



CHAPTER 27

An Act to amend the Dairy Products' Act

[Assented to, the 20th of April, 1934]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section 2 of the Dairy Products' Act (Revised Statutes, 1925, chapter 63, as replaced by the act 23 George V, chapter 24, section 1) is amended:

a. By adding thereto, after paragraph 6 thereof, the following paragraphs:

"6*a.* The words "distributor of dairy products" mean "Distributor of any person, partnership, association, company or corporation, who or which sells or delivers milk, cream, butter, cheese or ice cream, bought from a milk dealer or from another distributor, to be resold in the state in which they are received or after conversion; dairy products";

"6*b.* The word "tester" means the person who has charge of taking specimens of milk and cream, in order to determine, by the Babcock test, the fatty content of such milk and cream;";

b. By replacing paragraph 8 thereof by the following:

"8. The word "producer-supplier" means:

"Producer-supplier".

a. Any person, partnership, association, company or corporation selling or delivering milk or cream from his or its herd; or

b. Any coöperative society or coöperative syndicate, formed for the purpose of selling milk or cream for its members or for other producers acting through it;".

2. Section 4 of the said act is replaced by the following:

R. S., c. 63,
s. 4, re-
placed.

"**4.** Every factory shall be obliged to engage the services of a tester, holder of a tester's diploma and permit.

Services of
tester.

Services of
butter and
cheese
maker.

Every butter or cheese factory must engage, in addition, the services of a butter or cheese maker, as the case may be, who holds a diploma and a permit for making butter or cheese.

Permits.

The inspector-general shall issue such permits.

Granting
of same.

The inspector-general may grant to the same person a tester's permit and a butter and cheese maker's permit. In such case, such person may carry out alone both operations in the same factory."

R. S., c. 63,
s. 7, am.

3. Section 7 of the said act is amended by inserting therein, after the word: "factory", in the first line thereof, the words: "and every distributor of dairy products".

Id., s. 8, am.

4. Section 8 of the said act is amended by adding thereto, after the fifth paragraph thereof, the following paragraph:

Furnishing
of guaran-
tee.

"Such guarantee may also be furnished by a chartered bank of Canada, in the form and according to the conditions determined by the inspector-general."

R. S., c. 63,
s. 10, am.

5. Section 10 of the said act is amended:

a. By adding thereto, after the word: "inspector-general", in the seventeenth line thereof, the words: "or his authorized representative";

b. By adding thereto the following paragraph:

Application.

"The above shall likewise apply if the guarantee be furnished by a chartered bank of Canada."

R. S., c. 63,
s. 12, re-
placed.

6. Section 12 of the said act is replaced by the following:

Appointing
of commis-
sion.

"12. 1. The Lieutenant-Governor in Council may appoint a commission under the name of: Dairy Industry Commission of the Province of Quebec, composed of not less than three nor more than five members.

Id., of
members.

2. The Lieutenant-Governor in Council shall appoint the members of the commission, who shall remain in office during pleasure; he shall designate the president of the commission and fix the remuneration of each commissioner.

Rights, etc.,
thereof.

3. Such commission shall be vested with all the rights and powers generally belonging to corporations; its quorum shall be two members if it consists of three commissioners, and of three members if it consists of more than three. Its corporate seat shall be in the city of Quebec.

Vacancy.

4. Any vacancy among the commissioners shall not have the effect of dissolving the commission, but the Lieutenant-Governor in Council may fill such vacancy.

5. The Minister may add to the commission a secretary and such other employees as are deemed necessary.” Secretary,
etc.

7. Section 13 of the said act is replaced by the following: R. S., c. 63,
s. 13, re-
placed.

“13. The chief duties and powers of the commission shall be: Duties of
commis-
sion:

1. To investigate and study the situation of the dairy industry and the dairy products trade in the Province of Quebec, or elsewhere, and report thereon to the Minister; Investiga-
tions and
report;

2. To establish a scale for the guarantee to be given by milk dealers to their producer-suppliers; Scale for
guarantee;

3. To supervise, control and regulate in the Province the manner of purchasing, the purchase, transportation, handling, conversion, preparation, storing, delivery, method of sale, sale, distribution or manner of distribution of milk and cream, and the causes which may alter or terminate the contract mentioned in the section 23a hereinafter; Supervising,
etc., of pur-
chases, etc.;

4. To approve, if it deem it expedient, any agreement respecting the price of milk or cream, entered into in the Province between producer-suppliers, milk dealers or distributors of dairy products; Approving
of agree-
ments;

5. To make the agreement contemplated by paragraph 4 obligatory upon every person, partnership, association, company or corporation selling, delivering or buying milk or cream within the limits of the territory affected by the agreement; Making
agreements
obligatory;

6. To annul, at its discretion, any agreement so put into force; Annuling of
agreements;

7. To fix, within the limits of any territory in the Province which it may designate, the price of milk or of cream, taking into account the value of the products, the conditions of production, handling and delivery thereof and the conditions of the various local markets, so as to safeguard the interests of the producer-suppliers, the milk dealers, the distributors of dairy products and the consumers; Fixing of
prices;

8. To prohibit, in the Province, any sale or delivery of milk or of cream, or of milk and cream, alone or in combination with any other article of trade, at a price lower than the current price of milk or cream, or of the combination of milk or cream with any other article; Prohibiting
of certain
sales;

9. To take or cause to be taken suits for infringements of this act. Prosecu-
tions;

Any decision of the commission, rendered in virtue of the powers conferred upon it by this act, shall be by means Rendering
of decisions;

of an order or of a regulation, notice whereof shall be published in the *Quebec Official Gazette* and which shall come into force on the date fixed by the commission.

Cancelling
of orders,
etc.

Any order or any regulation of the commission may, at any time, be cancelled by the Lieutenant-Governor in Council or by the commission, and shall cease to be in force counting from the notice published to such effect in the *Quebec Official Gazette*."

R. S., c. 63,
s. 14, re-
placed.

8. Section 14 of the said act is replaced by the following:

Delegating
of powers.

"**14.** 1. For the purposes of the investigations contemplated by paragraph 1 of section 13, the commission may delegate its powers to one of its members whom it designates or to any person whom it authorizes to that effect.

Powers of
investigator.

2. Subject to the provisions of subsection 3 of this section, the commission, the commissioner designated by it or the person authorized by it, shall possess and exercise, for the holding of an investigation, all the powers conferred upon a commissioner appointed under the Public Inquiry Commission Act (Chap. 8).

Serving of
summons.

3. Any summons for the appearance of witnesses may be served by a bailiff, by an inspector of butter factories or of cheese factories, or by a person named, in each case, by the commission."

R. S., c. 63,
s. 16, am.

9. Section 16 of the said act is amended by adding thereto, after the second paragraph thereof, the following paragraph:

Inspections.

"Such inspection shall extend also to the vehicles and trucks used by the milk dealers or distributors of dairy products."

R. S., c. 63,
s. 20a,
added.

10. The said act is amended by adding thereto, after section 20 thereof, the following section:

Regulations
by Lt.-Gov.
in C. for:

"**20a.** The Lieutenant-Governor in Council may also, on the recommendation of the commission and upon the advice of the Director of the Provincial Bureau of Health, make regulations:

Sanitary,
etc., condi-
tion;

1. To assure the proper sanitary and hygienic condition of the milk and cream offered for consumption in this Province;

Prohibiting
certain
sales;

2. To prohibit the sale in the Province of any milk and cream not meeting the sanitary and hygienic conditions fixed under the preceding paragraph;

3. To authorize the commission to issue permits; and to Issuing, etc., of permits. revoke them for any infringement of the regulations adopted under this section.

When the municipal regulations respecting the matters Regulations enforceable. contemplated by this section are contrary to the regulations enacted by the Lieutenant-Governor in Council, such latter regulations shall alone be in force."

11. Section 21 of the said act is amended by replacing R. S., c. 63, s. 21, am. the word: "herd", in the tenth line thereof, by the words: "herd; but they shall apply to distributors of dairy products".

12. The said act is amended by adding thereto, after Id., s. 23a, added. section 23 thereof, the following section:

"23a. The producer-supplier, who sells or delivers milk Cancelling, etc., of certain contract. or cream to a milk dealer, and the said milk dealer shall be presumed to have contracted between themselves, for such purpose, for an indeterminate period. Neither of them may terminate or alter such contract, for reasons other than those determined by a regulation of the commission, unless sixty days' notice in writing has been given to the other party or an arrangement has been made in writing between the parties."

13. Section 24 of the said act is replaced by the fol- R. S., c. 63, s. 24, replaced. lowing:

"24. Every person infringing any provision of this act Offences and penalties. or of any regulation or order under its authority shall be liable:

a. For a first offence, to a fine of not less than ten dollars nor more than one hundred dollars and costs;

b. For a second offence, to a fine of not less than twenty dollars nor more than two hundred dollars and costs;

c. For any subsequent offence, to a fine of not less than twenty-five dollars nor more than one thousand dollars; and, in default of payment of such fine and costs, to an imprisonment not exceeding forty days.

In the case of paragraph *c*, the judge may, in his discretion, sentence the offender to both fine and imprisonment, without option."

14. Section 28 of the said act is replaced by the fol- R. S., c. 63, s. 28, replaced. lowing:

"28. The total annual cost of the carrying out of this Restriction of annual cost of act. act shall not exceed the sum of two hundred and fifty thousand dollars."

R. S., c. 63,
s. 29, re-
placed.

Application
restricted.

15. Section 29 of the said act is replaced by the following:

"29. Section 8 of this act shall not apply to milk dealers who get their supplies directly from the producers and the value of whose purchases does not exceed one hundred dollars per month."

Continuing
in function
of certain
commis-
sion.

16. The Dairy Industry Commission of the Province of Quebec, appointed on the 23rd of May, 1933, by the Minister of Agriculture, under section 12 of the Dairy Products Act, as in force before the 20th of April, 1934, shall continue to function until the creation by the Lieutenant-Governor in Council of the commission contemplated by section 12 of the Dairy Products Act, as enacted by section 6 of the act 24 George V, chapter 27.

Coming into
force.

17. This act shall come into force on the day of its sanction.