B.C. Reg. 44/2002 Deposited March 15, 2002

O.C. 199/2002

Farming and Fishing Industries Development Act

NEW TREE FRUIT VARIETIES

DEVELOPMENT COUNCIL REGULATION

[includes amendments up to B.C. Reg. 120/2011, June 29, 2011]

Contents

Definitions

1 In this regulation:

"Act" means the *Farming and Fishing Industries Development Act*;

"Ambrosia apple" means *Malus pumila* var Ambrosia;

"council" means the New Tree Fruit Varieties Development Council established by the minister under section 2 of the Act;

"first receiver" means a person who receives new tree fruit from, or on behalf of, a new tree fruit grower for packing, grading, shipping, selling, distributing or processing;

"levy" means the levy referred to in section 2;

"new tree fruit" means fresh market sold Ambrosia apples;

"new tree fruit grower" means a person who operates a farm in British Columbia that produces new tree fruit for sale.

[am. B.C. Regs. 41/2008; 120/2011, ss. (a) and (b).]

Payment of levy

2 (1) Each new tree fruit grower must pay to the council the levy established by the council under section 4 (1) of the Act.

(2) The levy is payable as follows:

(a) in the case of new tree fruit delivered to a first receiver, on the delivery date;

(b) in the case of new tree fruit produced on the farm of a first receiver and processed by that receiver, on the date the new tree fruit is moved into the processing facility;

(c) in any other case, on the date the new tree fruit is sold.

Collection and remittance of levy on new tree fruits delivered to first receiver

3 (1) Each first receiver must collect the levy on behalf of the council by deducting it from the proceeds otherwise due to the new tree fruit grower for the new tree fruit delivered to the first receiver.

(2) On or before June 30 of each year, each first receiver must remit to the council the amount collected by the receiver under subsection (1) during the period June 1 of the previous year to May 31 of the current year, less any commission retained under subsection (3).

(3) A first receiver may retain a commission of 5% of the levy collected under subsection (1).

Remittance of levy on new tree fruits grown and processed by first receiver and on direct sales

4 On or before June 30 of each year, each new tree fruit grower must remit to the council the total amount that became payable by the grower under section 2 (b) or (c) during the period June 1 of the previous year to May 31 of the current year.

Records

5 (1) Each person required under this regulation to remit the levy must retain all records relating to the collection and remittance of the levy for a period of 2 years after the deadline for remitting the levy.

(2) Records for the purposes of subsection (1) must include the name and address of each new tree fruit grower who paid the levy.

(3) A person required under subsection (1) to retain records must make the records available to the council on its request.

Sunset of this regulation

6 This regulation is repealed effective June 30, 2016.

[en. B.C. Reg. 110/2002; am. B.C. Regs. 114/2007; 120/2011, s. (c.]

[Provisions relevant to the enactment of this regulation: *Farming and Fishing Industries Development Act*, R.S.B.C. 1996, c. 134, sections 4 and 10]
