

Farm Products Marketing Act

**R.R.O. 1990, REGULATION 411**

Amended to O. Reg. 141/06

**FRESH GRAPES — PLAN**

Notice of Currency:\* This document is up to date.

\*This notice is usually current to within two business days of accessing this document. For more current amendment information, see the Table of Regulations – Legislative History Overview.

This is the English version of a bilingual regulation.

1. The plan in the Schedule is continued for the control and regulation of the marketing within Ontario of fresh grapes. R.R.O. 1990, Reg. 411, s. 1.

2. The local board named in the Schedule is given the powers set out in the following provisions of the Co-operative Corporations Act:

1. Subsection 15 (1) (Corporate powers).
2. Subsection 15 (4), with respect only to the power to accept extra-provincial powers and rights.
3. Section 50 (Borrowing powers).
4. Section 110 (Indemnification of directors and officers). O. Reg. 349/00, s. 1.

3. The members of the local board shall be deemed to be the shareholders and directors thereof in the exercise of any of the powers mentioned in section 2. R.R.O. 1990, Reg. 411, s. 3.

Schedule  
PLAN

Farm Products Marketing Act

1. This plan may be cited as “The Ontario Fresh Grape Growers’ Marketing Plan”.
2. In this Plan,

“fresh grapes” means grapes produced in Ontario, other than,

- (a) grapes used for processing by a processor, and
- (b) grapes used for producing late harvest juice; (“raisin frais”)

“late harvest juice” means juice that is produced in Ontario by a grape producer from late harvest grapes grown by the producer in Ontario and that is used for processing into ice wine, late harvest wine or other wine, beverage spirits, grape products or juice; (“jus de vendange tardive”)

“processing” means,

(a) in relation to grapes, the manufacture of grape products or juice, beverage spirits or wine from grapes and includes bottling, distilling or fermenting or processing with sugar or sulphur dioxide or any other chemical, but does not include the production of late harvest juice,

(b) in relation to late harvest juice, the manufacture of ice wine, late harvest wine or other wine, beverage spirits, grape products or juice from late harvest juice and includes bottling, distilling or fermenting or processing with sugar or sulphur dioxide or any other chemical, but does not include the production of late harvest juice; (“transformation”)

“processor” means a person engaged in the business of processing grapes or late harvest juice; (“transformateur”)

“producer” means a person engaged in the production of fresh grapes. (“producteur”)

3. This plan applies to the control and regulation in any or all respects of the marketing within Ontario of fresh grapes, including the prohibition of such marketing in whole or in part.

4. There shall be a local board to be known as “The Ontario Fresh Grape Growers’ Marketing Board”.

5. The local board shall be composed of seven producer-members.

6. Producers are divided into six districts as follows:

1. District 1, consisting of the City of Niagara Falls, the City of Welland, the Town of Pelham and those parts of Ontario that are not included in Districts 2 to 6.

2. District 2, consisting of the Town of Niagara-on-the-Lake.

3. District 3, consisting of the City of St. Catharines.

4. District 4, consisting of that part of the Town of Lincoln lying to the east of Road number 24 in The Regional Municipality of Niagara.

5. District 5, consisting of that part of the Town of Lincoln lying to the west of Road number 24 in The Regional Municipality of Niagara.

6. District 6, consisting of the Town of Grimsby, the Township of West Lincoln and The Regional Municipality of Hamilton-Wentworth.

7. (1) Producers in each of the districts named in section 6 form a district group.

(2) A producer in a municipality not included in a district mentioned in subsection (1) may become a member of the district group of producers nearest to the place of production.

8. There shall be a committee in each district to be known as the “District Fresh Grape Growers’ Committee”.

9. On or before the 15th day of March in each year, producers in each district shall elect from producers in the district one representative for each thirty producers or fraction thereof in the district to the District Fresh Grape Growers’ Committee for the district.

10. (1) On or before the 15th day of April in each year, each District Fresh Grape Growers’ Committee may elect from the producers in the district one member to the local board except that the committee for District 2 may elect two members.

(2) No person is eligible for election from any district to the local board unless he or she resides within the district.

(3) Where, in any year, a District Fresh Grape Growers' Committee fails to elect a member to the local board in accordance with subsection (1), the members of all District Fresh Grape Growers' Committees may, on or before April 30 of that year, elect a member from any district to the local board.

11. (1) At its first meeting after the 30th day of April, the members elected to the local board shall appoint such producer-members as are necessary to complete the local board.

(2) When a member elected or appointed to the local board dies or resigns before the 30th day of April of the year next following the date of his or her election or appointment, the members of the local board may appoint a producer-member for the unexpired term.

(3) Each producer-member appointed as a member of the local board under subsection (1) or (2) shall be a producer in the district for which he or she is appointed.

(4) Where the members of the local board fail to appoint a person for the unexpired term of a member under subsection (2) within seven days from the death or resignation of the member, the Commission may appoint a person for the unexpired term.

R.R.O. 1990, Reg. 411, Sched.; O. Reg. 713/91, s. 1; O. Reg. 686/94, s. 1; O. Reg. 349/00, s. 2.