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Agricultural Products Insurance Act, 1996

[S.O. 1996, Chapter 17  
Schedule C](http://www.ontario.ca/laws/statute/96c17)

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Last amendment: [2019, c. 14, Sched. 3, s. 3-8](http://www.ontario.ca/laws/statute/S19014" \l "sched3s3).

Legislative History: 1999, c. 12, Sch. A, s. 7; [2010, c. 16, Sched. 1, s. 1](http://www.ontario.ca/laws/statute/S10016" \l "sschp1); [2015, c. 6, s. 1-8](http://www.ontario.ca/laws/statute/S15006" \l "s1); [2019, c. 14, Sched. 3, s. 3-8](http://www.ontario.ca/laws/statute/S19014" \l "sched3s3).

CONTENTS

|  |  |
| --- | --- |
| [1.](#BK0) | Definitions |
| [Contracts of Insurance](#BK1) | |
| [2.](#BK2) | Non-application of Insurance Act |
| [2.1](#BK3) | Contracts of insurance |
| [3.](#BK4) | Agreements with Canada |
| [5.](#BK5) | Terms of contracts of insurance |
| [6.](#BK6) | Not regulations |
| [Enforcement](#BK7) | |
| [7.](#BK8) | Inspectors |
| [8.](#BK9) | Inspection |
| [9.](#BK10) | Assistance required |
| [10.](#BK11) | Appeal to Tribunal |
| [Miscellaneous](#BK12) | |
| [11.](#BK13) | Fund |
| [11.1](#BK14) | Regulations by Minister |

Definitions

**1** In this Act,

“AgriCorp” means the corporation established in section 1 of the AgriCorp Act, 1996; (“AgriCorp”)

“agricultural products” means a product that is designated by regulation; (“produits agricoles”)

“contract of insurance” means a contract of insurance between one or more persons and AgriCorp for the insurance of agricultural products within Ontario; (“contrat d’assurance”)

“Fund” means the Ontario Agricultural Products Insurance Fund; (“Caisse”)

“insured person” means a person who has entered into a contract of insurance with AgriCorp; (“assuré”)

“Minister” means the Minister of Agriculture, Food and Rural Affairs or any other member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the Executive Council Act; (“ministre”)

“Tribunal” means the Agriculture, Food and Rural Affairs Appeal Tribunal continued under the Ministry of Agriculture, Food and Rural Affairs Act*.* (“Tribunal”) 1996, c. 17, Sched. C, s. 1; 1999, c. 12, Sched. A, s. 7 (1); 2010, c. 16, Sched. 1, s. 1 (1-3); 2015, c. 6, s. 2.

**Section Amendments with date in force (d/m/y)**

1999, c. 12, Sched. A, s. 7 (1) - 22/12/1999

[2010, c. 16, Sched. 1, s. 1 (1-3)](http://www.ontario.ca/laws/statute/S10016" \l "sched1s1s1) - 1/07/2014

[2015, c. 6, s. 1, 2](http://www.ontario.ca/laws/statute/S15006" \l "s1) - 1/09/2015

Contracts of Insurance

Non-application of *Insurance Act*

**2** The Insurance Act does not apply to anything done under this Act. 1996, c. 17, Sched. C, s. 2.

Contracts of insurance

**2.1**(1)  AgriCorp shall offer contracts of insurance for agricultural products. 2019, c. 14, Sched. 3, s. 3.

Newly designated product

(2)  If a product is designated as an agricultural product, AgriCorp shall offer contracts of insurance in respect of the agricultural product as soon as reasonably possible after the designation. 2019, c. 14, Sched. 3, s. 3.

Formerly designated product

(3)  If the designation of a product as an agricultural product is revoked, AgriCorp shall cease offering contracts of insurance in respect of the product as soon as reasonably possible after the revocation. 2019, c. 14, Sched. 3, s. 3.

**Section Amendments with date in force (d/m/y)**

[2010, c. 16, Sched. 1, s. 1 (4)](http://www.ontario.ca/laws/statute/S10016" \l "sched1s1s4) - 1/07/2014

[2015, c. 6, s. 3 (1-7)](http://www.ontario.ca/laws/statute/S15006" \l "s3s1) - 1/09/2015

[2019, c. 14, Sched. 3, s. 3](http://www.ontario.ca/laws/statute/S19014" \l "sched3s3) - 10/12/2019

Agreements with Canada

**3** (1)  The Minister may, with the approval of Management Board of Cabinet, enter into agreements with the Government of Canada for the purpose of the Farm Income Protection Act (Canada). 1996, c. 17, Sched. C, s. 3 (1); 2010, c. 16, Sched. 1, s. 1 (5).

Retroactivity

(2)  An agreement mentioned in subsection (1) may provide that it is to come into effect, in whole or in part, before the date on which it is signed. 1996, c. 17, Sched. C, s. 3 (2).

(3)  Repealed: 2010, c. 16, Sched. 1, s. 1 (6).

**Section Amendments with date in force (d/m/y)**

[2010, c. 16, Sched. 1, s. 1 (5, 6)](http://www.ontario.ca/laws/statute/S10016" \l "sched1s1s5) - 1/07/2014

**4** Repealed: 2010, c. 16, Sched. 1, s. 1 (7).

**Section Amendments with date in force (d/m/y)**

[2010, c. 16, Sched. 1, s. 1 (7)](http://www.ontario.ca/laws/statute/S10016" \l "sched1s1s7) - 1/07/2014

Terms of contracts of insurance

**5** (1)  AgriCorp shall fix the terms of contracts of insurance, subject to subsection (1.1). 2019, c. 14, Sched. 3, s. 4.

Ministerial approval

(1.1)  AgriCorp shall obtain the approval of the Minister before,

(a) offering any new standard form contracts of insurance; or

(b) making any changes to an existing standard form contract of insurance that affects,

(i) the premium charged under the contract of insurance,

(ii) the risks insured under the contract of insurance, or

(iii) any other aspect of a contract of insurance that the Minister may direct. 2019, c. 14, Sched. 3, s. 4.

Powers of AgriCorp

(2)  AgriCorp has all the powers necessary to perform its duties including the power to,

(a) determine the qualifications and requirements for a person to enter into a contract of insurance, including determining whether a person has an insurable interest in an agricultural product;

(b) enter into contracts of insurance;

(c) fix terms of contracts of insurance relating to replanting benefits, unplanted acreage benefits, salvage benefits, by-pass acreage benefits or any other benefit;

(d) fix premium rates payable by insured persons;

(e) fix the duration of contracts of insurance;

(f) specify the circumstances in which an insured person may terminate a contract of insurance and the methods that the person may use to terminate the contract;

(g) specify penalties imposed on an insured person who breaches the terms of a contract of insurance;

(h) reinsure with any other insurer the risk or any portion of the risk under its contracts of insurance; and

(i) terminate a contract of insurance on the terms that it considers appropriate. 1996, c. 17, Sched. C, s. 5 (2); 2010, c. 16, Sched. 1, s. 1 (9, 10); 2015, c. 6, s. 4 (1).

Deemed acceptance

(3)  An applicant for a contract of insurance or an insured person who receives notice from AgriCorp of the terms of a contract of insurance or amendments to the terms, as the case may be, shall be deemed to have accepted them unless the recipient notifies AgriCorp to the contrary within the time period that AgriCorp specifies. 1996, c. 17, Sched. C, s. 5 (3).

Requirements for insured person

(4)  AgriCorp may enter into a contract of insurance to insure an agricultural product with any person who,

(a) has an insurable interest in the agricultural product; and

(b) otherwise meets the qualifications and requirements set by AgriCorp under clause (2) (a). 2010, c. 16, Sched. 1, s. 1 (11); 2015, c. 6, s. 4 (2, 3).

More than one person with insurable interest

(5)  If more than one person has an insurable interest in an agricultural product, AgriCorp may enter into,

(a) an individual contract of insurance with each person with an insurable interest in the agricultural product;

(b) one contract of insurance with all persons with an insurable interest in the agricultural product; or

(c) several contracts of insurance with respect to the agricultural product, some individual contracts and others that insure two or more persons with an insurable interest in the agricultural product. 2010, c. 16, Sched. 1, s. 1 (11); 2015, c. 6, s. 4 (4).

Contract restriction

(6)  In any contract of insurance with respect to an agricultural product between AgriCorp and a person, the contract shall insure the person’s entire insurable interest in the agricultural product. 2010, c. 16, Sched. 1, s. 1 (11); 2015, c. 6, s. 4 (5).

Same, several insurable interests

(7)  The following conditions apply if AgriCorp enters into more than one contract of insurance with respect to one agricultural product:

1. Each contract of insurance shall insure a different insurable interest in the agricultural product.

2. The amount of insurance provided under all of the contracts of insurance is equal to the sum of each insured person’s entire insurable interest in the agricultural product, subject to paragraph 3.

3. The amount of insurance provided under all of the contracts of insurance is not greater than the total value of the agricultural product. 2010, c. 16, Sched. 1, s. 1 (11); 2015, c. 6, s. 4 (6-9).

Insurable interest

(8)  For the purposes of this section, the following persons have an insurable interest in an agricultural product:

1. A producer of the agricultural product.

2. Any person who may benefit from the successful production of the agricultural product or who may be prejudiced by any loss or damage to the agricultural product.

3. Any other person who, in the opinion of AgriCorp, has an insurable interest in the agricultural product. 2010, c. 16, Sched. 1, s. 1 (11); 2015, c. 6, s. 4 (10-13).

**Section Amendments with date in force (d/m/y)**

[2010, c. 16, Sched. 1, s. 1 (8-11)](http://www.ontario.ca/laws/statute/S10016" \l "sched1s1s8) - 1/07/2014

[2015, c. 6, s. 4](http://www.ontario.ca/laws/statute/S15006" \l "s4s1) - 1/09/2015

[2019, c. 14, Sched. 3, s. 4](http://www.ontario.ca/laws/statute/S19014" \l "sched3s4) - 10/12/2019

Not regulations

**6** The acts of AgriCorp in exercising its powers and performing its duties mentioned in sections 2.1 and 5 shall be deemed to be of an administrative and not of a legislative nature. 1996, c. 17, Sched. C, s. 6; 2010, c. 16, Sched. 1, s. 1 (12).

**Section Amendments with date in force (d/m/y)**

[2010, c. 16, Sched. 1, s. 1 (12)](http://www.ontario.ca/laws/statute/S10016" \l "sched1s1s12) - 1/07/2014

Enforcement

Inspectors

**7** (1)  AgriCorp may appoint a chief inspector and other inspectors as it considers necessary.

Certificate of appointment

(2)  A member of AgriCorp or a person authorized in writing by a member of AgriCorp shall issue to every inspector a certificate of appointment bearing the signature of the person issuing it or a facsimile of the signature.

Evidence

(3)  The certificate of appointment is admissible in evidence as proof of the appointment, in the absence of evidence to the contrary.

Identification

(4)  An inspector who exercises powers under this Act shall, upon request, produce the certificate of appointment. 1996, c. 17, Sched. C, s. 7.

Inspection

**8** (1)  An inspector may, in respect of an insured person, an applicant for a contract of insurance, a person who has applied to be enrolled in a plan administered by AgriCorp or a person who is entitled to receive payment under a plan administered by AgriCorp,

(a) enter and inspect any lands and premises, other than a dwelling, that are owned or occupied by those persons, and inspect any goods located on those lands and premises; and

(b) demand the production by those persons of books, records or documents or extracts from those books, records or documents relating to,

(i) the agricultural products insured under the contract of insurance or to which the application relates, or

(ii) the business of the person in respect of which the person has applied to be enrolled in a plan administered by AgriCorp or in respect of which the person is entitled to receive payment. 1996, c. 17, Sched. C, s. 8 (1); 2015, c. 6, s. 5.

Time of inspection

(2)  An inspector shall exercise the powers mentioned in subsection (1) only during normal business hours for the place that the inspector has entered. 1996, c. 17, Sched. C, s. 8 (2).

Written demand

(3)  A demand mentioned in clause (1) (b) shall be in writing and shall include a statement of the nature of the books, records, documents or extracts required. 1996, c. 17, Sched. C, s. 8 (3).

Obligation to produce

(4)  If an inspector makes a demand under clause (1) (b), the person having custody of the books, records, documents or extracts shall produce them to the inspector. 1996, c. 17, Sched. C, s. 8 (4).

Copying

(5)  On issuing a written receipt, the inspector may remove the books, records, documents or extracts that are produced and may copy them. 1996, c. 17, Sched. C, s. 8 (5).

Return of things produced

(6)  The inspector shall carry out copying with reasonable dispatch and shall forthwith after the copying return them to the person who produced them. 1996, c. 17, Sched. C, s. 8 (6).

Admissibility of copies

(7)  A copy purporting to be certified by an inspector as a copy made under subsection (5) is admissible in evidence to the same extent, and has the same evidentiary value, as the book, record, document or extract of which it is a copy. 1996, c. 17, Sched. C, s. 8 (7).

Assistance

(8)  An inspector may call upon any expert for such assistance as the inspector considers necessary in carrying out an inspection. 1996, c. 17, Sched. C, s. 8 (8).

Computer search

(9)  For the purpose of carrying out an inspection, an inspector may use any data storage, processing or retrieval device or system belonging to the persons being inspected in order to produce a record in readable form. 1996, c. 17, Sched. C, s. 8 (9).

**Section Amendments with date in force (d/m/y)**

[2015, c. 6, s. 5](http://www.ontario.ca/laws/statute/S15006" \l "s5) - 1/09/2015

Assistance required

**9** (1)  An inspector may require information or material from a person who is the subject of an inspection under section 8 or from any person who the inspector has reason to believe can provide information or material relevant to the inspection.

Disclosure

(2)  Despite section 17 of the *Freedom of Information and Protection of Privacy Act* and section 10 of the *Municipal Freedom of Information and Protection of Privacy Act*, the head of an institution within the meaning of those Acts shall disclose to the inspector the information and material that the inspector requires.

No obstruction

(3)  No person shall obstruct an inspector who is exercising powers under this Act or provide false information or refuse to provide information to an inspector.

Records

(4)  A person who is required under this Act to produce a record for an inspector shall, on request, provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce the record in a readable form. 1996, c. 17, Sched. C, s. 9.

Appeal to Tribunal

**10** (1)  A person aggrieved by a decision of AgriCorp in relation to a contract of insurance, including a decision of whether to enter into a contract of insurance, may appeal that decision to the Tribunal. 2019, c. 14, Sched. 3, s. 5 (1).

Notice of appeal

(2)  To appeal a matter in dispute, the appellant shall file a written notice of appeal with the Tribunal and send a copy of the notice to any person specified by the regulations made under this Act within the time specified by the regulations. 1999, c. 12, Sched. A, s. 7 (2); 2019, c. 14, Sched. 3, s. 5 (2).

Exclusive jurisdiction

(3)  The Tribunal has exclusive jurisdiction to hear and determine all appeals arising under subsection (1). 1999, c. 12, Sched. A, s. 7 (2).

Decision binding

(4)  The decision of the Tribunal in an appeal is final and binding on the parties. 1999, c. 12, Sched. A, s. 7 (2); 2019, c. 14, Sched. 3, s. 5 (3).

(5)  Repealed: 2019, c. 14, Sched. 3, s. 5 (4).

**Section Amendments with date in force (d/m/y)**

1999, c. 12, Sched. A, s. 7 (2) - 22/12/1999

[2010, c. 16, Sched. 1, s. 1 (13, 14)](http://www.ontario.ca/laws/statute/S10016" \l "sched1s1s13) - 1/07/2014

[2015, c. 6, s. 6](http://www.ontario.ca/laws/statute/S15006" \l "s6) - 1/09/2015

[2019, c. 14, Sched. 3, s. 5 (1-4)](http://www.ontario.ca/laws/statute/S19014" \l "sched3s5s1) - 10/12/2019

Miscellaneous

Fund

**11** (1)  The fund known in English as the Ontario Crop Insurance Fund and in French as Caisse d’assurance-récolte de l’Ontario is continued as the Ontario Agricultural Products Insurance Fund in English and as the Caisse d’assurance des produits agricoles de l’Ontario in French. 2015, c. 6, s. 7.

Deposits into Fund

(2)  AgriCorp shall deposit into the Fund,

(a) all money that it receives under this Act; and

(b) all loans that it receives with respect to contracts of insurance.

Not public money

(2.1)  The money that AgriCorp collects in performing its functions under this Act, and any interest accrued from investing that money, shall not be considered public money for the purposes of the Financial Administration Act. 2019, c. 14, Sched. 3, s. 6.

Management of Fund

(2.2)  AgriCorp may financially manage the Fund. 2019, c. 14, Sched. 3, s. 6.

Payments out of Fund

(3)  AgriCorp shall pay out of the Fund all money for payments that it is required to make under this Act. 1996, c. 17, Sched. C, s. 11.

**Section Amendments with date in force (d/m/y)**

[2015, c. 6, s. 7](http://www.ontario.ca/laws/statute/S15006" \l "s7) - 1/09/2015

[2019, c. 14, Sched. 3, s. 6](http://www.ontario.ca/laws/statute/S19014" \l "sched3s6) - 10/12/2019

Regulations by Minister

**11.1**The Minister may make regulations respecting any matter necessary or advisable to carry out effectively the purpose or intent of this Act including,

(a) designating agricultural products for the purposes of this Act;

(a.1) governing the manner in which appeals under section 10 may be commenced, including anything referred to in subsection 10 (2) as being specified by the regulations;

(b) defining any word or expression used in this Act that has not already been expressly defined in this Act. 2015, c. 6, s. 8; 2019, c. 14, Sched. 3, s. 7.

**Section Amendments with date in force (d/m/y)**

[2015, c. 6, s. 8](http://www.ontario.ca/laws/statute/S15006" \l "s8) - 1/09/2015

[2019, c. 14, Sched. 3, s. 7 (1, 2)](http://www.ontario.ca/laws/statute/S19014" \l "sched3s7s1) - 10/12/2019

**12** Repealed: 2019, c. 14, Sched. 3, s. 8.

**Section Amendments with date in force (d/m/y)**

1999, c. 12, Sched. A, s. 7 (3) - 22/12/1999

[2010, c. 16, Sched. 1, s. 1 (15)](http://www.ontario.ca/laws/statute/S10016" \l "sched1s1s15) - 1/07/2014

[2019, c. 14, Sched. 3, s. 8](http://www.ontario.ca/laws/statute/S19014" \l "sched3s8) - 10/12/2019

**13** Repealed: 2019, c. 14, Sched. 3, s. 8.

**Section Amendments with date in force (d/m/y)**

1999, c. 12, Sched. A, s. 7 (4) - 22/12/1999

[2010, c. 16, Sched. 1, s. 1 (16)](http://www.ontario.ca/laws/statute/S10016" \l "sched1s1s16) - 1/07/2014

[2019, c. 14, Sched. 3, s. 8](http://www.ontario.ca/laws/statute/S19014" \l "sched3s8) - 10/12/2019

**14** Omitted (amends or repeals other Acts). 1996, c. 17, Sched. C, s. 14.

**15** Omitted (provides for coming into force of provisions of this Act). 1996, c. 17, Sched. C, s. 15.

**16** Omitted (enacts short title of this Act). 1996, c. 17, Sched. C, s. 16.

Note: Section 14 repealed the *Crop Insurance Act (Ontario)*. See: 1996, c. 17, Sched. C, s. 14.

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[Back to top](#Top)