

EXPLANATORY NOTES.

The purpose of this Bill is to apply to rapeseed the freight rates on grain that are applicable under the *Crow's Nest Pass Agreement*.

The Board of Transport Commissioners for Canada, in a decision dated the 10th June 1960 on the application of the Bogoch Seed Company Limited, unanimously found as a fact that since 1943, but not prior thereto, rapeseed has been a grain in the same sense that wheat, oats and barley are grain. On the legal interpretation whether rapeseed is a grain under the relevant legislation and Agreement, the Board split 3-2 against the inclusion of rapeseed as a grain (the Chief Commissioner giving the majority opinion).

Primarily, therefore, the legislative purpose of this Bill is to bring this specific legal meaning of rapeseed into accord with the meaning of rapeseed as used since 1943 by the Department of Agriculture, the Board of Grain Commissioners, Parliament in the *Canada Grain Act*, and the grain trade, as well by the railways themselves in the present local grain mileage freight rates.

Two secondary legislative effects are: (1) to apply the *Crow's Nest Pass* rates only at the commencement of the August 1961 season so that there can be no question under section 333(5) of the *Railway Act* that the tolls on past shipments of rapeseed are affected retroactively to 1943; (2) to prevent the use of this statutory definition of rapeseed in legal argument on interpretation in other cases.