

This Act is Current to July 5, 2017

SEED POTATO ACT  
[RSBC 1996] CHAPTER 421

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Definitions

1 In this Act:

- "committee" means the seed control committee of a seed potato control area;
- "owner" means a person who
  - (a) is registered as the owner of land in the land title office,
  - (b) is a purchaser of land under an agreement for purchase registered in the land title office, and is, by the terms of the agreement liable to pay the taxes on the land, or
  - (c) is a pre-emptor, homesteader, purchaser or lessee of land from the government,and includes the authorized agent or representative of an owner;
- "seed" means certified potato tuber for reproduction purposes;
- "seed potato control area" means a seed potato control area under this Act.

Meeting of owners

- 2 (1) Any 5 owners of land in an area that they propose for a seed potato control area may call a meeting of the owners of land in that area by giving public notice of the meeting.
- (2) The notice must
  - (a) state the time and place of the meeting, and
  - (b) describe the area proposed for a seed potato control area.

(3) The notice must be given

- (a) by posting a copy of it, at least 15 days before the day of the meeting,
  - (i) at each post office serving the area, or
  - (ii) at any 2 conspicuous public places in the area, and
- (b) by publishing the notice at least one week before the day of the meeting in one issue of a newspaper published in British Columbia and circulating in the area.

(4) An owner of land in the area may attend and take part in the discussion at the meeting.

(5) A majority of the owners present at the meeting may decide to circulate a petition for a seed potato control area.

### **Petition for seed potato control area**

**3** The petition must

- (a) be addressed to the Lieutenant Governor in Council,
- (b) be in the prescribed form,
- (c) describe the proposed seed potato control area,
- (d) state the variety or varieties of seeds proposed to be produced in that area, and
- (e) state the names of 3 persons whom the petitioners want appointed as members of the seed control committee of the seed potato control area, and who have expressed in writing their willingness to act.

### **Constitution of seed potato control area**

**4** (1) If the petition is signed by at least 80% of the owners of land in the proposed seed potato control area and is presented with proof of compliance with section 2, the Lieutenant Governor in Council may, by order,

- (a) constitute the land described in the petition a seed potato control area, under the name considered advisable, and
- (b) appoint as the seed control committee of that control area the persons nominated in the petition and one other person nominated by the minister.

(2) In constituting the seed potato control area, the Lieutenant Governor in Council may establish different boundaries for the seed potato control area than those set out in the petition.

(3) The Lieutenant Governor in Council may, by the order constituting the seed potato control area or by a subsequent order, prescribe the varieties of seeds that may be grown in the seed potato control area.

(4) For the purposes of subsection (3), the varieties prescribed in the order may differ from those stated in the petition.

### **Status of seed control committee**

**5** (1) The members of the committee and their successors in office are a corporation under the name set out in the order.

(2) The order is conclusive evidence of that all proceedings leading up to the constitution of the seed potato control area are regular and that the committee is appointed and incorporated under this Act.

(3) The number of members constituting the committee, the term of office of the members, the making of appointments of members and the constitution of a quorum are to be governed by the regulations.

(4) There must always be one member of the committee who is the nominee of the minister.

(5) The other members must be nominees of the owners of land in the control area.

### **Dissolution of seed control area and committee**

**6** For sufficient cause and on the terms considered proper, the Lieutenant Governor in Council may, by order, cancel a seed potato control area and dissolve the committee.

### **Functions of committee**

**7** (1) To control, facilitate and protect the growing of seed in the seed potato control area, the committee may carry out and enforce this Act and the regulations.

(2) Without limiting subsection (1), the powers and duties of the committee extend to the following:

- (a) employing, directing and supervising employees and paying their salaries or wages;
- (b) keeping accurate records of the work done and of the costs and expenses incurred by the committee;
- (c) submitting reports required by the minister;
- (d) exercising other powers and performing other duties prescribed by the regulations.

(3) The committee must not undertake any expenditure or incur any liability in excess of the money contributed for the purposes of this Act by the seed growers and owners of land in the seed potato control area.

### **Restriction of growing to authorized varieties**

**8** An owner or occupier of land in a seed potato control area must not grow or permit to grow on the land any seed of a variety other than that prescribed under this Act to be grown there.

### **Offence and penalty**

**9** (1) A person who contravenes any provision of this Act or the regulations, or who hinders or obstructs the committee or any member or employee of the committee in the performance of their duties or powers under this Act commits an offence.

(2) A person who commits an offence under this section is liable on conviction to a fine not exceeding \$100.

### **Power to make regulations**

**10** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of

the *Interpretation Act*.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations:

- (a) defining, redefining, reducing or extending the limits of a seed potato control area;
- (b) prescribing the powers and duties of committees under this Act, the number of members who may be nominated by the owners, the term of office of members, the manner of nominating and appointing members and the number of members required for a quorum;
- (c) regulating the times of meetings and the manner of calling and conducting meetings of owners of land in a seed potato control area, the method of voting and the qualification of voters at those meetings;
- (d) prescribing the methods of seed potato control work to be followed by the committee for a seed potato control area;
- (e) prescribing the varieties of seed to be grown in a seed potato control area;
- (f) defining a variety area in a seed potato control area, and prescribing the varieties of seeds that may or may not be grown or produced in a variety area;
- (g) cancelling a variety area;
- (h) providing for the inspection, testing and approval of the seed grown or produced and the inspection of variety areas;
- (i) requiring and compelling the owners and occupiers of land in a seed potato control area to eliminate defective plants that are injurious, or that might become injurious, to seed grown in an area;
- (j) governing the periods during which and the extent to which elimination of defective plants may be practised.