

PRINCE EDWARD ISLAND
MILK MARKETING BOARD

ORDER NO.: 85-10

ISSUED: FEBRUARY 1, 1985

EFFECTIVE: FEBRUARY 1, 1985

Under the provisions of the Prince Edward Island Milk Marketing Regulations and the Prince Edward Island Natural Products Marketing Act, R.S.P.E.I. 1974, Cap. N-2, the Prince Edward Island Milk Marketing Board makes the following order:

MILK TRANSPORTATION ORDER

APPLICATION

This order regulates the transportation of milk within the province of Prince Edward Island.

DEFINITIONS

1. The words herein shall have the meanings as found in the Prince Edward Island Natural Products Marketing Act and the Prince Edward Island Milk Marketing Regulations, unless differentiated herein and as hereinafter defined:
 - (a) "milk" in this Order shall mean class 1 milk and industrial milk.
 - (b) "producer" in this Order shall mean a producer of class 1 milk or industrial milk.
 - (c) "transporter" means a person licensed by the Commission as a transporter of milk and designated by the Board in writing as a transporter of milk.

MILK TRANSPORTING

2.
 - (a) Every transporter shall transport milk on the terms and conditions prescribed in this order or any amendments thereto and as prescribed in the Quality Control Regulations under Part II of the Milk Act, R.S.P.E.I. 1974, Cap. M-10, and in accordance with the license granted to him and any agreement made between him and the Board.
 - (b) No person other than a licensed transporter designated as a transporter by the Board in writing shall transport milk.
 - (c) No milk shall be transported except in a tank truck.
3. No person shall transport milk unless he or his employee who operates the tank truck holds a valid Milk Grader's Certificate issued by the Dairy Division, P.E.I. Department of Agriculture and a valid Milk Grader's license issued by the Commission.
4.
 - (a) The transporter of milk shall transport the milk of all producers assigned to him by the Board to a processor designated by the Board.
 - (b) The Board may assign any producer to or from a transporter of milk.
5.
 - (a) The Board may from time to time direct a transporter to transport milk to a processor other than the processor originally designated by the Board.
 - (b) The Board shall pay the transporter for any excess mileage travelled under subsection (a) at the rates prescribed by the Board.

6. (a) The transporter shall take delivery of the milk of producers from time to time assigned to him by the Board.
(b) The transporter shall deliver milk to a processor on the days and at the times agreed upon by the transporter of milk and the processor.
(c) Where a transporter and the processor fail to make an agreement under subsection (b), the transporter shall forthwith notify the Board, and the Board may there upon order and set the days and time for such delivery.
7. Where the Board directs a transporter to take delivery of milk of a producer who has not been assigned to him, the Board shall pay the transporter for any extra distance travelled for that purpose at the rates prescribed by the Board.
8. Except as otherwise provided in this Order, where a transporter fails to take delivery of and transport the milk of a producer assigned to him,
 - (a) the transporter shall compensate the Board for any extra costs incurred by it in transporting the milk of the producer; and
 - (b) the Board may deduct such extra costs from the monies payable by the Board to the transporter.
9. Where access to the premises of,
 - (a) a producer assigned to a transporter, or
 - (b) a plant designated to receive milk from a transporter,is such that transportation of the milk is impracticable for access, the transporter shall forthwith notify the Board.
10. (a) A transporter who takes delivery of milk from a farm bulk tank of milk that does not comply with the provisions of the Quality Control Regulations under Part II of the Milk Act (R.S.P.E.I. 1974, Cap. M-10) shall compensate the Board for any loss incurred thereby.
(b) Where a transporter refuses to take delivery of milk that does not appear to comply with the Quality Control Regulations as aforesaid; and the producer thereof notifies the Board; and the Board directs the transporter to take delivery of the milk; then the transporter shall not be liable to compensate the Board.
11. (a) The Board shall pay at the rate set by the Commission any monies payable to a transporter for milk transported in any month not later than the last day of the month for all milk transported during the first fifteen days of that month and not later than the fifteenth day of the next following month for the balance of milk transported during the previous month.
(b) Every payment made by the Board under subsection (a) shall be accompanied by an itemized statement showing the amounts payable to and deducted from the transporter.
12. (a) At the time of taking delivery of milk from a producer, the tank truck operator shall,
 - (1) make and sign in quadruplicate a milk collection report in the form provided by the Board;
 - (2) sign and deliver the last copy of the milk collection report to the producer;
 - (3) deliver a copy of the milk collection report to the processor to which the milk is delivered;
 - (4) retain a copy of the milk collection report;
 - (5) deliver or mail, by prepaid first class mail, the originals of the collection reports to the Board on the 5th, 10th, 15th, 20th, 25th and last days of each month.

- (b) No tank truck operator, in recording the volume of milk delivered to him by a producer, shall record on the milk collection report the volume of any milk that was not actually delivered.
13. (a) Where there is an apparent discrepancy in the volume of milk delivered to a processor, the processor and the tank truck operator shall endeavour to resolve the difference to their mutual satisfaction.
- (b) Notwithstanding subsection (a), in the the event that the processor and the tank truck operator are unable to agree on the volume received, they shall advise the Board within five days with the full particulars of the alledged difference and the Board shall inquire into and resolve the matter.
14. (a) Where the milk of a producer is spilled during the course of transfer, transportation or delivery, the transporter shall notify the processor and the Board the particulars of the amount of milk which was spilled.
- (b) The transporter shall pay the Board for the amount of milk spilled at the price determined by the Board for class 6 milk.
15. A transporter shall deliver only class 1 milk from class 1 milk producers to a dairy for use in processing class 1 milk products.
16. Where the observance, performance or carrying out of any provision of this Order is prevented in whole or in part by an act of God, adverse weather, fire, strike, lock-out, invasion or order of a civil or military authority, a failure by the Board or a transporter, as the case may be; to observe, perform or carry out the provision by reason of such prevention shall not be deemed to be a contavention of this Order.
17. Every transporter of milk shall,
- (a) effect, maintain, and pay for insurance on milk transported by him, with less thereunder payable to the Board as its interest may appear and to an amount approved by the Board; and
- (b) effect, maintain, and pay for public liablility insurance against death, bodily injury and property damage in an amount approved by the Board; and
- (c) if requested by the Board, furnish the Board with a certified copy of the insurance policies.
18. (a) The Board may remove the designation of any person as a transporter of milk under this order in the event of a violation, in the opinion of the Board, of the terms and conditions of this Order by a transporter or the loss of his license.
- (b) The Board shall inform the transporter, in writing, of the removal of his designation as a transporter to be effective on a date set by the Board.
19. The Board may enter into an agreement with a transporter for the purpose of transporting milk.
20. This Order comes into force on the 1st day of February, 1985.

DATED AT CHARLOTTETOWN, PRINCE EDWARD ISLAND, THIS 1st DAY OF FEBRUARY, 1985.



CHAIRMAN



SECRETARY