



Farm Products Marketing Act

R.R.O. 1990, REGULATION 392

BEANS — MARKETING

Note: This Regulation was revoked on July 1, 2013. (See: O. Reg. 182/13, ss. 10, 11)

Last amendment: O. Reg. 182/13.

This is the English version of a bilingual regulation.

1. In this Regulation,

“beans” means white pea-beans produced in Ontario; (“haricots”)

“dealer” means a person who buys beans from a producer as an agent of the local board; (“marchand”)

“local board” means The Ontario Bean Producers’ Marketing Board; (“commission locale”)

“plan” means The Ontario Bean Producers’ Marketing Plan; (“plan”)

“processing” includes picking, polishing, drying and canning or processing with or without other ingredients or processing or manufacturing articles of food or drink in whole or in part from beans; (“transformation”)

“producer” means a person engaged in the production of beans. (“producteur”) R.R.O. 1990, Reg. 392, s. 1.

2. This Regulation provides for the control and regulation in any or all respects of the producing and marketing within Ontario of beans, including the prohibition of such producing and marketing in whole or in part. R.R.O. 1990, Reg. 392, s. 2.

POWERS OF LOCAL BOARD

3. (1) The Commission authorizes the local board to use the licence fees, service charges, and other money payable to it, for the purposes of paying the expenses of the local board, carrying out and enforcing the Act and the regulations and carrying out the purposes of the plan. R.R.O. 1990, Reg. 392, s. 3 (1).

(2) The Commission authorizes the local board to establish a fund in connection with the plan for the payment of any money that may be required for the purposes mentioned in subsection (1). R.R.O. 1990, Reg. 392, s. 3 (2).

4. The Commission authorizes the local board to prohibit the marketing of any grade or size of beans. R.R.O. 1990, Reg. 392, s. 4.

5. The Commission delegates to the local board the power,

- (a) to require persons engaged in producing or marketing beans to register their names, addresses and occupations with the local board;

- (b) to require persons engaged in producing or marketing beans to furnish such information relating to the production or marketing of beans including the completing and filing of returns, as the local board determines;
- (c) to appoint persons to inspect the books, records, documents, lands and premises and any beans of persons engaged in the marketing of beans;
- (d) to stimulate, increase and improve the marketing of beans by such means as it considers proper;
- (e) to co-operate with a marketing board, local board, marketing agency of Canada or of any province in Canada for the purpose of marketing beans;
- (f) to do such acts and make such orders and issue such directions as are necessary to enforce the due observance and carrying out of the provisions of the Act, the regulations or the plan. R.R.O. 1990, Reg. 392, s. 5.

6. The Commission delegates to the local board its powers to make regulations with respect to beans,

- (a) providing for the licensing of any or all persons before commencing or continuing to engage in the producing or marketing of beans;
- (b) prohibiting persons from engaging in the producing or marketing of beans except under the authority of a licence;
- (c) providing for the refusal to grant a licence where the applicant is not qualified by experience, financial responsibility and equipment to engage in properly the business for which the application was made, or for any other reason that the local board considers proper;
- (d) providing for the suspension or revocation of, or the refusal to renew, a licence for failure to observe, perform or carry out the Act, the regulations, the plan or any order or direction of the Commission or local board;
- (e) providing for the fixing of licence fees payable yearly, halfyearly, quarterly or monthly at different amounts or in instalments from any or all persons producing or marketing beans and the collecting of the licence fees and the recovering of the licence fees by suit in a court of competent jurisdiction;
- (f) requiring any person who receives beans to deduct from the money payable for the beans any licence fees payable to the local board by the person from whom he, she or it receives the beans, and to forward such licence fees to the local board;
- (g) requiring any person who produces and processes beans to furnish to the local board statements of the amount of beans produced in any year and used for processing;
- (h) prescribing the form of licences;
- (i) providing for the exemption from any or all of the regulations, orders or directions under the plan of any class, variety, grade or size of beans, or any person or class of persons engaged in the producing or marketing of beans or any class, variety, grade or size of beans;
- (j) requiring the furnishing of security or proof of financial responsibility by any person engaged in the marketing of beans and providing for the administration and disposition of any money or securities so furnished;
- (k) providing for the control and regulation of the marketing of beans, including the times and places at which beans may be marketed;
- (l) providing for the control and regulation of agreements entered into by producers of beans with persons engaged in marketing or processing beans, and the prohibition of any provision or clause in such agreements;
- (m) requiring any person who produces beans to offer to sell and to sell the beans to or through the local board;
- (n) prohibiting any person from processing, packing or packaging any beans that have not been sold to, by or through the local board; and

- (o) providing for the making of agreements relating to the marketing of beans by or through the local board, and prescribing the forms and the terms and conditions of such agreements. R.R.O. 1990, Reg. 392, s. 6.

APPOINTMENT OF AGENTS

7. The Commission authorizes the local board to appoint agents, to prescribe their duties and terms and conditions of employment and to provide for their remuneration. R.R.O. 1990, Reg. 392, s. 7.

MARKETING OF BEANS

8. (1) All beans shall be marketed by or through the local board. R.R.O. 1990, Reg. 392, s. 8 (1).

(2) No person shall market beans except by or through the local board. R.R.O. 1990, Reg. 392, s. 8 (2).

9. The Commission vests in the local board the following powers:

1. To direct and control, by order or direction either as principal or agent, the marketing of beans, including the times and places at which beans may be marketed.
2. To determine the quality of each class, variety, grade and size of beans that shall be marketed by each producer.
3. To prohibit the marketing of any class, variety, grade or size of beans.
4. To determine from time to time the price or prices that shall be paid to producers or to the local board, as the case may be, for beans or any class, variety, grade or size of beans and to determine different prices for different parts of Ontario.
5. To fix and impose service charges from time to time for the marketing of beans.
6. To require the price or prices payable or owing to the producer for beans to be paid to or through the local board.
7. To collect from any person by suit in a court of competent jurisdiction the price or prices or any part thereof of beans.
8. To purchase or otherwise acquire such quantity or quantities of beans as the local board considers advisable and to sell or otherwise dispose of any beans so purchased or acquired.
9. To pay from service charges imposed under paragraph 5 its expenses in carrying out the purposes of the plan.
10. To pay to the producers the price or prices for beans less service charges imposed under paragraph 5 and to fix the times at which or within which such payments shall be made. R.R.O. 1990, Reg. 392, s. 9.

10. Each payment under paragraph 9 of section 9 shall be accompanied by a statement showing the class, variety, grade or size and the number or quantity of beans marketed, the price or prices paid and the particulars of the service charges imposed by it. R.R.O. 1990, Reg. 392, s. 10.

11. The Commission authorizes the local board to conduct a pool or pools for the distribution of all money received from the sale of beans and after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the money received from the sale in such manner that every producer receives a share of the remainder of the money received from the sale in relation to the amount, class, variety, grade or size of beans delivered, and authorizes the local board to make an initial payment on delivery of the beans and subsequent payments until all of the remainder of the money received from the sale is distributed to the producers. R.R.O. 1990, Reg. 392, s. 11.

BEAN INDUSTRY ADVISORY COMMITTEE

12. There shall be an advisory committee to be known as "The Bean Industry Advisory Committee" composed of a chair and eight members. R.R.O. 1990, Reg. 392, s. 12.

13. After the 1st day of January and on or before the 15th day of January in each year,

- (a) the Commission shall appoint the chair;
- (b) the local board shall appoint four members;
- (c) the dealers shall appoint three members; and
- (d) The Ontario Food Processors' Association shall appoint one member,

to The Bean Industry Advisory Committee. R.R.O. 1990, Reg 392, s. 13.

14. Subject to section 15, the members of the advisory committee appointed under section 13 are and remain members thereof until the 15th day of January in the year next following the year in which they were appointed. R.R.O. 1990, Reg. 392, s. 14.

15. Where a member of The Bean Industry Advisory Committee dies or resigns or is unavailable to act before the expiration of his or her term, the person or persons who appointed him or her shall appoint a person for the unexpired term of the member who died, resigned or was unavailable to act. R.R.O. 1980, Reg. 392, s. 15.

16. Where any of the persons referred to in clauses 13 (a), (b), (c) and (d) fail to appoint a member to The Bean Industry Advisory Committee in accordance with section 13 or 15, the Commission may appoint such members as are necessary to complete the said committee. R.R.O. 1990, Reg. 392, s. 16.

17. The Bean Industry Advisory Committee is empowered to advise and make recommendations to the local board, the dealers or The Ontario Food Processors' Association in respect of any of the following matters:

1. The promotion of harmonious relationships between persons engaged in the production and marketing of beans.
2. The promotion of greater efficiency in the production and marketing of beans.
3. The prevention and correction of irregularities and inequities in the marketing of beans.
4. The improvement of the quality and variety of beans.
5. The improvement of the circulation of market information respecting beans.
6. Without limiting the generality of any of the foregoing, any matter with respect to which the Commission or the local board may be empowered to make regulations under the Act. R.R.O. 1990, Reg. 392, s. 17.