

Farm Products Payments Act

R.S.O. 1990, CHAPTER F.10

Consolidation Period: From June 8, 2023 to the [e-Laws currency date](#).

Note: This Act is repealed on a day to be named by proclamation of the Lieutenant Governor. (See: 2023, c. 9, Sched. 30, s. 120)

Last amendment: 2023, c. 9, Sched. 30, s. 120.

Legislative History: 1993, c. 27, Sched.; 1994, c. 27, s. 21; 2004, c. 17, s. 32; 2006, c. 35, Sched. C, s. 40; 2009, c. 31, s. 69 (see: 2019, c. 14, Sched. 3, s. 11 (3)); 2009, c. 33, Sched. 1, s. 13; 2010, c. 15, s. 226; 2010, c. 16, Sched. 1, s. 3; 2017, c. 2, Sched. 3, s. 4; 2017, c. 20, Sched. 8, s. 58, 84; 2017, c. 34, Sched. 46, s. 15; 2019, c. 7, Sched. 17, s. 171 (2); 2019, c. 7, Sched. 22; 2019, c. 14, Sched. 3, s. 20; 2023, c. 9, Sched. 30, s. 120.

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GENERAL

Definitions

1 In this Act,

“board” means a board established under this Act; (“commission”)

“dealer” means a person engaged in the business of buying farm products from producers or in selling farm products on behalf of producers; (“marchand”)

“farm product” means such animals, meats, eggs, poultry, wool, milk, cream, cheese, grains, seeds, fruit, vegetables, maple products, honey or tobacco or such classes or parts thereof as are designated in the regulations; (“produit agricole”)

“fund” means a fund established under this Act; (“fonds”)

“Minister” means the Minister of Agriculture, Food and Rural Affairs; (“ministre”)

“producer” means a person who produces a farm product and includes, where so designated in the regulations,

- (a) a marketing board under the *Milk Act*,
- (b) a local board under the *Farm Products Marketing Act*,
- (c) an operator engaged in the business of operating community sales under the *Livestock Community Sales Act*, and

Note: On the day section 13 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019* comes into force, clause (c) is repealed and the following substituted:

- (c) a person who holds a licence under the *Animal Health Act, 2009* that authorizes the person to act as a producer with respect to the sale or offering for sale of livestock by public auction held at an established place of business where livestock is assembled for the purpose, and

See: 2009, c. 31, ss. 69 (1), 75 (4); 2019, c. 14, Sched. 3, s. 11 (3).

- (d) any person or class of persons engaged in selling a farm product or any class thereof, as an owner or owners or otherwise; (“producteur”)

“regulations” means regulations made under this Act. (“règlements”) R.S.O. 1990, c. F.10, s. 1; 2009, c. 33, Sched. 1, s. 13 (1).

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

2009, c. 31, s. 69 (1) - not in force; 2009, c. 33, Sched. 1, s. 13 (1) - 15/12/2009

Funds and boards

2 (1) The Lieutenant Governor in Council may establish a fund for any class of producers under this Act and, where a fund is established, shall constitute a board to administer the fund and designate the name by which the board shall be known. R.S.O. 1990, c. F.10, s. 2 (1).

Appointments and remuneration

(2) The Minister may appoint the members of a board and the Lieutenant Governor in Council may fix the remuneration of members who are not public servants employed under Part III of the *Public Service of Ontario Act, 2006*. R.S.O. 1990, c. F.10, s. 2 (2); 1994, c. 27, s. 21; 2006, c. 35, Sched. C, s. 40 (1).

Dissolution

(3) The Lieutenant Governor in Council may dissolve a board on such terms and conditions as he or she considers proper and may provide for the disposition of its assets and any fund administered by it. R.S.O. 1990, c. F.10, s. 2 (3).

Ontario Farm Products Marketing Commission may be a board

(4) The Lieutenant Governor in Council may designate under subsection (1) The Ontario Farm Products Marketing Commission as a board constituted for the purposes of this Act and, when so designated, the said Commission shall be deemed for the purposes of this Act, other than subsections (5) and (6) of this section, to be a board constituted under subsection (1). R.S.O. 1990, c. F.10, s. 2 (4).

Incorporation

(5) Every board shall be a corporation without share capital responsible to the Minister. R.S.O. 1990, c. F.10, s. 2 (5).

Application of *Not-for-Profit Corporations Act, 2010*

(6) The *Not-for-Profit Corporations Act, 2010* does not apply to a board. 2017, c. 20, Sched. 8, s. 84.

Employees

(7) Such employees as are considered necessary for the proper conduct of the affairs of boards may be appointed under Part III of the *Public Service of Ontario Act, 2006*. 2006, c. 35, Sched. C, s. 40 (2).

Experts

(8) A board may engage persons other than those referred to in subsection (7) to provide professional, technical or other assistance to or on behalf of the board. R.S.O. 1990, c. F.10, s. 2 (8).

Immunity of members

(9) No member of a board or member of the staff thereof is personally liable for anything done by it or by him or her in good faith under the authority or purporting to be under the authority of this Act. R.S.O. 1990, c. F.10, s. 2 (9).

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

1994, c. 27, s. 21 - 09/12/1994

2006, c. 35, Sched. C, s. 40 (1, 2) - 20/08/2007

2010, c. 15, s. 226 - no effect - see 2017, c. 20, Sched. 8, s. 58 - 14/11/2017

2017, c. 20, Sched. 8, s. 58 - 14/11/2017; 2017, c. 20, Sched. 8, s. 84 - 19/10/2021

Application for payment from fund

3 (1) Where a farm product is sold by or on behalf of a producer and,

- (a) the dealer has not paid the producer the price of the farm product within fifteen days of the time the payment became due; or
- (b) the whole or any part of the dealer's assets has been placed in the hands of a trustee for distribution under the *Bankruptcy Act* (Canada),

the producer may apply to the board that administers the fund for the farm product claiming payment from such fund. R.S.O. 1990, c. F.10, s. 3 (1); 2017, c. 2, Sched. 3, s. 4 (1).

Same

(2) Where farm produce within the meaning of the *Grains Act* is stored under that Act, and,

- (a) the grain elevator operator fails to deliver to the owner the whole or any part of such farm produce upon demand therefor; or
- (b) the whole or any part of the grain elevator operator's assets have been placed in the hands of a trustee for distribution under the *Bankruptcy Act* (Canada) or in the hands of a receiver for distribution pursuant to a debenture or like instrument and the trustee or receiver fails to deliver to the owner the whole or any part of such farm produce upon demand therefor,

the owner may apply to the board that administers the fund for the farm produce claiming payment from such fund. R.S.O. 1990, c. F.10, s. 3 (2); 2010, c. 16, Sched. 1, s. 3 (1); 2017, c. 2, Sched. 3, s. 4 (2).

Producer not entitled to payment

(3) Despite subsection (1), a producer is not entitled to payment from a fund under clause (1) (a) where the regulations provide that clause (1) (a) does not apply in respect of that fund. R.S.O. 1990, c. F.10, s. 3 (3).

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

2010, c. 16, Sched. 1, s. 3 (1) - 25/10/2010

2017, c. 2, Sched. 3, s. 4 (1, 2) - 22/03/2017

Functions of a board

4 (1) It is the function of a board and it has power,

- (a) to administer its fund;
- (b) to investigate all claims made to it under this Act and to determine the extent of their validity;
- (c) to grant or refuse the payment of claims or any part thereof and determine the amounts and manner of payment;
- (d) to recover any money to which it is entitled under this Act by suit in a court of competent jurisdiction or otherwise; and
- (e) to carry out the functions, and exercise the powers, prescribed by regulation. R.S.O. 1990, c. F.10, s. 4 (1); 2019, c. 7, Sched. 22, s. 2.

Refund where payment received twice

(2) Where a producer has received a payment from a fund and receives a payment from or on behalf of the dealer in full or partial satisfaction of the same debt for which payment from the fund was made, the producer shall pay to the board the lesser of,

- (a) the money that the producer received from or on behalf of the dealer; or
- (b) the money that the producer received from the fund. R.S.O. 1990, c. F.10, s. 4 (2).

Subrogation

(3) Where an amount is paid out of a fund, the board administering the fund is subrogated for the amount of the payment to the right of the person to whom such amount is paid and may maintain an action in the name of the board or in the name of such person against any other person or persons to enforce such right. R.S.O. 1990, c. F.10, s. 4 (3).

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

2019, c. 7, Sched. 22, s. 2 - 01/01/2020

Payments into fund

5 (1) All money to which a board is entitled shall be paid into the fund administered by it. R.S.O. 1990, c. F.10, s. 5 (1).

Expenses paid out of fund

(2) A board shall pay, out of the fund it administers, any expenses that are incurred by any person or entity in the administration of this Act, the *Grains Act* and the *Livestock and Livestock Products Act* and that are prescribed by the regulations. 2019, c. 7, Sched. 22, s. 3.

Exception

(2.1) Despite subsection (2), a board shall not pay the salary of any of its employees who are employed under Part III of the *Public Service of Ontario Act, 2006*. 2019, c. 7, Sched. 22, s. 3.

Advances or loans to board

(3) If, at any time, the amount standing to the credit of a fund is insufficient for the purpose of making payments for claims under this Act, the Lieutenant Governor in Council may authorize the Minister of Finance,

- (a) in the case of a fund that existed on the 12th day of July, 1977, to advance out of the Consolidated Revenue Fund to the board that administers the fund such sums as are necessary to meet the deficit; or
- (b) in the case of any fund, to make out of the Consolidated Revenue Fund to the board that administers the fund loans that do not bear interest and do not exceed in the aggregate \$250,000,

on such terms and conditions as the Lieutenant Governor in Council directs. R.S.O. 1990, c. F.10, s. 5 (3); 2009, c. 33, Sched. 1, s. 13 (2).

Grant to board

(4) Where the Lieutenant Governor in Council establishes a fund under subsection 2 (1), the Lieutenant Governor in Council may authorize the Minister of Finance to make out of the Consolidated Revenue Fund to the board that administers the fund one grant in an amount not exceeding \$25,000. R.S.O. 1990, c. F.10, s. 5 (4); 2009, c. 33, Sched. 1, s. 13 (3).

Payment out of fund

(5) Every board that administers a fund shall pay out of the fund all money required for,

- (a) the payment of claims under this Act; and
- (b) the repayment of advances or loans, as the case may be, under subsection (3). R.S.O. 1990, c. F.10, s. 5 (5).

Surplus

(6) A board may pay into the Consolidated Revenue Fund any surplus money in its fund that is not necessary for the current requirements of the board, and section 7 of the *Financial Administration Act* applies thereto. R.S.O. 1990, c. F.10, s. 5 (6).

Audit

(7) The accounts and financial transactions of a board shall be audited annually by the Auditor General, and a report of the audit shall be made to the board and to the Minister. R.S.O. 1990, c. F.10, s. 5 (7); 2004, c. 17, s. 32.

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

2004, c. 17, s. 32 - 30/11/2004

2006, c. 35, Sched. C, s. 40 (3) - 20/08/2007

2009, c. 33, Sched. 1, s. 13 (2, 3) - 15/12/2009

2019, c. 7, Sched. 22, s. 3 - 01/01/2020

Annual report

6 (1) Every board shall prepare an annual report, provide it to the Minister and make it available to the public. 2017, c. 34, Sched. 46, s. 15.

Same

- (2) The board shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,
- (a) the form and content of the annual report;
 - (b) when to provide it to the Minister; and
 - (c) when and how to make it available to the public. 2017, c. 34, Sched. 46, s. 15.

Same

(3) The board shall include such additional content in the annual report as the Minister may require. 2017, c. 34, Sched. 46, s. 15.

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

2017, c. 34, Sched. 46, s. 15 - 01/01/2018

Tabling of annual report

6.1 The Minister shall table each board's annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it. 2017, c. 34, Sched. 46, s. 15.

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

2017, c. 34, Sched. 46, s. 15 - 01/01/2018

Failure to pay fees or furnish security

7 (1) Failure,

- (a) to pay a fee prescribed in the regulations; or
- (b) to furnish security or proof of financial responsibility in accordance with the regulations,

shall be grounds for the suspension or revocation of or refusal to issue or renew a licence under the following Acts:

1. REPEALED: 2019, c. 14, Sched. 3, s. 20.
2. *Farm Products Marketing Act*.
3. *Livestock and Livestock Products Act*.
4. *Livestock Community Sales Act*.

Note: On the day section 13 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019* comes into force, paragraph 4 is repealed and the following substituted:

4. *Animal Health Act, 2009*.

See: 2009, c. 31, ss. 69 (2), 75 (4); 2019, c. 14, Sched. 3, s. 11 (3).

5. *Milk Act*.

6. *Grains Act*. R.S.O. 1990, c. F.10, s. 7 (1); 1993, c. 27, Sched.; 2010, c. 16, Sched. 1, s. 3 (2); 2019, c. 14, Sched. 3, s. 20.

(2) REPEALED: 2019, c. 7, Sched. 22, s. 4.

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

1993, c. 27, Sched. - 31/12/1991

2009, c. 31, s. 69 (2) - not in force

2010, c. 16, Sched. 1, s. 3 (2) - 25/10/2010

2019, c. 7, Sched. 22, s. 4 - 01/01/2020; 2019, c. 14, Sched. 3, s. 20 - 10/12/2019

Regulations

8 (1) The Minister may make regulations,

- (a) designating farm products for the purposes of section 1;
- (b) designating marketing boards under the *Milk Act*, local boards under the *Farm Products Marketing Act* or operators engaged in the business of operating community sales under the *Livestock Community Sales Act*, as producers and limiting the extent of any such designation;

Note: On the day section 13 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019* comes into force, clause (b) is repealed and the following substituted:

- (b) designating marketing boards under the *Milk Act*, local boards under the *Farm Products Marketing Act* or operators engaged in the business of operating community sales as permitted under licences issued under the *Animal Health Act, 2009*, as producers and limiting the extent of any such designation;

See: 2009, c. 31, ss. 69 (3), 75 (4); 2019, c. 14, Sched. 3, s. 11 (3).

- (c) designating as a producer any person or class of persons engaged in selling a farm product or any class thereof as an owner or owners or otherwise, and may limit the extent of any such designation;
- (d) exempting any class or classes of dealers from the application of this Act or the regulations, or any part thereof;
- (e) exempting any class or classes of producers from the application of this Act or the regulations, or any part thereof;
- (f) prescribing conditions for the exemption of any class or classes of dealers or producers;
- (g) prescribing by-laws for regulating the government of boards and the conduct of their affairs, but any board may make by-laws not inconsistent with this Act or with the regulations;
- (h) providing that clause 3 (1) (a) does not apply in respect of a fund;
- (i) prescribing additional conditions to those referred to in subsection 3 (1) under which a producer may apply for payment from a fund and providing for such applications and for payments from the fund;
- (j) REPEALED: 2010, c. 16, Sched. 1, s. 3 (3).
- (k) requiring the furnishing of security or proof of financial responsibility by dealers engaged in the marketing of a farm product in respect of which a fund is established and providing for the administration, forfeiture and disposition of any money or securities so furnished;
- (l) prescribing the manner in which and the conditions under which a dealer shall make payment to producers for a farm product in respect of which a fund is established;
- (m) prescribing, for the purposes of clause 3 (1) (a), the times when payments become due for a farm product in respect of which a fund is established;
- (n) prescribing the terms and conditions under which a person who sells a farm product on behalf of a producer and who is designated as a producer may claim payment from a fund and receive payment therefrom;
- (o) providing procedures for the determination and payment of claims including the grounds upon which a board may pay or refuse to pay claims;
- (p) limiting the amount that may be paid out of a fund,
 - (i) to any producer or class thereof, or
 - (ii) respecting any dealer or class thereof;
- (p.1) requiring dealers or producers to pay fees to a board, prescribing the amounts and the times and manner of payment of the fees, and providing for the collection of the fees;
- (p.2) prescribing functions and powers of a board for the purposes of clause 4 (1) (e);
- (p.3) prescribing the expenses that a board is required to pay out of a fund under subsection 5 (2);
- (q) prescribing forms and providing for their use;
- (r) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1990, c. F.10, s. 8 (1); 1993, c. 27, Sched.; 2010, c. 16, Sched. 1, s. 3 (3); 2019, c. 7, Sched. 22, s. 5 (1, 2).

Application

- (2) A regulation may be general or specific in its application. 2019, c. 7, Sched. 22, s. 5 (3).

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

1993, c. 27, Sched. - 31/12/1991

2009, c. 31, s. 69 (3) - not in force

2010, c. 16, Sched. 1, s. 3 (3, 4) - 01/07/2011

2019, c. 7, Sched. 22, s. 5 (1-3) - 01/01/2020

DELEGATION OF ADMINISTRATIVE AUTHORITY

Delegation

9 (1) The Minister may, by regulation,

- (a) designate a corporation as a Farm Products Payments Administrator for the purposes of this Act; and
- (b) delegate responsibility for the administration of specified provisions of this Act or of a regulation made under section 8, or both, to the Farm Products Payments Administrator. 2019, c. 7, Sched. 22, s. 6.

Farm Products Payments Administrator

(2) A corporation may be designated as a Farm Products Payments Administrator only if it meets the following conditions:

- 1. It is a not-for-profit corporation without share capital.
- 2. It is incorporated under the laws of Ontario or Canada.
- 3. It carries on business in Ontario.
- 4. Any prescribed conditions. 2019, c. 7, Sched. 22, s. 6.

Previous administration

(3) Nothing in a delegation of legislation under subsection (1) invalidates anything that was done by the Minister, the Ministry or AgriCorp to administer this Act or the regulations before the delegation. 2019, c. 7, Sched. 22, s. 6.

Person bound

(4) Delegated legislation binds all persons whom it would bind if it had not been delegated. 2019, c. 7, Sched. 22, s. 6.

Regulation

(5) A regulation under this section may,

- (a) prescribe any conditions or limitations that apply to the designation of a Farm Products Payments Administrator and to the delegation of responsibility for the administration of specified provisions of this Act and the regulations;
- (b) limit the provisions of this Act and of the regulations made under section 8 that may be the subject of a delegation;
- (c) prescribe conditions for the purposes of paragraph 4 of subsection (2). 2019, c. 7, Sched. 22, s. 6.

Exceptions, regulations

(6) A regulation delegating responsibility for the administration of specified provisions of this Act under subsection (1) shall not delegate the power to make regulations under this Act. 2019, c. 7, Sched. 22, s. 6.

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

2019, c. 7, Sched. 22, s. 6 - 01/01/2020

Administrative agreement required

10 (1) A regulation shall not be made under subsection 9 (1) designating a Farm Products Payments Administrator unless the Minister has entered into an administrative agreement with the prospective designate with respect to the delegated legislation. 2019, c. 7, Sched. 22, s. 6.

Content of agreement

(2) The administrative agreement shall include all matters that the Minister considers necessary to the efficient and effective delegation of the administration of the delegated legislation to the Farm Products Payments Administrator, including,

- (a) the financial terms of the designation;
- (b) any requirements relating to the governance of the Farm Products Payments Administrator;

- (c) the right, if any, of the Farm Products Payments Administrator to purchase, use or otherwise have access to government assets, including information, records or intellectual property;
- (d) a description of any liability the Farm Products Payments Administrator may incur as a result of exercising its responsibilities administering the delegated legislation; and
- (e) a requirement that the Farm Products Payments Administrator maintain adequate insurance against liability arising out of carrying out the administration of the delegated legislation. 2019, c. 7, Sched. 22, s. 6.

Minister's terms

(3) On giving the notice to the Farm Products Payments Administrator that the Minister considers reasonable in the circumstances, the Minister may amend or insert a term in the administrative agreement or delete a term from it if,

- (a) the term relates to the administration or enforcement of the delegated legislation; and
- (b) the Minister considers it advisable to do so. 2019, c. 7, Sched. 22, s. 6.

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

2019, c. 7, Sched. 22, s. 6 - 01/01/2020

Review

11 (1) The Minister may require that reviews of a Farm Products Payments Administrator, of its operations, or of both, including, without limitation, performance, governance, accountability and financial reviews, be carried out,

- (a) by or on behalf of the Farm Products Payments Administrator; or
- (b) by a person or entity specified by the Minister. 2019, c. 7, Sched. 22, s. 6.

Access to records

(2) If a review is carried out by a person or entity specified by the Minister, the Farm Products Payments Administrator shall give the person or entity specified by the Minister and the employees of the person or entity access to all records and other information required to conduct the review. 2019, c. 7, Sched. 22, s. 6.

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

2019, c. 7, Sched. 22, s. 6 - 01/01/2020

Revocation of designation

12 (1) Subject to subsection (2), the Minister may, by regulation, revoke the designation of a corporation as a Farm Products Payments Administrator if,

- (a) the Farm Products Payments Administrator has failed to comply with this Act, the delegated legislation or the administrative agreement and has not remedied the failure within the time period described in subsection (3); or
- (b) the Minister considers it advisable to do so. 2019, c. 7, Sched. 22, s. 6.

Notice

(2) The Minister shall give a Farm Products Payments Administrator such notice as he or she considers reasonable of his or her intention to revoke the Farm Products Payments Administrator's designation. 2019, c. 7, Sched. 22, s. 6.

Opportunity to remedy

(3) If a Farm Products Payments Administrator fails to comply with this Act, the delegated legislation or the administrative agreement, the Minister shall allow the Farm Products Payments Administrator the opportunity of remedying its failure within the time period that the Minister considers reasonable in the circumstances. 2019, c. 7, Sched. 22, s. 6.

Voluntary revocation

(4) A Farm Products Payments Administrator may request that the Minister revoke its designation and in that case the Minister shall, by regulation, revoke the designation on the terms that the Minister considers advisable. 2019, c. 7, Sched. 22, s. 6.

Non-application of Act

(5) The *Statutory Powers Procedure Act* does not apply to the exercise by the Minister of a right under this section to revoke the designation of a corporation as a Farm Products Payments Administrator or to revoke the delegation of specified legislative provisions. 2019, c. 7, Sched. 22, s. 6.

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

2019, c. 7, Sched. 22, s. 6 - 01/01/2020

Duties of Farm Products Payments Administrator

13 (1) A Farm Products Payments Administrator shall carry out the administration of all delegated legislation and shall do so in accordance with the law, this Act and the administrative agreement, having regard to the intent and purpose of this Act. 2019, c. 7, Sched. 22, s. 6.

Services in French

(2) The *French Language Services Act* applies to a Farm Products Payments Administrator as though it were a government agency under that Act. 2019, c. 7, Sched. 22, s. 6.

Services to persons with disabilities

(3) The *Accessibility for Ontarians with Disabilities Act, 2005* applies to a Farm Products Payments Administrator as though it were an organization providing services for the purposes of that Act. 2019, c. 7, Sched. 22, s. 6.

Reports

(4) Within one year of the effective date of its designation as Farm Products Payments Administrator and annually thereafter, a Farm Products Payments Administrator shall report to the Minister on its activities, financial affairs in respect of the administration of this Act and any other matters the Minister may request. 2019, c. 7, Sched. 22, s. 6.

Same

(5) The reports required under subsection (4) shall be in a form acceptable to the Minister. 2019, c. 7, Sched. 22, s. 6.

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

2019, c. 7, Sched. 22, s. 6 - 01/01/2020

Employees

14 (1) Subject to the administrative agreement, a Farm Products Payments Administrator may employ or retain the services of any qualified person to carry out any power or duty relating to the administration of the delegated legislation. 2019, c. 7, Sched. 22, s. 6.

No Crown employment

(2) Persons who are employed or whose services are retained under subsection (1) are not employees of the Crown and shall not hold themselves out as such. 2019, c. 7, Sched. 22, s. 6.

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

2019, c. 7, Sched. 22, s. 6 - 01/01/2020

No Crown agent

15 (1) A Farm Products Payments Administrator is not a Crown agency for the purposes of the *Crown Agency Act* and shall not hold itself out as such. 2019, c. 7, Sched. 22, s. 6.

Same, officers, etc.

(2) The members, officers, directors, employees and agents of a Farm Products Payments Administrator, together with the persons whose services the Farm Products Payments Administrator retains, are not agents of the Crown and shall not hold themselves out as such. 2019, c. 7, Sched. 22, s. 6.

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

2019, c. 7, Sched. 22, s. 6 - 01/01/2020

No personal liability, Crown employee

16 (1) No action or other proceeding shall be instituted against an employee of the Crown for an act done in good faith in the execution or intended execution of a duty or service under delegated legislation, or for an alleged neglect or default in the execution in good faith of the duty or service. 2019, c. 7, Sched. 22, s. 6.

Tort by Crown employee

(2) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1) does not relieve the Crown of liability in respect of a tort committed by an employee of the Crown to which it would otherwise be subject. 2019, c. 7, Sched. 22, s. 6; 2019, c. 7, Sched. 17, s. 171 (2).

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

2019, c. 7, Sched. 17, s. 171 (2) - 01/01/2020; 2019, c. 7, Sched. 22, s. 6 - 01/01/2020

No Crown liability

17 No action or other proceeding for damages shall be instituted against the Crown for damages that a person suffers as a result of any act or omission taken or made in the administration of delegated legislation by a person who is not an employee or agent of the Crown. 2019, c. 7, Sched. 22, s. 6.

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

2019, c. 7, Sched. 22, s. 6 - 01/01/2020

Indemnification

18 A Farm Products Payments Administrator shall indemnify the Crown, in accordance with the administrative agreement, in respect of damages and costs incurred by the Crown for any act or omission of the Farm Products Payments Administrator or its members, officers, directors, employees or agents,

- (a) in carrying out the administration of its delegated legislation; or
- (b) in the execution or intended execution of its powers and duties under this Act, the delegated legislation and the administrative agreement. 2019, c. 7, Sched. 22, s. 6.

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

2019, c. 7, Sched. 22, s. 6 - 01/01/2020

No personal liability, board members and others

19 (1) No action or other proceeding shall be instituted against a person mentioned in subsection (2) for an act done in good faith in the execution or intended execution of a power or duty under delegated legislation, or for an alleged neglect or default in the execution in good faith of that power or duty. 2019, c. 7, Sched. 22, s. 6.

Same

(2) Subsection (1) applies to,

- (a) members of the board of directors of a Farm Products Payments Administrator; and
- (b) persons who perform functions under delegated legislation as members, employees, agents or officers of the Farm Products Payments Administrator or as persons whose services it retains. 2019, c. 7, Sched. 22, s. 6.

Liability of Farm Products Payments Administrator

(3) Subsection (1) does not relieve a Farm Products Payments Administrator of liability to which it would otherwise be subject in respect of a tort committed by one of its members, employees, agents or officers. 2019, c. 7, Sched. 22, s. 6.

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

2019, c. 7, Sched. 22, s. 6 - 01/01/2020

Audit

20 (1) The Auditor General appointed under the *Auditor General Act* may conduct an audit of a Farm Products Payments Administrator, other than an audit required under the *Corporations Act*. 2019, c. 7, Sched. 22, s. 6.

Access to records and information

(2) When the Auditor General conducts an audit under subsection (1), the Farm Products Payments Administrator shall give the Auditor General and employees of the Auditor General access to all records and other information required to conduct the audit. 2019, c. 7, Sched. 22, s. 6.

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

2019, c. 7, Sched. 22, s. 6 - 01/01/2020

Français

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