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Natural Products Marketing (BC) Act

BRITISH COLUMBIA BROILER HATCHING EGG SCHEME

[includes amendments up to B.C. Reg. 366/2004]

Interpretation

1 In this regulation:

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

"**broiler**" means a chick or chicken not raised or used for egg production;

"**broiler breeder**" means a chick or chicken raised or used for the production of broiler hatching eggs;

"**broiler hatching egg**" means a chicken egg that is suitable for hatching a broiler chick;

"**commission**" means the British Columbia Broiler Hatching Egg Commission;

"**marketing**" includes producing, buying, selling, shipping or offering for sale;

"**member**" means a member of the commission;

"**producer**" means a person who uses a farm for the purpose of producing broiler hatching eggs;

"**quota**" means the maximum quantity, as determined by the commission, of a regulated product, or a class, quality or grade of a regulated product, that may be produced, transported, packaged, stored or marketed for any purpose;

"**regulated product**" means a broiler hatching egg, a saleable chick or a broiler breeder;

"**registered producer**" means a producer registered by the commission and recorded in the Register of Producers under section 8 (3).

[am. B.C. Reg. 513/95, s. 1.]

Scheme

2 The scheme authorized, established and given effect to by this regulation shall be known as the British Columbia Broiler Hatching Egg Scheme.

Commission

3 (1) A commission, named the British Columbia Broiler Hatching Egg Commission, is established and shall administer this scheme under the supervision of the British Columbia Farm Industry Review Board.

(2) The commission consists of

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

[am. B.C. Regs. 350/2003, s. (c); 366/2004, s. (a).]

Rules for election of commission members

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

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

[en. B.C. Reg. 366/2004, s. (b).]

General meeting

5 (1) The commission shall hold at least once a year in the month of May, or as soon as possible afterwards, a general meeting of the registered producers and shall give at least 14 days notice of the meeting and of its time and place.

(2) The registered producers present at the general meeting

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

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

[am. B.C. Reg. 479/88, s. 2.]

Extraordinary meetings

6 The commission may convene meetings of the registered producers and shall give at least 14 days notice of a meeting and of its time and place.

Minutes

7 The commission shall keep minutes of its meetings, which minutes shall be open for examination by a registered producer who gives 7 days written notice requesting an examination of the minutes, provided that the commission may decline to permit minutes of any meeting to be examined less than 15 days after the meeting of which the minutes are a record.

Powers and duties of the commission

8 (1) The commission is vested with the power within the Province to promote, regulate and control in any and all respects, the production, transportation, packing, storing and marketing, or any of them, of a regulated product, including the prohibition of production, transportation, packing, storing and marketing, or any of them, in whole or in part, and is vested with all powers necessary or useful in the exercise of those powers, and without limiting the generality of the foregoing, is vested with

(a) the powers set out in section 11 (1) (a) to (v) of the Act,

(a.1) the power to regulate the price of a chick that is under 2 days old hatched from a broiler hatching egg,

(b) the power to establish, issue, alter or cancel a quota that applies to any person as the commission may determine from time to time, whether or not the quota is in use, and to establish conditions that apply to the issuance, alteration or cancellation of quotas, the quotas to remain the exclusive property of the commission which shall not attach any monetary value to them, and

(c) the power to enter into agreements with a federal board.

(2) Approval is given for the commission to

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

(b) exercise an authority or function conferred on it under the *Agricultural Products Marketing Act* (Canada), the *Farm Products Agencies Act* (Canada) [RS1985, c. F-4] or by a federal board, and

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

(3) The commission shall keep at its head office a record to be known as the "Register of Producers" in which the commission shall record the names and addresses of all producers registered in accordance with the order of the commission.

[am. B.C. Reg. 513/95, s. 2.]

Pricing and Production Advisory Committee

9 The commission must establish a Pricing and Production Advisory Committee composed of

(a) 3 producer representatives appointed by the commission after consultation with the British Columbia Broiler Hatching Egg Producers Association,

(b) 3 hatchery representatives appointed by the commission after consultation with the British Columbia Egg Hatchery Association, and

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

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

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

[en. B.C. Reg. 513/95, s. 3.]

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