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*Natural Products Marketing (BC) Act*

**BRITISH COLUMBIA VEGETABLE SCHEME**

[includes amendments up to B.C. Reg. 94/2004]

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**Interpretation**

**1** In this regulation:

**"Act"** means the *Natural Products Marketing (BC) Act*;

**"commercial producer"** means a producer whose name has been entered and remains registered in one or more of the registers of commercial producers referred to in section 5;

**"commission"** means the British Columbia Vegetable Marketing Commission referred to in section 3;

**"producer"** means a person who operates a farm on which one tonne or more of the regulated product has been produced during the immediately preceding 12 months;

**"regulated product"** means vegetables, and includes

- (a) potatoes, and
- (b) strawberries intended expressly for manufacturing purposes,  
grown in the Province;

## **Scheme established, purpose and application**

- 2 (1) A scheme called the British Columbia Vegetable Scheme is established in the terms of this regulation.
- (2) The scheme is for the promotion and regulation in the Province of the production, transportation, packing, storage and marketing of the regulated product.
- (3) The scheme applies to persons who produce, transport, pack, store or market the regulated product, and to all kinds and grades of the regulated product.

## **British Columbia Vegetable Marketing Commission**

- 3 (1) A commission called the British Columbia Vegetable Marketing Commission is established to administer the scheme under the supervision of the British Columbia Farm Industry Review Board.
- (2) Repealed. [B.C. Reg. 353/85.]
- (3) and (3.1) Repealed. [B.C. Reg. 28/2000, s. 1.]
- (3.2) The commission consists of the following:
  - (a) a chair appointed by the Lieutenant Governor in Council;
  - (b) up to 8 members who are commercial producers, elected by the commercial producers.
- (4) Despite subsection (3.2),
  - (a) the member serving as chair when this regulation comes into force continues to hold that office until the Lieutenant Governor in Council makes an appointment under subsection (3.2) (a), and
  - (b) the members serving on the board when this regulation comes into force continue to hold their offices until elections are held under approved practices and procedures for elections established under subsection (5).
- (5) The commission must establish and publish practices and procedures for the election of elected board members.
- (6) The British Columbia Farm Industry Review Board must approve the rules and procedures referred to in subsection (5) before those rules take effect.

[am. B.C. Regs. 353/85; 403/87; 11/93, s. 1; 46/98; 28/2000, s. 1; 15/2001; 350/2003, s. (c); 94/2004, s. 2.]

## **Powers**

- 4 (1) The commission is vested with the power in the Province to promote, control and regulate in any respect the production, transportation, packing, storage and marketing of a regulated product.
- (2) Without restricting the generality of subsection (1), the commission is vested with the powers described in section 11 of the Act, and with the following additional powers:

(a) to grant or lend money to assist

(i) in the construction or operation of facilities for preserving, packing, storing or conditioning of the regulated product, and

(ii) in research relating to the marketing of the regulated product;

(b) to hypothecate, assign, draw, make, sign, accept, endorse, discount and issue bills of exchange, cheques and other negotiable and transferable instruments;

(c) for the purposes of the scheme, to borrow money, provided that the aggregate outstanding indebtedness of the commission through borrowing shall not exceed \$100 000 at any time, and to secure repayment of the borrowed money in a manner the commission considers fit;

(d) to fix or alter the remuneration of its employees and, subject to the authority of the British Columbia Farm Industry Review Board, to fix or alter the remuneration of the chairman and other members of the commission.

(3) Repealed. [B.C. Reg. 94/2004, s. 3.]

[am. B.C. Regs. 11/93, s. 2; 350/2003, s. (c); 94/2004, s. 3.]

#### **Register of commercial producers**

**5** (1) The commission must keep at its head office a register of commercial producers in which the commission must record the name and address of every producer who applies and who is qualified to be registered as a commercial producer under section 6.

(2) The commission may revise the register of commercial producers from time to time, and, if satisfied that a person no longer qualifies under section 6 to be registered as a commercial producer, may remove the producer's name and address from the register after causing a notice to be mailed to the producer at the producer's last registered address advising the producer of its intention to remove the producer's name.

[en. B.C. Reg. 94/2004, s. 4.]

#### **Qualification for registration as a commercial producer**

**6** A producer qualifies to be registered as a commercial producer if, during the immediately preceding 12 months, regulated product of at least a gross value to the producer of \$5 000 has been grown on the farm operated by the producer and marketed as ordered or directed by the commission.

[en. B.C. Reg. 94/2004, s. 4.]

#### **Register of other producers**

**7** In addition to the register referred to in section 5 the commission must keep a register of producers other than commercial producers, and in it must maintain the name and address of every person who it is satisfied is a producer but not qualified to be registered as a commercial producer.

[en. B.C. Reg. 94/2004, s. 4.]

**Sections Repealed**

**8 to 19** Repealed. [B.C. Reg. 94/2004, s. 4.]

*Note: this regulation repeals B.C. Regs. 121/63 and 47/74*

[Provisions of the *Natural Products Marketing Act*, R.S.B.C. 1996, c. 330, relevant to the enactment of this regulation: sections 2, 7, 10, 11 and 22]