

1985, chapter 28

AN ACT TO AMEND THE AGRICULTURAL PRODUCTS, MARINE PRODUCTS AND FOOD ACT

Bill 46

Introduced by Mr Jean Garon, Minister of Agriculture, Fisheries and Food

Introduced 9 May 1985

Passage in principle 23 May 1985

Passage 20 June 1985

Assented to 20 June 1985

Coming into force: 20 June 1985

Act amended:

Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29)





CHAPTER 28

An Act to amend the Agricultural Products, Marine Products and Food Act

[Assented to 20 June 1985]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. P-29,
s. 9, am.

1. Section 9 of the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) is amended by striking out the fourth and fifth paragraphs.

c. P-29,
s. 40.2,
added

2. The said Act is amended by inserting, after section 40.1, the following section:

Powers of
Minister

“40.2 The Minister, by order published in the *Gazette officielle du Québec*, may

(1) establish a seal of quality for marine products or fresh water products, which may be placed on the products, labels or wrapping of any operator of a factory or packing-house contemplated in subparagraph *e* or *f* of the first paragraph of section 9 who, upon application to the Minister, obtains authorization to use the seal;

(2) prescribe the conditions and mode of application by the operator and authorization by the Minister, and of use or withdrawal of the seal, including the standards of superior quality which products are required to meet in order to bear the seal;

(3) prohibit the manufacture, copying, keeping or use of the seal he has established as well as the manufacture, copying, keeping or use of any other seal of quality for the products contemplated in paragraph 1, except in the cases he determines;

(4) impose, as a condition of the permit issued to the operator of a factory or a packing-house, compliance with the measures taken under this section, and prescribe that this be indicated on the permit.”

c. P-29,
s. 44, am.

3. Section 44 of the said Act is amended by inserting, after the figure "9" in the first line, the words and figure " , an order made under section 40.2".

Application
of c. P-29,
s. 9

4. Subparagraph *e* of the first paragraph of section 9 of the said Act does not apply

(1) before 1 April 1986 in the case of a person operating a factory or a packing-house existing on 1 January 1985 who

(a) has sent his application for a permit to the Minister of Agriculture, Fisheries and Food, in accordance with section 10 of the said Act, before 9 May 1985 and has sent the plans and specifications prescribed by regulation to him before 1 July 1985;

(b) obtains approval of his plans and specifications by the Minister before 1 November 1985;

(c) has, to the satisfaction of the Minister, undertaken the construction work required to allow the permit to be issued at the due time;

(2) before 1 April 1986 in the case of a person who, after 1 January 1985, acquires a factory or a packing-house contemplated in paragraph 1 for which the Minister has received an application for a permit within the time prescribed in subparagraph *a* of paragraph 1 and the plans and specifications prescribed by regulation before 1 July 1985, provided the person complies with subparagraphs *b* and *c* of paragraph 1;

(3) before 1 April 1986 in the case of a person who in 1984 operated a factory or a packing-house existing on 1 January 1985 and situated in the village municipality of l'Isle-Verte, the municipality of Saint-Jean-Baptiste-de-l'Isle-Verte, the parish municipality of Notre-Dame-des-Sept-Douleurs, the parish municipality of Saint-Georges-de-Cacouna or the village municipality of Saint-Georges-de-Cacouna;

(4) before 1 April 1987 in the case of a person who operates a factory or a packing-house situated in the municipality of Aguanish, in the township municipality of Natashquan or in the municipality of la Côte-Nord-du-Golfe-Saint-Laurent.

Temporary
authoriza-
tion

5. Notwithstanding paragraph 4 of section 4, every person contemplated in that paragraph shall, to operate a factory or a packing-house, obtain a temporary authorization to operate from the Minister.

Conditions

The Minister may make the temporary authorization subject to any condition, restriction or prohibition he determines concerning the activities of preparation, conditioning or processing of marine products.

Compliance
with
authoriza-
tion

A person authorized under this section shall operate the factory or the packing-house in accordance with the authorization given by the Minister.

Penalties

6. Every person who contravenes section 5 is liable to the penalties provided in section 44 of the said Act.

Application
of c. P-29,
s. 9

7. Subparagraph *e* of the first paragraph of section 9 of the said Act applies to any person contemplated in section 4 upon his being issued a permit under that subparagraph by the Minister.

Application
of c. P-29,
s. 9

8. Notwithstanding section 4, subparagraph *e* of the first paragraph of section 9 of the said Act applies to every person who, on 1 January 1985, holds a permit issued by the Minister in accordance with sections 10 and 11 of the said Act.

Exception

9. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming into
force

10. This Act comes into force on 20 June 1985; sections 4, 7 and 8 have effect from 1 January 1985 to 1 April 1987 and sections 5 and 6 will cease to have effect on 1 April 1987.