

chapter A-31

ACT RESPECTING FARM INCOME STABILIZATION INSURANCE



In this Act, the word “Régie” means La Financière agricole du Québec. (2000, c. 53, s. 69; Order in Council 418-2001 dated 11 April 2001, (2001) 133 G.O. 2, 1947.

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REPEAL SCHEDULE

DIVISION I

DEFINITIONS

1. In this Act, unless the context requires a different meaning,

(a) “scheme” means a scheme the establishment of which is ordered under section 2;

(b) “product” means a farm product marketed under a joint plan or any other plan provided for in the scheme;

(c) “producer” means a farm operator who markets a product;

(d) “participant” means a producer who participates in a scheme or any group of producers which is recognized as eligible by a scheme and which participates therein;

(e) “annual receipts” means the income from the sale of each unit of a product or an indemnity paid under the Crop Insurance Act (chapter A-30), plus the compensation, subsidies or grants obtained during the year from government agencies;

(f) “net annual income” means the annual receipts from the sale of each unit of a product less expenditures and depreciation;

(g) “stabilized net annual income” means an amount provided for in the scheme, for each unit of a product, established after consultation with the representatives of the producers;

(h) *(paragraph repealed)*.

1975, c. 41, s. 1; 1979, c. 73, s. 12; 1991, c. 60, s. 37; 2000, c. 53, s. 68.

DIVISION II

INSURANCE SCHEMES

2. The Government may order, for any product or group of products it indicates, the establishment of a farm income stabilization insurance scheme for the whole of Québec or any region of Québec it designates.

1975, c. 41, s. 2.

3. The object of a scheme is to guarantee a positive net annual income to those producers or categories of producers who operate in accordance with the production and marketing norms provided in the scheme. For such purpose, compensation shall be paid by the Régie to the participant whose net annual income is lower than the stabilized net annual income.

The compensation shall be payable at the time and in the manner prescribed by regulation; the regulation may provide for the payment of advances.

The Régie shall issue to each participant a certificate evidencing his participation in the scheme in which he is a participant. It shall also issue to each new participant a certified copy of the scheme in which he is a participant.

1975, c. 41, s. 3; 1979, c. 73, s. 13; 1991, c. 60, s. 38; 1995, c. 10, s. 18.

4. The comparative advantages of production and optimum utilization of agricultural resources shall be taken into account in the establishment of a scheme.

1975, c. 41, s. 4.

5. The region or regions covered by a scheme, as well as the producers or categories of producers and production volumes covered, shall be determined in the scheme.

1975, c. 41, s. 5.

6. The items to be considered in computing annual receipts, net annual income and stabilized net annual income shall be specified in the scheme; it shall also determine the conditions of eligibility and participation, the duration of participation, the period of insurance and the grounds and terms of exclusion of a participant as well as the assessment that a participant is required to pay. An assessment fixed in the course of a year may apply to the current period of insurance.

The scheme may, in addition, provide for a reduced assessment for categories of producers, according to the conditions and terms determined in the scheme.

Only products derived from the participant's own operations shall be taken into account by the scheme.

1975, c. 41, s. 6; 1991, c. 60, s. 39.

6.1. The scheme may provide that the values assigned to the production and marketing structures and those assigned to the elements included in computing annual receipts, the net annual income and the stabilized net annual income shall be adjusted by the Régie on the basis of statistical studies conducted by the Régie or on the basis of other data it considers relevant.

The result of the adjustments effected by the Régie on the basis of statistical studies shall be published in at least one agricultural journal or, if there is no agricultural journal, in another newspaper designated by the Régie.

1991, c. 60, s. 40.

DIVISION III

FARM INCOME STABILIZATION INSURANCE FUND

1998, c. 53, s. 19.

7. The assessments of participants and the contributions of the Government shall constitute a farm income stabilization insurance fund called “Fonds d’assurance-stabilisation des revenus agricoles”.

The fund shall constitute a trust patrimony appropriated mainly to the payment of the compensation payable under an insurance system created pursuant to this Act. The fund shall be administered by the Régie for the benefit of participants and the Régie shall act as trustee of the fund.

In addition to the assessments of participants and the contributions of the Government, the fund shall be composed of

(a) the sums paid by the Minister of Finance as advances taken out of the Consolidated Revenue Fund pursuant to section 10;

(b) the amount of a loan contracted by the Régie under sections 10.1 and 10.3;

(c) the revenues derived from the investment of the sums making up the fund; and

(d) any sum that may be paid by the Minister of Agriculture, Fisheries and Food under an agreement entered into pursuant to sections 42 and 43.

1975, c. 41, s. 7; 1977, c. 5, s. 14; 1984, c. 20, s. 8; 1998, c. 53, s. 20.

8. *(Repealed).*

1975, c. 41, s. 8; 1976, c. 25, s. 1; 1977, c. 5, s. 14; 1979, c. 73, s. 13; 1984, c. 20, s. 9; 2000, c. 53, s. 68.

9. The aggregate of the assessments collected by the Régie and the contributions paid by the Government under section 8 must suffice over the long term for payment to all participants of the compensation to which they are entitled.

1975, c. 41, s. 9; 1977, c. 5, s. 14; 1979, c. 73, s. 13; 2000, c. 53, s. 68.



This section, to the extent that it governs the contributions paid by the Government, is repealed effective from 17 April 2001. Order in Council 418-2001 dated 11 April 2001, (2001) 133 G. O. 2, 1947.

9.1. The assessments of participants and the contributions of the Government shall be credited to separate accounts for each production. The assessments and contributions may also be credited to separate accounts for each participant.

1998, c. 53, s. 21.

9.2. A surplus or deficit entered in an account must be considered in determining the assessment relating to that account.

1998, c. 53, s. 21.

9.3. Where a protection program for an insured production is terminated and the parties to an agreement entered into pursuant to sections 42 and 43 have agreed on the setting up of a replacement program, any surplus or deficit in the insured production account shall be entered in the replacement program account.

If no replacement program is set up, any surplus or deficit in the insured production account shall be dealt with in accordance with an agreement entered into by the parties pursuant to sections 42 and 43 in the year following the expiry date of the program. In the absence of an agreement, the account's liabilities shall encumber the fund and any surplus or deficit shall be apportioned among participants and the Government in proportion to their participation in the account.

1998, c. 53, s. 21.

9.4. The Régie may use a surplus in an account to advance a sum on a short-term basis to another account in a fund it administers.

1998, c. 53, s. 21.

9.5. *(Repealed).*

1998, c. 53, s. 21; 2000, c. 53, s. 68.

9.6. The Régie shall at least every five years prepare an actuarial analysis of its operations and gather all information pertinent to fixing the rates of assessment.

1998, c. 53, s. 21; 2000, c. 53, s. 68.

10. When the resources of the fund are insufficient to pay the compensation, the Minister of Finance may make advances to the Régie, out of the Consolidated Revenue Fund, to complete such payments.

Every advance shall be repayable on the conditions fixed by the Government; the repayments and the interest paid on the sum advanced shall be paid into the Consolidated Revenue Fund.

1975, c. 41, s. 10; 1979, c. 73, s. 13; 1984, c. 20, s. 10.

10.1. The Régie may complete the payment of compensation by means of a loan. The Régie may, to guarantee the loan, encumber all or part of the assessments collected by it and the contributions paid to it by the Government under this Act.

The Government shall determine the amount, the rate of interest, the conditions and the modalities of a loan and the conditions under which the assessments and contributions may be encumbered.

1984, c. 20, s. 11; 1998, c. 53, s. 22.

10.2. The Government may guarantee a loan made by the Régie under sections 10.1 and 10.3.

The sums that the Government may be called to pay under the guarantee are taken out of the Consolidated Revenue Fund.

1984, c. 20, s. 11; 1998, c. 53, s. 23.

10.3. *(Repealed).*

1992, c. 59, s. 1; 1998, c. 53, s. 24; 2000, c. 15, s. 97; 2000, c. 53, s. 68.

10.4. *(Repealed).*

1992, c. 59, s. 1; 2000, c. 15, s. 97; 2000, c. 53, s. 68.

11. *(Repealed).*

1975, c. 41, s. 11; 1977, c. 5, s. 14; 1979, c. 73, s. 13; 1988, c. 64, s. 587; 2000, c. 53, s. 68.

DIVISION IV

ADMINISTRATION

Repealed, 2000, c. 53, s. 68.

1979, c. 73, s. 14; 2000, c. 53, s. 68.

12. *(Repealed).*

1975, c. 41, s. 12; 1979, c. 73, s. 14; 2000, c. 53, s. 68.

13. *(Repealed).*

1975, c. 41, s. 13; 1979, c. 73, s. 14.

14. *(Repealed).*

1975, c. 41, s. 14; 1979, c. 73, s. 14.

15. *(Repealed).*

1975, c. 41, s. 15; 1977, c. 5, s. 14; 1979, c. 73, s. 14.

16. *(Repealed).*

1975, c. 41, s. 16; 1977, c. 5, s. 14; 1979, c. 73, s. 14.

17. *(Repealed).*

1975, c. 41, s. 17; 1979, c. 73, s. 14.

18. *(Repealed).*

1975, c. 41, s. 18; 1978, c. 15, s. 140; 1979, c. 73, s. 14.

19. *(Repealed).*

1975, c. 41, s. 19; 1979, c. 73, s. 14.

20. *(Repealed).*

1975, c. 41, s. 20; 1978, c. 15, s. 133, s. 140; 1979, c. 73, s. 14.

21. *(Repealed).*

1975, c. 41, s. 21; 1979, c. 73, s. 14.

22. *(Repealed).*

1975, c. 41, s. 22; 1977, c. 5, s. 14; 1979, c. 73, s. 14.

23. *(Repealed).*

1975, c. 41, s. 23; 1977, c. 5, s. 14; 1979, c. 73, s. 14.

24. *(Repealed).*

1975, c. 41, s. 24; 1979, c. 73, s. 14.

25. *(Repealed).*

1975, c. 41, s. 25; 1979, c. 73, s. 14.

26. *(Repealed).*

1975, c. 41, s. 26; 1979, c. 73, s. 14.

27. *(Repealed).*

1975, c. 41, s. 27; 1979, c. 73, s. 14.

DIVISION V

INQUIRIES

28. Every participant shall supply the Régie, at its request, with the information and documents necessary for the operation of a scheme.

1975, c. 41, s. 28; 1979, c. 73, s. 13.

29. *(Repealed).*

1975, c. 41, s. 29; 1979, c. 73, s. 13; 2000, c. 53, s. 68.

30. *(Repealed).*

1975, c. 41, s. 30; 1979, c. 73, s. 13; 1992, c. 61, s. 70; 2000, c. 53, s. 68.

31. *(Repealed).*

1975, c. 41, s. 31; 1979, c. 73, s. 13; 2000, c. 53, s. 68.

32. *(Repealed).*

1975, c. 41, s. 32; 1979, c. 77, s. 21; 1979, c. 73, s. 13; 1987, c. 68, s. 21.

DIVISION VI

ASSESSMENTS OF PARTICIPANTS

33. The assessment of a participant is payable at the time and in the manner prescribed by regulation of the Régie.

1975, c. 41, s. 33; 1979, c. 73, s. 13.

34. Every producers' board constituted under the Act respecting the marketing of agricultural, food and fish products (chapter M-35.1) must collect, at the time and on the terms and conditions prescribed by regulation of the Régie, the assessment of each member entered in its register or index.

The board shall forward to the Régie, at the time fixed by regulation of the Régie, the assessments collected and a copy of its register or index.

1975, c. 41, s. 34; 1979, c. 73, s. 13; 1999, c. 40, s. 32.

35. Every person required to collect money from a producer under the Act respecting the marketing of agricultural, food and fish products (chapter M-35.1), a regulation made by the Régie des marchés agricoles et alimentaires du Québec in conformity with section 159 of the said Act, an agreement duly homologated or an arbitration decision must, at the same time as he collects that money, collect and hand over, at the time and on the terms and conditions determined by regulation of the Régie, to the board entrusted with implementing the joint plan, the assessment of each participant entered in its register or index and participating in the scheme.

The board shall forward to the Régie, at the time fixed by such regulation, the assessments received and a copy of its register or index.

1975, c. 41, s. 35; 1977, c. 5, s. 14; 1979, c. 73, s. 13; 1990, c. 13, s. 217.

36. The Régie may make an agreement with a group of participants respecting any suitable measure for the implementation of the scheme and for deducting contributions payable under a joint plan approved by the Régie des marchés agricoles et alimentaires du Québec from the amounts of compensation payable under a scheme.

1975, c. 41, s. 36; 1979, c. 73, s. 13; 1995, c. 10, s. 19.

37. A participant whose assessment has not been collected in accordance with section 34, 35 or 36, must make payment of his assessment himself at the time fixed by regulation of the Régie.

1975, c. 41, s. 37; 1979, c. 73, s. 13.

38. Every participant whose assessment is unpaid must at any time make payment thereof on demand of the Régie, subject to recourse, if any.

1975, c. 41, s. 38; 1979, c. 73, s. 13.

DIVISION VII

PENAL PROVISIONS

Repealed, 2000, c. 53, s. 68.

1991, c. 60, s. 41; 2000, c. 53, s. 68.

39. (Repealed).

1975, c. 41, s. 39; 1979, c. 73, s. 13; 1991, c. 60, s. 42.

40. (Repealed).

1975, c. 41, s. 40; 2000, c. 53, s. 68.

41. (Repealed).

1975, c. 41, s. 41; 1990, c. 4, s. 84; 2000, c. 53, s. 68.

DIVISION VIII

FINAL PROVISIONS

42. (Repealed).

1975, c. 41, s. 42; 1977, c. 5, s. 14; 1979, c. 77, s. 21; 1985, c. 30, s. 22; 2000, c. 53, s. 68.

43. Subject to section 42, the Government may authorize the Minister of Agriculture, Fisheries and Food to make agreements with any person, association or partnership to further the carrying out of this Act.

1975, c. 41, s. 43; 1979, c. 77, s. 21; 1999, c. 40, s. 32.

44. (Repealed).

1975, c. 41, s. 44; 1979, c. 73, s. 15.

45. Divisions III and IV of the Regulations Act (chapter R-18.1) relating to the publication and coming into force of draft regulations and regulations do not apply to draft regulations or regulations which may be made for the purposes of this Act.

Every regulation made by the Government under this Act comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

Every regulation made by the Régie under this Act is approved by the Government, with or without amendments, and comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

1975, c. 41, s. 45; 1979, c. 73, s. 13; 1991, c. 60, s. 43.

45.1. (Repealed).

1999, c. 78, s. 1; 2000, c. 53, s. 68.

46. The Minister of Agriculture, Fisheries and Food has charge of the carrying out of this Act.

1975, c. 41, s. 48; 1979, c. 77, s. 21.

47. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 41 of the statutes of 1975, in force on 31 December 1977, is repealed, except sections 46 to 49, effective from the coming into force of chapter A-31 of the Revised Statutes.