

This Act is Current to July 5, 2017

British Columbia Wine Act

[RSBC 1996] CHAPTER 39

Contents

Section

- [1. Definitions](#)
- [2. British Columbia Wine Institute continued](#)
- [3. Registration of producers and processors](#)
- [4. Powers of institute](#)
- [5. Direction by Lieutenant Governor in Council](#)
- [6. Annual report](#)
- [7. Annual meeting of producers](#)
- [8. Offence](#)

Definitions

1 In this Act:

- "**institute**" means the British Columbia Wine Institute continued under section 2;
- "**processor**" means a person who makes wine for commercial purposes;
- "**producer**" means a person who grows wine grapes for commercial purposes;
- "**registrant**" means a producer or processor who is registered under section 3 (a) and is in compliance with the institute's bylaws respecting registration;
- "**wine**" means wine made only from grapes grown in British Columbia or grape juice, grape concentrate or grape must produced from those grapes.

British Columbia Wine Institute continued

- 2 (1) The corporation known as the British Columbia Wine Institute is continued, consisting of the directors of the institute.
- (2) The board of directors of the institute is comprised of the following:
 - (a) voting directors elected from among the registrants in the following categories in the manner provided in the bylaws:
 - (i) 2 directors elected by the large processors as defined in the bylaws;
 - (ii) 2 directors elected by the medium size processors as defined in the bylaws;
 - (iii) 2 directors elected by the small processors as defined in the bylaws;
 - (iv) 2 directors elected by those producers who are not processors;

- (b) one non-voting director appointed by the minister from among the minister's staff;
- (c) one voting director appointed by the minister.
- (3) Each of the voting directors has one vote in meetings of the board.
- (4) The board of directors may make bylaws for the institute.
- (5) Without limiting subsection (4), the board of directors may make bylaws as follows:
 - (a) governing the procedure at meetings of the directors;
 - (b) providing for the election of directors under subsection (2) (a) (i) to (iv), including providing for elections on a regional basis and defining regions for that purpose;
 - (c) defining categories of processors as large, medium and small for the purposes of subsection (2) (a) (i) to (iii).
- (6) The board must elect a chair and vice chair from among its directors.

Registration of producers and processors

3 Each producer and each processor must

- (a) apply for registration with the institute in the form established by the bylaws, and
- (b) comply with the relevant bylaws made by the board of directors and any other requirements.

Powers of institute

4 (1) By bylaw, the board of directors may do one or more of the following:

- (a) establish minimum standards for wine, to be adhered to by processors and set additional standards for different regions of British Columbia;
- (b) establish a word, phrase, symbol or label by which a processor whose wine has been certified by the institute as meeting the relevant standards established under paragraph (a) may, at the processor's option, describe, label or advertise that wine as meeting the standards;
- (c) establish a levy to be paid by all processors, which may be based on one or more of the following:
 - (i) the amount of grapes used;
 - (ii) the amount of grape juice or concentrate used;
 - (iii) the amount of must used;
 - (iv) the volume of wine produced or sold;
- (d) establish a levy to be paid by all producers based on the amount of grapes produced or sold;
- (e) establish fees for registration, certification of wines and testing of wines.

(2) The institute may do one or more of the following:

- (a) require a producer or processor to supply information the institute considers necessary;
- (b) expend money raised by a levy for
 - (i) administrative expenses,

- (ii) promotion of wine,
 - (iii) enforcement of standards,
 - (iv) market research and development,
 - (v) viticulture research and development, and
 - (vi) creating and maintaining an information base to be made available to government and other persons;
- (c) require a processor to supply samples of wine for the purpose of determining whether or not the wine complies with the required standards;
- (d) suspend, cancel or vary the certification of a wine that does not comply with the required standards.
- (3) A bylaw defining a category of processors under section 2 (2) (a) (i) to (iii) or a bylaw under subsection (1) (a) or (e) of this section does not come into force until it is approved by the Lieutenant Governor in Council.
- (4) The bylaws of the institute must be open to inspection during regular office hours at the institute office.

Direction by Lieutenant Governor in Council

- 5 (1) The Lieutenant Governor in Council may issue a direction to the institute, its registrants and its board of directors specifying the factors, criteria and guidelines that the institute, its registrants and its board of directors must or must not use in exercising their powers.
- (2) The institute, its registrants and its board of directors must comply with any general or special direction made by the Lieutenant Governor in Council.

Annual report

- 6 The institute must prepare an annual report that must include financial statements prepared by an auditor authorized to be the auditor of a company under section 205 of the *Business Corporations Act*.

Annual meeting of producers

- 7 (1) Once a year, the institute must hold a general meeting of which notice must be given to each producer and processor.
- (2) The annual report must be presented at the meeting.

Offence

- 8 (1) Section 5 of the *Offence Act* does not apply to this Act.
- (2) A producer or processor who carries on business without being registered under this Act commits an offence.

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