

ORDER 1
NEW BRUNSWICK EGG MARKETING BOARD

Pursuant to Section 8 of the New Brunswick Egg Marketing Plan, being Regulation 84-55 and amendments thereto (The Plan) issued under the provisions of the Farm Products Marketing Act, Chapter F-6.1 and amendments thereto (The Act); the New Brunswick Egg Marketing Board (The Board) makes the following Order:

SHORT TITLE

1. This Order may be cited as "Licensing Order."

2. In this Order words and terms defined by Section 1 of the Act and Section 2 of the Plan shall have the same meaning, unless context otherwise requires, and:
 - (a) "chick hatchery operator" means a person who operates a Hatchery as defined by the Poultry Health Protection Act, Chapter P-12, Statutes of New Brunswick and amendments thereto,
 - (b) "Egg production facility" means a building used primarily for the housing of hens which produce eggs for sale to consumers;
 - (c) "Egg production unit" means 200 layers on a poultry farm operated by a producer, and
 - (d) "a hatchery supply flock operator" means a person who owns or is in possession of a hatchery supply flock as defined by the Poultry Health Protection Act, Chapter P-12, Statutes of New Brunswick and amendments thereto.

LICENSING

3. Subject to Section 7 of the Act, no person other than:
 - (a) a retailer;
 - (b) a consumer; or
 - (c) a producer or producer-vendor who is the beneficial owner of less than one Egg production unit and who sells the product directly to a consumer;

shall commence or continue in the production or marketing of eggs without first obtaining a license from the Board; paying the prescribed fee for each class of license applied for; and having been assigned a quota by the Board.

4. No person shall permit more than one egg production unit to be in an egg production facility unless each egg production unit is owned by a producer or producer-vendor required to be licensed pursuant to this Order.

5. Where a producer or producer-vendor has the possession or control of less than one egg production unit, that egg production unit may not be housed in an egg production facility with any other hens.

6. No producer or producer-vendor may have eggs graded at a grading station approved by Agriculture Canada without being the holder of a producer or producer-vendor license issued pursuant to this Order.

FEES

7. There shall be a license fee for all persons required by Section 3 hereof to obtain a license and for this purpose such persons shall be classified into groups as follows and the license fee for each group shall be that set opposite the class listed as follows:

CLASS/GROUP	LICENSE FEE
Producer or Producer-Vendor License	\$100.00 per annum
Chick Hatchery Operator's License	\$100.00 per annum
Hatchery Supply Flock Operator's License	\$100.00 per annum
Processor's License	\$100.00 per annum
Wholesale Distributor's License	\$100.00 per annum

8. All licenses issued by the Board expire on December 31st of each year and may be renewed annually in accordance with the practices and procedures of the Board.

9. Every application for a license made by an individual, partner-ship or limited partnership shall contain the names and addresses of the individual or the partners, as the case may be.

10. Every application for a license made by a corporation, cooperative or other corporate body shall contain the names and addresses of the officers, directors, shareholders and members, as the case may be, except where the application is made by a publicly controlled company in which case the names of the officers and directors is sufficient.

11. By Wednesday of each week the holder of a license shall deliver to the Board a weekly report, in a form prescribed by the Board, which sets out among other things, the number of dozens of eggs marketed by him during the week ending the immediately preceding Saturday at 12 midnight.

12. By the 15th day of each month the holder of a license shall de- liver to the Board a monthly report, in a form prescribed by the Board, which sets out among other things the number of hens kept in production by him during the immediately preceding calendar month.

13. The holder of a license shall, at the request of the Board or its agent, make available to the Board all books, accounts, records and related information for the purpose of confirming, assessing or verifying facts related to the production or marketing of eggs, including all facts related to the purchase and sale of eggs, and, for this purpose shall grant or permit access to its business premises.

14. The Board or its agent shall take such steps as is within its powers to verify, confirm or assess information related to the production or marketing of eggs by the holder of a license.

15. Notwithstanding section 9 of the Act where the holder of a license fails to:

- (a) file a report form as required herein;
- (b) truthfully and completely report the information required by the relevant report form;
- (c) make available to the Board, books, accounts, records and other related information for the purpose of confirming, assessing or verifying facts related to the production or marketing of eggs,
- (d) grant or permit access by the Board or its agents to its business premises, or
- (e) provide to the Board such additional information as it shall require,

the Board may suspend or revoke his or her license on such terms as it considers appropriate.

16. The Board may reinstate a license which has been suspended or revoked.

17. Licenses issued by the Board shall be signed by the Chairman or the Vice-Chairman and the Secretary-Manager.

ORDER 2 NEW BRUNSWICK EGG MARKETING BOARD

Pursuant to Section 8 of the New Brunswick Egg Marketing Plan, being Regulation 84-55 and amendments thereto (The Plan) issued under the provisions of the Farm Products Marketing Act, Chapter F-6.1, and amendments thereto (The Act); the New Brunswick Egg Marketing Board (The Board) makes the following Order:

SHORT TITLE

1. This Order may be cited as the "Quota Order."

DEFINITION

2. In this Order words and terms defined by Section 1 of the Act and Section 2 of The Plan shall have the same meanings, unless the context otherwise require and:

- (a) "agency" means the Canadian Egg Marketing Agency as established by the Governor-in-Council under the Farm Products Marketing Agencies Act (Canada),
- (b) "facility" means the building or buildings and lands appurtenant thereto and the fixtures and equipment that are used for Egg production,
- (c) "hen" means the hen of any class of the domestic chicken belonging to the species *Gallus Domesticus*,
- (d) "layer" means Layer as defined by the Canadian Egg Marketing Agency
- (e) "quota" means the number of dozens of eggs that a licensed producer is authorized to market during a specified period of time. Quota may also be expressed as the number of laying hens a licensed producer is allowed to have under production during the specified period of time.
- (f) "provincial quota" means the number of dozens of eggs which may be marketed by all New Brunswick producers and is the sum of the number of dozens of eggs which may be marketed in inter-provincial trade pursuant to quotas assigned by the Agency, and the number of dozens of eggs which may be marketed in the province pursuant to quotas assigned by the Board.
- (g) "quota certificate" and "certificate" mean a document issued by the Board setting out the quota assigned to a producer pursuant to paragraph (e) herein.

APPLICATION

3. This Order does not apply to persons who:

- (a) operate a facility which houses less than 200 hens;
- (b) produce eggs that are used exclusively for hatching purposes; or

- (c) produce or market hens that are not used for laying eggs.

QUOTA REQUIRED

4. No person shall market eggs in intra provincial trade unless a quota certificate and registration number have been issued to him or her by the Board or the eggs were produced in a facility which houses less than 200 hens.

5. (1) The Board shall set out in each quota certificate the number of layers a licensed producers is permitted to have in his or her possession or control and the number of dozens of eggs that may be marketed pursuant to the quota certificate.

(2) A quota certificate is not valid unless it is signed by the appropriate signing officers of both the Board and the Agency.

EFFECTIVE DATE

6. A quota certificate or an amended quota certificate becomes effective on the day stated thereon.

DURATION OF CERTIFICATE

7. A quota certificate shall remain in force for the period specified in the certificate, unless revoked or amended pursuant to this Order.

QUOTA

8. (1) Quota may be assigned by the Board.

(2) Notwithstanding the definition of "quota" in section 2 of this Order, a licensed producer may market all eggs produced by him or her where the number of layers in his or her possession or control does not exceed the number set out in the certificate.

(3) Where a licensed producer or licensed producer-vendor has layers in his or her possession or control exceeding 101% of the amount set out in his or her quota he or she shall pay immediately to the Board \$1.00 for each layer kept in excess of 101% of the quota, and every 30 days thereafter, \$1.00 for each layer kept in excess of 100% of the quota.

(4) Where a licensed producer or licensed producer-vendor has layers in his or her possession or control greater than the amount set out in his or her quota but not exceeding 101%, he or she shall be allowed 30 days within which to reduce the number of layers in his or her possession or control to an amount equal to or less than 100% of the quota. Where the number of layers is not reduced within 30 days as required by this subsection, the licensed producer or licensed producer vendor shall, at the termination of the 30 day period, and every 30 days thereafter, pay to the Board \$1.00 for each layer kept in excess of 100% of the quota.

(5) All quotas issued by the Board are and remain the property of the Board.

LIMITS ON QUOTAS

9. (1) The Board shall not assign quota in excess of that issued by the Agency.

(2) No licensed producer to whom a quota has been assigned shall obtain a quota increase except in accordance with Part II of the Plan and section 19 of this Order.

(3) In assigning, increasing or decreasing quota the Board may take into consideration the following factors:

- (a) the most economic size of Egg production facilities;

- (b) market requirements;
- (c) the capacity and condition of the applicant's Egg production facilities; and
- (d) the best interests of the Egg marketing industry in the province.

(4) For the purpose of ensuring compliance with subsections (2) and (3), the Board shall regularly review and reassess the quotas of all licensed producers in the province and shall, where necessary, vary the quotas of a class or classes.

MARKETING WITHIN QUOTA

10. (1) The Board may, by notice in writing, specify to a licensed producer that such portion or portions of his or her quota shall be produced in a specific week or such other period as it may consider appropriate.

(2) Subject to Section 11, no producer shall:

- (a) during the period of time specified in his or her quota market any eggs in excess of that quota; or
- (b) during the week or period specified in a notice issued by the Board pursuant to subsection 1, have possession or control of any layers in excess of the amount permitted during the time period set out in the notice.

CANCELLATION, SUSPENSION OR VARIATION

11. (1) The Board may cancel, suspend or vary the quota, and revoke or amend the quota certificate of any licensed producer who fails:

- (a) to pay to the Board any charges or levies imposed by the Canadian Egg Marketing Levies Order issued by the Agency, or
- (b) to comply with any provisions of this Order, of the Agency quota regulations, or of any other Order or regulation of the Board or of the Agency.

(2) Where a producer's entitlement to market eggs or to have eggs marketed on his or her behalf in inter-provincial trade has been cancelled, suspended or varied, by the Agency, the Board shall:

- (a) cancel, suspend or vary the quota, and
- (b) revoke or amend the quota certificate.

(3) No action shall be taken by the Board pursuant to subsection (1) or (2) unless:

- (a) the Board has first provided the producer with a notice setting out the reasons why the Board is considering invoking its powers pursuant to subsections (1) or (2) or both; and
- (b) 14 days have passed from the date of the mailing of the notice referred to in paragraph (a) and no satisfactory reply has been received by the Board

(4) Notice shall be deemed to have been delivered by the Board for purposes of subsection 11(3) if it is forwarded by pre-paid registered mail addressed to the licensed producer at the address as recorded on the books of the Board.

12. The Board may revoke the quota held in the name of a limited company where there has been a change in the beneficial ownership of all or any part of the shares of that company.

TRANSFER OF QUOTA

13. Quota shall not be transferred, surrendered or reassigned except in accordance with this Order.
14. (1) Quota may only be acquired pursuant to section 8(1) and sections 21 and 22(2) of this Order.
- (2) No person may be assigned quota unless he or she is the holder of a producer's license issued by the Board.
15. (1) When making an assignment of quota the Board shall direct that quota be produced at a specified location and that it be produced at no other location except with the written consent of the Board.
- (2) Where a licensed producer transfers layers, either permanently or temporarily, from the location specified by the Board, without the written consent of the Board, the Board shall cancel his or her license forthwith.
16. Subject to section 20, a producer may transfer all or part of his or her quota to another producer provided:
- (a) he or she notifies the Board 60 days in advance of the transfer; and
- (b) the Board provides its consent in writing to the transfer.

PRODUCTION LIMITATIONS AND ADJUSTMENTS

17. (1) Each licensed producer shall produce the full amount of his or her assigned quota in the period specified by the Board.
- (2) Each layer is deemed to produce the number of dozens of deemed annual production as established by the Board.
- (3) Except where a producer establishes that his or her failure to produce the assigned quota was due to a force majeure, the Board may reduce his or her quota for the following year by the amount by which he or she failed to produce 100% of his or her quota in the current year.
- (4) A request for an exemption from a reduction in quota by reason of a force majeure must be:
- (a) in writing and signed by the producer or its agent; and
- (b) forwarded to the Board within 60 days of the occurrence giving rise to the force majeure.
18. In circumstances where the provincial quota is decreased, the Board may decrease quota, in which case, the decrease shall be applied pro-rata among all licensed producers.
19. Subject to section 20, where the provincial quota is increased, the Board may increase quotas in which case, the increase shall be applied pro-rata among all licensed producers.
20. The maximum quota that may be assigned to a producer is 50,000 layers per year, also expressed in numbers of dozens of eggs as determined by applying the rate of lay.
21. (1) The Board shall, from time to time, as quota becomes available, notify all producers of its availability.
- (2) Where two or more producers seek authority to have available quota assigned to them, it shall be assigned among those producers pro-rata.
22. Nothing contained within this quota Order prohibits or prevents the Board from reviewing and revising

quotas assigned by it with a view to facilitating the operation and implementation of the national plan for the marketing of eggs.

23. (1) Licensed producers and licensed producer-vendors may not hold shares in a corporation or acquire an interest in a cooperative, partnership, or other unincorporated group which is the holder of a license issued by the Board where the aggregate of the quotas issued to the corporation, cooperative, partnership, or other unincorporated group exceeds the maximum quota allowed any licensed producer or licensed producer-vendor pursuant to section 19 of this Order.

(2) The Board may request and a licensed producer or licensed producer-vendor shall provide to the Board, within 48 hours of the said request, all financial books and records, corporate minute books, resolutions, partnership minutes, and any other material considered necessary for determining whether or not there is, has been, or will be a violation of subsection 24(1) herein.

24. Information requested by the Board pursuant to subsection

(1) shall be provided by the licensed producer or licensed producer-vendor in a complete and accurate format.

ORDER 3 NEW BRUNSWICK EGG MARKETING BOARD

Pursuant to Section 8 of the New Brunswick Egg Marketing Plan, being Regulation 84-55 and amendments thereto (The Plan) issued under the provisions of the Farm Products Marketing Act, Chapter F-6.1 and amendments thereto (The Act); the New Brunswick Egg Marketing Board (The Board) makes the following Order:

SHORT TITLE

1. This Order may be cited as the "Marketing Service Charge Order."
2. In this Order words and terms defined by Section 1 of the Act and Section 2 of The Plan shall have the same meaning, unless the context otherwise requires and:
 - (a) "box" means a standard Egg container containing 15 dozen eggs.
 - (b) "carton" means a standard Egg container containing one dozen eggs.
 - (c) "Egg production unit" means 200 layers on a poultry farm operated by a producer, and
 - (d) "layer" means layer as defined by the Canadian Egg Marketing Agency.

MARKET SERVICE CHARGE

3. There shall be a market service charge in an amount to be determined by the Board which shall be levied on each dozen of eggs marketed in the province.
4. (1) Subject to section 5 and 6 the market service charge assessed against licensed producers pursuant to section 3 shall be calculated based upon the following formula and shall be paid to the Board by the producer:

$$Q \times N \times L = AL$$

"Q" means quota held by a licensed producer expressed in numbers of layers.

"N" means deemed annual production of dozens of eggs per layer as determined by the Board.

"L" means market service charge set out in paragraph 3.

"AL" means annual market service charge for a licensed producer.

(2) The market service charge assessed in paragraph 3 for producers and licence holders other than licensed producers shall be based on actual production as determined from time to time.

5. (1) A licensed producer may seek an exemption from the market service charge levy by reason of:

- (a) the application of a force majeure;
- (b) renovations or repairs to his or her production facility;
- (c) moulting; or
- (d) his or her participation in an early fowl removal program.

(2) A request for an exemption from the imposition of the market service charge levy must:

- (a) be in writing and signed by the producer or its' agent;
- (b) set out the approximate number of dozens of eggs for which an exemption is being claimed;
- (c) set out the specific reason for the request; and
- (d) be forwarded to the Board within 60 days of the occurrence giving rise to the request for the exemption.

6. Where a licensed producer produces more eggs than his or her deemed annual production he or she will be assessed an additional marketing service charge for each dozen of eggs in excess of the deemed annual production.

7. Market service charges shall be paid to the Board in such manner and within such time as the Board shall from time to time determine.

ORDER 4 NEW BRUNSWICK EGG MARKETING BOARD

Pursuant to Section 8 of the New Brunswick Egg Marketing Plan, being Regulation 84-55 and amendments thereto (The Plan) issued under the provisions of the Farm Products Marketing Act, Chapter F-6.1 and amendments thereto (The Act); the New Brunswick Egg Marketing Board (The Board) makes the following Order:

SHORT TITLE

1. This Order may be cited as "Pricing Order".

DEFINITION

2. In this Order words and terms defined by section 1 of the Act and section of the Plan shall have the same meanings, unless the context otherwise requires and:

- a) "grading station" means a registered Egg station as defined in the Egg Regulations, C.R.C., c.284.
- b) "graded price (f.o.b. grading station)" means the minimum price paid to the grading station for graded shipments of eggs f.o.b. the grading station.
- c) "price delivered to retail" means the minimum price paid to the grading station for graded shipments of eggs f.o.b. the retail establishment.
- d) "price delivered to wholesale" means the minimum price paid to the grading station for graded shipments of eggs f.o.b. the wholesale establishment.
- e) "producer price" means the minimum price to be paid to producers for nest run shipments of eggs, f.o.b. the farm, for each of the following grades:

- Canada A Extra Large Size
- Canada A Large Size
- Canada A Medium Size
- Canada A Small Size

PRICING

3. (1) The Board may fix the prices referred to in paragraphs (b), (c), (d) and (e) of section 2.

(2) Prices fixed by the Board shall be effective on a date established by the Board and shall remain in effect until amended or revoked.

(3) The Board shall communicate established prices in writing to all licensed producers, produced-vendors, grading stations and wholesale distributors.

4. (1) No producer shall sell eggs to a grading station or a wholesale distributor and no grading station or wholesale distributor shall purchase the eggs from a producer at a price or prices below those set by the Board from time to time.

(2) Any producer, grading station or wholesale distributor who contravenes this Order is guilty of an offence under the Act.

ORDER 5 HATCHERY SUPPLY FLOCK

Pursuant to section 8 of the New Brunswick Egg Marketing Plan, being Regulation 84-55 and amendments thereto (The Plan) issued under the provisions of the Farm Products Marketing Act, Chapter F-6.1 and amendments thereto (The Act); and the New Brunswick Egg Marketing Board (The Board) makes the following Order:

SHORT TITLE

1. This Order may be cited as "Hatchery Supply Flocks Order."

DEFINITION

2. In this Order words and terms defined by Section 1 of the Act and Section 2 of the Plan shall have the same meaning, unless the context otherwise requires, and:

(a) "hatchery supply flock" means a flock of domestic chickens belonging to the species *Gallus domesticus*, the eggs of which, subject to a "force majeure", are used to supply hatching eggs for Egg and/or broiler production.

(b) "hatching eggs" means eggs used for the production of chicks of the species *Gallus domesticus*.

(c) "force majeure" means an unexpected or uncontrollable event that alters one's plans or releases one from one's obligations.

3. An Egg production hatchery supply flock operator may, barring any force majeure, sell on the table market the greater of:

(a) 45% of the total hatching eggs produced from all flocks in a calendar year; or

(b) the average of the total eggs marketed by the operator in 1990 to 1992 as reported to the Board.

4. A broiler production hatchery supply flock operator may, barring any force majeure, sell on the table market no more than 15% of the total hatching eggs produced from all flocks in a calendar year.

5. No person shall possess a hatchery supply flock unless he or she is the holder of a hatchery supply flock operator license and supplies a registered hatchery within the province that the Breeder flock is located.

6. Sixty days prior to placing a hatchery supply flock, the operator must complete a form prescribed by the Board which sets out, among other things, the number and source of breeders to be placed.

7. Hatchery supply flock operators shall permit employees of the Board entry to their premises for purposes of physically counting the flocks.

8. A licensed hatchery supply flock operator shall keep available for inspection by an employee of the Board, records indicating the source and number of birds placed, production information, the destination and number of hatching eggs sold and the number of eggs shipped to a registered grading station.

9. A licensed hatchery supply flock operator, or its nominee, shall, on a weekly basis, provide the Board with production information which information shall include:

(a) the dozens of eggs produced;

(b) the number of eggs set for hatching and/or sold to a hatchery; and

(c) the number of eggs sent to a registered grading station.

10. The grading station grading eggs received from a hatchery supply flock must provide the Board, on a weekly basis, with the number of eggs graded from each licensed hatchery supply flock operator.

11. Subject to paragraphs 4 and 5, graded eggs from a hatchery supply flock that are sold on the table market or through the existing surplus removal program are subject to a marketing service charge at the rate established by the Board from time to time.

12. The total marketing service charge will be invoiced every four weeks, and is established by multiplying the graded product reported by the grading station by the marketing service charge rate in effect at the time.

13. The Board shall cause to be examined, on an annual basis, all records and information submitted or otherwise available to it in Order to determine whether the hatchery supply flock operator is meeting the requirements set out in sections 3 and 4.

14. Where the Board determines that the requirements of this Order are not being met by a hatchery supply flock operator it may:

- (a) suspend the license;
- (b) request a bond in the form and amount determined by it be placed by the hatchery supply flock operator;
- (c) require proof of the destination of the eggs as confirmed by a registered hatchery; and
- (d) impose a service charge on all amounts of eggs marketed in excess of the limits set out in sections 3 and 4 which charge shall equal the difference between the producer price (minus levy collected) and the breaker price (minus transportation costs); or
- (e) impose any combination of one or more of the above.

15. For purposes of calculating the service charge referred to in section 14, the deemed rate of lay for an Egg production hatchery supply flock is 20 dozen eggs/hen housed at 20 weeks, and the deemed rate of lay for a broiler hatchery supply flock is 13 dozen eggs/hen housed at 25 weeks.

16. Hatchery supply flock operators who claim marketings pursuant to subparagraph (d)(ii) may not transfer this right to the subsequent owner of the hatchery supply flock operation.

