



Farm Products Marketing Act

R.R.O. 1990, REGULATION 391

ASPARAGUS — PLAN

Consolidation Period: From November 1, 2012 to the e-Laws currency date.

Last amendment: O. Reg. 325/12.

This is the English version of a bilingual regulation.

Plan

1. This Regulation sets out the plan for the control and regulation of the producing and marketing of asparagus within Ontario, including the prohibition of such producing and marketing in whole or in part. O. Reg. 325/12, s. 1.

Definition

2. In this Regulation,

“asparagus” means asparagus produced in Ontario; (“asperges”)

“fresh asparagus” means asparagus other than asparagus that is used by a processor for processing; (“asperges fraîches”)

“processing” means canning, dehydrating, drying, freezing or processing with sugar or sulphur dioxide or any other chemical; (“transformation”)

“processor” means a person engaged in the business of processing asparagus; (“transformateur”)

“producer” means a person engaged in the production of asparagus. (“producteur”) O. Reg. 325/12, s. 1.

Local board continued

3. The local board known as “The Ontario Asparagus Growers’ Marketing Board” is continued under the name “Asparagus Farmers of Ontario”. O. Reg. 325/12, s. 1.

Local board powers

4. (1) The local board has the powers set out in subsection 15 (1) and in sections 50 and 110 of the *Co-operative Corporations Act*. O. Reg. 325/12, s. 1.

(2) Any reference to the shareholders or directors of a co-operative in the provisions of the *Co-operative Corporations Act* set out in subsection (1) shall be deemed to be a reference to the members of the local board for purposes of the exercise by those members of the powers set out in those provisions. O. Reg. 325/12, s. 1.

Board composition

5. (1) The local board shall be composed of a minimum of six and a maximum of seven members. O. Reg. 325/12, s. 1.

(2) All members of the local board shall be producers elected or appointed to the local board as follows:

1. Six of the local board members shall be elected by producers in accordance with section 6.
2. One additional member of the local board may be appointed by the board members in accordance with section 9. O. Reg. 325/12, s. 1.

Election of local board

6. (1) Elections of members of the local board members shall be held annually from among all the producers in Ontario. O. Reg. 325/12, s. 1.

(2) The date of the annual election shall be on or before December 31 of any given year. O. Reg. 325/12, s. 1.

(3) In 2012, six members shall be elected to the local board to constitute the board in accordance with section 5. O. Reg. 325/12, s. 1.

(4) Beginning in 2013, the election of the members of the local board shall be staggered over a two year period as follows:

1. Three members of the local board shall be elected in 2013 and every second year thereafter.
2. Three members of the local board shall be elected in 2014 and every second year thereafter. O. Reg. 325/12, s. 1.

Term of office

7. (1) A producer elected to the local board under section 6 shall take office as a member of the local board at the beginning of the first meeting of the local board after the election. O. Reg. 325/12, s. 1.

(2) A member of the local board shall hold office until his or her successor takes office in accordance with subsection (1) after the election that takes place in the second year of the member's term, subject to subsection (3). O. Reg. 325/12, s. 1.

(3) In the elections held in 2012, the six members elected to the local board shall hold office for the following terms:

1. Three members shall be elected to hold office until the beginning of the first board meeting following the election of the board members in 2013.
2. Three members shall be elected to hold office until the beginning of the first board meeting following the election of the board members in 2014. O. Reg. 325/12, s. 1.

Producers' rights

8. (1) Every producer has a right to vote in an election of the local board and to be elected or appointed as a member of the local board. O. Reg. 325/12, s. 1.

(2) If a producer is not an individual, the producer shall designate in writing an individual who may, on behalf of the producer, vote in an election of the local board or be elected or appointed to the local board. O. Reg. 325/12, s. 1.

(3) A producer who designates an individual under subsection (2) may designate only one of the following individuals:

1. An officer or employee of the producer.
2. In the case of a corporation, a shareholder or director of the corporation.
3. In the case of a partnership, a partner.
4. In the case of a joint venture, a member of the joint venture. O. Reg. 325/12, s. 1.

(4) A designation under subsection (2) shall be in a form approved by the local board. O. Reg. 325/12, s. 1.

(5) Any reference to a producer in sections 5, 6 and 7, subsection (1) and sections 9 and 10 shall, in the case of a producer who is not an individual, be deemed to be a reference to the individual designated by the producer under subsection (2). O. Reg. 325/12, s. 1.

Appointment of additional board member

9. (1) The members of the local board may, at any time, appoint a producer as an additional member of the local board. O. Reg. 325/12, s. 1.

(2) A member appointed under subsection (1) shall take office upon his or her appointment and shall hold office until the beginning of the first meeting of the local board held after the next election of the local board. O. Reg. 325/12, s. 1.

Vacancies

10. (1) At the first board meeting of the local board held after an election held under section 6 or at such later time that is within 60 days of the election, the members of the board shall appoint such producers to the local board as are necessary to ensure the local board has the minimum number of members required under subsection 5 (1). O. Reg. 325/12, s. 1.

(2) If the members of the local board fail to appoint the required number of producers in accordance with subsection (1), the Commission may appoint producers to fill the vacancies. O. Reg. 325/12, s. 1.

(3) If an elected member of the local board or a member appointed to the local board under section 9 or subsection (1) dies, resigns or is unable to act for the remainder of his or her term of office, the other members of the local board may appoint a producer to fill the vacancy. O. Reg. 325/12, s. 1.

(4) A member of the local board appointed to the local board under subsection (3) to replace a member shall hold office for the remainder of the term of the replaced member. O. Reg. 325/12, s. 1.

SCHEDULE Revoked: O. Reg. 325/12, s. 2.