

B. C. Vegetable Marketing Commission

AMENDING ORDER #33

TO THE THE BRITISH COLUMBIA VEGETABLE MARKETING COMMISSION GENERAL ORDER OF MARCH 16, 2005, AS AMENDED

MADE BY THE BRITISH COLUMBIA VEGETABLE MARKETING COMMISSION ON NOVEMBER 18, 2011

The British Columbia Vegetable Marketing Commission General Order of March 16, 2005, as amended, is further amended as follows:

1. The Definitions set out below are added to the *Interpretation* portion of Section 5 of Part I – “Introductory” - of the General Order.

The term **Administration Levy** means – “that portion and amount of the annual producer levy that is charged to producers and retained by the Commission for meeting expenses, including, among others, operational expenses”

The term **Commission Service Fees** means – “Annual Producer Levy”

The term **Consumer** means – “an individual who purchases Regulated Product for use and consumption by that individual or by that individual’s immediate family”

The term **Research & Industry Development Levy** – means “ that portion and amount of the annual producer levy that is charged to producers for use in a manner consistent with Section 11(o)(i) of the Natural Products Marketing (BC) Act and Section 4(2) of the BC Vegetable Scheme”

2. Section 4 of Part V – *Agencies* – of the General Order is repealed and replaced with:

“Each Agency shall deduct the appropriate Commission service fees from the Producer’s net proceeds as prescribed by these General Orders or as directed by the Commission for the Regulated Product which the Agency is authorized to market, and for each month’s sales

Agencies shall hold such funds in trust and shall remit the funds to the Commission not later than the 20th day of the following month.”

3. Section 7 of Part IX- *General Prohibitions* – of the General Order is repealed and replaced with:

“No Person shall sell, offer to sell, supply or deliver the Regulated Product to any Person other than an Agency or such other Person as the Commission may expressly direct or authorize.”

4. Section 2 of Part X – *Exemptions* – of the General Order is repealed and replace with:

(1) *“A Producer may sell Regulated Product (except a Regulated Product excluded from this section by resolution of the Commission) to a Consumer for use and consumption by that Consumer or by that Consumer’s immediate family provided that:*

(a) *where the Producer is not a Producer-Shipper:*

- (i) *the Producer has a current and subsisting Producer’s licence;*
- (ii) *the sale is carried out on the Producer’s Farm, or at a Municipal Market situate within British Columbia, or at road-side stand owned, controlled and managed by the Producer situate within British Columbia;*
- (iii) *the Regulated Product meets or exceeds Canada No. 2 Grade or BC Grade No. 2;*
- (iv) *the Producer’s privilege to sell such Regulated Product has not been withdrawn by the Commission because it has found or suspects that the Producer has abused or intends to abuse the privilege or, in the opinion of the Commission, has failed to comply with any general or specific Order of the Commission;*
- (v) *the sale does not contravene any of the provisions concerning Direct Manifest Sales in any general or specific Order of the Commission; and*
- (vi) *the maximum amount of all Regulated product sold to any Consumer in any one day does not exceed 300 pounds each of storage crops and 60 pounds each of greenhouse crops.*

- (b) *where the Producer is a Producer-Shipper:*
- (i) *the Producer-Shipper has a current and subsisting Producer-Shipper licence;*
 - (ii) *the Regulated Product meets or exceeds Canada No. 2 Grade or BC Grade No. 2; and*
 - (iii) *the Producer-Shipper's privilege to sell such Regulated Product has not been withdrawn by the Commission because it has found or suspects that the Producer-Shipper has abused or intends to abuse the privilege or, in the opinion of the Commission, has failed to comply with any general or specific Order of the Commission.*
 - (iv) *the maximum amount of all Regulated product sold to any Consumer in any one day does not exceed 300 pounds each of storage crops and 60 pounds each of greenhouse crops.*

(2) *The onus of establishing that a Person purchasing Regulated Product is a Consumer is on the Producer or Producer-Shipper, as the case may be.*"

5. Section 10 of Part XVIII – Procedures for Assigning Production Allocations for Greenhouse Crops is repealed and replaced with:

"All applications for new or additional Greenhouse Vegetable Production Allocation must include an application fee in an amount established from time to time."

DATED at Surrey, British Columbia on November 18, 2011

BRITISH COLUMBIA VEGETABLE MARKETING COMMISSION

David Taylor, Chair

Hugh Reynolds, Secretary