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Natural Products Marketing (BC) Act

BRITISH COLUMBIA TURKEY MARKETING SCHEME

[includes amendments up to B.C. Reg. 504/2004, November 19, 2004]

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Part 1

Division 1 — Interpretation

Scheme name

1 This scheme shall be known as the "British Columbia Turkey Marketing Scheme".

[am. B.C. Reg. 124/74, s. 1.]

Definitions

2 In this Part:

"agency" means the Canadian Turkey Marketing Agency established by the Canadian Turkey Marketing Agency Proclamation issued pursuant to the *Farm Products Marketing Agencies Act*¹ (Canada);

"board" means the British Columbia Turkey Marketing Board;

"**quota**" means the number of pounds of turkey meat that a turkey producer is entitled to market in intraprovincial trade through normal marketing channels or to have marketed on his behalf by the board intraprovincial trade, during a specified period of time;

"**quota system**" means a system whereby turkey producers are assigned quotas by the board thus enabling the board to fix and determine the quantity, if any, in which turkeys or any variety, class or grade thereof may be marketed in intraprovincial trade by each turkey producer and by all turkey producers.

[en. B.C. Reg. 525/74.]

Division 2 — Quota System

Quota system established

3 The board shall, on the coming into force of this Part, establish by order or regulation a quota system in order to assign quotas to all members of classes of producers in the Province in such manner that the number of pounds of turkey meat produced in the Province and authorized to be marketed in intraprovincial trade in the year 1973, when taken together with the number of pounds of turkey meat produced in the Province and authorized to be marketed in intraprovincial and export trade in the same year, pursuant to quotas assigned by the agency and the number of pounds of turkey meat produced in the Province and anticipated to be marketed in the same year, other than as authorized by a quota assigned by the agency or by the board, will equal the number of pounds of turkey meat set out in section 4 of this Part.

[en. B.C. Reg. 525/74.]

Quantity of turkey meat

4 For the purposes of section 3 of this Part the number of pounds of turkey meat set out in this section for the Province is the number of pounds set out in Column 2 of an item of the following table in respect of the Province as set out in Column 1 of that item.

<i>Column 1</i>	<i>Column 2</i> <i>Lb.</i>
British Columbia.....	20 500 000
Alberta.....	18 250 000
Saskatchewan.....	8 000 000
Manitoba.....	17 250 000
Ontario.....	92 000 000
Quebec.....	54 000 000
Nova Scotia.....	2 500 000
Unregulated area.....	1 500 000

[en. B.C. Reg. 525/74.]

Restriction on aggregate

5 (1) No order or regulation shall be made where the effect thereof would be to increase the aggregate of

(a) the number of pounds of turkey meat produced in the Province and authorized by quotas assigned by the board and by the agency to be marketed in intraprovincial, interprovincial and export trade, and

(b) the number of pounds of turkey meat produced in the Province and anticipated to be marketed in intraprovincial, interprovincial and export trade other than as authorized by quotas assigned by the board and by the agency

to a number that exceeds, on a yearly basis, the number of pounds of turkey meat set out in section 4 of this Part for the Province unless the board has taken into account

(c) the principle of comparative advantage of production in respect of each province,

(d) the variation in the size of the market for turkeys,

(e) any failure by turkey producers in the Province or other provinces to market the number of pounds of turkey meat authorized to be marketed,

(f) the feasibility of increased production in each province to be marketed,

(g) existing production and storage facilities in each province, and

(h) the comparative transportation costs to market areas from alternative sources of production, and the agency is making a similar order or regulation.

(2) When the agency has made an order or regulation pursuant to the provisions of a marketing plan similar to the provisions of subsection (1) the board shall make a similar order or regulation.

[en. B.C. Reg. 525/74.]

Turkeys to be made available to board

6 The board may require each turkey producer to whom a quota is assigned, as a condition of the assignment thereof, to make available to the board or its agent all turkeys produced by him and available to be marketed in excess of the quota assigned to him at a price not exceeding the difference, if any, between the price realized by the board or its agent on the marketing of such turkeys and its expenses related to such marketing.

[en. B.C. Reg. 525/74.]

Marketing of turkeys

7 (1) The board may market turkeys made available to it or its agent on an individual or collective basis and may pool the receipts from the marketing thereof and deduct from the pool the expenses incurred by it or by its agent in marketing such turkeys before any payment is made to the producers.

(2) The board shall not market any quantity of the products made available to it in excess of the number of pounds of turkey meat referred to in section 3 or 4 or, as modified pursuant to section 5 of this Part, without prior consultation with the agency.

[en. B.C. Reg. 525/74.]

Administration of quota system

8 The board shall, with the concurrence of the agency, administer on its behalf all orders and regulations made by it for the purpose of establishing and implementing a quota system or any such orders or regulations necessary to implement the provisions of the Canadian Turkey Marketing Agency Proclamation and similar provisions of this Part.

[en. B.C. Reg. 525/74.]

Board orders

9 The board shall make, approve and implement any orders or regulations necessary to reflect any provisions of this Part.

[en. B.C. Reg. 525/74.]

Division 3 — Licences

Licensing procedure

10 The board shall make available to the agency any document or extract of documents establishing the registration or licensing of producers, when any such system is in force.

[en. B.C. Reg. 525/74.]

Division 4 — Levies

Levies

11 The board shall, with the concurrence of the agency, collect on its behalf any levies imposed by the agency.

[en. B.C. Reg. 525/74.]

Division 5 — Sales Verification

Sales verification

12 (1) The board shall make orders and regulations requiring producers, slaughterers, packers, dealers, wholesalers and processors to give all the information necessary to monitor sales.

(2) The board shall establish a verification system of sales.

(3) The board shall provide all information obtained from the implementation of the system referred to in subsection (2) to the agency when requested.

[en. B.C. Reg. 525/74.]

Division 6 — General

Board cooperation with agency

13 The board shall take all reasonable steps to promote a high degree of cooperation between itself and the agency and, without limiting the generality of the foregoing, shall

(a) make available to the agency the records, minutes and decisions of the board in relation to any matter that is of concern to the agency,

(b) allow an officer or employee of the agency who is designated by the agency for such purpose to attend meetings of the board at which any matter that is of concern to the agency is likely to be discussed and for such purpose shall give notice of all such meetings to the officer or employee so designated, and

(c) give notice of each order or regulation that it proposes to make to the agency that is likely to be affected in its operations by the enactment of the order or regulation.

[en. B.C. Reg. 525/74.]

Restrictions

14 The authorities and powers referred to in sections 16, 17 and 26 of the British Columbia Turkey Marketing Scheme are restricted by and subject to the provisions of this Part.

[en. B.C. Reg. 525/74.]

Part 2

Division 1 — Interpretation

Definitions

15 In this scheme, unless the context otherwise requires:

"agency" means a person designated by the board as being a person through which any of the regulated product shall be processed, packed, stored or marketed;

"board" means the British Columbia Turkey Marketing Board;

"breeder" means any person who raises turkeys for egg production;

"grower" means any person operating a farm, or farms, for production of turkeys in the area to which the scheme relates, and includes any person operating under lease or agreement the terms of which provide that the returns for the crop are payable to the person operating the farm;

"hatchery" means any person who hatches turkey eggs;

"marketing" includes producing, buying, selling, disposing of and offering for sale or other disposition in any manner by any person;

"person" includes any partnership, firm or corporation;

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

"regulated product" means any class of turkey raised for meat or egg production within the area to which the scheme relates;

"turkey" means any class of turkey raised or used for meat or egg production;

"vehicle" includes any motor vehicle, wagon, railway car, ship, boat or other thing in which the regulated product can be transported.

[en. B.C. Reg. 124/74, s. 2; am. B.C. Regs. 219/79, s. 2; 175/93, s. 1.]

Division 2 — Purpose and Application

Purpose of scheme

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

[am. B.C. Reg. 87/79, s. 3.]

Application of scheme

17 The scheme shall apply to all persons who produce, transport, process, pack, store or market the regulated product and to all kinds and grades of the regulated product.

[am. B.C. Reg. 87/79, s. 4.]

Division 3 — Name and Constitution of the Board

British Columbia Turkey Marketing Board

18 (1) The British Columbia Turkey Marketing Board is continued and consists of

- (a) a chair appointed by the Lieutenant Governor in Council, and
- (b) 3 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 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).

(3) The board must establish and publish rules and procedures for the election of board members.

(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. 504/2004, s. (a).]

Section Repealed

19 Repealed. [B.C. Reg. 504/2004, s. (b).]

Annual general meeting

20 (1) The board shall hold an annual general meeting no later than March 31 in each year, the meeting to be held, if possible, at the same time and place as the annual general meeting of the British Columbia Turkey Association.

(2) and (3) Repealed. [B.C. Reg. 504/2004, s. (b).]

(4) The registered growers in attendance at the annual general meeting shall

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

(b) determine the remuneration to be paid from time to time to the chairman and the members of the board.

[en. B.C. Reg. 133/95, s. 1; am. B.C. Reg. 504/2004, s. (b).]

Sections Repealed

21 and **22** Repealed. [B.C. Reg. 504/2004, s. (b).]

Vacancies on board

23 If a vacancy occurs, the board shall call a special meeting of registered growers, to be held within 60 days of the date on which the vacancy occurs, to elect a member for the balance of the unexpired term.

[en. B.C. Reg. 157/73, s. (5).]

Sections Repealed

24 and **25** Repealed. [B.C. Reg. 133/95, s. 2.]

Register of growers

26 The board shall keep at its head office a record (to be known as the "Register of Growers") of all growers whose names and addresses have been registered in accordance with orders of the board. Such record shall be amended from time to time by the addition thereto of the names and addresses of all growers who are entitled to be registered and by the deletion therefrom of the names and addresses of growers who are not entitled to be registered; provided, however, that before the name of any grower is removed from the said register, the board shall give him 2 weeks notice in writing of the intention to do so, and the name of such grower shall not be removed as aforesaid if he shall, within the said period, give to the board sufficient reason for the retention of his name on the said register.

Irregularities in election

27 In the event of any delay or irregularity occurring in the conduct of any election or any doubt arising as to the validity of any election, the British Columbia Farm Industry Review Board shall have authority to determine who are the members of the office, and to extend the time for making nominations, or direct that a special election be held at any time.

[am. B.C. Reg. 350/2003, s. (c).]

Division 4 — Authority of the Board

Powers of board

28 The board shall have authority within the Province to promote, regulate and control in any and all respects, to the extent of the powers of the Province, the production, transportation, processing, packing, storing and marketing, or any of them, of the regulated product, including the prohibition of such production, transportation, processing, packing, storing and marketing, or any of them, in whole or in part, and shall have all authority

necessary or useful in the exercise of the authorities hereinbefore or hereinafter enumerated, and without the generality thereof shall have the following authority:

- (a) to regulate the time and place at which, and to designate the agency through which, any regulated product shall be produced, processed, packed, stored or marketed; to determine the manner of distribution, the quality, grade, or class of the regulated product that shall be transported, produced, processed, packed, stored or marketed by any person at any time; to prohibit the production, transportation, processing, packing, storage or marketing of any grade, quality or class of any regulated product; and to determine the charges that may be made for its services by any designated agency;
- (b) to issue quotas to growers as is deemed necessary; such quotas shall at all times remain the property of the board and shall have no monetary value;
- (c) 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;
- (d) to exempt from any determination or order any person or class of persons engaged in the production, transportation, production, processing, packing, storing or marketing of the regulated product or any class, variety or grade thereof;
- (e) 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 board;
- (f) 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 board, and to recover such licence and other fees by suit in any court of competent jurisdiction;
- (g) to cancel any licence for violation of any provision of the scheme or of any order of the board or of the regulations;
- (h) 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;
- (i) to fix the price or prices at which the regulated product or any grade or class thereof may be bought or sold by or to any person;
- (j) to authorize any marketing agency appointed by the board 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;
- (k) 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 board to search the vehicle;

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

(m) to use any moneys received by the board in carrying out the purposes of the scheme, and in paying the expenses of the board, and in paying to the British Columbia Turkey Association any portion or all of the expenses incurred by the said association with the authority of the board in carrying out the purposes of the scheme;

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

(o) to refuse to issue any licence to any person who previously held a licence which was cancelled by the board, and to any person who was associated with any person who previously held a licence which was cancelled by the board, 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 Act*¹ of Canada, and to any person who fails to satisfy the board that he has the production, transportation, processing, packing, storing and marketing facilities deemed by the board necessary to properly protect the interests of the growers;

(p) to promote the turkey industry by advertizing in such manner as may seem advisable, and by compiling, publishing, distributing and furnishing information with respect thereto;

(q) to delegate its power to such extent and in such manner as the board may from time to time deem necessary or advisable for the proper operation of the scheme; provided that this paragraph shall not permit the delegation by the board of the authorities contained in paragraphs (e), (f), (g) and (o) of this section;

(r) to exercise any authority or function conferred upon it under the *Agricultural Products Marketing Act* (Canada) or under the *Farm Products Agencies Act* (Canada) or by the Canadian Turkey Marketing Agency established pursuant to the *Farm Products Agencies Act* (Canada);

(s) to cooperate with the Canadian Turkey Marketing Agency to bring about parallel coordination of this scheme and the Federal Marketing Plan established by the Canadian Turkey Marketing Agency;

(t) the powers set out in section 11 (1) (o) (i), (ii), (iv) and (v) and (v) of the *Natural Products Marketing (BC) Act*.

[am. B.C. Regs. 525/74, s. 14; 87/79, ss. 3, 5; 175/93, s. 2; 184/2002.]

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

1. now entitled *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3