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Natural Products Marketing (BC) Act

**BRITISH COLUMBIA CRANBERRY
MARKETING SCHEME, 1968**

[includes amendments up to B.C. Reg. 501/2004, November 19, 2004]

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Division 1 — Interpretation

Scheme name

1.01 This scheme shall be known as the "British Columbia Cranberry Marketing Scheme, 1968".

Definitions

1.02 In this scheme, unless the context otherwise requires:

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

"area to which the scheme relates" means all of the Province of British Columbia;

"commission" means the British Columbia Cranberry Marketing Commission continued under section 3.01;

"grower" means any person owning, leasing or licensing and operating a cranberry bog;

"registered grower" means any person owning, leasing or licensing and operating a cranberry bog of 2 acres or more fully planted in cranberries in the area to which the scheme relates;

"marketing" includes buying, selling, disposing of and offering for sale;

"person" includes any individual, partnership, firm or corporation;

"processor" means any person who changes the nature of the regulated product and markets, offers for sale, sells, stores or transports the processed or manufactured product;

"quota" means any marketing quota issued to a grower by the commission;

"regulated product" means any variety of cranberries (Vaccinium macrocarpon) grown in the area to which the scheme relates.

[am. B.C. Reg. 501/2004, s. 1.]

Division 2 — Purpose and Application

Purpose of scheme

2.01 The purpose and intent of this scheme is to provide for the promotion, control and regulation, in any or all respects and to the extent of the powers of the Province, of the transportation, processing, packing, storage and marketing of the regulated product within the Province, including the prohibition of such transportation, processing, packing, storage and marketing in whole or in part.

Application of scheme

2.02 The scheme shall apply to all persons who transport, process, pack, store or market the regulated product.

Division 3 — Name and Constitution of the Commission

Commission continued

3.01 The British Columbia Cranberry Marketing Board is continued under this regulation as the British Columbia Cranberry Marketing Commission.

[en. B.C. Reg. 501/2004, s. 3.]

Commission members

3.02 (1) The commission consists of

- (a) a chair appointed by the Lieutenant Governor in Council, and
- (b) up to 4 members who are registered growers, elected by the registered growers.

(2) Despite subsection (1),

(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 (1) (a), and

(b) the members serving on the commission when this regulation comes into force continue to hold their offices until elections are held under approved rules and procedures for elections established under section 3.03.

[en. B.C. Reg. 501/2004, s. 4.]

Rules for election of commission members

3.03 (1) The commission must establish and publish rules and procedures for the election of commission members.

(2) The British Columbia Farm Industry Review Board must approve the rules and procedures referred to in subsection (1) before those rules take effect.

[en. B.C. Reg. 501/2004, s. 4.]

Division 4 — Powers of the Commission

Powers of commission

4.01 The commission shall have power within the Province to promote, regulate and control in any and all respects, to the extent of the powers of the Province, the transportation, processing, packing, storing and marketing, or any of them, of the regulated product, including the prohibition of such transportation, processing, packing, storing and marketing, or any of them, in whole or in part, and shall have all powers necessary in the exercise of the powers hereinbefore or hereinafter enumerated, and without limiting the generality thereof shall have the following powers:

(a) to regulate the time and place at which, and to designate the agency through which, the regulated product shall be processed, packed, stored or marketed; to determine the manner of distribution, the quantity and quality, grade or class of the regulated product that shall be transported, processed, packed, stored or marketed by any person at any time; to prohibit the transportation, processing, packing, storage or marketing of any grade, quality or class of the regulated product; and to determine the charges that may be made for its services by any designated agency;

(b) to exempt from any determination or order any person or class of persons engaged in the transportation, production, processing, packing, storing or marketing of the regulated product or any class, variety or grade thereof;

(c) to require any or all persons engaged in the production, transportation, processing, packing, storing or marketing of the regulated product to register with and obtain licences from the commission;

(d) to fix and collect yearly, half-yearly, quarterly or monthly licence fees from any or all persons producing, transporting, processing, packing, storing or marketing the regulated product, and for this purpose to classify such persons into groups and fix

licence fees payable by the members of the different groups in different amounts, to fix and collect from such persons fees for services rendered or to be rendered by the commission, and to recover such licence and other fees by suit in any court of competent jurisdiction;

(e) to cancel any licence for violation of any provision of the scheme or of any order of the commission or of the regulations;

(f) to require full information relating to the production, transportation, processing, packing, storing and marketing of the regulated product from all persons engaged therein, and to require periodic returns to be made by such persons, and to inspect the books and premises of such persons;

(g) to authorize any marketing agency appointed by the commission under the scheme to conduct a pool or pools for the distribution of all proceeds received from the sale of the regulated product, and requiring any such marketing agency to distribute the proceeds of sale, after deducting all necessary and proper disbursements, expenses and charges, in such manner that each person receives a share of the total proceeds in relation to the amount, variety, size, grade and class of the regulated product delivered by him, and to make payments in respect thereof until the total net proceeds are distributed;

(h) to require the person in charge of any vehicle in which the regulated product could be transported to permit any member or employee of the commission to search the vehicle;

(i) to seize and dispose of any of the regulated product kept, transported, processed, packed, stored or marketed in violation of any order of the commission;

(j) to use any moneys received by the commission in carrying out the purposes of the scheme, and in paying the expenses of the commission incurred in the performance of their duties;

(k) to make such orders, rules and regulations as are deemed by the commission necessary or advisable to promote, control and regulate effectively the transportation, processing, packing, storage or marketing of the regulated product and to amend or revoke the same;

(l) to refuse to issue any licence to any person who previously held a licence which was cancelled by the commission, and to any person who was associated with any person who previously held a licence which was cancelled by the commission, and to any person who has, within 6 months of the date of his application for a licence, committed any act which would be an act of bankruptcy under the *Bankruptcy and Insolvency Act* (Canada), and to any person who fails to satisfy the commission that he has the transportation, processing, packing, storing and marketing facilities deemed by the commission necessary to properly protect the interest of the growers;

(m) to delegate its powers to such extent and in such manner as the commission may from time to time deem necessary or advisable for the proper operation of the scheme;

(n) to issue quotas to growers and to those persons owning, leasing or licensing and operating a cranberry bog that has been fully planted to cranberries after October 31,

1968, as is deemed reasonable for the continued growth of the cranberry industry, such quotas to remain at all times the property of the commission with no monetary value attached thereto;

(o) to revoke in whole or in part unused quotas or portions of quotas and to reissue such quotas in whole or in part, equitably, to other growers.

[am. B.C. Reg. 501/2004, s. 6.]

[Provisions of the *Natural Products Marketing (BC) Act*, R.S.B.C. 1996, c. 330, relevant to the enactment of this regulation: section 22]