

THE BRITISH COLUMBIA TURKEY MARKETING BOARD
pursuant to the NATURAL PRODUCTS MARKETING (BC) ACT (The Act)
and the BRITISH COLUMBIA TURKEY MARKETING SCHEME (the Scheme)

GENERAL ORDER 2006

Dated 24th April 2006

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DIVISION 1 – PURPOSE AND INTERPRETATION

1. This order replaces the former general orders of the British Columbia Turkey Marketing Board (the “Board”). To the extent of any inconsistency between this order and any other order, direction or policy of the Board, this order shall prevail.
2. This order shall be known as the “BCTMB General Order 2006” and cannot overrule any of the provisions within the Act, nor any of the provisions within the Scheme and shall come into force on 30th April 2006, but may be amended by the Board from time to time.

Purpose of Orders

3. The Board has approved this General Order for the purpose of promoting, controlling and regulating the production, transportation, processing, packing, storage and marketing of turkey raised, within the province of British Columbia, for meat or egg production including the regulation of inter-provincial and export trade.

Interpretation

4. In this and all other orders and policies of the Board, unless the context requires otherwise, the definitions contained in the above named enactments will have effect together with the following additional definitions:

“**Act**” means the Natural Products Marketing (B.C.) Act, R.S.B.C. 1996, c.330;

“**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;

“**allocation**” means the number of kilograms of turkey meat that the Board authorizes a grower to produce and market in inter and intra provincial trade for a quota year or from time to time within a quota year;

“**associated growers**” means growers connected as follows:

- a) individuals are associated growers when
 - i one is married to the other or lives with the other as if they were married;
 - ii they are partners in a partnership, or
- b) an individual and a corporation are associated growers when
 - i the individual controls the corporation:
 - ii the individual and an individual who controls the corporation are associated growers;
 - iii the individual and a corporation that controls the corporation are associated growers;
 - iv they are partners in a partnership;

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- c) corporations are associated growers when
- i one is controlled by the other,
 - ii another corporation controls both corporations,
 - iii an individual controls both corporations,
 - iv they are both controlled by different persons, whether individuals or corporations, that are associated growers;
 - v they are partners in a partnership;

“**breeder**” means any person who raises turkeys for egg production;

“**breeder and/or mature turkey**” means that class of the regulated product which is used for egg production and is marketed at an age greater than 161 days;

“**certified organic grower**” means a grower who has been issued New Entrant Quota by the Board in accordance with this order and the Quota Regulation and has been licensed by the Board as a certified organic grower and may market regulated product to licensed processors and/or turkey broker or may market regulated product direct to consumers; .

“**commercial and/or young turkey**” means that class of the regulated product which is marketed at an age less than 161 days;

“**commercial grower**” means a grower who has been issued Commercial Quota by the Board in accordance with this order and the Quota Regulation and has been licensed by the Board as a commercial grower and markets to licensed processor brokers and/or turkey broker and may market regulated product direct to consumers at the farm gate or at a farmers’ market.

“**considerable margin**” means production that exceeds the total of a grower’s allocation plus 5% of the grower’s allocation;

“**control**” with respect to quota means

- (a) holding the quota directly;
- (b) controlling a corporation or a partnership that holds the quota; or
- (c) holding an interest in a corporation or a partnership which holds the quota

where the interest is not sufficient to give control of the corporation or partnership, in which case the person holding the interest shall be deemed to control that part of the quota held by the corporation or partnership which is proportionate to the person's equity in the corporation or interest in the partnership;

“**controls**” with respect to a corporation means

(a) holding the majority of the voting shares whether directly or indirectly by trust or otherwise; or

(b) holding (by other than a savings institution) de facto financial control as a result or partly as a result of holding a mortgage, debenture, promissory note or other form of financial obligation, whether secured or unsecured, under which the corporation is liable;

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“**direct vendor (small lot) grower**” means a person who may place no more than 300 turkey poults in any one quota year and has been licensed by the Board as a direct vendor (small lot) grower and markets regulated product direct to consumers at the farm gate or at a farmers’ market; but not to any wholesaler, broker, processor broker or turkey broker.

“**exporter**” means an agency involved in the export of regulated product from British Columbia to outside the country of Canada;

“**family**” means husband, wife (including common-law) and children (including nephews and nieces) under the age of 19 years;

“**flock**” means a group of turkeys the poults for which were placed in a turkey production unit at one time, or so close together in time that they would normally be marketed at one time;

“**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 and offers poults for sale;

“**lessee**” means a grower to whom quota is leased;

“**lessor**” means a grower from whom quota is leased;

“**licence holder**” means a person who is licensed by the Board under this order;

“**live haul trucker**” means a person who hauls live turkeys for remuneration;

“**lot**” means a group of turkeys from the same flock, shipped to a processor for slaughter on the same day and may consist of more than one truck/trailer load;

“**maximum allowable quota**” means a quota holding, excluding Export Regrow Quota, of 5% of the total quota, excluding Export Regrow Quota, on issue to growers in British Columbia at any time;

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

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“new entry grower” means a grower who has been issued New Entry Quota by the Board in accordance with this order and the Quota Regulation and has been licensed by the Board as a new entry grower and markets regulated product either direct to consumers at the farm gate or at a farmers’ market; or to a processor broker or turkey broker

“partnership” means two or more persons who are joined in a venture who share the risks and profits of the venture and is not a person, but an association of persons;

“poult broker” means any person who offers poults for sale and is not a licensed hatchery;

“processor” means any person who changes the nature of the regulated product by mechanical means or otherwise, including slaughtering of the regulated product and may offer the service of custom killing the regulated product; but may not purchase, market, offer for sale, supplies, stores or transports the processed product. Slaughtering of the regulated product must be conducted in a government inspected abattoir;

“processor broker” means any person who changes the nature of the regulated product by mechanical means or otherwise, including slaughtering of the regulated product, and may purchase, market, offer for sale, supplies, stores or transports the processed product and/or offers the service of custom killing the regulated product. Slaughtering of the regulated product must be conducted in a government inspected abattoir;

“quota year” means a 52 or 53 week period commencing with the Sunday following the last Saturday in April of one year and ending with the last Saturday of April in the following year;

“recorded grower” means a grower who is licensed by the Board as a grower and who is not entitled to have his or her name entered in the Register of Growers in accordance with Division 2 of this Order;

“Record of Growers” means the record kept by the Board of all growers whose names and addresses have been recorded in accordance with orders of the Board;

“registered grower” means a grower who is licensed by the Board as a grower and who is entitled to have his or her name entered in the Register of Growers in accordance with Division 2 of this Order;

“Register of Growers” means the record kept by the Board pursuant to section 26 of the Scheme of all growers whose names and addresses have been registered in accordance with orders of the Board;

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

“Scheme” means the British Columbia Turkey Marketing Scheme, B.C. Reg. 174/66, as amended;

“transferee” means a person to whom quota is transferred;

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“**transferor**” means a person from whom quota is transferred;

“**turkey broker**” means any person who causes changes the nature of the regulated product by arranging for “custom killing” by mechanical means or otherwise, including slaughtering of the regulated product, and may market, offer for sale, supplies, stores or transports the processed product and/or offers the service of custom killing the regulated product. Slaughtering (custom killing) of the regulated product must be conducted in a government inspected abattoir;

“**turkey production unit**” means an area or building in which turkeys are grown.

DIVISION 2 – REGISTER OF GROWERS

All growers are to be recorded regardless of the size or type of licence, but all growers will not necessarily be entered in the **Register of Growers**, but shall be recorded in the **Record of Growers**.

Entry in the Register of Growers

5. To be entitled to be a registered grower and have his or her name entered in the Register of Growers, a grower must:
 - a) hold a current grower licence issued by the Board and
 - b) be issued quota equal to or greater than $\frac{1}{4}$ of one percent of the quota on issue in British Columbia at the time the grower’s quota was issued;

Removal from the Register of Growers

6. A grower’s name may be deleted from the Register of Growers if:
 - a) the grower does not hold a current grower licence issued by the Board;
 - b) the grower has transferred quota so that the residual quota on issue to the person is less than $\frac{1}{4}$ of one percent of the quota that was on issue in British Columbia at the time the grower’s quota was issued;
 - c) the grower has ceased to be engaged in the production of the regulated product;
 - d) the grower has violated this or any other order of the Board; or
 - e) the grower has become an associated grower with another registered grower.

Entry in Record of Growers

7. To be entered in the Record of Growers, a grower must:
 - a. hold a current grower licence issued by the Board and
 - c. be issued quota equal to less than $\frac{1}{4}$ of one percent of the quota on issue in British Columbia at the time the grower’s quota was issued;

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Removal from Record of Growers

8. A grower's name may be deleted from the Record of Growers if:
 - a. the grower does not hold a current grower licence issued by the Board;
 - b. the grower has ceased to be engaged in the production of the regulated product; or
 - c. the grower has violated this or any other order of the Board;

Exercise of Franchise

9. In accordance with the Regulations to the Act s. 3. (p), every partnership or corporation eligible to vote under the scheme and the rules of election shall, in writing, appoint a person to vote on its behalf and shall file with the board a copy of such appointment.
10. A person can hold only one appointment in accordance with section 9 above.
11. The following persons are eligible to vote at general meetings called by the Board:
 - a. each registered grower, or in the case of a partnership or a corporation its appointee, who is in attendance;
 - b. each registered grower, or in the case of a partnership or a corporation its appointee, who is unable to attend the general meeting and who resides within the area commonly known as the Lower Mainland of British Columbia, by proxy; and
 - c. each registered grower, or in the case of a partnership or a corporation its appointee, who is unable to attend the general meeting and who resides outside the area commonly known as the Lower Mainland of British Columbia, by mail-in ballot or by proxy.
12. A person can hold only one proxy in accordance with sections 11(b) and (c) above.
13. For a resolution to pass dealing with quota or money, it requires the affirmative voters to control at least 50+% of the quota on issue.

DIVISION 3 – LICENSING

Requirement to Hold Licence

14. (a) No person shall act as a commercial grower, new entry grower, direct vendor (small lot) grower, breeder, agency, processor, processor broker, turkey broker, exporter, live haul trucker, hatchery or poult broker unless in possession of a valid licence issued by the Board and no person shall be relieved of compliance with the requirements in respect of any class of licence on the grounds that such person is the holder of a valid licence of another class.

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- (b) Subsection (a) does not apply to a grower who places less than 50 turkeys, for personal consumption, in a quota year.
- (c) Where a valid licence has been issued by the Board to a corporation, such licence is subject to cancellation upon order of the Board in the event of a change in the ownership, direct or indirect, of the majority voting shares of the corporation.

Application Process

- 15. Every application for a licence must be made to the Board in the required form with the required licence fee.

General Conditions

- 16. It is a condition of issuance and maintenance of every licence that the applicant or holder complies with the Scheme and with the orders and regulations of the Board that are in force from time to time.

Suspension and Cancellation of Licences

- 17. Every licence is subject to cancellation or suspension by the Board for a period of time if, in the opinion of the Board, the license holder has violated the Scheme or any order or regulation of the Board.
- 18. Any holder of a Class I licence issued by the Board who violates the Scheme or any order or regulation of the Board may, at the Board's discretion, have his or her Class I licence cancelled or suspended and may be re-issued a Class II licence, as described in the Fees and Levies Regulation.
- 19. Any holder of a Class II licence issued by the Board who violates the Scheme or any order or regulation of the Board may, at the Board's discretion, have his or her Class II licence cancelled or suspended and may be re-issued a Class III licence, as described in the Fees and Levies Regulation.
- 20. Before canceling or suspending a license the Board shall notify the license holder in person, or by facsimile transmission or e-mail to appear before the Board to address the alleged violation and, where appropriate, to show cause why the licence in question should not be cancelled or suspended for a period of time. The licence holder may represent him or herself or be represented by legal counsel or an agent. If the licence holder or his or her representative does not appear before the Board at the hearing, the hearing shall proceed and the licence holder shall be sent, by registered mail, a copy of the decision of the Board.
- 21. If the Board cancels or suspends a license the Board shall notify the licence holder or the licence holder's representative.

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22. If the Board cancels or suspends a licence, the licence holder may be subject to a Board service fee, representing all or part of the expenses associated with the investigation, hearing and determination of the Board leading to the cancellation or suspension of the licence.

Expiry of Licences

23. Licences are issued on an annual basis and shall expire on the last day of the quota year.

No Transferability of Licences

24. Licences issued under this order are not transferable.

Renewal

25. At the commencement of a quota year, the Board shall renew every existing licence, provided that the required application is satisfactorily completed and received by the 15th of April preceding the start of the quota year, the required documents are filed, the appropriate licence fee is paid and the licensee has maintained compliance with the Scheme and all orders and regulations of the Board.

Fees

26. The Board shall set, by regulation, from time to time a schedule of fees.

Agencies

27. Unless the Board orders otherwise, all processors, processor/brokers, turkey brokers, exporters, direct vendor new entry growers, direct vendor small lot growers certified organic growers, hatcheries and poult brokers who are licensed by the Board are designated as agencies through which regulated product, including poult, shall be processed or packed or stored or marketed.
28. The Board shall designate, by issuing a transport order, a particular agency through which a particular grower shall market its regulated product.

DIVISION 4 – LEVIES

29. All persons engaged in the production or marketing of the regulated product are required to pay, or cause to be paid, levies on such regulated product to the Board within 14 days. All persons engaged in the production or marketing of the regulated product are required to pay a licence fee before commencing business, or in the case of renewing a licence, by the 15th of April preceding the start of a quota year. The levies payable to the Board shall be as set out in the Fees and Levies Regulation from time to time and payments to the Board shall be made in accordance with that Regulation.

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30. The Board shall collect on behalf of the national agency any and all levies imposed on growers by the national agency. Such levies may be included with the provincial levy in the Fees and Levies Regulation.

DIVISION 5 – BOOKS, RECORDS AND INFORMATION

31. Every licence holder shall keep in the English language complete and accurate books and records of all matters relating to the production, processing, storing, transporting, and marketing of the regulated product and shall permit the inspection of such records by any person authorized by the Board, upon request by such person.
32. Every licence holder or person required by these orders to hold a licence shall permit any person authorized by the Board to inspect all premises occupied or controlled by such person and used for the production, processing, storing, transporting or marketing of the regulated product.
33. Every grower which is a corporation shall file with its application for a licence, and at any other time within 10 days of receiving a written request from the Board, a copy of the corporation's register of members.
34. The board shall conduct random searches of the records at the Registrar of Companies and should the corporation's register of members be found to be incorrect the board may cancel the corporation' licence or refuse to issue a licence.

DIVISION 6 – FARM PRACTICES

35. The Board shall maintain a Farm Practices Regulation, which shall have a cease date and shall be reviewed by the Board before that date. All growers, be they commercial, breeder, new entry or direct vendors, shall maintain their facilities and operate in accordance with that Regulation. A breach of the Farm Practices Regulation shall be a breach of this order.
36. A grower, with the approval of the Board, may lease a facility or a portion of a facility, including barns and farms, in accordance with the Farm Practices Regulation.

DIVISION 7 – AGENCIES

37. The Board shall maintain an Agencies Regulation, which shall have a cease date and shall be reviewed by the Board before that date. All agencies shall operate in accordance with the Agencies Regulation, and a breach of the Agencies Regulation shall be a breach of this order.

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38. Unless the Board orders otherwise, all processors, processor brokers, turkey brokers, exporters, new entry growers, direct vendors (small lot) growers, certified organic growers, hatcheries and poult brokers who are licensed by the Board are designated as agencies through which regulated product, including poult, shall be processed or packed or stored or marketed.
39. The Board shall maintain a close and cordial relationship with the various agencies regarding farm practices, poult placements, scheduled slaughtering dates and time as well as programming and pricing.

DIVISION 8 – QUOTA SYSTEM

40. The Board shall maintain a Quota Regulation, which shall have a cease date and shall be reviewed by the Board before that date. All licence holders shall act in accordance with the Quota Regulation. A breach of the Quota Regulation shall be a breach of this order.
41. The Board shall categorize quota as either Primary Quota or Secondary Quota in accordance with the Quota Regulation. The board shall further categorize Primary Quota as commercial quota, new entry quota and certified organic quota. The board shall further categorize Secondary Quota as Multiplier breeder quota, Breeder by-product quota, Export regrow quota and Incentive quota. A further category known as “Direct vendor allowance” is not considered to be quota as it permits placement of no more than 300 turkey poult in a quota year.

Issuance of Quota

42. The Board shall issue quota in accordance with the Quota Regulation to each licensed grower who is duly qualified for each category of quota each quota year. The quota shall be coupled to the legal description of the Turkey Production Unit(s) owned or leased by the grower to whom the quota is issued.
43. The Board shall allot a percentage of allocation to each licensed grower who has been issued Quota for each quota year. The percentage of allocation may differ between the different types and category of quota.
44. The Board may decline to issue quota to a licensed grower who has violated the Scheme or any order or regulation of the Board.

Quota Transfer

45. A commercial grower may transfer quota to any person with the written approval of the Board and in accordance with the Quota Regulation. New entry growers and certified organic growers are restricted in the amount of quota that they may transfer.

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Leasing of Allocation

46. A registered grower may lease his or her commercial allocation or any portion thereof with the written approval of the Board and in accordance with the Quota Regulation. Unless the Board orders otherwise, a grower may lease out his or her allocation or any portion thereof for a maximum of two consecutive quota years. In deciding to approve or reject an application to lease allocation the Board will consider its policy that leasing of allocation is to be temporary or short-term arrangement.
47. New entry and certified organic growers shall not be allowed to lease their allocation or any portion thereof.

DIVISION 9 - PRICING

48. The Board shall maintain a Pricing Regulation, which shall have a cease date and shall be reviewed by the Board in consultation with the processor brokers and turkey brokers before that date. All licence holders shall operate in accordance with the Pricing Regulation and a breach of the Pricing Regulation shall be a breach of this order.
49. Any person who purchases regulated product from a grower, and any grower who sells regulated product, shall do so at or above the price and on the terms set by the Board from time to time in the Pricing Regulation.
50. Before setting or amending grower prices, the Board shall invite all licensed processor brokers and turkey brokers to meet face to face to consult and negotiate in an attempt to arrive at a mutually agreeable pricing adjustment. Although the Board shall make all reasonable attempts to arrive at a mutually agreeable pricing adjustment, the final authority to fix the minimum price or prices at which the regulated product shall be bought or sold by or to any person shall rest solely with the Board.

DIVISION 10 – GENERAL PROHIBITIONS

51. No grower shall market any regulated product, placed under one allocation, under any other allocation, without the prior written consent of the Board.
52. No grower shall produce, market or store or permit to be produced, marketed or stored any regulated product in excess of its allocation.
53. No grower shall deliver or sell or offer to deliver or sell any regulated product other than to an agency or the order of an agency unless the grower is licensed as a direct vendor grower or a certified organic grower or small lot grower.

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54. No grower shall market or offer to market any regulated product direct to consumers unless the grower is licensed as a direct vendor grower.
55. No hatchery, poult broker or grower shall sell or otherwise supply more than 25 poult in one quota year to any person who is not licensed by the Board.
56. No hatchery, poult broker or grower shall sell or otherwise supply more than 300 poult in one quota year to a small lot grower.
57. No person shall hatch any regulated product unless licensed by the Board as a hatchery.
58. No person shall purchase for resale, or any other distribution, any regulated product unless licensed by the Board as a processor or as a turkey broker or as a hatchery or as a poult broker.
59. No grower shall market the regulated product at a price or on terms less than those established by the Board from time to time.
60. No grower shall slaughter, or cause to be slaughtered, any regulated product at any place other than a government inspected and board licensed processor and in accordance with the Food Safety Act and its regulation.
61. No direct vendor (small lot) grower shall market any regulated product, other than at the farm gate or farmer's market, to any person who is not the end consumer of the regulated product. Not to any butcher shop or meat market, not to any wholesaler or broker, not to any processor or turkey broker.
62. No agency shall buy, accept or receive regulated product other than from a commercial grower or a new entry grower or a certified organic grower licensed by the Board.
62. No person shall process any regulated product unless licensed by the Board as a processor.
63. No person shall transport regulated product unless the person is in possession of a transport order issued by the Board in accordance with the Farm Practices Regulation authorizing and directing the transportation of the regulated product.
63. No agency shall receive regulated product unless the agency is in possession of a transport order issued by the Board in accordance with the Farm Practices Regulation authorizing and directing the transportation of the regulated product.
64. No person shall hold more than one proxy.
65. No person shall hold more than one corporate voting appointment.

DIVISION 12 – ELECTION RULES

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66. The Board shall establish and maintain in a separate document, the wording of which must be prior approved by the British Columbia Farm Industry Review Board, the rules that govern the election of the members of the board.

DIVISION 13 – BOARD’S DISCRETION

67. The Board, at its discretion, may exempt any person of any of the sections of this General Order and/or the companion regulations upon an application by such a person and due consideration of the matter including consultation with any other person(s) who might be affected by such an exemption.

Signed and dated at Surrey, British Columbia, this 24th day of April 2006 for and on behalf of the
BRITISH COLUMBIA TURKEY MARKETING BOARD.

Ronald Charles, Chairman

Eric Andrew, Vice-Chairman

Les Burm, Member

Shawn Heppell, Member

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AGENCIES REGULATION 2006/2008

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This regulation shall be known as the “Agencies Regulation 2006/2008” and shall come into force on 30th April 2006 and be in effect until 26th April 2008.

Interpretation

1. In this and all other regulations of the Board, unless the context requires otherwise, the definitions contained in the above named enactments (The Act and the Scheme) will have effect together with the following definitions:

“**poult broker**” means any person who offers poult for sale and is not a licensed hatchery and has been licensed by the board;

“**processor**” means any person who changes the nature of the regulated product by mechanical means or otherwise, including slaughtering of the regulated product and is certified as a government inspected slaughter house or abattoir. A processor and may offer the service of custom killing the regulated product; but may not market, nor offer for sale, nor supply, nor store nor transport any of the live or processed regulated product.

“**processor broker**” means any person who changes the nature of the regulated product by mechanical means or otherwise, including slaughtering of the regulated product and is certified as a government inspected slaughter house or abattoir. A processor broker and may market, offer for sale, supplies, stores or transports the processed product and/or offers the service of custom killing the regulated product;

“**turkey broker**” means any person who causes a change in the nature of the regulated product by mechanical means or otherwise, including slaughtering of the regulated product at a licenced processor or processor broker that is certified as a government inspected slaughter house or abattoir. A turkey broker and may market, offer for sale, supplies, stores or transports the processed product;

2. Unless the Board orders otherwise, all processors, processors brokers, turkey brokers, exporters, new entry growers, direct vendor growers, hatcheries and poult brokers who are licensed by the Board are designated as agencies through which regulated product, including poult, shall be processed or packed or stored or marketed.

Books, Records and Information

3. Every agency license holder shall keep in the English language complete and accurate books and records of all matters relating to the production, processing, storing, transporting, and marketing of the regulated product and shall permit the inspection of such records by any person authorized by the Board, upon request by such person.
4. Every agency license holder or person required by these orders to hold a license shall permit any person authorized by the Board to inspect all premises occupied or controlled

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by such person and used for the production, processing, storing, transporting or marketing of the regulated product.

5. Every processor agency, processor/broker agency, turkey broker agency, new entry agency and direct vendor agency shall report the number and weight of a class of turkey slaughtered during each week. Such reports are to be made to the Board within the week following such slaughters and shall include;
 - a. all turkeys slaughtered, be they “custom killed”, within quota or out of quota, for each grower regardless of class,
 - b. the names and addresses of the growers of such regulated product regardless of the turkeys being “custom killed”, are within quota or out of quota,
 - c. the price paid for each class of regulated product,
 - d. the live weight of each shipment, and
 - e. the percentage of Grade A and an other grade of turkeys.

Weighing Regulated Product

6.
 - a. Every agency shall weigh each lot of regulated product at a government certified scale equipped with a clock and a printer. If the scale is not located at the plant of the processor, the turkeys shall be transported directly to the plant of the processor immediately following weighing.
 - b. Each lot of turkeys must be weighed prior to the scheduled processing time agreed to in advance by the grower and the processor.
 - c. Sub-sections a. and b. above shall apply to all lots of turkeys to be slaughtered including turkeys to be slaughtered as custom kill.
 - d. For turkeys not weighed by the processor by the times specified in subsection b. above, the processor shall pay to the grower a price equal to one cent per kilogram above the price set by the Board for each weight range of turkeys to offset shrinkage.

Deduction of Levies

7.
 - a. Each agency shall deduct from the account of each grower who markets regulated product through the agency such fees and levies as are fixed by the Board from time to time. The monies so deducted shall be forwarded by the agency to the Board within 14 days after the receipt of the regulated product by the agency.
 - b. The levies so deducted by each agency shall include levies collected on behalf of the national agency by the Board.
 - c. Each agency shall submit a copy of each settlement statement showing marketings and deductions for each shipment of the regulated product to the Board in such manner as the Board may direct from time to time.

THE BRITISH COLUMBIA TURKEY MARKETING BOARD
pursuant to the NATURAL PRODUCTS MARKETING (BC) ACT (The Act)
and the BRITISH COLUMBIA TURKEY MARKETING SCHEME (the Scheme)
AGENCIES REGULATION 2006/2008

Dated 24th April 2006

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- d. The schedule of levies imposed by the Board from time to time shall be set out in Fees and Levies Regulation.

Payments to Growers

8. Each agency shall make full payment to the grower or his assignee within 14 days after the date of receipt of the regulated product from the grower.

Damaged Product

9. An agency shall not make any deduction or allowance against a grower for any condemned or damaged regulated product where the fault is that of the agency.

Receipt of Product by Processors Brokers and or Turkey Broker Agencies

10. An agency shall not receive any regulated product from any person who is not licenced by the Board.
11. An agency shall not purchase any regulated product from any person who is not licenced by the Board as a Commercial or New Entry or Certified Organic Grower.
12. An agency shall not receive or purchase any regulated product in the name of or on account of any person that is not authorized by a transport order issued by the Board.
13. An agency shall not receive any regulated product placed under one grower's allocation under any other grower's allocation, without the prior written consent of the Board in the form of a re-issued transport order.

Processors Brokers and Turkey Brokers as purchasers of live turkeys

14. Each processor broker and each turkey broker shall receive as a share of the provincial primary quota supply of live turkey, as an assurance of supply, in each quota year based on the number of kilograms of primary quota allocation issued to growers who shipped to each processor broker and each turkey broker in the 2005/2006 quota year.

15. The assurance of supply to each processor broker and turkey broker shall be as follows:-

JD Farms Ltd.	624,019	kilos	live	weight
Lilydale Inc.	17,152,150	“	“	“
Sunrise Poultry Processors Ltd.	679,098	“	“	“

THE BRITISH COLUMBIA TURKEY MARKETING BOARD
pursuant to the **NATURAL PRODUCTS MARKETING (BC) ACT (The Act)**
and the **BRITISH COLUMBIA TURKEY MARKETING SCHEME (the Scheme)**
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Rosstown Natural Foods Ltd.	679,097	“	“	“
Superior Poultry Processors Ltd.	1,816,408	“	“	“
K&R Poultry Ltd. dba Farm Fed	50,000	“	“	“
Sundry others	<u>249,228</u>	“	“	“
Total	21,250.000	kilos live weight		
Converted at 82.547% to eviscerated	17,541,237	kilos evis weight		

16. Secondary quota, such as export regrow quota, multiplier breeder quota and breeder by-product quota are not included in the establishment of an assurance of supply base.
17. Any increase in supply over the total number of kilograms as determined by 14. above shall be made available to;
 - a) Supply production arising from the Specialty Market and New Entrant Review conducted by the B.C. Farm Industry Review Board.
 - b) Supply production arising from the Decision of the B.C. Farm Industry Review Board dated January 26, 2006 whereby Sunrise Poultry Processors Ltd. and Rosstown Natural Foods Ltd. are to receive special consideration not granted to any other processor broker or turkey broker whereby their respective assurances of supply are to be doubled over the four quota years commencing with the 2007/2008 quota year.
 - c) Supply “new entry” processor(s) and/or turkey broker(s) as determined by the board.
 - c) Supply any other programme determined by the board to be of a benefit to the British Columbia turkey industry.
 - d) The remainder to be available to the existing and prospective processor brokers and turkey brokers based signed grower programmes submitted to the board by 31st December of the year preceding the start of the quota year.
18. Any decrease in supply under the total number of kilograms as determined by 14. above shall be deducted from the most recent increases and should there be the requirement to decrease in excess of the increases such decreases shall be assessed amongst all existing processor brokers and turkey brokers based on their share of the supply. There shall be no supply available to any “new entry” processor(s) or turkey broker(s).
19. Any reduction in the requirements of any existing processor brokers or turkey brokers shall be distributed to all the existing processor brokers and turkey brokers based on their share of the supply.
20. A “new entry” processor broker or turkey broker shall be considered to be a “new entry” processor or turkey broker only during its first quota year, or portion thereof, of operation.

THE BRITISH COLUMBIA TURKEY MARKETING BOARD
pursuant to the NATURAL PRODUCTS MARKETING (BC) ACT (The Act)
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21. Each processor broker and each turkey broker shall counter sign the “Grower’s Programme” of each grower who is contracted to supply live turkeys to them and filed with the Board by the 15th day of January before the commencement of the quota year to which the programme relates.
22. Turkey Brokers may hire the services of a government inspected slaughter plant, provided that the plant is licensed by the board as a processor, to custom kill all or some of the regulated product contracted to them. A copy of the agreement showing the terms of hiring must be filed with the board before any of the regulated product can be custom killed.
23. Any and all government inspected slaughter plants may apply and be licensed as a processor and may contract to custom kill any amount of licensed turkey production.

Hatcheries and Poultry Brokers

24. Every hatchery and poultry broker which places or sells poults to be grown in British Columbia shall, not later than the Monday following placement, complete and file with the Board a Poultry Placement Report that includes the following information:
 - a. the name of the person to whom the poults are sold;
 - b. the address where the poults were delivered; and
 - c. the number and type of poults sold.
25. Every hatchery and poultry broker which places or sells between 50 and 300 poults to be grown in British Columbia by direct vendors (small lot) growers shall charge such growers 32 cent per poult plus GST and remit such monies to the board within fourteen days.
26. All poults sold or placed by a hatchery or a poultry broker must be so reported, including sales or placements of 50 or less turkey poults
27. No hatchery, poultry broker or grower shall sell or otherwise supply more than 50 poults in one quota year to a grower who is not licensed by the Board.

THE BRITISH COLUMBIA TURKEY MARKETING BOARD
pursuant to the NATURAL PRODUCTS MARKETING (BC) ACT (The Act)
and the BRITISH COLUMBIA TURKEY MARKETING SCHEME (the Scheme)
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The Board, at its discretion, may exempt any person(s) of any of the sections of this Regulation upon an application by such a person and due consideration of the matter including consultation with any other person(s) who might be affected by such an exemption.

Signed and dated at Surrey, British Columbia, this 24th day of April 2006 for and on behalf of the
BRITISH COLUMBIA TURKEY MARKETING BOARD.

Ronald Charles, Chairman

Eric Andrew, Vice-Chairman

Les Burm, Member

Shawn Heppell, Member

THE BRITISH COLUMBIA TURKEY MARKETING BOARD
pursuant to the NATURAL PRODUCTS MARKETING (BC) ACT (The Act)
and the BRITISH COLUMBIA TURKEY MARKETING SCHEME (the Scheme)
FARM PRACTICES REGULATION 2006/2008

Dated 24th April 2006

Page 1

This regulation shall be known as the “Farm Practices Regulation 2006/2008” and shall come into force on 30th May 2006 and be in effect until 26th April 2008.

Food Safety and Bio Security

1. All growers, regardless of license class, are subject to all government and/or board approved on farm food safety (OFFSAP) and bio security protocols.
2. All growers, regardless of license class, are subject to bio security protocols endorsed by the industry as stipulated in the B.C. Poultry Industry Bio Security Manual.
3. All growers, regardless of license class, are subject to OFFSAP audits and certification.

Minimum Space Requirements

4. Every grower, regardless of class of license, shall provide at least minimum space of confined and covered housing for the production of each turkey anticipated to be shipped as follows:

hen type turkeys to be marketed at less than 6 kg live	= 0.15 sq m (1.61 sq ft)
hen type turkeys to be marketed at more than 6 kg live	= 0.20 sq m (2.15 sq ft)
tom type turkeys to be marketed at less than 13 kg live	= 0.30 sq m (3.22 sq ft)
tom type turkeys to be marketed at more than 13 kg live	= 0.35 sq m (3.75 sq ft)

Notwithstanding the above, every grower shall provide enough space to enable the turkeys to stand normally, turn around and stretch their wings without difficulty.

Grower’s Programme

5. Every grower, regardless of class of license, shall prepare a written grower’s programme to be counter signed by a processor* or turkey broker* and a hatchery or poult broker, and filed with the Board by the 15th day of January before the commencement of the quota year to which the programme relates. * In the case of new entry growers planning on direct marketing the regulated product, they are to have their Grower’s Program counter signed by the government-inspected plant that are “custom killing” their turkeys.
6. Any amendments to a grower’s programme shall be immediately filed by the grower with the Board.

THE BRITISH COLUMBIA TURKEY MARKETING BOARD
pursuant to the NATURAL PRODUCTS MARKETING (BC) ACT (The Act)
and the BRITISH COLUMBIA TURKEY MARKETING SCHEME (the Scheme)
FARM PRACTICES REGULATION 2006/2008

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Transport Orders

7. Every grower shall, at the time the grower receives any poults, submit to the Board a poult placement card in a form prescribed by the Board. The poult placement card will include the following information
 - a. the grower's name and number,
 - b. the address of where the turkeys are being grown,
 - c. the name of the hatchery or poult broker or other person who supplied the poults,
 - d. the strain of the poults being placed,
 - e. the date the poults were received,
 - f. the number and type of poults placed (Light hens, Heavy hens, Light toms, Heavy toms)
 - g. the anticipated date(s) of marketing the turkeys,
 - h. the name of the agency to whom the turkeys are to be shipped, including all turkeys to be self marketed as direct sales,
 - i. the name of the trucker who will be transporting the turkeys, including all turkeys to be self trucked,
 - j. the signature of the grower or the grower's agent.
8. Provided that all required information is included in the poult placement card is found to be in order, the board shall issue a transport order to the grower, the transporter and the agency.
9. No person shall transport regulated product unless the person is in possession of a transport order issued by the Board authorizing and directing the transportation of the regulated product.
10. No grower shall market any regulated product, authorized to be transported under one allocation, under any other allocation, without the prior written consent of the Board in the form of a re-issued transport order.
11. No agency shall receive regulated product unless the agency is in possession of a transport order issued by the Board authorizing and directing the transportation of the regulated product.

THE BRITISH COLUMBIA TURKEY MARKETING BOARD
pursuant to the NATURAL PRODUCTS MARKETING (BC) ACT (The Act)
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Rental of Facilities

12. A grower who wishes to rent facilities from any person must make application to the Board for approval of the rental arrangement. The Board shall approve a rental arrangement only if it satisfies the following criteria:
- a. the application must be accompanied by a valid and legally enforceable rental agreement; and
 - b. the rental agreement must be for a minimum term of one year and a maximum term of ten years. (*The Board recommends that any rental agreement with a term greater than three years should be registered with the Land Title Office.*)
 - c. the renter must receive Board approval of the rental arrangement before placing any poults in the rented facilities.

The Board, at its discretion, may exempt any person(s) of any of the sections of this Regulation upon an application by such a person and due consideration of the matter including consultation with any other person(s) who might be affected by such an exemption.

Signed and dated at Surrey, British Columbia, this 24th day of April 2006 for and on behalf of the BRITISH COLUMBIA TURKEY MARKETING BOARD.

Ronald Charles, Chairman

Eric Andrew, Vice-Chairman

Les Burm, Member

Shawn Heppell, Member

THE BRITISH COLUMBIA TURKEY MARKETING BOARD
pursuant to the **NATURAL PRODUCTS MARKETING (BC) ACT (The Act)**
and the **BRITISH COLUMBIA TURKEY MARKETING SCHEME (the Scheme)**
FEES AND LEVIES REGULATION 2006/2008

Dated 24th April 2006

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This regulation shall be known as the “Fees and Levies Regulation 2006/2008” and shall come into effect on 30th April 2006 and be in effect until effect until 26th April 2008.

1. Unless otherwise ordered by the Board, the required licence fee for each type of Class I licence issued by the Board shall be:

Commercial grower	\$100.00
New Entry grower	\$100.00
Certified organic grower	\$100.00
Direct vendor (small lot) grower	\$100.00
Live Haul Trucker	\$100.00
Processor	\$100.00
Processor broker	\$100.00
Exporter	\$100.00
Turkey broker	\$100.00
Hatchery	\$100.00
Poult broker	\$100.00

2. Unless otherwise ordered by the Board, the required licence fee for each type of Class II license issued by the Board shall be:

Commercial grower	\$500.00
New entry grower	\$500.00
Certified organic grower	\$500.00
Direct vendor (small lot) grower	\$500.00
Live Haul Trucker	\$500.00
Processor	\$500.00
Processor broker	\$500.00
Exporter	\$500.00
Turkey broker	\$500.00
Hatchery	\$500.00
Poult broker	\$500.00

3. Unless otherwise ordered by the Board, the required licence fee for each type of Class III licence issued by the Board shall be:

THE BRITISH COLUMBIA TURKEY MARKETING BOARD
pursuant to the **NATURAL PRODUCTS MARKETING (BC) ACT (The Act)**
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Commercial grower	\$1,000.00
New entry grower	\$1,000.00
Certified organic grower	\$1,000.00
Direct vendor (small lot) grower	\$1,000.00
Live Haul Trucker	\$1,000.00
Processor broker	\$1,000.00
Processor	\$1,000.00
Exporter	\$1,000.00
Turkey broker	\$1,000.00
Hatchery	\$1,000.00
Poult broker	\$1,000.00

4. A Class I license may be issued on an initial application to the Board or on any subsequent application if the applicant has not had a licence of any class suspended or cancelled by the Board.
5. If any Class I license is suspended or cancelled, the Board may issue a Class II license at its discretion. Such classification will be for the balance of the quota year, unless otherwise ordered by the Board.
6. If any Class II license is suspended or cancelled, the Board may issue a Class III license at its discretion. Such classification will be for the balance of the quota year, unless otherwise ordered by the Board.
7. If any Class III license is suspended or cancelled, the Board will not issue any further license(s).
8. Where more than one license category is part of a licensed business the Board will require payments of multiple license fees.
9. The license fee for each class of license is payable annually. The licence fee for each quota year is payable on or before the 15th day of April of the preceding quota year.
10. Unless otherwise ordered by the Board, the required service fee for various services provided by the Board shall be:

Transferor in a quota transfer	\$100.00
Transferee in a quota transfer	\$100.00
Lessor in a quota allocation lease	\$100.00
Lessee in a quota allocation lease	\$100.00
Late filing fee for any Board required filing	\$10.00 per month

THE BRITISH COLUMBIA TURKEY MARKETING BOARD
pursuant to the NATURAL PRODUCTS MARKETING (BC) ACT (The Act)
and the BRITISH COLUMBIA TURKEY MARKETING SCHEME (the Scheme)
FEES AND LEVIES REGULATION 2006/2008

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Levies

11. Levies on regulated product marketed on Primary Commercial Quota, Incentive Commercial Quota, Export Regrow Commercial Quota, New Entry Grower Quota, Certified Organic Quota and Multiplier Breeder Quota shall be four cents (4¢) per kilogram live weight.
12. Levies on regulated product marketed on Breeder By-product Quota shall be twenty-three and a quarter cents (23¼¢) per kilogram live weight.
13. Levies on regulated product (poults) placed by direct vendor / small lot growers shall be 32 cents per poult plus Goods and Services Tax of 7% (for a total of 34.25 cents per poult).
14. Levies are subject to Goods and Service Tax (GST).
15. Levies and applicable GST on regulated product (live turkeys) are to be deducted from the proceeds of the sale of regulated product by each processor/broker and/or turkey broker agency and remitted to the Board within 14 days after the date of receipt of the regulated product by the agency.
16. Levies and applicable GST on regulated product (poults) are to be added to the poult sale invoice to any and all direct vendor /small lot grower and remitted to the Board within 14 days after the date of the sale of the regulated product by the hatchery and/or poult broker agency.
17. All Registered Growers who market regulated product that exceeds their individual allocation in a quota year by more than 5% of their allocation or more than 25,000 kilograms, whichever is less (“excess production”), shall;
 - a. be classified as being part of a group of growers who have exceeded their allocation by a considerable margin; and
 - b. pay an increased levy equal to 37.4 cents per kilogram live weight plus Goods and Services Tax of 7% (for a total of 40 cents per kilogram) on the excess production.

THE BRITISH COLUMBIA TURKEY MARKETING BOARD
pursuant to the NATURAL PRODUCTS MARKETING (BC) ACT (The Act)
and the BRITISH COLUMBIA TURKEY MARKETING SCHEME (the Scheme)
FEES AND LEVIES REGULATION 2006/2008

Dated 24th April 2006

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The Board, at its discretion, may exempt any person(s) of any of the sections of this Regulation upon an application by such a person and due consideration of the matter including consultation with any other person(s) who might be affected by such an exemption.

Signed and dated at Surrey, British Columbia, this 24th day of April 2006 for and on behalf of the BRITISH COLUMBIA TURKEY MARKETING BOARD.

Ronald Charles, Chairman

Eric Andrew, Vice-Chairman

Les Burm, Member

Shawn Heppell, Member

THE BRITISH COLUMBIA TURKEY MARKETING BOARD pursuant to the
 NATURAL PRODUCT MARKETING (BC) ACT and the BRITISH
 COLUMBIA TURKEY MARKETING SCHEME
PRICING REGULATION 2006/2007
 Dated 24th April 2006

This regulation shall be known as the “Pricing Regulation 2006/2007” and came into force on 30th April 2006 and be in effect until 28th April 2007 and will be amended from time to time.

1. All previous Pricing Regulations, and Amendments there to, are hereby rescinded.
2. The grower price per kilogram live weight, F.O.B. the farm gate on a graded basis shall be not less than:

Turkeys in the live weight range on a flock average basis*	Grade ‘A’	Undergrades	Ungraded
Hen type turkeys 6.2 kg and under	\$1.535	\$1.445	
Hen type turkeys over 6.2 kg	\$1.500	\$1.390	
Tom type turkeys 10.8 kg and under	\$1.500	\$1.390	
Tom type turkeys 10.8 kg to 13.3 kg	\$1.525	\$1.465	
Tom type turkeys over 13.3 kg			\$1.495

***Flock average basis**” means turkeys placed on or about the same day and shipped on the same day or consecutive days.

3. These prices will be adjusted on a weekly basis as determined at the Industry Pricing meetings to be held quarterly.
4. For turkeys not weighed by the processor by the times specified in subsection 1(b) of the Agencies Regulation, the processor shall pay to the grower a price equal to one cent per kilogram above the prices set in section 2 above for each weight range of turkeys to offset shrinkage.

Signed and dated at Surrey, British Columbia, this 24th day of April 2006 for and on behalf of the
 BRITISH COLUMBIA TURKEY MARKETING BOARD.

 Ronald Charles, Chairman

 Eric Andrew, Vice-Chairman

 Les Burn, Member

 Shawn Heppell, Member

THE BRITISH COLUMBIA TURKEY MARKETING BOARD
pursuant to the NATURAL PRODUCTS MARKETING (BC) ACT (the Act)
and the BRITISH COLUMBIA TURKEY MARKETING SCHEME (the Scheme)
QUOTA REGULATION 2006/2007

Dated 24th April 2006

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This regulation shall be known as the “Quota Regulation 2006/2007” and shall come into force on 30th April 2006 and be in effect until 28th April 2007.

Quota

1. Quota shall be categorized as Primary Quota or Secondary Quota and a grower may hold multiple categories and types of quota.
2. Types of quota issued under the following programmes shall be categorized as Primary
Quota: Commercial quota;
New Entry quota;
Types of quota issued under the following programmes shall be categorized as Secondary
Quota: Multiplier breeder quota;
Breeder by-product quota;
Export regrow quota and
Incentive quota.
3. Direct vending (small lot) allowance is not quota of any category or type.
4. Personal consumption allowance is not quota of any category or type.
5. Secondary quota and any allowance shall not be transferred nor leased.

New Entry Quota

6. The board will make available every quota year up to 30,000 kgs of live weight production to New Entrant Growers Programme.
7. Priority will be given in the following order:
 - 1st - to Certified Organic production grown by the previous Grower-Vendors.
 - 2nd - to new Certified Organic Production.
 - 3rd - To commercial production grown by previous Grower-Vendors.
 - 4th - To new commercial production.
8. New applicants will be given priority based on the strength of their business plans, as assessed by the board.
9. All applications for new entry quota, except those persons converting from being grower vendor quota holders, must be accompanied by a business plan in a form acceptable to the Board. The Board may, in its discretion, reject the business plan and decline the application.
10. All applicants for organic turkey production must show certification from a BCTMB approved certifying agency.
11. New entry growers shall comply with the provisions of this and all other orders of the Board.
12. Each new entry grower shall submit to the Board a weekly report stating marketings (slaughters) and levies paid in respect of regulated product marketed. “Nil” reports are not required when no slaughter has taken place.

THE BRITISH COLUMBIA TURKEY MARKETING BOARD
pursuant to the NATURAL PRODUCTS MARKETING (BC) ACT (The Act)
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QUOTA REGULATION 2006/2007

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13. Each new entry grower shall make full payment of monies, including levies, owing to the Board within 14 days of slaughter.
14. New entry quotas are restricted to a total of 15,000 kilograms per family or farm production unit or land legal description.
15. Commercial Quota holders who engage in “farm gate sales” direct to the consumer must report such marketings and pay the applicable levies and the “farm gate sales” will be charged against their Commercial Quota.

Direct vendor (small lot) allowance

16. An allowance, not considered to be quota, will be allowed to direct vendor growers who are permitted to place less than 301 poults (regulated product) in one quota year.
17. A direct vendor grower shall not market any regulated product, other than at the farm gate or farmer’s market, to any person who is not the end consumer of the regulated product.
18. A direct vendor grower shall not market any regulated product to any other grower nor to any butcher shop or meat market, nor to any wholesaler or broker, nor to any processor broker or turkey broker.
19. Direct vendor allowances are restricted to a total of less than 301 turkey poults (regulated product) per quota year per family or farm production unit or legal land description.

Personal consumption allowance

20. An allowance, not considered to be quota, will be allowed to any person for personal consumption and consumption of the family. Personal consumption growers who are permitted to place no more than 50 poults (regulated product) per quota year per family or farm production unit or legal land description.
21. No personal consumption grower shall market any regulated product to any other person. [Not to any other grower, not to any butcher shop nor meat market, not to any wholesaler nor broker and not to any processor broker nor turkey broker.]

Maximum Quota Holdings

22. Associated growers are considered to be one grower for purposes of this Regulation.
23. No commercial grower or a group of associated commercial growers shall hold or control quota, excluding Regrow Quota, in excess of 5% of the total quota, excluding Export Regrow Quota, on issue to growers in British Columbia (“maximum allowable commercial quota”).
24. New entry grower or a group of associated new entry growers shall hold or control quota, in excess of 5% of the total new entry grower quota, on issue or set aside to be issued to direct vendor / new entry growers in British Columbia (“maximum allowable new entry grower quota”).
25. The Board may issue two or more quotas to the same person provided that the combined total quota on issue to that person plus the total quota on issue to any associated grower(s) does not exceed the maximum allowable quota for that type or class of quota.
26. When a grower is a bona fide partnership or corporation, the Board may issue a separate quota to each partner or voting shareholder proportionate to their partnership interest or voting shareholding

THE BRITISH COLUMBIA TURKEY MARKETING BOARD
pursuant to the NATURAL PRODUCTS MARKETING (BC) ACT (The Act)
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QUOTA REGULATION 2006/2007

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provided that the total of the quota issued to the partners or voting shareholders shall not exceed the maximum allowable quota.

27. New entry quotas and certified organic quotas are restricted to a total of no more than 15,000 kilograms per family, farm production unit or land legal description.
28. Direct vendor allowances are restricted to a total of no more than 300 turkey poults per year per family, farm production unit or land legal description.

Allocation

29. An allocation as a percentage of each type of quota on issue in the Province will be fixed by the Board for each quota year and may be varied by the Board from time to time during a quota year, in accordance with the market as estimated by the Board and its various advisors from time to time.
30. The allocation percentage set in accordance with 29. will be applied pro-rata to all holders of that type of quota.

Allocation Rules

31. If a grower, regardless of license class, markets more than 95% but less than 100% of that grower's allocation in a quota year, that grower's allocation for the next quota year shall increase by the number of kilograms of the shortfall or 25,000 kilograms, whichever is less.
32. If a grower, regardless of license class, markets less than 95% but more than 80% of that grower's allocation in a quota year, that grower's allocation for the next quota year shall increase by 5% of the grower's allocation for the quota year of the shortfall or 25,000 kilograms, whichever is less.
33. If a grower markets regulated product that exceeds the grower's total allocation in a quota year,
 - a. if the excess is 5% or less of the grower's allocation and 25,000 kilograms or less, the grower's allocation for the next quota year shall be reduced by the amount of the excess;
 - b. if the excess is more than 5% of the grower's allocation or more than 25,000 kilograms, the grower's allocation for the next quota year shall be reduced by the lesser of 5% of the grower's allocation or 25,000 kilograms, plus twice the number of kilograms by which the excess exceeded 5% of the grower's allocation or 25,000 kilograms in the quota year; and
 - c. a grower to whom "b." applies shall pay an increased levy equal to 37.4 cents per kilogram live weight plus Goods and Services Tax of 7% (for a total of 40 cents per kilogram) on production that exceeds the total of his allowable allocation plus the lesser of 5% of his allocation or 25,000 kilograms.

Transfer of Ownership

THE BRITISH COLUMBIA TURKEY MARKETING BOARD
pursuant to the NATURAL PRODUCTS MARKETING (BC) ACT (The Act)
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34. The Board may suspend or cancel a quota in whole or in part upon the sale, transfer or lease of a turkey production unit or an interest therein by a grower, or upon the sale, transfer, or other disposition of the controlling interest in a grower that is a corporation, or upon the creation of any trust, agreement or scheme whereby control of the corporation is sold, transferred or otherwise disposed of.

Sale of Excess Regulated Product by the Board

35. As a condition of the assignment of quota by the Board to a grower, the grower will make available to the Board or its agent all regulated product grown in excess of the grower's assigned allocation at a price not exceeding the difference, if any, between the price realized by the Board or its agent on the marketing of such regulated product and the Board's expenses related to such marketing.

Multiplier Breeder Quota

36. Upon application by a breeder, the Board may issue Multiplier Breeder Quota for the marketing of breeder toms and hens as mature turkeys.
37. The issuance of Multiplier Breeder Quota is conditional upon the placement of multiplier breeder hens and toms in accordance with the national agency's Multiplier Breeder Policy. The Board may suspend or revoke the Multiplier Breeder Quota of a breeder that fails to operate in accordance with that policy.
38. Multiplier Breeder Quota is subject to all regulations that apply to quota generally, including, without limitation, the payment of licensing fees, levies and dues, both provincial and national, over-marketing fees as well as any other regulations and orders issued by the Board.
39. Each breeder shall apply to the Board on a yearly basis for Multiplier Breeder Quota and for a conditional allocation for the marketing of spent breeder turkeys in accordance with the national agency's Multiplier Breeder Policy.
40. If a breeder to whom Multiplier Breeder Quota has been issued downsizes or discontinues its breeder operation, the Multiplier Breeder Quota issued to it shall revert to the Board.

Breeder By-product Quota

41. Upon application by a breeder, the Board may issue Breeder By-product Quota for the marketing of the "off-line" toms and culled breeder hens as young turkeys.
42. The issuance of Breeder By-product Quota is conditional upon the placement of multiplier breeder hens by the breeder in accordance with the national agency's Multiplier Breeder Policy. The Breeder By-product Quota issued to a breeder shall be equal to 10 kilograms of young turkey marketings for each multiplier breeder hen placed by the breeder in a quota year.
43. Breeder By-product Quota is subject to all regulations that apply to quota generally, including, without limitation, the payment of licensing fees, levies and dues, both provincial and national, over-marketing fees as well as any other regulations and orders issued by the Board.
44. Each breeder shall apply to the Board on a yearly basis for Breeder By-Product Quota.

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45. If a breeder to whom Breeder By-product Quota has been issued downsizes or discontinues its breeder operations, the Breeder By-product Quota issued to it shall revert to the Board.

Export Regrow Quota

46. An exporter who has fulfilled all of the conditions set by the national agency's Export Policy may apply to the Board for turkeys to be grown to replace turkeys or turkey parts exported in accordance with that policy.
47. The Board may issue quota to fulfill these requirements which shall be known as Export Regrow Quota.
48. Export Regrow Quota shall be issued to growers based on the volume of regulated product shipped to the exporter.
49. Export Regrow Quota is subject to all regulations that apply to quota generally, including, without limitation, payment of levies and dues both provincial and national, over marketing fees as well as any other regulations of the Board.
50. Any grower who leases out any of its Quota shall not be eligible to apply for Export Regrow Quota for the quota year of the lease.

Incentive Quota

51. The Board may, in response to exceptional circumstances within the British Columbia turkey industry, issue additional quota to growers to be known as Incentive Quota.

Quota Transfer

52. A grower may transfer quota with the written approval of the Board.
53. A notice of intention to transfer quota shall be filed with the Board by the proposed transferor and shall include;
- a. the name of the prospective transferor (grower's name);
 - b. the name of the contact person for the transferor;
 - c. the address, telephone number, fax number and e-mail address of the contact person;
 - d. the number of kilograms of quota to be transferred; and
 - e. the proposed effective date of the transfer, which shall be at least 28 days after the day on which the notice is filed with the Board.
54. The Board shall circulate a copy of the notice to all growers and any other person who has notified the Board that they are interested in acquiring quota. Any person who wishes to acquire the quota must contact the transferor directly for purposes of entering into negotiations for a transfer.
55. Following successful negotiations, the proposed transferor and transferee(s) shall each apply to the Board in a form prescribed by the Board for approval of the transfer. The applications must be filed with the Board at least 14 days following the Board's circulation of the notice and at least 14 days prior to the proposed effective date of the transfer.

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56. The transferee's application shall include:
- a. a business plan in a form acceptable to the Board;
 - b. a notarized copy of the transferee's share register, if the transferee is a corporation;
and
 - c. a copy of a valid and legally enforceable lease if the transferee does not own the turkey production unit on which the regulated product will be grown.
57. The applications of both the transferor and the transferee shall be accompanied by the required fees.
58. The Board shall assess the applications and may approve the quota transfer where the following criteria have been satisfied:
- a. the business plan of the proposed transferee is acceptable to the Board;
 - b. the proposed transferee is a licensed grower or will be qualified to be licensed as a grower at the effective date of the transfer;
 - c. the proposed transferee can satisfy the minimum space requirements set out in the BCTMB Farm Practices Regulation; and
 - d. the proposed transferee shall not obtain a loan, a guarantee or other financial assistance from a person other than the transferor, a savings institution or a person who, in the opinion of the Board, has no financial interest in the turkey industry.
59. The Board will withhold from the transfer of quota a percentage of the amount transferred in accordance with the length of time elapsed since the transferor acquired the quota, as set out below:
- | | |
|--|-----|
| within one year of acquisition | 30% |
| between 1 and 2 years of acquisition | 20% |
| between 2 and 3 years from acquisition | 10% |
| over three years from acquisition | 0% |
- For the purpose of this section, the quota being transferred shall be deemed to be the first quota acquired by the transferor.
60. In addition to s. 59. a deemed transfer assessment of 5% shall be assessed on all transfers which would be set aside for issue to additional new entry growers or certified organic growers. As the board has already set aside 315,000 kilograms for this purpose the first 6.3 million kilograms of quota transfer has already been set aside. (6,300,000 kg x 5% = 315,000 kg)
61. As the assessment of 5% is to be deemed on all transfer of quota, the Board will not grant any exceptions to s. 60.
62. When the majority voting shares of a grower corporation, which holds quota, are to be sold or otherwise disposed of, the grower must notify the board of the transfer of ownership by supplying a copy of the share register of the corporation. The quota of the corporation may be revoked or cancelled upon order of the board if it is found that such a change in the ownership contravenes this or any other regulation or the board's General Order.

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63. New entry quota and certified organic quota is restricted in the amount of the quota that can be transferred
- | | | | |
|---|-------------|----------|------|
| within one year of acquisition | | total of | 0% |
| between 1 and 2 years of acquisition | | total of | 10% |
| between 2 and 3 years from acquisition | another 10% | total of | 20% |
| between 3 and 4 years from acquisition | another 10% | total of | 30% |
| between 4 and 5 years from acquisition | another 10% | total of | 40% |
| between 5 and 6 years from acquisition | another 10% | total of | 50% |
| between 6 and 7 years from acquisition | another 10% | total of | 60% |
| between 7 and 8 years from acquisition | another 10% | total of | 70% |
| between 8 and 9 years from acquisition | another 10% | total of | 80% |
| between 9 and 10 years from acquisition | another 10% | total of | 90% |
| over ten years from acquisition | another 10% | total of | 100% |

For the purpose of this section, the quota being transferred shall be deemed to be the last quota acquired by the transferor.

Leasing of Allocation

64. A prospective lessor of allocation shall file with the Board a notice of intention for each proposed lease of allocation, which notice shall include:
- the name of the prospective lessor;
 - the name of the contact person for the prospective lessor;
 - the address, telephone number, fax number and e-mail address of the contact person;
 - the number of kilograms of allocation to be leased; and
 - the proposed effective date of the lease, which shall be at least 28 days after the day on which the notice is filed with the Board.
65. The Board shall circulate a copy of the notice to all growers and any other person who has notified the Board that they are interested in leasing allocation. Any person who wishes to lease the allocation must contact the lessor directly for purposes of entering into negotiations for a lease.
66. Following successful negotiations, the proposed lessor and lessee(s) shall each apply to the Board in a form prescribed by the Board for approval of the lease. The applications must be filed with the Board at least 14 days after the notice is circulated and at least 14 days prior to the date poults are to be placed on the leased allocation. The applications shall be accompanied by the required fees.
67. Each lessee of allocation must be a licensed grower at the effective date of the lease.
68. The regulated product grown on the lease must be marketed to the processor or turkey broker to whom the lessor was contracted or directed to market the regulated product.
69. Maximum and minimum quota restrictions set out in this regulation and the BCTMB General Order 2006 shall apply to the lessor and the lessee.
70. The right to produce under the direct vendor (small lot) grower programme is not considered to be quota.

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The Board, at its discretion, may exempt any person(s) of any of the sections of this Regulation upon an application by such a person and due consideration of the matter including consultation with any other person(s) who might be affected by such an exemption.

Signed and dated at Surrey, British Columbia, this 24th day of April, 2006 for and on behalf of the
BRITISH COLUMBIA TURKEY MARKETING BOARD.

Ronald Charles, Chairman

Eric Andrew, Vice-Chairman

Les Burm, Member

Shawn Heppell, Member