(1) is amended

(a) **by adding the following after clause (i.1):**

(i.2) *Labour Mobility Act*;

(b) **by repealing clause (t).**

11 Section 16(1) is amended

(a) **in clause (g) by striking out “sections 25 to” and substituting “sections 27,”;**

(b) **by repealing clause (p) and substituting the following:**

(p) section 8 of the *Surface Rights Act*;

12 Section 20(1) is amended

(a) **by adding the following after clause (j):**

(j.1) *Captive Insurance Companies Act*;

(b) **by adding the following after clause (y):**

(y.1) *Infrastructure Accountability Act*, except section 6;

Alberta Regulation 14/2022
Provincial Offences Procedure Act
PROCEDURES (ENVIRONMENT AND PARKS)
AMENDMENT REGULATION

Filed: February 23, 2022

For information only: Made by the Lieutenant Governor in Council (O.C. 037/2022) on February 23, 2022 pursuant to section 42 of the Provincial Offences Procedure Act.

1 The *Procedures Regulation* (AR 63/2017) is amended by this Regulation.

2 The Schedule is amended

(a) in Part 19.1 in section 1 in Item 1 by striking out “250” and substituting “500”;

(b) in Part 20 in section 1

(i) by adding the following after Item 1.3:

1.4	33.2(1)	150
1.5	33.2(2)	150
1.6	33.2(3)	150

(ii) by adding the following after Item 6:

6.1	48.2	250
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(iii) by adding the following after Item 8:

8.1	181(a.1)	150
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(iv) by adding the following after Item 9:

9.1	181(c)	250
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(v) by adding the following after Item 23:

23.1	188.1(1)	500
23.2	188.1(2)	500
23.3	188.1(3)	500

(vi) by repealing Item 36 and substituting the following:

36	199.3	150
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AR 14/2022

PROVINCIAL OFFENCES PROCEDURE

36.1 199.5 250

(vii) by adding the following after Item 37:

37.1 200.1(1) 150

37.2 200.1(2) 150

(viii) in Item 40 by striking out “150” and substituting “350”;

(ix) by adding the following after Item 40:

40.1 206(3) 150

40.2 206(4) 150

3 This Regulation comes into force 30 days after it is filed under the *Regulations Act*.

Alberta Regulation 15/2022

Public Lands Act

**PUBLIC LANDS ADMINISTRATION
(RECREATION) AMENDMENT REGULATION**

Filed: February 23, 2022

For information only: Made by the Lieutenant Governor in Council (O.C. 038/2022) on February 23, 2022 pursuant to sections 8, 9, 9.1(3) and 71.1 of the Public Lands Act.

1 The *Public Lands Administration Regulation* (AR 187/2011) is amended by this Regulation.

2 Section 1(1) is amended

(a) by adding the following after clause (f):

(f.1) “camping accommodation unit” means

(i) a motor home,

(ii) a van,

(iii) a truck camper,

(iv) a trailer,

(v) a tent trailer, or

(vi) a tent

used or intended to be used by a person as shelter equipment while camping;

(b) by adding the following after clause (l):

(l.1) “firearm” means a pistol, rifle, gun, sling-shot, bow and arrow or any other device that discharges a potentially harmful missile;

(c) by adding the following after clause (r):

(r.1) “provincial trail” means an area of public land designated as a provincial trail under section 71.01(1) of the Act;

(d) by repealing clause (t);

(e) by adding the following after clause (ee):

(ee.1) “trail manager” means a trail manager appointed under the *Trails Act*;

3 Section 30(e) is repealed and the following is substituted:

(e) “trail” means an area of vacant public land that is travelled by people at any time in a calendar year, and that is all or part of

(i) a publicly owned road other than a primary highway as defined in the *Public Highways Development Act*,

(ii) a publicly owned trail,

(iii) a bridge or other crossing of a river, stream or watercourse, including a water crossing designated under section 33.3,

(iv) a parking area, or

(v) a provincial trail

that has been the subject of any work to enable use of the trail by foot, motor vehicles or any other conveyance.

4 The following is added after section 31:

Use of firearms on public land

31.1 No person shall discharge a firearm on public land in such a manner as to endanger other persons.

5 Section 33(2) is amended by adding the following after clause (d):

(d.1) the trail is closed pursuant to section 199.4,

6 Section 33.1 is amended by adding the following after subsection (1):

(1.1) The Minister or a person authorized by the Minister may issue an activity pass in accordance with an order made under subsection (1).

7 The following is added after section 33.1:

Camping on vacant public land

33.2(1) Subject to section 34, a person camping on vacant public land shall maintain the area used by that person

(a) in a clean and sanitary condition, and

(b) in a condition satisfactory to an officer.

(2) Subject to section 34, a person vacating vacant public land after camping shall

(a) remove all garbage and personal property from the area used by that person, and

(b) restore the area used by that person to a clean and sanitary condition.

(3) Subject to sections 32(2)(a) and 42.1, a person occupying vacant public land for a recreational purpose with a camping accommodation unit must, immediately after 14 consecutive days of occupying the area, move their camping accommodation unit a minimum of one kilometre away for a period of at least 72 hours.

Signs or notices for water crossing for trails

33.3(1) The director may designate an area of public land as a water crossing for a trail used for a recreational purpose and set rules

for the use of that water crossing by posting signs or notices on or about the water crossing.

(2) A trail manager may post written instructions, signs or notices on or about a water crossing for a trail designated under subsection (1) in accordance with any applicable trail management plan established under the *Trails Act*.

8 Section 34(1) is repealed and the following is substituted:

Restrictions and paramountcy

34(1) Vacant public land that is within a public land use zone, public land recreation area or provincial trail must be used in accordance with this Part and Division 1 of Part 9.

9 Section 35(1) is repealed and the following is substituted:

Direction to leave

35(1) If an officer reasonably believes that any person's occupation or use of any area of vacant public land for recreational purposes has occurred, or is likely to occur, for a period longer than 14 days and no access permit or other disposition has been issued to the person with respect to the occupation or use, the officer may order the person to vacate the area of vacant public land for a period of 72 hours.

10 The following is added after section 35:

Direction to leave and requiring activity pass

35.1(1) If an officer reasonably believes that a person has contravened an order made under section 33.1, the officer may order the person to vacate the area of public land requiring an activity pass for a period of 72 hours.

(2) A person ordered to vacate the area under subsection (1) must immediately comply with the order.

Direction to leave in case of loss or damage

35.2(1) If an officer reasonably believes that any person's occupation or use of any area of vacant public land for recreational purposes has caused, or is likely to cause, loss or damage, the officer may order the person to vacate the area of public land for a period of 72 hours.

(2) A person ordered to vacate the area under subsection (1) must immediately comply with the order.

11 Section 37.1(3) is amended

- (a) **by striking out** “entry or occupation of a trail” **and substituting** “entry on or occupation of a trail”;
- (b) **by striking out** “or” **at the end of clause (d) and adding the following after clause (d):**

- (d.1) to a person conducting activities under a trail agreement under the *Trails Act*, for the purpose of the operation, management, construction, development or maintenance of a designated trail or designated trail area under that Act,
- (d.2) to a trail manager, or

12 Section 43(a)(iii) is repealed and the following is substituted:

- (iii) does not involve the use of a wheeled or tracked conveyance, unless the entry or occupation occurs within a designated water crossing and is in accordance with the rules specified in signs or notices under section 33.3,

13 Section 47 is repealed and the following is substituted:

Liability of owner

47 Where a contravention of section 33.1(4), 43, 44, 45(1) or (4), 48.2, 199.3 or 199.5 is committed by means of a motor vehicle or trailer to which the *Traffic Safety Act* applies, the registered owner of the motor vehicle or trailer, as the case may be, is guilty of the contravention and liable to any administrative penalty or fine imposed under the Act or this Regulation in respect of it, whether or not any other person is charged with or prosecuted in respect of the contravention.

14 The following is added after section 48:

Notice of prohibition or restriction of uses and activities

48.1(1) Subject to subsection (2), the director may prohibit or restrict any use or activity for a recreational purpose within an area of vacant public land

- (a) to stop or reduce specific loss or damage that is occurring within the area,
- (b) to prevent specific loss or damage from occurring within the area,
- (c) to stop or reduce specific harm, injury or damage that is occurring to any person, resource or thing within the area, or
- (d) to prevent specific harm, injury or damage from occurring to any person, resource or thing within the area

for a period not exceeding 2 years.

(2) The director must not prohibit the following activities in an area of vacant public land where any use or activity within that area has been prohibited or restricted under subsection (1):

- (a) hunting as defined in the *Wildlife Act*;
- (b) fishing as defined in the *Fisheries (Alberta) Act*.

(3) Where the director prohibits or restricts any use or activity within an area of vacant public land under subsection (1), the Department must provide notice, as soon as practicable, of the prohibition or restriction, as the case may be, by

- (a) publishing the prohibition or restriction, which may include publication on the Department's website, or
- (b) posting signs to be visibly displayed at places likely to be used to enter the area of vacant public land or at fence corners or along the perimeter of the area of vacant public land.

(4) For the purpose of subsection (1), a notice under subsection (3) is deemed to be sufficient notice to any person charged with an offence in connection with a prohibition or restriction made under subsection (1) to which the notice relates.

Prohibition or restriction — uses and activities for recreational purpose

48.2 No person shall engage in any use or activity for a recreational purpose

- (a) that has been prohibited, or
- (b) in a manner that has been restricted

under section 48.1(1).

15 Section 137 is amended

(a) by repealing subsection (1)(b) and substituting the following:

- (b) for a term of up to 10 years if the applicant has conducted commercial trail riding operations in a manner satisfactory to the director.

(b) by repealing subsection (2) and substituting the following:

- (2) The director may, at any time during the last half of the term of a permit issued under subsection (1)(b), renew the permit for an additional term of up to 10 years if the operator has conducted operations in a manner satisfactory to the director.

16 Section 143(2) is amended by striking out “5 years” and substituting “10 years”.

17 Section 174 is amended

(a) by adding the following after clause (c):

- (c.1) section 31.1;

(b) by adding the following after clause (e.1):

- (e.2) section 33.2;

(c) by adding the following after clause (f):

- (f.1) section 35.1(2);

- (f.2) section 35.2(2);

(d) by adding the following after clause (k):

- (k.1) section 48.2;

(e) by repealing clause (cc) and substituting the following:

- (cc) section 181;

(f) by repealing clause (ii) and substituting the following:

- (ii) section 188;
- (ii.1) section 188.1;
- (g) by repealing clause (tt) and substituting the following:**
 - (tt) section 199.3;
 - (tt.1) section 199.5;
- (h) by adding the following after clause (uu):**
 - (uu.1) section 200.1;
- (i) by adding the following after clause (bbb):**
 - (bbb.1) section 207.2(1), (2) and (4);

18 Section 177 is amended

- (a) in subsection (1)**
 - (i) by striking out “Schedules 4 to 7” and substituting “Schedules 4, 5 and 7”;**
 - (ii) by repealing clauses (a) and (c);**
 - (iii) by adding the following after clause (i):**
 - (i.1) “registered fur management area” means a registered fur management area as defined in the *Wildlife Regulation* (AR 143/97);
 - (iv) by adding the following after clause (k):**
 - (k.1) “trail damage”, in respect of a provincial trail, means human activity that modifies or results in the modification of the trail tread, ditch or structures associated with the trail, including but not limited to parking space, launching ramps, trail shelters, bridges, litter shelters, corrals and outhouses of a provincial trail from the state in which it existed before the human activity occurred and does not include the activities of a trail manager under section 207.1(a) to (f);
 - (k.2) “trail tread” means the surface of a provincial trail especially adapted to the use of conveyance or foot traffic.

- (v) **by repealing clause (I);**
- (b) **in subsection (3)**
 - (i) **by striking out “Schedule 4, 5, 6 or 7” and substituting “Schedule 4, 5 or 7”;**
 - (ii) **by striking out “, public land recreation trail”;**
- (c) **by adding the following after subsection (3):**

(4) Where a provincial trail is within a public land use zone, use of the provincial trail shall be in accordance with the provisions of this Part that apply to provincial trails in addition to the provisions of this Part that apply to public land use zones, and in the event of a conflict, provisions that apply to provincial trails prevail.

19 Section 180 is repealed.

20 Section 181 is amended

- (a) **by striking out “public land recreation trail” and substituting “provincial trail”;**
- (b) **by striking out “and” at the end of clause (a.1);**
- (c) **by repealing clause (b) and substituting the following:**
 - (b) the instructions, prohibitions and directions specified in signs and notices posted by or at the request of an officer on or about the public land use zone or public land recreation area, and
- (d) **by adding the following after clause (b):**
 - (c) the instructions, prohibitions and directions specified in signs and notices posted by an officer or a trail manager on or about the provincial trail except
 - (i) where a director issues an access permit under section 37 or authorizes a motor vehicle under section 206(5),
 - (ii) where an exemption under section 199.2(5) or (6) or section 206(6) applies to that person, or

- (iii) when trail maintenance is allowed pursuant to section 207.1.

21 Section 182 is amended by striking out “public land recreation trail” wherever it occurs and substituting “provincial trail”.

22 Section 183 is amended

- (a) in subsection (1) by striking out “public land recreation trail” and substituting “provincial trail”;
- (b) in subsection (2) by striking out “public land recreation trail land” and substituting “provincial trail”.

23 Section 185(3) is repealed and the following is substituted:

- (3) Except to the extent a person is otherwise authorized by an access permit, the operation of a motor vehicle within a public land use zone is allowed only in areas or on trails that have been designated for that purpose by signs or notices posted by an officer in the public land use zone pursuant to this Regulation.

24 Section 188 is repealed and the following is substituted:

Use of firearms, explosives or traps in public land recreation areas

188 No person shall discharge a firearm, use an explosive or set a trap within a public land recreation area.

25 The following is added after section 188:

Use of firearms, explosives or traps on provincial trails

188.1(1) No person, except a person hunting within the meaning of the *Wildlife Act*, shall discharge a firearm within 400 metres of a trail tread.

- (2) No person shall use an explosive on a provincial trail.
- (3) No person shall set a trap
 - (a) within 10 metres of the trail tread, or

- (b) on a provincial trail where setting of traps has been prohibited under section 188.2.

Signs or notices prohibiting traps

188.2 The director may prohibit the setting of traps on all or any part of a provincial trail by posting signs or notices on or about the provincial trail.

26 Section 199 is repealed and the following is substituted:

Instructions, signs or notices posted by officer

199(1) An officer may post written instructions, signs or notices in a public land recreation area or on or about a provincial trail regarding the manner of operating a conveyance and the use of a camping accommodation unit within the public land recreation area or on the provincial trail, as the case may be.

(2) If an officer posts written instructions, signs or notices under subsection (1), the officer must as soon as practicable make the written instructions, signs or notices, as the case may be, publicly available.

27 The following is added after section 199:

Direction to leave

199.1 If an officer reasonably believes that a person has failed to comply with any prohibition or direction specified in an instruction, sign or notice in a public land recreation area or on a provincial trail posted under this Part, the officer may direct that person to vacate the public land recreation area or provincial trail, as the case may be.

Notice of prohibition and restriction

199.2(1) Subject to subsections (5) and (6), the director may prohibit or restrict the type of conveyances that may be operated on a provincial trail.

(2) Where the director prohibits or restricts the types of conveyances that may be operated on a provincial trail under subsection (1), the Department must provide notice of the prohibition or restriction, as the case may be, by

- (a) publishing the prohibition or restriction, which may include publication on the Department's website, or
- (b) posting signs on or about the provincial trail.

(3) For the purpose of subsection (1), a notice under subsection (2) is deemed to be sufficient notice to any person charged with an

offence in connection with a prohibition or restriction made under subsection (1) to which the notice relates.

(4) Subject to any applicable trail management plan established under the *Trails Act*, a trail manager may post written instructions, signs or notices on or about a provincial trail regarding the type of conveyances that may be operated on the provincial trail.

(5) Subsection (1) does not apply to the operation of a motor vehicle authorized under section 206(5) or the operation of a motor vehicle for trail maintenance pursuant to section 207.1.

(6) Subsection (1) does not apply to the operation of an off-highway vehicle or snow vehicle by an individual who is exercising a right recognized and affirmed under Part II of the *Constitution Act, 1982* or under section 12 of the Transfer Agreement, including an individual who is travelling to a location to exercise a right recognized and affirmed under Part II of the *Constitution Act, 1982* or under section 12 of the Transfer Agreement.

Prohibition or restriction — operation of conveyances on provincial trail

199.3 Subject to section 199.2(5) and (6), no person shall operate a conveyance

- (a) where the operation of that type of conveyance has been prohibited, or
- (b) in a manner that has been restricted

under section 199.2(1).

Closure of provincial trails

199.4(1) The director, or a trail manager with prior authorization from the director, may close all or any part of a provincial trail for the purpose of trail maintenance or in order to protect the provincial trail from damage.

(2) Where the director or a trail manager closes all or any part of a provincial trail under subsection (1), the Department must provide notice by

- (a) publishing the closure, which may include publication on the Department's website, or
- (b) posting signs on or about the provincial trail.

(3) For the purpose of subsection (1), a notice under subsection (2) is deemed to be sufficient notice to any person charged with an offence in connection with a closure under subsection (1) to which the notice relates.

Prohibition — closure of provincial trails

199.5 No person shall enter on or occupy

- (a) a provincial trail, or
- (b) part of a provincial trail

that has been closed under section 199.4(1).

28 Section 200 is amended

- (a) **in subsection (1) by striking out** “or on a public land recreation trail”;
- (b) **in subsection (2)(b) by striking out** “or on the public land recreation trail”.

29 The following is added after section 200:

Prohibition on provincial trails

200.1(1) No person shall leave a conveyance or camping accommodation unit on a trail tread.

(2) Subject to subsection (4), no person shall leave a conveyance or camping accommodation unit on a provincial trail for a period exceeding 24 hours, unless an area of the provincial trail has been designated for such use by written instructions, signs or notices posted pursuant to section 199(1).

(3) This section does not apply to

- (a) an emergency vehicle as defined in the *Traffic Safety Act*,
- (b) a conveyance used in connection with the construction, maintenance or servicing of resources within the provincial trail, or
- (c) a towing service vehicle,

while the vehicle or the conveyance is being used for work that requires the vehicle or conveyance to be stopped or parked.

(4) Subsection (2) does not apply to a conveyance or camping accommodation unit left by a person who is exercising a right recognized and affirmed under Part II of the *Constitution Act, 1982* or a right under section 12 of the Transfer Agreement, including an individual who is travelling to a location to exercise a right recognized and affirmed under Part II of the *Constitution Act, 1982* or under section 12 of the Transfer Agreement.

30 Section 206 is repealed and the following is substituted:

Operation of conveyances restricted

206(1) No person shall operate a motor vehicle on a provincial trail except according to this section or as otherwise authorized by this Regulation.

(2) Subject to subsections (5) and (6), a person may only operate a motor vehicle, other than a snow vehicle, on the trail tread.

(3) Motor vehicles, except snow vehicles, may be operated on a provincial trail designated for that use in accordance with any rules specified in signs or notices posted by an officer or a trail manager, as the case may be,

- (a) at speeds not exceeding the maximum speeds prescribed for motor vehicles by the signs posted, or
- (b) where no maximum speed for motor vehicles is posted, at speeds not exceeding 50 kilometres per hour.

(4) Snow vehicles may be operated on provincial trails designated for that use by signs posted on or about the provincial trails by an officer or a trail manager, as the case may be,

- (a) at speeds not exceeding the maximum speeds prescribed for snow vehicles by the signs posted, or
- (b) where no maximum speed for snow vehicles has been posted, at speeds not exceeding 60 kilometres per hour.

(5) The director may authorize any holder referred to in section 207.2(1) or a holder of a permit issued under the *Forest Reserves Act* to operate a motor vehicle on a provincial trail to conduct work or to transport any persons engaged in work or any equipment used in work on a provincial trail where operation of motor vehicles is restricted or prohibited under this Part.

(6) Subsection (2) does not apply to the operation of an off-highway vehicle by an individual who is exercising a right recognized and affirmed under Part II of the *Constitution Act, 1982* or under section 12 of the Transfer Agreement, including an individual who is travelling to a location to exercise a right recognized and affirmed under Part II of the *Constitution Act, 1982* or under section 12 of the Transfer Agreement.

31 Section 207 is repealed and the following is substituted:

Pets of users on provincial trails

207(1) Where pet animals are not prohibited under subsection (2), a person who brings a pet animal on a provincial trail must keep the pet animal under control.

(2) The director or trail manager may prohibit pet animals from entering on a provincial trail, or require pet animals to be on leash, by posting signs or notices on or about the provincial trail.

32 The following is added after section 207:

Authorized activities for maintenance

207.1 A trail manager or person conducting duties under a trail agreement made under the *Trails Act* is authorized to enter on and occupy a provincial trail to conduct the following activities for the purposes of maintaining the trail tread:

- (a) marking trail tread with ribbons, cairns or other directional indicators;
- (b) clearing and removing debris, including but not limited to brush, downed trees and rocks, to enable safe use and passage;
- (c) doing minor repairs that are required to enable safe use and passage;
- (d) grooming;
- (e) repairing or replacing signs or notices;
- (f) doing any other activities authorized in writing by the director.

Trail damage

207.2(1) Where the holder of a disposition under the Act or this Regulation, or an exploration approval issued under the *Exploration Regulation* (AR 284/2006) or the *Metallic and Industrial Minerals Exploration Regulation* (AR 213/98), a timber disposition issued under the *Forests Act* or a registered fur management licence in respect of a provincial trail, enters on and causes or allows trail damage, the holder must comply with all of the following:

- (a) provide immediate notice to the director or trail manager of the trail damage;
- (b) include the date, location and type of the trail damage in the notice under clause (a);
- (c) restore the provincial trail to

- (i) the same condition in which the trail was before the trail damage, or
 - (ii) a condition satisfactory to the director.
- (2) The holder in subsection (1) must complete all work required by subsection (1)(c) within 30 days of the trail damage or by a date approved by the director.
- (3) If the holder in subsection (1) fails to comply with subsection (1) or (2), the director may issue an order requiring the holder to restore the provincial trail.
- (4) Where an order is issued under subsection (3), the holder must comply with the order.
- (5) In the event of a conflict between this section and any terms or conditions of a disposition, this section prevails.

33 Section 3 of Part A of Schedule 4 is amended

- (a) **by striking out** “and Public Land Recreation Trails pursuant to Section 46 of the *Forests Act*,”;
- (b) **by striking out** “Ford Creek-Jumpingpound Public Land Recreation Trail”.

34 Schedule 6 is repealed.

35 This Regulation comes into force on the coming into force of the *Trails Act*.

Alberta Regulation 16/2022

Public Lands Act

**EXPLORATION DISPUTE RESOLUTION (EXPIRY
DATE EXTENSION) AMENDMENT REGULATION**

Filed: February 23, 2022

For information only: Made by the Lieutenant Governor in Council (O.C. 039/2022) on February 23, 2022 pursuant to section 9 of the Public Lands Act.

1 The *Exploration Dispute Resolution Regulation* (AR 227/2003) is amended by this Regulation.

2 Section 32 is amended by striking out “March 31, 2022” and substituting “March 31, 2027”.

Alberta Regulation 17/2022

Responsible Energy Development Act

**SPECIFIED ENACTMENTS (JURISDICTION)
AMENDMENT REGULATION**

Filed: February 23, 2022

For information only: Made by the Lieutenant Governor in Council (O.C. 041/2022) on February 23, 2022 pursuant to section 26 of the Responsible Energy Development Act.

1 The *Specified Enactments (Jurisdiction) Regulation* (AR 201/2013) is amended by this Regulation.

2 Schedule 1 is amended in section 6 by adding the following after clause (h):

- (i) sections 206(5) and 207.2(1), (2) and (3).

3 This Regulation comes into force on the coming into force of the *Trails Act*.

Alberta Regulation 18/2022

Labour Relations Code

**REGIONAL HEALTH AUTHORITY COLLECTIVE
BARGAINING AMENDMENT REGULATION**

Filed: February 23, 2022

For information only: Made by the Lieutenant Governor in Council (O.C. 044/2022) on February 23, 2022 pursuant to section 162.1 of the Labour Relations Code.

1 The *Regional Health Authority Collective Bargaining Regulation* (AR 80/2003) is amended by this Regulation.

2 Section 1 is amended by repealing clauses (a.1), (a.2), (c), (d), (d.2), (g), (g.1), (h), (i) and (j).

3 Sections 2.1 to 21 are repealed.

4 Section 22 is amended by striking out “March 31, 2022” and substituting “March 31, 2027”.

Alberta Regulation 19/2022

Insurance Act

**CERTIFICATE EXPIRY, PENALTIES AND FEES
REPEAL REGULATION**

Filed: February 23, 2022

For information only: Made by the Lieutenant Governor in Council (O.C. 046/2022) on February 23, 2022 pursuant to section 498 of the Insurance Act.

1 The *Certificate Expiry, Penalties and Fees Regulation* (AR 125/2001) is repealed.

2 This Regulation comes into force on the coming into force of section 11(3)(b) of the *Red Tape Reduction Implementation Act, 2021* (No. 2).

Alberta Regulation 20/2022

Insurance Act

**INSURANCE AGENTS AND ADJUSTERS
AMENDMENT REGULATION**

Filed: February 23, 2022

For information only: Made by the Lieutenant Governor in Council (O.C. 047/2022) on February 23, 2022 pursuant to section 498 of the Insurance Act.

1 The *Insurance Agents and Adjusters Regulation* (AR 122/2001) is amended by this Regulation.

2 Section 2(4) is repealed.

3 The following is added after section 25.2:

Expiry dates

25.3 A certificate of authority issued, renewed, amended or reinstated

- (a) during the period beginning on July 1 and ending on the following April 30 expires on the June 30 following the date of its issue, renewal, amendment or reinstatement, and
- (b) during the period beginning on May 1 and ending on the following June 30 expires on the June 30 of the year following the expiry of that period.

4 The following is added after section 36:

Penalties, Delegation and Publication

Section 480 penalties

36.1(1) For the purposes of section 480(2) of the Act, the amount of the penalty that may be imposed may not exceed the following:

- (a) \$5000 for a matter referred to in section 480(1)(a) of the Act;
- (b) \$1000 for a matter referred to in section 480(1)(b), (c), (d) or (e) of the Act.

(2) The rate of interest prescribed for the purposes of section 480(7) of the Act is 12% per annum, prorated in respect of any part of a month, on the unpaid balance.

Delegation and approval

36.2(1) The Minister may

- (a) delegate in writing some or all of the Minister's powers under section 498.1 of the Act to the Alberta Insurance Council or to the Accreditation Committee, and
- (b) impose restrictions and limitations on any such delegation.

(2) Notwithstanding a delegation made under subsection (1), the Alberta Insurance Council or the Accreditation Committee, as the

case may be, must provide notice to the Minister of any proposed fees, levies, penalties or other charges, and obtain approval of the Minister before any such fees, levies, penalties or charges are effective.

(3) On receiving notice under subsection (2), the Minister may approve the proposed fees, levies, penalties or other charges or may require the Alberta Insurance Council or the Accreditation Committee, as the case may be, to change the proposed fees, levies, penalties or other charges.

Publication

36.3(1) Information about any fees, levies, penalties and other charges that are proposed by the Alberta Insurance Council or the Accreditation Committee, as the case may be, under section 498.1 of the Act and pursuant to a delegation under section 36.2(1) must be published online by the Alberta Insurance Council or the Accreditation Committee, as the case may be, and made available for public comment for at least 30 days prior to notice being provided to the Minister for approval under section 36.2(2).

(2) Information about any fees, levies, penalties and other charges that have been established by the Minister under section 498.1 of the Act or, where applicable, approved by the Minister under section 36.2(3), must be published online by the Minister's department, the Alberta Insurance Council, or the Accreditation Committee, as directed by the Minister.

5 Section 3 and section 4, to the extent that it enacts section 36.1, come into force on the coming into force of section 11(3)(b) of the *Red Tape Reduction Implementation Act, 2021* (No. 2).

Alberta Regulation 21/2022

Insurance Act

INSURANCE COUNCILS AMENDMENT REGULATION

Filed: February 23, 2022

For information only: Made by the Lieutenant Governor in Council (O.C. 048/2022) on February 23, 2022 pursuant to section 498 of the Insurance Act.

1 The *Insurance Councils Regulation* (AR 126/2001) is amended by this Regulation.

2 Section 23(2) is amended by striking out “section 13 of the *Certificate Expiry, Penalties and Fees Regulation* (AR 125/2001)” **and substituting** “section 36.1 of the *Insurance Agents and Adjusters Regulation* (AR 122/2001)”.

3 This Regulation comes into force on the coming into force of section 11(3)(b) of the *Red Tape Reduction Implementation Act, 2021* (No. 2).

Alberta Regulation 22/2022

Prompt Payment and Construction Lien Act

BUILDERS' LIEN FORMS AMENDMENT REGULATION

Filed: February 25, 2022

For information only: Made by the Lieutenant Governor in Council (O.C. 051/2022) on February 25, 2022 pursuant to section 70 of the Builders' Lien Act.

1 The *Builders' Lien Forms Regulation* (AR 51/2002) is amended by this Regulation.

2 The title of the Regulation is repealed and the following is substituted:

**Prompt Payment and Construction
Lien Forms Regulation**

3 Section 1 is amended by repealing clause (a) and substituting the following:

(a) “Act” means the *Prompt Payment and Construction Lien Act*;

4 The following is added after section 1:

Notice of dispute

1.1 A notice of dispute under section 32.2(2) of the Act is to be in Form 1.

Notice of non-payment

1.2(1) A notice of non-payment under section 32.3(5)(a) of the Act is to be in Form 2.

(2) A notice of non-payment under section 32.3(6) of the Act is to be in Form 3.

(3) A notice of non-payment under section 32.5(6)(a) of the Act is to be in Form 4.

(4) A notice of non-payment under section 32.5(7) of the Act is to be in Form 5.

5 Section 2 is amended

(a) in subsection (1) by striking out “Form 1” and substituting “Form 6”;

(b) in subsection (2) by striking out “Form 2” and substituting “Form 7”.

6 Section 3 is amended

(a) in clause (a) by striking out “Form 3 or Form 3.1” and substituting “Form 8 or Form 9”;

(b) in clause (b) by striking out “Form 4 or Form 4.1” and substituting “Form 10 or Form 11”.

7 Section 4 is amended by striking out “Form 5” and substituting “Form 12”.

8 Section 5 is amended by striking out “Form 6” and substituting “Form 13”.

9 Section 6 is amended by striking out “Form 7” and substituting “Form 14”.

10 Section 7 is amended by striking out “Form 8” and substituting “Form 15”.

11 Section 8 is repealed.

12 The Schedule is repealed and the following is substituted:

Schedule

Form 1

Owner's Notice of Dispute

(Section 32.2(2) of the Act)

Name of Owner:

Owner address:

Work site legal land description: _____

Name of Contractor:

Contractor address:

Contractor address for service, if known:

The Owner disputes the proper invoice dated _____,
submitted to the Owner by the Contractor in respect to the work done
or material furnished. The Owner will not pay the indicated amount
payable under the invoice:

(Please check the appropriate box)

☐ The full amount of the proper invoice, being
\$ _____

☐ A portion of the amount of the proper invoice, being
\$ _____

Reason(s) for non-payment:

Date

Signature (Owner)

Form 2

Contractor's Notice of Non-payment

(Section 32.3(5)(a) of the Act)

Name of Contractor:

Contractor address:

Work site legal land description: _____

Name of Subcontractor:

Subcontractor address:

Subcontractor address for service, if known:

The Contractor submitted a proper invoice to the Owner in respect to work done or materials furnished on:

The Contractor has not received payment from the Owner and will not pay the Subcontractor the amount under the subcontract that was included in the proper invoice within the time specified in section 32.3(1) of the *Prompt Payment and Construction Lien Act*.

Amount that will not be paid:
(Please check the appropriate box)

- ☐ The full amount of the work provided or material supplied by the Subcontractor, being
\$ _____
- ☐ A portion of the amount of the work provided or material supplied by the subcontractor, being
\$ _____

The Contractor hereby undertakes to refer the matter to adjudication under Part 5 of the *Prompt Payment and Construction Lien Act*, no later than 21 days after giving notice of the non-payment to the Subcontractor.

A copy of the Notice of Dispute under section 32.2(2) of the Act is enclosed.

Date

Signature (Contractor)

Form 3

Contractor's Notice of Non-payment Dispute

(Section 32.3(6) of the Act)

Name of Contractor:

Contractor address:

Work site legal land description: _____

Name of Subcontractor:

Subcontractor address:

Subcontractor address for service, if known:

The Contractor submitted a proper invoice to the Owner in respect to work done or materials furnished on:

The Contractor disputes the entitlement of the Subcontractor to payment of an amount under the subcontract that was included in the proper invoice. The Contractor will not pay the indicated amount:

(Please check the appropriate box)

☐ The full amount of the work provided or material supplied by the Subcontractor, being
\$ _____

☐ A portion of the amount of the work provided or material supplied by the subcontractor, being
\$ _____

Reason(s) for non-payment:

Date

Signature (Contractor)

Form 4

**Subcontractor's Notice of Non-payment
Where Contractor Does Not Pay**
(Section 32.5(6)(a) of the Act)

Name of Subcontractor:

Subcontractor address:

Work site legal land description: _____

Name of Contractor:

Contractor address:

Contractor address for service, if known:

*(Complete for the Subcontractor who provided work or supplied
materials in relation to the proper invoice.)*

Name of Subcontractor:

Subcontractor address:

Subcontractor address for service, if known:

The Contractor submitted a proper invoice to the Owner in respect to
work done or materials furnished on:

(Please check the appropriate box)

- ☐ The Subcontractor has not received payment from the Contractor and will not pay the Subcontractor the amount under the subcontract that was included in the proper invoice within the time specified in subsection 32.5(1) of the *Prompt Payment and Construction Lien Act*.
- ☐ *[Non-payment to a Subcontractor who is entitled to payment from a Subcontractor in accordance with section 32.5(11) of the Prompt Payment and Construction Lien Act]* The Subcontractor has not received payment from the Owner and

will not pay the Subcontractor the amount under the subcontract that was included in the proper invoice within the time specified in subsection 32.5(1) of the *Prompt Payment and Construction Lien Act*.

Amount that will not be paid:
(Please check the appropriate box)

- ☐ The full amount of the work provided or material supplied by the Subcontractor, being
\$ _____
- ☐ A portion of the amount of the work provided or material supplied by the Subcontractor, being
\$ _____

The Subcontractor hereby undertakes to refer the matter to adjudication under Part 5 of the *Prompt Payment and Construction Lien Act*, no later than 21 days after giving notice of the non-payment to the Subcontractor.

A copy of any Notice of Non-payment received by the Subcontractor is enclosed.

Date

Signature (Subcontractor)

Form 5

Subcontractor's Notice of Non-payment Dispute

(Section 32.5(7) of the Act)

Name of Subcontractor:

Subcontractor address:

Work site legal land description: _____

Name of Contractor:

Contractor address:

(Complete for the Subcontractor who provided work or supplied materials in relation to the proper invoice.)

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Name of Subcontractor:

Subcontractor address:

Subcontractor address for service, if known:

The Contractor submitted a proper invoice to the Owner in respect to work done or materials furnished on:

The Subcontractor disputes the entitlement of another Subcontractor to payment of an amount under the subcontract that was included in the proper invoice in accordance with section 32.5(7) of the *Prompt Payment and Construction Lien Act*, or section 32.5(11) of the *Prompt Payment and Construction Lien Act*. The subcontractor will not pay the indicated amount:

(Please check the appropriate box)

- ☐ The full amount of the work provided or material supplied by the Subcontractor, being
\$ _____
- ☐ A portion of the amount of the work provided or material supplied by the subcontractor, being
\$ _____

Reason(s) for non-payment:

Date

Signature (Subcontractor)

Form 6

Statement of Lien

(Section 34 of the Act)

(Name of lienholder) of (residence of lienholder) (if claimant is the assignee of the original lienholder, state the facts) claims a lien under the *Prompt Payment and Construction Lien Act* on the estate of (name and residence of the owner of the land on which the lien is claimed) in the following land: (_____)
_____ set out concise legal description _____)

- ☐ (NOTE: If this lien is with respect to an improvement to an oil or gas well or to an oil or gas well site for which the lien

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BUILDERS' LIEN

may be registered in the Land Titles Office not later than 90 days from the last day that the work was done or the materials were last furnished, please check.

OR

- ☐ If this lien is with respect to the manufacture and supply of ready-mix concrete referred to in the North American Industry Classification System (NAICS), as amended from time to time, for which the lien may be registered in the Land Titles Office not later than 90 days from the last day that the work was done or the materials were last furnished, please check.)

The lien is claimed with respect to the following work or materials, that is to say:

(give a short description of the nature of the work
done or the materials furnished or to be furnished)

which work was or is to be done for or which materials were or are to be furnished for (name and residence of person for whom the work was or is being done or the materials were or are being furnished):

(please check the appropriate box):

- ☐ The work was completed or the materials were last furnished on the ____ day of _____, ____.
- ☐ The work is not yet completed or the materials have not yet all been furnished.

The sum claimed as due or to become due is \$ _____.

The address for service of the lienholder hereunder is _____, in the Province of Alberta.

Dated at _____ this ____ day of, _____, ____.

Signature

(Status of signatory, e.g., lienholder; agent of lienholder;
or where the lienholder or agent is a corporation, the
signatory's position with the corporation)

NOTE: This form is for use only where the statement of lien is to be registered with the Minister of Energy.

Form 7

**Statement of Lien on
Interest in Crown Minerals**
(Section 36 of the Act)

This statement of lien applies with respect to the following (check the appropriate box):

- ☐ To work done or materials furnished with respect to improvements, other than improvements to an oil or gas well or to an oil or gas well site, in which case this lien is to be registered with the Minister of Energy not later than 60 days from the last day that the work was last done or the materials were last furnished.
- ☐ To work done or materials furnished with respect to improvements to an oil and gas well or to an oil or gas well site, in which case this lien is to be registered with the Minister of Energy not later than 90 days from the last day that the work was done or the materials were last furnished.
- ☐ To work done or materials furnished with respect to the manufacture and supply of ready-mix concrete referred to in the North American Industry Classification System (NAICS), as amended from time to time, in which case this lien is to be registered with the Minister of Energy not later than 90 days from the last day that the work was done or the materials were last furnished.

(Name of lienholder) of (residence of lienholder) (if claimant is the assignee of the original lienholder, state the facts) claims a lien under the *Prompt Payment and Construction Lien Act* on the interest in minerals of (name and residence of the owner of the interest in minerals on which the lien is claimed) in the following land:
(set out concise legal description).

The mineral is (set out mineral concerned).

The lien is claimed with respect to the following work or materials, that is to say:

(give a short description of the nature of the work
done or the materials furnished or to be furnished)

which work was or is to be done for or which materials were or are to be furnished for (name and residence of person for whom the work was or is being done or the materials were or are being furnished):

(check the appropriate box)

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- ☐ The work was completed or the materials were last furnished on the ____ day of _____, ____.
- ☐ The work is not yet completed or the materials have not yet all been furnished.

The sum claimed as due or to become due is \$_____.

The address for service of the lienholder hereunder is _____, in the Province of Alberta.

Dated at _____ this ____ day of, _____, _____.

Signature

Form 8

Affidavit Verifying Claim

(Section 34(6) of the Act)

(Name of lienholder) of _____ in the Province of _____, (occupation), named in the above (or annexed) statement make oath and say that the said claim is true.

SWORN BEFORE ME at the _____ of)
_____, in the Province of _____,)
this _____ day of _____,)
_____.)
_____) (Lienholder)
_____)
A Commissioner for Oaths)

Form 9

Affidavit Verifying Claim

(Section 34(6) of the Act)

(by two-way videoconferencing)

(Name of lienholder) of _____ in the Province of _____, named in the above (or annexed) statement make oath and say that the said claim is true, and that I am executing this document by two-way videoconferencing separate and apart from any other person.

SWORN BEFORE ME, _____,)
a lawyer in and for the Province of Alberta)
at the _____ in the _____)
of _____ by two-way videoconferencing)

with the deponent who was at the _____)
 in the Province of Alberta this ____ day of _____)
 _____, _____ on the basis of evidence _____)
 provided to me that enabled me to verify the _____ (Lienholder)
 deponent's identity and confirm the contents)
 of the document being executed.)

 (Lawyer)

Form 10

Affidavit Verifying Claim by Other Than Lienholder (Section 34(6) and (7) of the Act)

(Name of deponent) of _____ in the Province of _____,
 (occupation), make oath and say:

- (1) That I am the agent (or assignee) of _____ named in
 the above (or annexed) statement and have full knowledge of
 the facts set forth in the above (or annexed) statement [or I
 am informed by (state source of information) and believe that
 the facts are as set forth in the above (or annexed) statement].
- (2) That the said claim is true [or when deponent has been
 informed, that I believe that the said claim is true].

SWORN BEFORE ME at the _____ of _____)
 _____, in the Province of _____,)
 this _____ day of _____,)
 _____.)
 _____) (Deponent)
 _____)
 A Commissioner for Oaths)

Form 11

Affidavit Verifying Claim by Other Than Lienholder (Section 34(6) and (7) of the Act)

(by two-way videoconferencing)

(Name of deponent) of _____ in the Province of _____,
 (occupation), make oath and say:

- (1) I am the agent (or assignee) of _____ named in the above (or annexed) statement and have full knowledge of the facts set forth in the above (or annexed) statement [or I am informed by (state source of information) and believe that the facts are as set forth in the above (or annexed) statement].
- (2) The said claim is true [or when deponent has been informed, I believe that the said claim is true].
- (3) I am executing this document by two-way videoconferencing separate and apart from any other person.

SWORN BEFORE ME, _____,)
a lawyer in and for the Province of Alberta)
at the _____ in the _____)
of _____ by two-way videoconferencing)
with the deponent who was at the _____)
in the Province of Alberta this ____ day of _____)
_____, _____ on the basis of evidence) _____
provided to me that enabled me to verify the) (Deponent)
deponent's identity and confirm the contents)
of the document being executed.)

(Lawyer)

Form 12

Notice of Change of Address for Service

(Section 39 of the Act)

To: Registrar of Land Titles (or the Minister of Energy)

Take notice that I hereby change my address for service as stated in my Statement of Lien (or in my last registered notice of change of address for service) registered in the Land Titles Office (or with the Minister of Energy) on _____ day of _____, _____ as No. _____ affecting the land described as follows:

(set out concise legal description)

and appoint _____ in the Province of Alberta as my address for service.

Dated at _____, this ____ day of _____, _____.

(Signature)

Form 13
(Section 43 of the Act)

Clerk's stamp:

COURT FILE NUMBER
COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE
PLAINTIFF(S)
DEFENDANT(S)
DOCUMENT

**CERTIFICATE OF
LIS PENDENS**

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT

To: Registrar of Land Titles (or the Minister of Energy)

This is to certify that proceedings have been taken in court to enforce a certain lien registered by _____ against (here describe lands), which lien was registered pursuant to the *Prompt Payment and Construction Lien Act* in the Land Titles Office (or with the Minister of Energy) on _____ day of _____, _____ as No. _____.

Dated at _____ this _____ day of _____, _____.

(Court Clerk)

Form 14

Discharge of Lien
(Section 47 of the Act)

To: Registrar of Land Titles (or the Minister of Energy)

I, _____ acknowledge payment of all (or \$ _____ on account of) moneys due or to become due under the statement of lien made by or on behalf of (name of lienholder) as lienholder, on the following land:

(set out concise legal description)

the statement of lien being registered in the Land Titles Office (or with the Minister of Energy) on _____ day of _____, _____ as No. _____.

I declare that the said claim of lien has (not) been assigned or transferred and that I am entitled by law to receive the money.

AR 22/2022

BUILDERS' LIEN

Wherefore the said claim of lien is hereby wholly discharged (or wholly discharged as to the following land).

Dated at _____ this _____ day of _____, ____.

Witness: _____ (Signature) _____

Form 15
(Section 52 of the Act)

Clerk's stamp:

COURT FILE NUMBER
COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE
PLAINTIFF(S)
DEFENDANT(S)
DOCUMENT

**NOTICE TO
PROVE LIEN**

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT

To: (Name of lienholder)

Take notice that the undersigned hereby requires that you prove your lien registered pursuant to the *Prompt Payment and Construction Lien Act* on the _____ day of _____, ____ in the Land Titles Office (or with the Minister of Energy) as No. _____ with respect to the following land:

(set out concise legal description)

And further take notice that unless within 15 days from the date of service of this Notice on you, you file in the office of the Court Clerk at _____, Alberta, an affidavit giving detailed particulars of your lien pursuant to section 52 of the *Prompt Payment and Construction Lien Act*, you will lose your lien.

Dated at _____ this _____ day of _____, ____.

(Name of party giving notice)

13 This Regulation comes into force on the coming into force of the *Builders' Lien (Prompt Payment) Amendment Act, 2020*.

Alberta Regulation 23/2022

Prompt Payment and Construction Lien Act

PROMPT PAYMENT AND ADJUDICATION REGULATION

Filed: February 25, 2022

For information only: Made by the Lieutenant Governor in Council (O.C. 052/2022) on February 25, 2022 pursuant to section 25 of the Builders' Lien (Prompt Payment) Amendment Act, 2020.

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Interpretation

1(1) In this Regulation,

- (a) "Act" means the *Prompt Payment and Construction Lien Act*;
- (b) "calendar day" means a day other than a Saturday or a holiday as defined in the *Interpretation Act*;
- (c) "certificate" means a certificate of qualification issued under section 7;
- (d) "code of conduct" means the code of conduct established by a Nominating Authority under section 10;
- (e) "issuing Nominating Authority", with reference to an individual adjudicator, means the Nominating Authority that issued a certificate to that individual adjudicator.

(2) For the purposes of sections 33.6(5) and 33.61(1) of the Act, "written agreement" means an agreement made by the parties after the adjudicator makes a determination of the matter.

Part 1

Lien, Prompt Payment and Right to Information

Conditions for payment of amount retained

2(1) For the purpose of section 24.1(2)(a) of the Act, an annual payment must be made if the contract between the parties does not specify a phased payment.

(2) For the purpose of section 24.1(2)(b) of the Act, the prescribed amount of the contract price is \$10 000 000.

Time for proper invoice

3 Subject to the 31-day limitation required under section 32.1(6) of the Act, the owner and the contractor may agree to specify terms as to when proper invoices may be delivered.

Rate of interest on late payments

4 For the purpose of section 32.6 of the Act, the rate of interest on any amounts included in a proper invoice that are unpaid and due shall be

- (a) the rate specified in the contract, or
- (b) if no rate is specified in the contract, the current rate provided in the *Judgment Interest Regulation* (AR 215/2011).

Statement of accounts

5 For the purpose of section 33(3)(d) of the Act, a statement of the state of accounts must contain the following information:

- (a) whether all or any portion of the amount has been paid with respect to
 - (i) a proper invoice or any other invoice, or
 - (ii) proper invoices or other invoices;
- (b) the percentage of amounts paid under one or more proper invoices or other invoices;
- (c) the date on which the amount due under a proper invoice or any other invoice was paid, if any amount was paid.

Part 2

Nominating Authority and Administration

Designation of Nominating Authority

6 To be designated as a Nominating Authority under section 33.2(1) of the Act, an entity must submit an application to the Minister in the time and manner specified by the Minister.

Certificate of qualification

7(1) A Nominating Authority may issue a certificate of qualification to adjudicate to an individual who is eligible under subsection (2) and who applies to the Nominating Authority in accordance with its procedures.

(2) An individual is eligible to hold a certificate who meets the following requirements and qualifications:

- (a) the individual has at least 10 years of relevant work experience in the construction sector in the opinion of the Nominating Authority;
- (b) the individual has been evaluated and considered by the Nominating Authority to have sufficient knowledge and experience in the following areas:
 - (i) dispute resolution;
 - (ii) contract law;
 - (iii) legislative interpretation;
 - (iv) determination writing;
 - (v) ethics;
 - (vi) jurisdiction;
 - (vii) adjudication process;
- (c) the individual is not an undischarged bankrupt;
- (d) the individual has not been convicted of an indictable offence in Canada or of a comparable offence outside Canada;
- (e) the individual pays to the Nominating Authority the required fees, costs or charges for training and qualification as an adjudicator;

- (f) the individual agrees in writing to abide by the code of conduct.

(3) Subject to subsection (4), a certificate issued under this section is valid for the period specified in it to a maximum of 3 years and may be renewed for one or more further periods not exceeding 3 years on each renewal, if the adjudicator holding the certificate continues to be eligible under subsection (2).

(4) Certificates issued by a Nominating Authority shall cease to be valid if

- (a) the designation of the Nominating Authority is terminated, or
- (b) the Nominating Authority ceases to operate.

Responsibilities of adjudicators

8 Every adjudicator holding a certificate must

- (a) successfully complete all training programs required by the issuing Nominating Authority under section 33.2(2)(d) of the Act and section 11,
- (b) comply with the code of conduct of the issuing Nominating Authority, and
- (c) pay to the issuing Nominating Authority the required fees, costs or charges for the training and qualifications necessary to act as an adjudicator.

Suspension and cancellation of certificate

9(1) An issuing Nominating Authority may suspend or cancel a certificate if the issuing Nominating Authority is satisfied, on reasonable grounds, that

- (a) the adjudicator holding the certificate
 - (i) is no longer eligible under section 7(2) to hold the certificate, or
 - (ii) does not meet one of the responsibilities under section 8,
- (b) the adjudicator holding the certificate is incompetent or otherwise unqualified to conduct adjudications, or
- (c) the certificate was issued or renewed on the basis of a false or misleading representation or declaration.

(2) An adjudicator whose certificate is suspended or cancelled must not conduct or continue to conduct any adjudication for the duration of the suspension or cancellation.

(3) The issuing Nominating Authority may terminate the suspension of a certificate if the issuing Nominating Authority is satisfied on reasonable grounds that the circumstances giving rise to the suspension no longer exist and the adjudicator whose certificate was suspended is eligible to hold the certificate.

(4) The issuing Nominating Authority may re-issue a cancelled certificate if the issuing Nominating Authority is satisfied on reasonable grounds that the circumstances giving rise to the cancellation no longer exist and the adjudicator whose certificate was cancelled is eligible to hold the certificate.

Code of conduct

10(1) A Nominating Authority shall establish and maintain a code of conduct for adjudicators and shall make the code of conduct publicly available on its website.

(2) A code of conduct shall address, at a minimum, the following matters:

- (a) conflicts of interest and related procedural matters;
- (b) principles of procedural fairness and proportionality in the conduct of an adjudication and the need to avoid excess expense;
- (c) principles of civility, competence, integrity and impartiality of an adjudicator in the conduct of an adjudication;
- (d) the confidentiality of information disclosed in relation to an adjudication.

(3) A Nominating Authority shall maintain an archive of all previous versions of its code of conduct, except typographical changes, indicating the period during which each version applied, and shall ensure that all versions are publicly accessible.

(4) The code of conduct of a Nominating Authority shall not restrict an adjudicator from holding a certificate from another Nominating Authority.

Training programs

11 For the purposes of section 33.2(2)(d) of the Act, a Nominating Authority shall ensure that

- (a) foundational training in the areas referred to in section 7(2)(b) is available to individuals who apply or intend to apply for a certificate, and
- (b) continuous training is available to adjudicators holding a certificate for maintaining their certification.

Adjudicator registry

12(1) For the purpose of section 33.2(2)(e) of the Act, a Nominating Authority shall ensure that the registry of adjudicators includes the name of every adjudicator certified by the Nominating Authority and any other information as directed by the Minister.

(2) A Nominating Authority shall ensure that information is posted on its website

- (a) with respect to an adjudicator whose certificate is cancelled, for one year from the date of the cancellation of the certificate,
- (b) with respect to an adjudicator whose certificate is suspended, for one year from the date of the suspension of the certificate, and
- (c) with respect to an adjudicator whose certificate has expired, for one year from the date of the expiry.

Fee schedule for adjudication

13(1) A Nominating Authority shall set out and maintain a schedule of fees publicly available on its website, listing the fees, costs or other charges related to adjudication according to the policies and procedures established by the Nominating Authority.

(2) The relevant parties shall pay the adjudicator who hears a dispute regarding an adjudication matter under section 19 a fee in accordance with the schedule of fees set out under subsection (1) unless the parties and the adjudicator agree to pay a different fee.

(3) Any costs and other charges related to an adjudication shall be equally divided among the parties to the adjudication unless the adjudicator, subject to the policies and procedures of the Nominating Authority, directs otherwise.

(4) All costs and other charges related to adjudication shall be paid to and collected by the Nominating Authority according to the policies and procedures of the Nominating Authority.

(5) The Nominating Authority must notify the Minister of any changes to the schedule of fees set out under subsection (1) no less than 3 months before the changes take effect.

Complaints against adjudicators

14 A Nominating Authority shall establish a complaints process for accepting and addressing complaints against adjudicators from persons involved in adjudications and shall make the complaints process publicly available on its website.

Adjudicator expertise

15 A Nominating Authority shall develop procedures and take other reasonable steps to ensure that the aggregate expertise and work experience of adjudicators holding certificates is sufficient to account for the industry sectors in which parties in dispute refer matters to adjudication and the nature of the matters in dispute.

Educational materials

16 A Nominating Authority shall develop and make publicly available on its website educational materials respecting the adjudication process.

Record keeping

17(1) A Nominating Authority shall keep and maintain a record of determination of all adjudications made within the last 3 years by the adjudicators appointed by that Nominating Authority.

(2) A Nominating Authority must submit copies of any record kept under subsection (1) to the Minister in a manner as directed by the Minister if

- (a) the Minister requires the Nominating Authority to do so,
- (b) the designation of the Nominating Authority is terminated, or
- (c) the Nominating Authority ceases to operate.

Annual report

18(1) A Nominating Authority shall issue and make publicly available on its website, no later than 90 days after the end of each fiscal year, an annual report for the fiscal year containing

- (a) aggregated information respecting adjudication, and
- (b) any other information as the Minister may direct.

(2) The fiscal year of a Nominating Authority is April 1 to the following March 31.

Part 3

Dispute Adjudication

Adjudication matters

19 A party to a contract or subcontract may refer to adjudication a dispute with the other party to the contract or subcontract, as the case may be, respecting any of the following matters:

- (a) the valuation of services or materials provided under the contract or subcontract, including in respect of a written change order, whether approved or not, or a proposed change order, as the case may be;
- (b) payment under the contract or subcontract, including in respect of a written change order, whether approved or not, or a proposed change order;
- (c) disputes that are the subject of a notice of non-payment under Part 3 of the Act;
- (d) payment or non-payment of an amount retained as a major lien fund or minor lien fund and owed to a party during or at the end of a contract or subcontract, as the case may be;
- (e) any other matter in relation to the contract or subcontract, as the case may be, that the parties in dispute agree to, regardless of whether or not a proper invoice was issued or the claim is lienable.

Notice of adjudication

20(1) A party to a contract or subcontract who wishes to refer a dispute to adjudication under section 33.4(1) of the Act shall give to the other party a written notice of adjudication that must include

- (a) the names and addresses of the parties in dispute,
- (b) the nature and a brief description of the dispute, including details respecting how and when it arose,
- (c) the nature of the redress sought,
- (d) the name of the Nominating Authority to whom the party serving notice intends to submit the notice, and
- (e) the name of the adjudicator requested to conduct the adjudication, if any.

(2) The party giving the notice of adjudication under subsection (1) shall, on the same day, provide a copy of the notice to the relevant Nominating Authority.

(3) A provision in a contract that purports to name a person to act as an adjudicator in the event of an adjudication is of no force or effect.

Parties may designate Nominating Authority

21(1) Subject to subsection (2), the parties to a contract may designate in the contract a Nominating Authority to which a notice of adjudication must be submitted in the event any party to the contract wishes to refer a dispute to adjudication under section 33.4(1) of the Act.

(2) The parties to a contract may agree on a Nominating Authority other than the one designated in the contract and shall provide a copy of the notice under section 20(2) to the Nominating Authority the parties agree on.

Nominating Authority to appoint adjudicator

22(1) After the notice is given to the other party and the relevant Nominating Authority under section 20, the parties may, within 4 calendar days, inform the Nominating Authority if the parties agree on a specific adjudicator to adjudicate the matter in dispute and the Nominating Authority must, within 7 calendar days, appoint the adjudicator the parties agree on.

(2) If the parties do not provide any name of a preferred adjudicator to the relevant Nominating Authority under subsection (1), the Nominating Authority must, within 7 calendar days after the expiry of the 4 calendar days referred to in subsection (1), assess the nature of the matter in dispute for adjudication and appoint a qualified adjudicator to adjudicate the matter in dispute.

(3) After appointing an adjudicator under subsection (1) or (2), as the case may be, the relevant Nominating Authority must, on the same day, notify all parties in dispute of the contact information of the adjudicator.

Copy of notice

23 Once an adjudicator is appointed under section 22(1) or (2), the party who gave notice of adjudication shall, within 5 days of the appointment of the adjudicator,

- (a) provide the adjudicator with
 - (i) a copy of the notice,

- (ii) a copy of the contract or subcontract, as the case may be, and
 - (iii) copies of any documents the party intends to rely on during the adjudication,
- and
- (b) provide all parties in dispute with copies of any documents the party intends to rely on during the adjudication.

Response

24(1) A party responding to a notice of adjudication given under section 20(1) shall provide copies of the response

- (a) to the adjudicator appointed under section 22(1) or (2), as the case may be,
 - (b) to the party who gave the notice of adjudication, and
 - (c) to all other parties, if applicable.
- (2)** The response in subsection (1) shall be provided to the adjudicator and every other party to the dispute within 12 calendar days of receiving the documents under section 23(b), unless the adjudicator directs to provide the response earlier.

Adjudication process

25(1) An adjudicator may exercise the following powers in conducting an adjudication:

- (a) issue directions to the parties involved in the adjudication;
 - (b) obtain information through independent research;
 - (c) conduct on-site inspections of the subjects that the adjudicator considers necessary;
 - (d) obtain assistance from construction industry professionals.
- (2)** The adjudicator shall notify the parties to the adjudication when the adjudicator has in their possession all documents and information required to make a determination of the matter.
- (3)** The adjudicator may extend, one or more times, any deadline in the adjudication process to a maximum of 10 calendar days if
- (a) the adjudicator considers it necessary, or

- (b) the parties to the adjudication agree and the adjudicator consents.

Determination of matters

26(1) For the purpose of section 33.6 of the Act, an adjudicator hearing a dispute regarding any matter under section 19 shall make a determination of the matter by issuing an order within 30 days of receiving the documents under section 23(a) or within the time extended under section 25(3).

(2) The adjudicator may make an order directing a party to make a payment due to the other party or parties in the dispute within a time specified in the order and allowing the other party or parties to stop providing services or materials under the contract or subcontract, as the case may be, if the time for payment specified in the order expires.

(3) A copy of the adjudicator's order must be certified by the relevant Nominating Authority and provided to the parties to the adjudication within 7 days after the determination is made under subsection (1) or (2).

(4) Any typographical error in an adjudicator's order made under this section may be corrected within 4 days after the determination is made, and an electronic copy of the updated order must be sent to the parties to the adjudication on the same day the correction is made followed by a certified copy sent within 3 days after the correction is made.

Parties may terminate adjudication

27 At any time after the notice of adjudication is given under section 20 and before the adjudicator makes a determination under section 26(1) or (2), as the case may be, the parties to an adjudication may agree to terminate the adjudication on notice to the adjudicator and subject to the payment of all applicable fees, costs and other charges payable under section 13.

Resignation of adjudicator

28(1) An adjudicator may at any time resign from an adjudication if the adjudicator determines that

- (a) the matter is not eligible for adjudication under section 19,
- (b) the adjudicator is not competent or qualified to conduct the adjudication, or
- (c) the adjudicator is otherwise unable to continue the adjudication in compliance with the Act and this Regulation.

(2) The adjudicator shall promptly give written notice of the resignation to all parties to the adjudication and the Nominating Authority that appointed the adjudicator.

(3) An adjudicator must resign

- (a) if the designation of the issuing Nominating Authority is terminated by the Minister,
- (b) if the issuing Nominating Authority ceases to operate under the Act or this Regulation, or
- (c) when the adjudication being conducted by the adjudicator is consolidated and another adjudicator is appointed under section 30(3).

Failure of adjudicator to conclude adjudication

29(1) If an adjudicator fails to conclude an adjudication according to the Act and this Regulation, or if an adjudicator's certificate is suspended or cancelled under section 9(2) while an adjudication is in progress, any party to the adjudication may give to the other party a new notice of adjudication under section 20(1).

(2) If a new notice is given under subsection (1), the requesting party must provide a copy of the new notice and copies of any documents that were given to the adjudicator who failed to conclude the adjudication to

- (a) the same Nominating Authority to which the first notice of adjudication was provided under section 20(2), or
- (b) the Nominating Authority designated or agreed on by the parties under section 21,

and sections 22 and 24 shall apply with necessary modifications.

(3) Parties to the adjudication and the adjudicator who failed to conclude the adjudication under this section shall provide to the relevant Nominating Authority, on its request, any information in their possession relating to the adjudication to assist the Nominating Authority in appointing a new adjudicator.

Consolidation of adjudications

30(1) Subject to subsection (4), a party involved in more than one adjudication may request the adjudicator conducting the first adjudication for consolidation of all adjudications in progress into one adjudication.

(2) After receiving a request under subsection (1), the adjudicator shall, if satisfied that all adjudications in progress are sufficiently related and appropriate for consolidation, notify the relevant Nominating Authority that the adjudications should be consolidated.

(3) After receiving a notification under subsection (2), the Nominating Authority shall

- (a) consolidate all adjudications in progress into one adjudication,
- (b) appoint either the notifying adjudicator under subsection (2) or a new adjudicator to adjudicate the consolidated adjudication, and
- (c) notify the affected parties and adjudicators.

(4) No consolidation of adjudications is allowed under this section if more than 5 calendar days have passed since any of the adjudicators has provided notice under section 25(2) that they have received all documents and information required to make a determination.

(5) Sections 22 and 24 to 26 shall apply with necessary modifications with respect to a consolidated adjudication under this section.

Part 4

Miscellaneous

Service of notice of non-payment

31 Unless the contract between the parties specifies the manner of service, all notices of dispute or non-payment referred to in Part 3 of the Act shall be delivered to the relevant party by service at the relevant party's regular place of business.

Form of notification

32 Unless the relevant adjudicator directs otherwise, all notices and other documents referred to in or used for the purposes of Part 5 of the Act and this Regulation shall be sent electronically.

Action under section 33.6(6) of Act

33 Any party to an adjudication may commence an action in court within 2 years after the notice of adjudication is sent under section 20, other than an application for judicial review under section 33.7 of the Act.

Grounds for judicial review

34 For the purpose of section 33.7 of the Act, the determination of an adjudicator may be set aside on an application for judicial review if the applicant party establishes one or more of the following grounds:

- (a) the applicant party participated in the adjudication while under a legal incapacity;
- (b) the contract or subcontract is invalid or has ceased to exist;
- (c) the determination was of a matter that may not be the subject of adjudication under section 19 or of a matter entirely unrelated to the subject of the adjudication;
- (d) the adjudication was conducted by someone who did not, at the time, meet the requirements and qualifications under section 7(2);
- (e) the procedures followed in the adjudication did not accord with the procedures to which the adjudication was subject and the failure to accord prejudiced the applicant party's right to a fair adjudication;
- (f) there is a reasonable apprehension of bias on the part of the adjudicator;
- (g) the determination of the adjudication was made as a result of fraud.

Professionals acting in consultative capacity

35 For the purpose of section 70(a)(i) of the Act, the Act applies to the following persons contracted to act in a consultative capacity in respect of an improvement:

- (a) a regulated professional engineer;
- (b) a regulated professional architect.

Exception for concrete

36(1) In this section, "ready-mix concrete" means ready-mix concrete referred to in the North American Industry Classification System (NAICS), as amended from time to time.

(2) For the purpose of section 70(a)(iii) of the Act, the 90-day lien period under the Act does not apply to entities that install or use ready-mix concrete.

Transitional

37 For the purpose of section 74(3) of the Act, any contracts entered into prior to the coming into force of the *Builders' Lien (Prompt Payment) Amendment Act, 2020* and scheduled to remain in effect for longer than 2 years after the coming into force of that Act shall be given 2 years from that date to be amended so that their terms are in compliance with the new provisions and this Regulation.

Coming into force

38 This Regulation comes into force on the coming into force of the *Builders' Lien (Prompt Payment) Amendment Act, 2020*.

Alberta Regulation 24/2022

Traffic Safety Act

**DRIVERS' HOURS OF SERVICE (EXPIRY DATE
EXTENSION) AMENDMENT REGULATION**

Filed: February 25, 2022

For information only: Made by the Minister of Transportation (M.O. 11/22) on February 15, 2022 pursuant to sections 156(b.3), (e) and (f) of the Traffic Safety Act.

1 The *Drivers' Hours of Service Regulation (AR 317/2002)* is amended by this Regulation.

2 Section 22 is amended by striking out "March 15, 2022" and substituting "March 15, 2025".

Alberta Regulation 25/2022

Traffic Safety Act

**COMMERCIAL VEHICLE CERTIFICATE AND
INSURANCE AMENDMENT REGULATION**

Filed: February 25, 2022

For information only: Made by the Minister of Transportation (M.O. 17/22) on February 25, 2022 pursuant to sections 64(a)(i), 156 and 187(7) of the Traffic Safety Act.

1 The *Commercial Vehicle Certificate and Insurance Regulation* (AR 314/2002) is amended by this Regulation.

2 Sections 4.2(3) and 20.2(3) are amended by striking out “February 28, 2022” and substituting “June 28, 2022”.

3 Section 66 is amended by striking out “May 31, 2022” and substituting “May 31, 2025”.

Alberta Regulation 26/2022

Marketing of Agricultural Products Act

EGG FARMERS OF ALBERTA PLAN REGULATION

Filed: February 28, 2022

For information only: Made by the Minister of Agriculture, Forestry and Rural Economic Development (M.O. 001/2022) on February 17, 2022 pursuant to section 23 of the Marketing of Agricultural Products Act.

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Definitions

1 In this Regulation,

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (b) “Board” means the Egg Farmers of Alberta;
- (c) “bylaws” means the bylaws made by the Board pursuant to section 26(2.1) of the Act;
- (d) “Canada Act” means
 - (i) the *Farm Products Agencies Act* (Canada), or
 - (ii) the *Agricultural Products Marketing Act* (Canada);
- (e) “Council” means the Alberta Agricultural Products Marketing Council;
- (f) “eggs” includes any class of eggs or egg products produced from eggs laid by a hen;
- (g) “exempt producer” means a person
 - (i) who does not possess, whether by ownership or otherwise, more than 300 hens, or
 - (ii) whose productive capacity from that person’s production facilities does not exceed 300 hens;

- (h) “Federal-Provincial Agreement” means the agreement respecting the revision and consolidation of the comprehensive marketing program as agreed to by the parties for the purpose of regulating the marketing of eggs in Canada, as revised from time to time;
- (i) “hen” or “layer” means a female common domestic fowl of the species *Gallus domesticus* that is of an age specified in regulations made by the Board;
- (j) “marketing” means buying, owning, selling, offering for sale, storing, grading, assembling, packing, transporting, advertising or financing;
- (k) “person” means person as defined in the *Interpretation Act* and includes
 - (i) a partnership as defined in the *Partnership Act*,
 - (ii) any unincorporated organization that is not a partnership referred to in subclause (i), and
 - (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);
- (l) “Plan” means the Plan that is amended and continued under section 3;
- (m) “possession quota” means the quota issued by the Board to a registered producer prescribing the maximum number of hens that producer may possess at any one time;
- (n) “processor” means a person who
 - (i) grades, packs or changes the nature of the regulated product by mechanical means or otherwise,
 - (ii) markets the graded, packed or processed regulated product, or
 - (iii) carries out one or more of those functions;
- (o) “producer” means a person who is engaged in the production of the regulated product;
- (p) “production” includes the possession of the regulated product;

- (q) “production facilities” includes the buildings and improvements in which the regulated product is produced and the parcel of land on which the buildings and improvements are located;
- (r) “production quota” means the quota issued by the Board to a registered producer prescribing the minimum number of eggs that shall be produced by that producer’s hens;
- (s) “pullet” means a female common domestic fowl of the species *Gallus domesticus* that is of an age specified in regulations made by the Board;
- (t) “quota” means the possession quota and production quota granted by the Board to a registered producer;
- (u) “registered producer” means a producer who
 - (i) holds a producer’s licence, and
 - (ii) has been allotted quota;
- (v) “regulated product” means eggs;
- (w) “research facility” means an educational institution involved in bona fide scientific research in respect of eggs as approved by a resolution of the Board.

Designation of agricultural products

2 Eggs, pullets, layers and hens are designated as agricultural products for the purposes of the Act.

Part 1
General Operation of Plan

Division 1
Plan

Plan continued

3 The Egg Farmers of Alberta Plan, continued under the *Egg Farmers of Alberta Plan Regulation* (AR 258/97), is hereby amended and continued under this Regulation.

Termination of Plan

4 This Plan does not terminate at the conclusion of a specific period of time and shall remain in force unless otherwise terminated pursuant to the Act.

Application of Plan

5(1) This Plan applies

- (a) to all persons who produce and market the regulated product in Alberta, and
- (b) to processors for the purpose of section 9(1)(b), (c), (d), (e), (f), (g) and (i), (2)(f), (i), (k), (l), (n), (o), (q), (r), (u), (v) and (w) and (3),

but does not apply to an exempt producer.

(2) Notwithstanding subsection (1), where an exempt producer markets the producer's regulated product through a processor, this Plan and any regulations made in respect of this Plan respecting the payment of levies and service charges apply to that producer and to that regulated product.

(3) No person shall possess, whether by ownership or otherwise, more than 300 hens except in accordance with this Plan and regulations made in respect of this Plan.

(4) The Board may exempt the owner of an approved hatchery supply flock within the meaning of the *Hatchery Supply Flock Approval Regulation* (AR 183/97) or successors to that Regulation from regulations made by the Board.

(5) If the Board exempts an owner under subsection (4), the owner may sell the regulated product in accordance with an exemption granted by the Board.

(6) Notwithstanding subsection (4), where an owner exempted under subsection (4) sells the regulated product in accordance with an exemption granted by the Board, any regulations made in respect of this Plan respecting the payment of levies and service charges apply to that owner and to that regulated product.

(7) The Board may refuse to exempt an owner under subsection (4) if, in the Board's opinion,

- (a) the owner does not have a confirmed market for the owner's hatching eggs,
- (b) the marketing of the regulated product by the owner will adversely affect marketing of the regulated product in Alberta, or
- (c) the exemption would place the Board in a position of non-compliance with the Federal-Provincial Agreement.

(8) The Board may exempt a research facility from this Plan or part of this Plan or any regulation or part of any regulation made by the Board in respect of this Plan.

Purpose of Plan

6 The purpose of this Plan is to provide for the effective promotion, control and regulation in all respects of the production and marketing of the regulated product in Alberta, and without limitation, to accomplish the following:

- (a) to establish quotas for the production and marketing of the regulated product;
- (b) to establish quotas for the possession of hens;
- (c) to maintain a fair and stabilized price for the regulated product;
- (d) to develop and maintain the orderly marketing of the regulated product;
- (e) to provide a uniform, high quality of the regulated product for the market;
- (f) to provide for the initiation, support and conduct of promotional activities in respect of the production, marketing and processing of the regulated product;
- (g) to ensure a continuous, year-round supply of the regulated product;
- (h) to work with any organization that has similar objectives to those of the Board;
- (i) to acquire as principal the regulated product produced in Alberta and dispose of the regulated product through whatever means the Board considers expedient;
- (j) to provide for the prohibition of production or marketing of the regulated product in whole or in part where the regulated product is not marketed under or pursuant to a quota;
- (k) to fund, initiate, conduct or carry on research and development and studies with respect to the production, handling, marketing and processing of the regulated product, including research and studies concerning the development and use of the regulated product;

- (l) to initiate and carry out projects and programs to assist, educate and inform producers, processors and other persons with a commercial interest in the egg industry with respect to developing and improving the production and marketing of the regulated product.

Division 2

Administration of Plan by Board

Board continued

- 7** The Board known as Egg Farmers of Alberta is hereby continued.

Functions of the Board

8 The Board

- (a) subject to the Act, is responsible for the operation, regulation, supervision and enforcement of this Plan and any regulations or bylaws made by the Board, and
- (b) may, in accordance with section 50 of the Act, with respect to the production or marketing, or both, of the regulated product, be authorized to perform any function or duty and exercise any power imposed or conferred on the Board by or under any Canada Act.

Regulations to operate Plan

9(1) For the purposes of enabling the Board to operate this Plan, the Board may be empowered by the Council, pursuant to section 26 of the Act, to make regulations

- (a) requiring producers engaged in the production or marketing, or both, of the regulated product to register their names and addresses with the Board;
- (b) requiring any person who produces, markets or processes the regulated product to furnish to the Board any information or record relating to the production, marketing or processing of the regulated product that the Board considers necessary;
- (c) requiring persons to be licensed under this Plan before they become engaged in the production, marketing and processing, or any one or more of those functions, of the regulated product;
- (d) prohibiting persons from engaging in the production, marketing or processing, as the case may be, of the regulated product except under the authority of a licence;

- (e) governing the issuance, suspension or cancellation of a licence;
- (f) providing for
 - (i) the assessment, charging and collection of service charges and licence fees, as the case may be, from producers from time to time for the purposes of this Plan, and
 - (ii) the taking of legal action to enforce payment of the service charges and licence fees, as the case may be;
- (g) requiring any person who receives the regulated product from a producer
 - (i) to deduct from the money payable to the producer any service charges, licence fees or levies, as the case may be, payable by the producer to the Board, and
 - (ii) to forward the amount deducted to the Board;
- (h) providing for the use of any class of service charges, licence fees, levies or other money payable to or received by the Board for the purpose of paying its expenses and administering this Plan and the regulations made by the Board;
- (i) requiring persons who produce, market or process the regulated product to mark the containers of their products to show the place of origin or place of production to the satisfaction of the Board;
- (j) providing for the payment to a Canada Board of money that is payable under a Canada Act;
- (k) permitting the Board to exercise any one or more powers that are vested in a cooperative under the *Cooperatives Act*.

(2) For the purposes of enabling the Board to operate this Plan, the Board may be empowered by the Council, pursuant to section 27(1) of the Act, to make regulations

- (a) requiring that the production or marketing, or both, of the regulated product be conducted pursuant to a quota;
- (b) governing
 - (i) the fixing and allotting of quotas,
 - (ii) the increase or reduction of quotas,

- (iii) the cancelling of quotas, and
- (iv) the refusal to fix and allot quotas
to producers for the production or marketing, or both, of the regulated product on any basis the Board considers appropriate;
- (c) governing the transferability or non-transferability of quotas;
- (d) establishing
 - (i) a formula for determining the amount or number of regulated product deemed to have been produced or marketed by a producer, and
 - (ii) the period of time in respect of which the formula is to be applied
for the purpose of determining the amount of regulated product produced or marketed by a producer during a period of time;
- (e) providing for
 - (i) the assessment, charging and collection of a levy from any producer whose production or marketing, or both, of the regulated product is in excess of the quota that has been fixed and allotted to that producer, and
 - (ii) the taking of legal action to enforce payment of the levy;
- (f) requiring any person who provides an agricultural product to a producer under this Plan to furnish to the Board any information requested by the Board;
- (g) determining the quantity of each class, variety, size, grade and kind of the regulated product that shall be produced or marketed, or both, by each producer;
- (h) requiring a producer who produces the regulated product to market the regulated product through the Board or through a designated agency;
- (i) directing, controlling or prohibiting, as the case may be, the production or marketing, or both, of the regulated product or any class, variety, size, grade or kind of the regulated product in a manner that the Board considers appropriate;

- (j) regulating and controlling the production or marketing, or both, of the regulated product, including the times and places at which the regulated product may be produced or marketed;
- (k) providing for the purchase or acquisition of any of the regulated product that the Board considers advisable and the sale or disposition of it;
- (l) providing for the establishment and operation of one or more programs for the disposition of
 - (i) any agricultural product, or
 - (ii) the regulated productconsidered to be surplus to market requirements;
- (m) determining from time to time the minimum price or prices that shall be paid to producers for the regulated product or any class, variety, grade, size or kind of the regulated product and determining different prices for different parts of Alberta;
- (n) requiring that the money payable or owing to a producer for the regulated product be paid to or through the Board;
- (o) providing for the payment to a producer of the money payable or owing for the regulated product, less any service charges and levies owing to the Board by the producer, and fixing the time or times at which or within which the payments shall be made;
- (p) providing
 - (i) for the operation of one or more pools for the distribution of all money payable to the producers from the sale of the regulated product, and
 - (ii) for the deduction of reasonable and proper disbursement and expenses with respect to the operation of the pool;
- (q) providing for the collection from any person by legal action of money owing to a producer for the regulated product;
- (r) governing
 - (i) the furnishing of security or proof of financial responsibility by any person engaged in the production, marketing or processing of the regulated product, and

- (ii) the administration and disposition of any money or securities so furnished;
- (s) prohibiting a person to whom a quota has not been fixed and allotted for the production or marketing, or both, of the regulated product from producing or marketing, as the case may be, any regulated product;
- (t) prohibiting a producer to whom a quota has been fixed and allotted for the production or marketing, or both, of the regulated product from producing or marketing, as the case may be, any regulated product in excess of that quota;
- (u) prohibiting any person from purchasing or otherwise acquiring from a producer any regulated product in excess of the quota that has been fixed and allotted to the producer for the production or marketing, or both, of the regulated product;
- (v) prohibiting any person from purchasing or otherwise acquiring any regulated product from a person to whom a quota has not been fixed and allotted for the production or marketing, or both, of the regulated product;
- (w) prohibiting any person from marketing or processing any regulated product that has not been sold by or through the Board or a designated agency.

(3) For the purposes of enabling the Board to operate this Plan, the Board may be empowered by the Council, pursuant to section 27(2) of the Act, to make regulations

- (a) governing any agricultural product that is not the regulated product in the same manner as if that agricultural product was the regulated product under this Plan;
- (b) governing, with respect to any agricultural product that is not the regulated product, the producers of the regulated product under this Plan in the same manner as if that agricultural product was the regulated product under this Plan;
- (c) establishing and governing a formula for determining the amount or number of the regulated product produced or deemed to have been produced from any agricultural product that is not the regulated product.

Financing of Plan

10 In accordance with the regulations, this Plan shall be financed

- (a) by the charging and collection of service charges, licence fees and levies from registered producers, and
- (b) by any other money payable to or received or accrued by the Board.

Indemnification fund, etc.

11 The Board may establish and operate funds under sections 34 and 35 of the Act.

Funding of indemnification fund, etc.

12(1) The Board may, subject to the Act and the regulations, assess, charge and collect amounts required for the maintenance and operation of the funds referred to in section 11 from the producers under this Plan.

(2) Payments made into a fund established under this section shall not form part of a licence fee, service charge or levy charged under this Plan.

(3) If

- (a) a fund is established under this section, and
- (b) a producer under this Plan does not wish to receive any indemnity or protection from the fund,

the producer shall, on the application to the Board for an exemption, be exempted from making payment under subsection (1).

(4) A producer shall not, with respect to any period of time that the producer did not participate in a fund established under this section, be charged any amount for or in relation to that fund.

(5) The *Insurance Act* does not apply to a fund established or operated under this section.

Part 2
Governance of Plan

Division 1
Composition of and Election to Board

Members of Board

13 The Board shall be made up of 6 members elected or appointed in accordance with this Plan and the bylaws.

Elections

14(1) Subject to section 16(5)(a), the election of members of the Board shall be conducted at the annual meeting by means of a vote of the registered producers in accordance with the procedures set out in the bylaws.

(2) A registered producer who is eligible to vote under the bylaws may vote for any number of candidates not exceeding the number of members to be elected to the Board at that meeting notwithstanding that the registered producer may manage, operate, own, lease or hold equity in 2 or more operations that are registered separately with the Board.

**Division 2
Invalid or Controverted
Election, Vacancy**

Invalid election

15(1) If an election is held under this Plan and there is in attendance at the meeting at which the election is held an insufficient number of persons who are eligible to vote at the election,

- (a) the election is void, and
- (b) the position for which the election was held is vacant.

(2) Notwithstanding that a position is vacant under subsection (1), the bylaws may provide that the term of office of the position is deemed to have commenced as if an individual had been elected to the position.

Controverted election

16(1) If a registered producer questions

- (a) the eligibility of a candidate,
- (b) the eligibility of a voter,
- (c) any matter relating to a ballot or the tabulation of ballots, or
- (d) any other irregularity with respect to the conduct of an election,

that registered producer may, not later than 30 days after the day of the election, apply in writing to the Council to have the election declared invalid and the position declared vacant.

(2) If the Council has not received an application under subsection (1) within the 30-day period referred to in subsection (1), an individual elected at that election is deemed to be duly elected.

(3) The Council shall not consider an application under subsection (1) that is not received by the Council within 30 days after the day of the election.

(4) On receipt of an application under subsection (1), the Council shall consider the matter and may

- (a) declare the election to be proper and the position filled if, in the opinion of the Council, there is no basis for the application,
- (b) declare the election to be proper and the position filled notwithstanding that there is a basis for the application if, in the opinion of the Council,
 - (i) the basis for the application did not materially affect the result of the election, and
 - (ii) the election was conducted substantially in accordance with this Plan, the bylaws and the Act,

or

- (c) declare the election to be void and the position vacant if, in the opinion of the Council, there is a basis for the application and the basis is sufficient to or did affect the result of the election.

(5) If the Council declares an election to be void and the position vacant, the Council may

- (a) order that, within the time that the Council considers proper, a special meeting be held and an election conducted to fill the vacant position for the unexpired portion of the term, or
- (b) have the Board appoint, from among the individuals who are eligible to be elected to the position, an individual to fill the vacant position in accordance with section 17.

(6) Notwithstanding that an election is declared void and a position is declared vacant under subsection (4)(c), the bylaws may provide that the term of office of the position is deemed to have commenced on the day that the election that was declared void was held.

Vacancy

17(1) If a vacancy occurs on the Board, the Board may, with the approval of the Council, appoint from among the registered producers who are eligible to be elected to the Board an individual to serve as a member of the Board until the next annual meeting.

(2) At the next annual meeting following the appointment of an individual under subsection (1), the position must be filled by holding an election in accordance with this Plan and the bylaws for the unexpired portion of the term.

Part 3
Review, Transitional Provision
and Repeal

Review

18 In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before September 30, 2024.

Transitional

19 Where an individual is a member of the Board immediately before the coming into force of this Regulation, that individual continues to be a member of the Board until the expiry of the individual's term in accordance with this Plan and the bylaws unless

- (a) the individual is removed or resigns from office, or
- (b) the bylaws reduce the term of office for that position.

Repeal

20 The *Egg Farmers of Alberta Plan Regulation* (AR 258/97) is repealed.

Alberta Regulation 27/2022

Marketing of Agricultural Products Act

**EGG FARMERS OF ALBERTA MARKETING
AMENDMENT REGULATION**

Filed: February 28, 2022

For information only: Made by the Egg Farmers of Alberta on October 22, 2021 and approved by the Alberta Agricultural Products Marketing Council on November 4, 2021 pursuant to sections 26 and 27 of the Marketing of Agricultural Products Act.

1 The *Egg Farmers of Alberta Marketing Regulation* (AR 293/97) is amended by this Regulation.

2 Section 1(1) is amended by adding the following after clause (b):

- (b.1) “family member” means the spouse, adult interdependent partner, child, parent, sibling, son-in-law, daughter-in-law, father-in-law, mother-in-law, first cousin, aunt, uncle, niece or nephew of a registered producer;

Alberta Regulation 28/2022

Marketing of Agricultural Products Act

ALBERTA MILK PLAN REGULATION

Filed: February 28, 2022

For information only: Made by the Minister of Agriculture, Forestry and Rural Development (M.O.002/2022) on February 17, 2022 pursuant to section 23 of the Marketing of Agricultural Products Act.

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Definitions

- 1** In this Regulation,
 - (a) “Act” means the *Marketing of Agricultural Products Act*;
 - (b) “agricultural product” means agricultural product as designated in section 2;
 - (c) “Alberta Milk” means the corporation continued under section 7;
 - (d) “annual general meeting” means an annual general meeting of the directors and delegates held in accordance with the bylaws;
 - (e) “annual region meeting” means an annual meeting of the licensed producers in a region held in accordance with the bylaws;

- (f) “assets” means economic resources controlled by the body as a result of past transactions and from which future economic benefits may be obtained;
- (g) “bylaws” means the bylaws made by Alberta Milk pursuant to section 26(2.1) of the Act;
- (h) “Council” means the Alberta Agricultural Products Marketing Council;
- (i) “dairy animal” means a female animal of the *Bos taurus* species kept for the purposes of milking;
- (j) “dairy farm” means a premises where one or more dairy animals are kept and from which a part or all of the milk is sold, offered for sale or supplied for human consumption, and includes all buildings and land occupied or used in connection with the production of milk;
- (k) “dairy product” means
 - (i) milk,
 - (ii) a product of milk that contains no oil or fat other than that of milk and contains a minimum of 50% milk ingredients by weight,
 - (iii) a product of milk that is prescribed by a standard for dairy products in the regulations under the *Safe Food for Canadians Act* (Canada), and
 - (iv) milk products;
- (l) “delegate” means a person elected as a delegate in accordance with the bylaws;
- (m) “director” means a director of Alberta Milk, whether elected or appointed as a region director or director at large;
- (n) “licensed producer” means a person who holds a producer licence issued by Alberta Milk and to whom a quota has been issued by Alberta Milk;
- (o) “marketing” means buying, owning, selling, offering for sale, storing, grading, assembling, packing, transporting, advertising or financing, distributing, reselling and pricing;
- (p) “milk” means the normal lacteal secretion from a dairy animal;

- (q) “milk product” means processed milk in the form of standard milk, homogenized milk, 2% partly skimmed milk, 1% partly skimmed milk, skim milk, chocolate partly skimmed 2% milk, chocolate partly skimmed 1% milk, chocolate milk, flavoured milk, buttermilk, 6% cream, 10% cream, 18% cream, whipping cream, heavy cream, eggnog or any other processed milk product;
- (r) “minimum price” means the price to be paid for regulated product, subject to any deduction or adjustments authorized under the Act, the *Dairy Industry Act* or the regulations under either Act;
- (s) “person” means a person as defined in the *Interpretation Act* and includes
 - (i) a corporation and the heirs, executors, administrators or other legal representatives of a person,
 - (ii) a partnership as defined in the *Partnership Act*,
 - (iii) an unincorporated organization that is not a partnership referred to in subclause (ii), and
 - (iv) any group of individuals who are carrying on an activity for a common purpose and are neither a partnership referred to in subclause (ii) nor an unincorporated organization referred to in subclause (iii);
- (t) “plan” means the Alberta Milk Plan referred to in section 3;
- (u) “processing” means
 - (i) with respect to milk, to pasteurize, homogenize or treat milk so that the milk’s form or composition is altered in any manner, and includes the cleaning and sanitizing of any surface, including the surface of equipment that comes into contact with the milk while it is being pasteurized, homogenized, packaged or treated, and
 - (ii) with respect to dairy products other than milk, to manufacture, modify, pasteurize, prepare, reconstitute, package or store dairy products, and includes the cleaning and sanitizing of any surface, including the surface of equipment that comes into contact with the dairy product while it is being manufactured, modified, pasteurized, prepared, reconstituted, packaged or stored;
- (v) “processor” means any person who receives or processes for sale 50 litres or more of milk or dairy products, or both, on

any day, but does not include a retail establishment that operates or uses a freezing device to freeze a frozen dairy product mix;

- (w) “producer” means a person who sells or supplies for sale the regulated product that has been produced by one or more dairy animals owned or controlled by that person;
- (x) “quota” means the privilege allocated by Alberta Milk to a producer to market regulated product;
- (y) “raw milk” means milk that comes from a dairy farm and has not been pasteurized within the meaning of the *Dairy Industry Act*;
- (z) “regulated product” means milk;
- (aa) “special general meeting” means a special general meeting of the directors and delegates held in accordance with the bylaws;
- (bb) “special region meeting” means a special meeting of the licensed producers in a region held in accordance with the bylaws.

Designation

- 2** Milk and dairy products are designated as an agricultural product for the purposes of the Act.

Part 1 General Operation of Plan

Division 1 Plan

Plan continued

- 3** The Alberta Milk Plan established under the *Alberta Milk Plan Regulation* (AR 150/2002) is hereby amended and continued.

Termination of plan

- 4** The plan does not terminate at the conclusion of a specific period of time and must remain in force unless otherwise terminated pursuant to the Act.

Application of the plan

- 5(1)** The plan applies

- (a) to all of Alberta,
- (b) to all persons who produce or market the regulated product, and
- (c) to processors for the purposes of section 9(1)(b), (c), (d), (e), (g), (j) and (l) and 9(2)(c), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x) and (y).

(2) Despite subsection (1), a person who has not been allocated a quota under the plan is exempt from the plan if

- (a) the person produces less than 50 litres per day of regulated product,
- (b) the person ordinarily resides on the same parcel of land on which the production facilities where the regulated product is produced are located, and
- (c) not more than 50 litres per day of the regulated product is produced on the land where the production facilities are located.

Purposes of the plan

6 The purposes of the plan are

- (a) to provide for the effective control and regulation of the production and marketing of the agricultural product and to initiate and carry out programs to commence, stimulate, increase or improve the production or marketing, or both, of the agricultural product, and
- (b) without limiting the generality of clause (a), to accomplish the following:
 - (i) to fix and allot quotas for the production and marketing of the regulated product;
 - (ii) to maintain a fair and stabilized price for the regulated product;
 - (iii) to establish and maintain pools for the distribution of all money payable to producers from the sale of the regulated product;
 - (iv) to develop and maintain the orderly marketing of the regulated product;

- (v) to provide a consistent supply of high quality regulated product for the market;
- (vi) to promote the regulated product and agricultural product;
- (vii) to fund research and development in connection with the regulated product and agricultural product;
- (viii) to fund education in connection with the regulated product and agricultural product;
- (ix) to work with marketing boards and organizations having similar objectives as set out in this section.

Division 2

Responsibilities of Alberta Milk

Creates Alberta Milk

7 A board with the name “Alberta Milk” is hereby continued consisting of the directors elected or appointed in accordance with this Regulation and the bylaws.

Responsibilities

- 8(1)** Alberta Milk, without limiting the generality of section 16 of the *Interpretation Act*, is, subject to the Act, responsible for the operation, regulation, supervision and enforcement of the plan and any regulations and bylaws made by Alberta Milk.
- (2)** The responsibilities of Alberta Milk, the authority delegated to Alberta Milk by the Council and the direction, administration and management of the work of Alberta Milk, its business and affairs, including the control and management of all assets owned, held and acquired by Alberta Milk, are vested in the board of directors.
- (3)** The board of directors has the power to do all things necessary to carry out the purposes of the plan and the responsibilities and authority of Alberta Milk.
- (4)** Alberta Milk may exercise its authority under sections 26(2) and 27(6) of the Act with respect to the plan and any regulations and bylaws made by Alberta Milk.

Regulations to operate the plan

9(1) For the purposes of enabling Alberta Milk to operate the plan, Alberta Milk may be empowered by the Council, pursuant to section 26 of the Act, to make regulations

- (a) requiring producers engaged in the production or marketing, or both, of the regulated product to register their names and addresses with Alberta Milk;
- (b) requiring any person who produces, markets or processes the regulated product to furnish to Alberta Milk any information or record relating to the production, marketing or processing of the regulated product that Alberta Milk considers necessary;
- (c) requiring persons to be licensed under the plan before they become engaged in the production, marketing or processing, or any one or more of those functions, of the regulated product;
- (d) prohibiting persons from engaging in the production, marketing or processing of the regulated product except under the authority of a licence;
- (e) governing the issuance, suspension or cancellation of a licence;
- (f) providing for
 - (i) the assessment, charging and collection of service charges, levies and licence fees from producers for the purposes of the plan, and
 - (ii) the taking of legal action to enforce payment of the service charges, levies and licence fees;
- (g) requiring any person who receives any regulated product from a producer
 - (i) to deduct from the money payable to the producer any service charges, licence fees or levies payable by the producer to Alberta Milk, and
 - (ii) to forward the amount deducted to Alberta Milk;
- (h) providing for the use of any class of service charges, licence fees, levies or other money payable to or received by Alberta Milk for the purpose of paying its expenses and administering the plan and the regulations made by Alberta Milk;
- (i) providing for the payment to a Canada Board of money that is payable under a Canada Act;

- (j) requiring persons who produce, market or process a regulated product to mark the containers of their products to show the place of origin or place of production to the satisfaction of Alberta Milk;
 - (k) permitting Alberta Milk to exercise any one or more of the powers that are vested in a cooperative association under the *Co-operative Associations Act* and the *Cooperatives Act*;
 - (l) providing for classifying producers, processors and others into groups for the purposes of the plan.
- (2) For the purposes of enabling Alberta Milk to operate the plan, Alberta Milk may be empowered by the Council, pursuant to section 27(1) of the Act, to make regulations
- (a) requiring that the production or marketing, or both, of the regulated product be conducted pursuant to a quota;
 - (b) governing
 - (i) the fixing and allotting of quotas,
 - (ii) the increase or reduction of quotas,
 - (iii) the cancelling of quotas, and
 - (iv) the refusal to fix and allot quotasto producers for the production or marketing, or both, of the regulated product on any basis that Alberta Milk considers appropriate;
 - (c) respecting the regulation of the supply of a regulated product by producers to processors, including but not restricted to the transportation, delivery and supply of the regulated product to processors, entitlement of processors to the regulated product and transferring of the regulated product among processors;
 - (d) governing the transferability or non-transferability of quotas;
 - (e) establishing
 - (i) a formula for determining the volume, weight, components, contents, amount or number of regulated product deemed to have been produced or marketed by a producer, and
 - (ii) the period of time in respect of which the formula is to be applied

- for the purpose of determining the amount of regulated product produced or marketed by a producer during a period of time;
- (f) requiring any person who provides any agricultural product to a producer under the plan to furnish to Alberta Milk any information requested by Alberta Milk;
 - (g) determining the quantity, weight and volume of each class, variety, size, grade, components and contents of the regulated product that shall be produced or marketed, or both, by each producer;
 - (h) requiring a producer who produces the regulated product to market the regulated product through Alberta Milk or through a designated agency;
 - (i) directing, controlling or prohibiting the production or marketing, or both, of the regulated product or any class, variety, size, grade or kind of the regulated product in a manner that Alberta Milk considers appropriate;
 - (j) regulating and controlling the production or marketing, or both, of the regulated product, including the times and places at which the regulated product may be produced or marketed;
 - (k) determining from time to time the minimum price or prices that shall be paid to producers for the regulated product or any class, variety, size, grade, volume, weight, components, contents or kind of the regulated product and determining different prices for different parts of Alberta;
 - (l) governing the priority of use for the regulated product or any class, variety, size, grade, volume, weight or kind of the regulated product;
 - (m) requiring that the money payable or owing to a producer for the regulated product be paid to or through Alberta Milk;
 - (n) providing for the payment to a producer of the money payable or owing for the regulated product, less any service charges and levies owing to Alberta Milk by the producer, and fixing the time or times at which or within which the payments must be made;
 - (o) respecting the amount, manner and time of payments to producers by processors and requiring the making of statements and other documents accompanying payments and respecting the information to be contained in the statements and other documents;

- (p) respecting the payment to the producer of the money payable or owing for the regulated product, less the cost of any inspection, grading or testing costs and other costs required to ensure proper operation of the plan;
- (q) providing
 - (i) for the operation of one or more pools for the distribution of all money payable to the producers from the sale of the regulated product,
 - (ii) for the deduction of reasonable and proper disbursements and expenses with respect to the operation of the pool, and
 - (iii) for the deduction of service charges and levies, including but not restricted to inspection costs, transportation, testing and grading costs and other costs required to ensure the proper operation of the plan;
- (r) providing for the collection from any person by legal action of money owing to a producer for the regulated product;
- (s) governing
 - (i) the furnishing of security or proof of financial responsibility by any person engaged in the production, marketing or processing of the regulated product, and
 - (ii) the administration and disposition of any money or securities so furnished;
- (t) establishing grades for a regulated product, respecting the grading of the regulated product and providing for deductions from the price based on grade, and providing for netting out, in conjunction with pools, all amounts payable among producers, processors and Alberta Milk;
- (u) respecting the use of a regulated product based on the class, weight or volume available of the regulated product;
- (v) requiring purchasers of a regulated product and processors of the regulated product and agricultural products to provide information in a form acceptable to Alberta Milk respecting the source, weight and volume of the regulated product and of the agricultural products used to process and produce additional agricultural products and the class, volume, contents, components, weight and amount of those agricultural products and providing for the assessment,

charging and collection of service charges respecting the verification of the information;

- (w) prohibiting any person from marketing or processing any of the regulated product that has not been sold by or through Alberta Milk or a designated agency;
- (x) providing for the terms and conditions on which a person may market the regulated product in excess of the quota fixed and allocated to the person;
- (y) permitting or prohibiting the transfer of the regulated product from one producer to another and permitting or prohibiting the transfer of the regulated product from one processor to another.

(3) If an agricultural product is not a regulated product under the plan but is instrumental with respect to the production or marketing of the regulated product, the Council may, with the approval of the Minister, authorize Alberta Milk to make regulations

- (a) governing that agricultural product as if it were a regulated product under the plan;
- (b) governing, with respect to that agricultural product, the producers of the regulated product under the plan as if it were a regulated product under the plan;
- (c) establishing and governing a formula for determining the amount or number of a regulated product produced or deemed to have been produced from that agricultural product.

(4) If Alberta Milk makes regulations under subsection (3), those regulations apply with respect to the agricultural product only

- (a) while that agricultural product is in the possession or under the control of the producer of the regulated product, or
- (b) while payment with respect to the regulated product is owing to the producer, processor or Alberta Milk for that agricultural product or verification of end use of the agricultural product is required to finalize transactions between the producer, processor and Alberta Milk.

(5) If an agricultural product is not a regulated product under the plan but is used to produce an agricultural product, the Council may, with the approval of the Minister, authorize Alberta Milk to make regulations

- (a) governing, with respect to that agricultural product, the producers and processors of the regulated product under the plan in the same manner as if the agricultural product were the regulated product under the plan;
- (b) establishing and governing a formula for determining the size, volume, weight, components or number of agricultural product produced or deemed to have been produced from the size, volume, weight, components or number of the regulated product.

(6) If Alberta Milk makes regulations under subsection (5), those regulations apply with respect to the agricultural product only while the agricultural product is owned or controlled by a processor or while payment with respect to the regulated product is still owing to a producer, processor or Alberta Milk or if verification of the ultimate use of the regulated product is required to determine money owing to a producer, processor or Alberta Milk in respect of the regulated product.

Financing the plan

10(1) In accordance with the regulations the plan must be financed by the charging and collection of service charges, licence fees and levies.

(2) Service charge revenue must be accounted for in at least the following 3 categories:

- (a) marketing and nutrition education;
- (b) research;
- (c) administration for the proper administration of the plan.

(3) Subject to subsection (4), Alberta Milk may change the amount of a service charge.

(4) A change to a service charge respecting marketing and nutrition education and research is not effective until the change has been approved by a vote of the majority of licensed producers present at the annual region meetings or special region meetings held throughout Alberta.

(5) A vote under subsection (4) must be held in each region at an annual region meeting or special region meeting and the total number of votes shall be tallied to determine if a majority of producers present at the meetings held throughout Alberta have voted to approve the change to the service charge.

Authority from a Canada Act

11 Alberta Milk is empowered to accept and exercise any power and authority delegated to it by or pursuant to the *Canadian Dairy Commission Act* (Canada), the *Agricultural Products Marketing Act* (Canada) and the *Farm Products Agencies Act* (Canada).

Funds established

12(1) Alberta Milk may establish one or more funds under section 34 or 35 of the Act.

(2) In order to finance the funds, Alberta Milk may raise amounts in accordance with sections 34 and 35 of the Act.

Part 2
Governance of Plan

Division 1
Regions and Delegates

Regions

13(1) For the purpose of the plan and the bylaws, Alberta is divided into 3 regions.

(2) The area included in each region is as set out in the bylaws.

Region delegates

14 Each region is to be represented by delegates elected in accordance with the bylaws.

Division 2
Directors and Elections

Directors

15(1) The board of directors of Alberta Milk consists of the following members:

- (a) 6 region directors, being 2 region directors for each region;
- (b) 3 directors at large.

(2) To be eligible for election as a director, a licensed producer must meet the eligibility requirements set out in the bylaws.

Election of region directors

16(1) The election of region directors to represent a region is to be carried out by means of a vote conducted by the directors and delegates of that region holding office at the time of the election in accordance with the procedures set out in the bylaws.

(2) An election described in subsection (1) is to be held each year following the announcement of the results of any election of delegates for the region and before the commencement of the annual general meeting.

Election of directors at large

17 At each annual general meeting, the delegates must elect from among themselves directors at large in accordance with the procedures set out in the bylaws.

**Division 3
Invalid or Controverted
Elections, Vacancies**

Insufficient attendance

18(1) If there is in attendance at the meeting at which an election is held an insufficient number of persons who are eligible to vote at the election in accordance with the bylaws,

- (a) the election is void, and
- (b) the position for which the election was held remains vacant.

(2) Notwithstanding that an election is declared void and a position remains vacant, the bylaws may provide that the term of office of the position is deemed to have commenced on the day that the election declared void was held.

(3) If a position is vacant under subsection (1), the board of directors may fill the position by appointing a delegate in accordance with section 20.

Controverted elections

19(1) If a licensed producer questions

- (a) the eligibility of a candidate,
- (b) the eligibility of a voter,
- (c) any matter relating to a ballot or the tabulation of ballots, or

- (d) any other irregularity with respect to the conduct of an election,

that licensed producer may, not later than 15 days after the day of the election, apply in writing to the Council to have the election declared invalid and the position declared vacant.

(2) If the Council has not received an application under subsection (1) within the 15-day period referred to in subsection (1), an individual elected at that election is deemed to be duly elected.

(3) The Council shall not consider an application under subsection (1) that is not received by the Council within 15 days after the day of the election.

(4) On receipt of an application under subsection (1), the Council shall consider the matter and may

- (a) declare the election to be proper and the position filled if, in the opinion of the Council, there is no basis for the application,
- (b) declare the election to be proper and the position filled notwithstanding that there is a basis for the application if, in the opinion of the Council,
 - (i) the basis for the application did not materially affect the result of the election, and
 - (ii) the election was conducted substantially in accordance with the plan, the bylaws and the Act,

or

- (c) declare the election to be void and the position vacant if, in the opinion of the Council, there is a basis for the application and the basis is sufficient to or did affect the result of the election.

(5) If the Council declares an election to be void and the position vacant, the Council may

- (a) order that, within the time that the Council considers proper,
 - (i) in the case of a region director, a special region meeting be held and an election conducted to fill the vacant position for the unexpired portion of the term, or

- (ii) in the case of a director at large, a special general meeting be held and an election conducted to fill the vacant position for the unexpired portion of the term,

or

- (b) have the board of directors appoint an eligible delegate to fill the vacant position in accordance with section 20.

(6) Notwithstanding that an election is declared void and a position is declared vacant under subsection (4)(c), the bylaws may provide that the term of office of the position is deemed to have commenced on the day that the election that was declared void was held.

Vacant positions

20(1) If a vacancy occurs on the board of directors, the board of directors may, in accordance with the bylaws and with the approval of the Council, appoint another delegate to fill the vacant position for the unexpired portion of the term.

(2) If fewer than the required number of directors have been elected in accordance with section 16 or 17, the board of directors may appoint a delegate or delegates to the remaining position or positions in accordance with subsection (1).

Part 3

Review, Transitional and Repeal

Review

21 In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before February 28, 2024.

Transitional

22 A delegate or director holding office immediately before the coming into force of this Regulation continues to hold office until the expiry of the individual's term in accordance with the plan and the bylaws unless

- (a) the individual is removed or resigns from office,
- (b) the bylaws eliminate that office, or
- (c) the bylaws reduce the term of office for that position.

Repeal

23 The *Alberta Milk Plan Regulation* (AR 150/2002) is repealed.

Alberta Regulation 29/2022
Marketing of Agricultural Products Act
TURKEY PRODUCERS PLAN REGULATION

Filed: February 28, 2022

For information only: Made by the Minister of Agriculture, Forestry and Rural Economic Development (M.O. 003/2022) on February 17, 2022 pursuant to section 23 of the Marketing of Agricultural Products Act.

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Interpretation

1(1) In this Regulation,

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (b) “base quota” means the quota for any category of turkey that was originally allocated to a producer on that producer’s first application to the Board for an allocation of quota, as amended from year to year;
- (c) “Board” means the Board known as the Alberta Turkey Producers referred to in section 7;
- (d) “bylaws” means the bylaws made by the Alberta Turkey Producers pursuant to section 26(2.1) of the Act;
- (e) “category” means any category of turkey referred to in section 8(3);
- (f) “consumer” means a person who purchases turkey for consumption and not for resale;
- (g) “Council” means the Alberta Agricultural Products Marketing Council;
- (h) “family” means, in respect of an individual, that individual’s 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) “period” means a subset of continuous months based on a quota year as established by the Board;
- (j) “periodic production” means marketing of a specified category of quota or category of turkey in any of the periods established by the Board;
- (k) “person” means person as defined in the *Interpretation Act* and includes
 - (i) a partnership as defined in the *Partnership Act*;

- (ii) any 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);
- (l) “Plan” means the Turkey Producers Plan referred to in section 3;
- (m) “processor” means a person who holds a licence authorizing that person to process turkeys;
- (n) “producer” means a person who
 - (i) holds a licence authorizing that person to produce turkeys,
 - (ii) has been allocated a quota or a permit, or both, or alternatively is a lessee pursuant to the provisions of the regulations, during a quota year or a period, and
 - (iii) owns and operates a production facility in Alberta or leases and operates a production facility in Alberta on a basis whereby that person receives the revenue from the production facility;
- (o) “production facility” means the buildings and improvements in which turkeys are produced and the land on which those buildings and improvements are located;
- (p) “quota” means the maximum live weight in kilograms of any category of turkey or allocation type that a producer is authorized to market in a quota year or a period and is
 - (i) the product of the base quota of that category of turkey allocated to the producer and the percentage established by the Board for that quota year or period,
 - (ii) plus any further production authorized by the Board for that quota year or period, and
 - (iii) less any reduction in production as ordered by the Board for that quota year or period;
- (q) “quota year” means a 12-month period of time established annually by the Board to correspond to the control period within the meaning of the *Canadian Turkey Marketing Quota Regulations, 1990* (SOR/90-231);

- (r) “regulated product” means turkeys;
 - (s) “turkey” means any turkey, male or female, live or slaughtered, of any size and includes any part of any turkey.
- (2) Any reference in the Plan
- (a) to a class, variety, size, grade or kind of turkey includes a reference to a category of turkey referred to in section 8, and
 - (b) to the amount or number of turkeys includes a reference to the weight of turkeys.

Designation of agricultural product

2 Turkeys are hereby designated as an agricultural product for the purposes of the Act.

Part 1
General Operation of Plan

Division 1
Plan

Plan continued

3 The Turkey Producers Plan continued under the *Turkey Producers Plan Regulation* (AR 259/97) is hereby amended and continued under this Regulation.

Termination of Plan

4 The Plan does not terminate at the conclusion of a specific period of time and remains in force, unless otherwise terminated pursuant to the Act.

Application of Plan

5(1) The Plan applies

- (a) to all of Alberta, and
 - (b) to all persons who produce, sell, process or market turkeys and to all kinds and grades of turkeys.
- (2) Notwithstanding subsection (1), the Plan does not apply to a person who produces turkeys if

- (a) the person is ordinarily resident on the land on which the production facility in which the turkeys are produced is situated,
- (b) the person produces fewer than 300 turkeys in a quota year on the land on which that person is ordinarily resident, and
- (c) the turkeys are
 - (i) consumed or intended to be consumed by the person or that person's family, or
 - (ii) sold or intended to be sold to consumers by the person
 - (A) from the land referred to in clause (a),
 - (B) from land that is adjacent to the land referred to in clause (a), or
 - (C) from a stall at a public market.

Purpose and intent of Plan

6 The purpose and intent of the Plan is to provide for the effective promotion, control and regulation, in any and all respects and to the extent of the powers vested in the Board, of the production, marketing and processing of turkeys in Alberta including the prohibition in whole or in part of processing or marketing of turkeys in Alberta and, without limiting the generality of the foregoing,

- (a) to maintain a fair and stabilized price for turkeys,
- (b) to develop and maintain the orderly marketing of turkeys,
- (c) to provide a uniform, high quality of turkeys for the market,
- (d) to maintain adequate advertising and promotion of turkeys,
- (e) to fund, initiate, conduct or carry on research and development and studies with respect to the production, handling, marketing and processing of the regulated product, including research and studies concerning the development and use of the regulated product,
- (f) to ensure a continuous year-round supply of turkeys for the trade and consumer market,

- (g) to work with marketing boards having similar objectives that may be established in other provinces, and
- (h) to initiate and carry out projects and programs to commence, stimulate, increase or improve the production or marketing, or both, of the regulated product.

Division 2

Administration of Plan by the Board

Board continued

7 The board known as the “Alberta Turkey Producers” is hereby continued.

Functions of Board

8(1) The Board is, subject to the Act, responsible for the operation, regulation, supervision and enforcement of the Plan, the regulations made by the Board and the bylaws.

(2) In carrying out the operation of the Plan, the Board may

- (a) issue or renew a licence;
- (b) refuse to issue or renew a licence;
- (c) suspend or cancel a licence;
- (d) issue a permit;
- (e) allocate, transfer, reduce or cancel a quota or a base quota;
- (f) determine the quota that may be marketed by producers in a quota year or a period and provide for periodic production;
- (g) set minimum prices to be paid to producers for any category of turkey;
- (h) assess, charge and collect service charges, licence fees and levies;
- (i) ensure a supply of turkeys in Alberta.

(3) The Board may classify turkeys into categories and in so doing may establish the following categories:

- (a) light breed turkeys being turkeys of a weight or within a range of weight as determined by the Board;

- (b) heavy breed turkeys being turkeys of a weight or within a range of weight as determined by the Board;
- (c) mature turkeys being
 - (i) any female turkey that has laid eggs, or
 - (ii) any male turkey that has produced semen,and that is not less than 28 weeks of age at the time of slaughter.
- (4) Notwithstanding subsection (3), the Board may subtract from or add to the number or type of categories of turkeys based on any criteria that the Board considers appropriate.

Regulations to operate Plan

9(1) For the purposes of enabling the Board to operate the Plan, the Board may be empowered by the Council, pursuant to section 26 of the Act, to make regulations

- (a) requiring producers engaged in the production or marketing, or both, of turkeys to register their names and addresses with the Board;
- (b) requiring any person who produces, markets or processes turkeys to furnish to the Board any information or record relating to the production, marketing or processing of turkeys that the Board considers necessary;
- (c) requiring persons to be licensed under the Plan before they become engaged in the production, marketing and processing, or any one or more of those functions, of turkeys;
- (d) prohibiting persons from engaging in the production, marketing or processing, as the case may be, of turkeys except under the authority of a licence issued under the Plan;
- (e) governing the issuance, suspension or cancellation of a licence issued under the Plan;
- (f) providing for
 - (i) the assessment, charging and collection of service charges and licence fees, as the case may be, from producers from time to time for the purposes of the Plan, and

- (ii) the taking of legal action to enforce payment of the service charges or licence fees, as the case may be;
 - (g) requiring any person who receives turkeys from a producer
 - (i) to deduct from the money payable to the producer any service charges, licence fees or levies, as the case may be, payable by the producer to the Board, and
 - (ii) to forward the amount deducted to the Board;
 - (h) providing for the use of any class of service charges, licence fees, levies or other money payable to or received by the Board for the purpose of paying its expenses and administering the Plan and the regulations made by the Board;
 - (i) providing for the payment to a Canada Board of money that is payable under a Canada Act.
- (2)** For the purposes of enabling the Board to operate the Plan, the Board may be empowered by the Council, pursuant to section 27(1) of the Act, to make regulations
- (a) requiring that the production or marketing, or both, of turkeys be conducted pursuant to a quota;
 - (b) governing
 - (i) the fixing and allotting of quotas,
 - (ii) the increase or reduction of quotas,
 - (iii) the cancelling of quotas, and
 - (iv) the refusal to fix and allot quotasto producers for the production or marketing, or both, of turkeys on any basis the Board considers appropriate;
 - (c) governing the transferability or non-transferability of quotas and prescribing the conditions and procedures applicable to the transfer of quotas, if any, that the Board considers appropriate;
 - (d) establishing
 - (i) a formula for determining the amount or number of turkeys deemed to have been produced or marketed by a producer, and

- (ii) the period of time in respect of which the formula is to be applied,

for the purposes of determining the amount of turkeys produced or marketed by a producer during a period of time;
- (e) providing for
 - (i) the assessment, charging and collection of a levy from any producer whose production or marketing, or both, of turkeys is in excess of the quota that has been fixed and allotted to that producer, and
 - (ii) the taking of legal action to enforce payment of the levy;
- (f) requiring any person who provides turkeys to a producer under the Plan to furnish to the Board any information requested by the Board;
- (g) determining the quantity of each class, variety, size, grade and kind of turkeys that shall be produced or marketed, or both, by each producer;
- (h) directing, controlling or prohibiting, as the case may be, the production or marketing, or both, of turkeys or any class, variety, size, grade or kind of turkey in such manner as the Board considers appropriate;
- (i) regulating and controlling the production or marketing, or both, of turkeys, including the times and places at which turkeys may be produced or marketed;
- (j) determining from time to time the minimum price or prices that shall be paid to producers for turkeys or any class, variety, grade, size or kind of turkey and determining different prices for different parts of Alberta;
- (k) governing
 - (i) the furnishing of security or proof of financial responsibility by any person engaged in the production, marketing or processing of turkeys, and
 - (ii) the administration and disposition of any money or securities so furnished;
- (l) prohibiting a person to whom a quota has not been fixed and allotted for the production or marketing, or both, of turkeys

from producing or marketing, or both, as the case may be, any turkeys;

- (m) prohibiting a producer to whom a quota has been fixed and allotted for the production or marketing, or both, of turkeys from producing or marketing, or both, as the case may be, any turkeys in excess of that quota;
- (n) prohibiting any person from purchasing or otherwise acquiring any turkeys from a producer that are in excess of the quota that has been fixed and allotted to the producer for the production or marketing, or both, of turkeys;
- (o) prohibiting any person from purchasing or otherwise acquiring any turkeys from a person to whom a quota has not been fixed and allotted for the production or marketing, or both, of turkeys.

(3) For the purposes of enabling the Board to operate the Plan, the Board may be empowered by the Council, pursuant to section 27(2) of the Act, to make regulations

- (a) governing any agricultural product that is not the regulated product in the same manner as if that agricultural product was the regulated product under the Plan;
- (b) governing, with respect to any agricultural product that is not the regulated product, the producers of the regulated product under the Plan in the same manner as if that agricultural product was the regulated product under the Plan;
- (c) establishing and governing a formula for determining the amount or number of the regulated product produced or deemed to have been produced from any agricultural product that is not the regulated product.

Financing of Plan

10 In accordance with the regulations, the Plan must be financed by the charging and collecting of service charges, licence fees and levies from producers and by any other money payable to or received or accrued by the Board.

Interprovincial matters

11 In accordance with section 50 of the Act, the Board may,

- (a) with respect to the production or marketing, or both, of the regulated product, be authorized to perform any function or

duty and exercise any power imposed or conferred on the Board by or under a Canada Act, and

- (b) with respect to any function or duty that the Council has authorized the Board to carry out under the Act or the regulations, be authorized to delegate that function or duty to a Canada Board.

Indemnification funds

12(1) The Board may establish one or more funds under section 34 or 35 of the Act.

(2) In order to finance the funds, the Board may raise amounts in accordance with sections 34 and 35 of the Act.

Part 2
Governance of Plan

Division 1
Composition of and Election to Board

Members of the Board

13 The Board consists of 5 members elected or appointed in accordance with the Plan and the bylaws.

Elections

14(1) Elections to the Board must be conducted

- (a) at the annual general meeting of producers, or
- (b) at a special general meeting of producers, where the Council directs under section 16 that an election be held

by means of a vote of the producers in accordance with the procedures set out in the bylaws.

(2) A producer who is eligible to vote under the bylaws may vote for any number of candidates not exceeding the number of members to be elected to the Board at that meeting notwithstanding that the producer may manage, operate, own, lease or hold equity in 2 or more operations that are registered separately with the Board.

Division 2
Invalid or Controverted
Election, Vacancy

Invalid election re attendance at meeting

15(1) If there is in attendance at the meeting at which an election is held an insufficient number of producers who are eligible to vote at the election in accordance with the bylaws,

- (a) the election is void, and
- (b) the position for which the election was held is vacant.

(2) Notwithstanding that a position is vacant under subsection (1), the bylaws may provide that the term of office of the position is deemed to have commenced as if an individual had been elected to the position.

(3) If a position is vacant under this section, the Board may, with the approval of the Council, appoint an individual in accordance with section 17.

Controverted election

16(1) If a producer questions

- (a) the eligibility of a candidate,
- (b) the eligibility of a voter,
- (c) any matter relating to a ballot or the tabulation of ballots, or
- (d) any other irregularity with respect to the conduct of an election,

that producer may, not later than 30 days after the day of the election, apply in writing to the Council to have the election declared invalid and the position declared vacant.

(2) If the Council has not received an application under subsection (1) within the 30-day period referred to in subsection (1), an individual elected at that election is deemed to be duly elected.

(3) The Council shall not consider an application under subsection (1) that is not received by the Council within 30 days after the day of the election.

(4) On receipt of an application under subsection (1), the Council shall consider the matter and may

- (a) declare the election to be proper and the position filled if, in the opinion of the Council, there is no basis for the application,
- (b) declare the election to be proper and the position filled notwithstanding that there is a basis for the application if, in the opinion of the Council,
 - (i) the basis for the application did not materially affect the result of the election, and
 - (ii) the election was conducted substantially in accordance with the Plan, the bylaws and the Act,

or

- (c) declare the election to be void and the position vacant if, in the opinion of the Council, there is a basis for the application and the basis is sufficient to or did affect the result of the election.

(5) If the Council declares an election to be void and the position vacant, the Council may

- (a) order that, within the time that the Council considers proper, a special general meeting of producers be held and an election conducted to fill the vacant position for the unexpired portion of the term, or
- (b) have the Board appoint, from among the individuals who are eligible to be elected to the position, an individual to fill the vacant position in accordance with section 17.

(6) Notwithstanding that an election is declared void and a position is declared vacant under subsection (4)(c), the bylaws may provide that the term of office of the position is deemed to have commenced on the day that the election that was declared void was held.

Vacancy

17(1) If a vacancy occurs on the Board, the Board may, with the approval of the Council, appoint from among the individuals who are eligible to be elected to the Board an individual to act as a member until the date of the next annual general meeting of producers.

(2) At the next annual general meeting of producers following the appointment of an individual under subsection (1), the position must be filled by holding an election in accordance with the Plan and the bylaws for the unexpired portion of the term.

Part 3

Review, Transitional and Repeal

Review

18 In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before September 30, 2026.

Transitional

19 Where an individual is a member of the Board immediately before the coming into force of this Regulation, that individual continues to be a member of the Board until the expiry of that individual's term of office in accordance with the Plan and the bylaws unless

- (a) the individual is removed or resigns from office, or
- (b) the bylaws reduce the term of office for that position.

Repeal

20 The *Turkey Producers Plan Regulation* (AR 259/97) is repealed.

Alberta Regulation 30/2022

Marketing of Agricultural Products Act

TURKEY MARKETING AMENDMENT REGULATION

Filed: February 28, 2022

For information only: Made by the Alberta Turkey Producers on October 20, 2021 and approved by the Alberta Agricultural Products Marketing Council on November 4, 2021 pursuant to sections 26 and 27 of the Marketing of Agricultural Products Act.

1 The *Turkey Marketing Regulation* (AR 113/98) is amended by this Regulation.

2 Section 1 is amended

- (a) by renumbering it as section 1(1);
- (b) in subsection (1)
 - (i) by repealing clauses (b), (d), (e), (f) and (g);
 - (ii) by repealing clause (h) and substituting the following:

- (h) “hatchery operator” means a person who holds a licence authorizing that person to distribute, import, export and sell turkey poults to a producer;
- (iii) in clause (k.1)(iii) by adding “or flock care” after “food safety”;**
- (iv) by repealing clauses (l), (m) and (n);**
- (v) in clause (o) by striking out “(AR 259/97)”;**
- (vi) by repealing clauses (p), (q), (r), (s), (s.1) and (t);**
- (c) by adding the following after subsection (1):**
 - (2) Words not defined in this Regulation but that are used in this Regulation and that are defined in the Plan have the same meaning as defined in the Plan.

3 Section 2 is amended

- (a) by renumbering it as section 2(1);**
- (b) in subsection (1)**
 - (i) in clause (e) by striking out “or a base quota”;**
 - (ii) in clause (h) by adding “assess, charge and” before “collect service charges”;**
- (c) by adding the following after subsection (1):**
 - (2) The Board may set the amount of licence fees for the purposes of the Plan, including application fees for licenses, permits and quota leases, fees relating to periodic production quota allocation, year-end quota lease fees, audit fees relating to On-Farm Programs, transfer fees or other fees provided for in this Regulation.

4 Section 4 is amended

- (a) in subsection (1)(a) by striking out “hatcheryman” and substituting “hatchery operator”;**
- (b) in subsections (2) and (3) by striking out “hatchery” and substituting “hatching facility”.**

5 Section 5(4) is amended

- (a) by striking out “or” at the end of clause (b);**
- (b) by repealing clause (c) and substituting the following:**
 - (c) fails to comply with the requirements of an On-Farm Program, or
 - (d) has outstanding invoices owing to the Board exceeding 60 days past due.

6 Section 6 is amended by adding the following after subsection (4):

(5) Notwithstanding subsection (3)(a) but subject to specific direction from the Board, the person whose licence has been suspended or cancelled may continue to market any turkeys in that person’s possession at the time of the suspension or cancellation so long as no further acquisition or placement of turkeys or turkey poults is made.

7 Sections 7(1)(a) and 8(1) are amended by striking out “hatcheryman” and substituting “hatchery operator”.

8 Section 10(5) is repealed.

9 Section 12.1 is repealed and the following is substituted:

Base quota increases or decreases

12.1 When the Board considers that general marketing conditions warrant a permanent increase or decrease in base quota, the increase or decrease must be allocated by the Board in accordance with Council and Board policy.

10 Section 16 is amended

- (a) in subsection (2)(d) by striking out “in the amount of \$50” and substituting “in the amount set by the Board”;**
- (b) in subsection (4)**
 - (i) in clause (a) by adding “or the proposed lessee” after “the proposed lessor”;**

- (ii) in clause (a.1) by striking out “a On-Farm Program” and substituting “an On-Farm Program”.

11 Section 20 is amended by striking out “base quota” wherever it occurs and substituting “quota”.

12 Section 24 is amended

- (a) by repealing subsection (3)(b) and substituting the following:

- (b) the producer shall pay to the Board a levy of \$.40 per kilogram of live weight on the excess marketed that exceeds the applicable permit or quota, as adjusted by the Board from time to time pursuant to subsection (3.1).

- (b) by adding the following after subsection (3):

(3.1) The Board may adjust the amount of the levy under subsection (3)(b) to reflect any changes to the amount of related levies collected by the Turkey Farmers of Canada in respect of Alberta producers.

13 Section 27(5) is amended by striking out “hatcheryman” and substituting “hatchery operator”.

14 Section 31 is amended by striking out “September 30, 2022” and substituting “September 30, 2026”.

15 Section 12 comes into force on May 1, 2022.

Alberta Regulation 31/2022

Marketing of Agricultural Products Act

**ALBERTA PEACE REGION FORAGE SEED
GROWERS PLAN AMENDMENT REGULATION**

Filed: February 28, 2022

For information only: Made by the Minister of Agriculture, Forestry and Rural Economic Development (M.O. 004/2022) on February 17, 2022 pursuant to section 23 of the Marketing of Agricultural Products Act.

1 The *Alberta Peace Region Forage Seed Growers Plan Regulation* (AR 91/2004) is amended by this Regulation.

2 Section 1 is amended

- (a) in clause (c) by striking out “the directors and the”;
- (b) by repealing clause (c.2) and substituting the following:
 - (c.2) “auditor” means a professional accounting firm registered under the *Chartered Professional Accountants Act* and authorized to perform an audit engagement;
- (c) by adding the following after clause (h):
 - (h.1) “electronic means”, in respect of attending or holding a meeting, means a method of electronic or telephonic communication that enables all persons attending the meeting to hear and communicate with each other instantaneously, including, without limitation, teleconferencing and computer network-based or internet-based communication platforms;
- (d) in clause (k) by striking out “and legumes” and substituting “and forage legumes”;
- (e) in clause (l)(ii) by striking out “Lieutenant Governor in Council” and substituting “Minister”;
- (f) in clause (p) by striking out “the directors and the”.

3 Section 5(2) is amended by striking out “regulated produce” and substituting “regulated product”.

4 Section 10 is amended

- (a) in subsection (1)(c) by adding “and by the Council” after “or a special Commission meeting”;
- (b) by repealing subsection (2).

5 Section 11(2) is amended by striking out “the continued operation of this Plan is to be subject to” and substituting “the Council may direct that the continued operation of this Plan is subject to”.

6 The following is added after section 21:

Meetings by electronic means

21.1 The Commission may decide to hold an annual Commission meeting or special Commission meeting in whole or in part by electronic means, and if it so decides,

- (a) a director, eligible producer or any other person entitled to attend the meeting may attend the meeting by electronic means, and
- (b) a person attending the meeting by electronic means is deemed for the purposes of this Plan to be present in person at the meeting.

7 Section 22 is amended

- (a) by repealing subsection (1) and substituting the following:**

Calling of meetings

22(1) The Commission must set the time and date of any annual Commission meeting or special Commission meeting and whether the meeting will be held in person, by electronic means or by a combination thereof.

- (b) by repealing subsection (3) and substituting the following:**

(3) Any notice of a meeting must set forth the time, date, purpose of the meeting and

- (a) the location at which the meeting will be held, or
- (b) in the case of a meeting that is to be held in whole or in part, or that a person may attend, by electronic means, the information required for attendees to access the meeting.

8 Section 24 is repealed and the following is substituted:

Board of Directors

24 The Commission shall have a Board of Directors consisting of 3 eligible producers.

9 Section 27 is amended by adding the following after subsection (2):

(3) An eligible producer is not eligible to serve as a director for more than 3 consecutive terms of office.

(4) Notwithstanding subsection (3), an eligible producer who was a director is once again eligible to serve as a director if one year has elapsed since that eligible producer's last term as a director has concluded.

10 Section 29(4) is amended by adding “, or, if applicable, by electronic means,” after “may be made on the floor”.

11 Section 31 is repealed and the following is substituted:

Eligibility of directors

31 To be eligible to be a director a person must be an eligible producer.

12 Section 33 is amended by adding the following after subsection (1):

(1.1) In the case of an annual Commission meeting or special Commission meeting held in whole or in part by electronic means, a person attending the meeting by electronic means who is entitled to vote at the meeting may vote by electronic, telephonic or other method that the Commission has made available for that purpose.

13 Section 38 is repealed and the following is substituted:

Review

38 In compliance with the ongoing regulatory review initiative, this Regulation must be reviewed on or before May 31, 2026.

Alberta Regulation 32/2022

Marketing of Agricultural Products Act

**ALBERTA PEACE REGION FORAGE SEED
GROWERS AMENDMENT REGULATION**

Filed: February 28, 2022

For information only: Made by the Alberta Peace Region Forage Seed Growers Commission on October 27, 2021 and approved by the Alberta Agricultural Products

Marketing Council on November 4, 2021 pursuant to section 26 of the Marketing of Agricultural Products Act.

1 The *Alberta Peace Region Forage Seed Growers Regulation* (AR 117/2004) is amended by this Regulation.

2 The title of the Regulation is repealed and the following is substituted:

**ALBERTA PEACE REGION FORAGE SEED
GROWERS COMMISSION REGULATION**

3 Section 4(4)(a) is repealed and the following is substituted:

- (a) the producer's name, address and telephone number;
- (a.1) the producer's email address and other contact information, if any;

4 Section 5(2)(b) is amended by adding the following after subclause (ii):

- (ii.1) the producer's email address, if any;

5 Section 10 is amended by striking out "May 31, 2022" and substituting "May 31, 2026".

Alberta Regulation 33/2022

Marketing of Agricultural Products Act

**ALBERTA OAT GROWERS COMMISSION (EXPIRY
DATE EXTENSION) AMENDMENT REGULATION**

Filed: February 28, 2022

For information only: Made by the Alberta Oat Growers Commission on October 25, 2021 and approved by the Alberta Agricultural Products Marketing Council on November 4, 2021 pursuant to section 26 of the Marketing of Agricultural Products Act.

1 The *Alberta Oat Growers Commission Regulation* (AR 138/2012) is amended by this Regulation.

2 Section 20 is amended by striking out “July 31, 2022” and substituting “July 31, 2027”.

Alberta Regulation 34/2022

Marketing of Agricultural Products Act

**ALBERTA LAMB PRODUCERS (EXPIRY DATE
EXTENSION) AMENDMENT REGULATION**

Filed: February 28, 2022

For information only: Made by the Alberta Lamb Producers on November 21, 2021 and approved by the Alberta Agricultural Products Marketing Council on December 14, 2021 pursuant to section 26 of the Marketing of Agricultural Products Act.

1 The *Alberta Lamb Producers Regulation (AR 389/2003)* is amended by this Regulation.

2 Section 15 is amended by striking out “April 30, 2022” and substituting “April 30, 2027”.