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Natural Products Marketing (BC) Act

**BRITISH COLUMBIA MILK MARKETING
BOARD REGULATION**

[includes amendments up to B.C. Reg. 6/2005, January 14, 2005]

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Definitions

1 In this regulation:

“**Act**” means the *Natural Products Marketing (BC) Act*;

“**board**” means the British Columbia Milk Marketing Board continued under section 3;

“**fluid milk**” means milk or cream for consumer use in liquid form;

“licensed producer” means a producer licensed by the board;

“manufactured milk product” means any manufactured product which by volume or weight contains any combination of milk, milk butterfat or milk non-fat solids as its largest component, but does not include fluid milk;

“milk” means milk or cream obtained from cows in British Columbia;

“producer” means a person who produces milk;

“quota” means the quantity of a regulated product, or of a class, quality, component or grade of a regulated product, that may be allotted under this regulation for production, transportation, packing, storage or marketing within British Columbia;

“regulated product” means milk, fluid milk or a manufactured milk product.

[am. B.C. Regs. 419/2000, s. 1; 141/2003, s. (a).]

Application

2 This regulation applies to the production, transportation, packing, storage and marketing of regulated products within British Columbia.

British Columbia Milk Marketing Board

3 (1) The British Columbia Milk Marketing Board is continued and consists of

- (a) a chair appointed by the Lieutenant Governor in Council,
- (b) 4 members who are licensed producers, elected by the licensed producers, and
- (c) one member who is not a licensed producer, appointed by the Milk Industry Advisory Committee referred to in section 8.

(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),
- (b) the members serving on the board when this regulation comes into force continue to hold their offices until elections are held under approved rules and procedures for elections established under subsection (3), and
- (c) for the period ending July 3, 2005, the member under subsection (1) (c) is Blaine Gorrell of Chilliwack, B.C.

(3) The board must establish and publish rules and procedures for the election of board members referred to in subsection (1) (b), and for the selection of the board member referred to in subsection (1) (c).

(4) The British Columbia Farm Industry Review Board must approve the rules and procedures referred to in subsection (3) before those rules take effect.

[en. B.C. Reg. 503/2004; B.C. Reg. 6/2005]

Section Repealed

3.1 Repealed. [B.C. Reg. 275/2002, s. 1.]

Section Repealed

3.2 Repealed. [B.C. Reg. 330/2000.]

Voting by the board

3.3 (1) The quorum of the board is a majority of its members.

(2) The chair must cast a second deciding vote in any case where the members are equally divided on a matter.

[en. B.C. Reg. 216/96, s. 1.]

Remuneration

3.4 (1) Remuneration and employment benefits, if any, of the chair and other members of the board must be paid from monies collected by the board under the scheme.

(2) The board may fix the remuneration and employment benefits of the employees of the board.

[en. B.C. Reg. 216/96, s. 1.]

General meeting

4 (1) The board must hold at least once a year in October or November a general meeting of licensed producers and must give at least 21 days written notice of the meeting and of its time and place.

(2) The licensed producers present at the general meeting must

(a) elect as auditor, a person who meets the requirements of section 42 of the *Society Act*, for the purpose of auditing the books of account and affairs of the board, and

(b) determine the employment benefits and rate of remuneration to be paid from time to time to the board members, including the chair.

Extraordinary meetings

5 The board may hold extraordinary meetings of the licensed producers and must give at least 14 days written notice of the meeting and of its time and place.

Minutes

6 (1) The board must keep minutes of its meetings and of the general and extraordinary meetings of licensed producers.

(2) The board must allow the minutes referred to in subsection (1) to be examined by a licensed producer who gives 7 days written notice requesting an examination of them, but

the board may refuse to permit them to be examined if less than 15 days have passed since the meeting at which the minutes were approved by the board.

Powers and duties of the board

7 (1) Subject to subsection (2), the board is vested with the power to promote, regulate and control in any and all respects the production, transportation, packing, storage and marketing, or any of them, of a regulated product within British Columbia, including the prohibition of production, transportation, packing, storage and marketing, or any of them, in whole or in part, and is vested with all powers necessary or useful in the exercise of those powers.

(1.1) Without restricting subsection (1), the board is vested with the powers set out in section 11 (1) (a) to (v) of the Act.

(2) The board is authorized

(a) to establish, allot, alter, suspend or cancel a quota, to which no monetary value is to be attached by the board, that applies to any person,

(b) to establish terms on which quotas may be allotted, held, transferred, altered, suspended or cancelled,

(c) subject to the prior approval of the Provincial board and the minister, to enter into agreements with a federal board, and

(d) subject to the prior approval of the Provincial board, to classify and regulate producers by area of production within British Columbia.

(3) Approval is given for the board to

(a) acquire, hold and dispose of real property,

(b) exercise an authority or function conferred on it by or under a federal Act or by a federal board, and

(c) grant authority to a federal board to perform on the board's behalf a power or function relating to trade in British Columbia that the board may perform.

(4) The board must keep at its head office a record to be known as the "Register of Producers" in which the board must record the names and addresses of all producers licensed in accordance with the orders of the board.

[am. B.C. Reg. 419/2000, s. 2.]

Sections Repealed

7.1 and **7.2** Repealed. [B.C. Reg. 141/2003, s. (b).]

Milk Industry Advisory Committee

8 (1) The board must establish a Milk Industry Advisory Committee composed of

(a) 4 licensed producers, 2 of whom represent Lower Mainland licensed producers, one of whom represents Interior licensed producers and one of whom represents Vancouver Island licensed producers,

(b) 4 processor members, and

(c) further persons appointed by the board to broaden the scope of experience available to the committee in its deliberations.

(2) Prior to appointing members to the committee the board must

(a) consult with Lower Mainland licensed producer organizations concerning the 2 subsection (1) (a) appointments representing the Lower Mainland licensed producers,

(b) consult with Interior licensed producer organizations concerning the subsection (1) (a) appointment representing the Interior licensed producers,

(c) consult with Vancouver Island licensed producer organizations concerning the subsection (1) (a) appointment representing the Vancouver Island licensed producers, and

(d) consult with processor organizations concerning the subsection (1) (b) appointments.

(3) The role of the committee is to advise the board, on the request of the board or on the initiative of the committee, concerning any matter relating to the pricing or production decisions the board has made or may make.

(4) The board must consult with the committee and consider the committee's advice before the board makes any decision relating to pricing or production.

[en. B.C. Reg. 216/96, s. 2.]

Review of the powers of the board

9 (1) By November 30, 1999, and by the end of each 3 year period after that date, the board must conduct a review of the continued appropriateness and adequacy of the provisions of section 7 and report its findings to the British Columbia Farm Industry Review Board.

(2) A review under subsection (1) must be conducted by the board in consultation with the Milk Industry Advisory Committee, the British Columbia Farm Industry Review Board and the Ministry of Agriculture, Food and Fisheries.

[en. B.C. Reg. 216/96, s. 2; am. B.C. Regs. 275/2002, s. 2; 350/2003, s. (c).]

Note: *this regulation replaces B.C. Reg. 101/90.*

[Provisions of the *Natural Products Marketing (BC) Act*, R.S.B.C. 1996, c. 330, relevant to the enactment of this regulation: sections 2, 5, 6, 10, 11 and 22]
