

(Consolidated up to 244/2002)

ALBERTA REGULATION 282/97

Marketing of Agricultural Products Act

**ALBERTA VEGETABLE GROWERS (PROCESSING)  
BOARD AUTHORIZATION REGULATION**

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Definitions

1 In this Regulation,

- (a) “Act” means the Marketing of Agricultural Products Act;
- (b) “Board” means the Alberta Vegetable Growers (Processing) Board;
- (c) “Plan” means the Alberta Vegetable Growers (Processing) Plan Regulation;
- (d) “producer” means a producer as defined in the Plan;
- (e) “registered producer” means a registered producer under the Alberta Vegetable Growers (Processing) Production and Marketing Regulation;
- (f) “regulated product” means regulated product as defined in the Plan.

Regulations made under section 26 of the Act

2 For the purposes of enabling the Board to operate the Plan, the Board is hereby authorized under section 26 of the Act to make regulations

- (a) requiring producers engaged in the production or marketing, or both, of the regulated product to register their names and addresses with the Board;
- (b) requiring any person who produces, markets or processes the regulated product to furnish to the Board any information or record relating to the production, marketing or processing of the regulated product that the Board considers necessary;

(c) requiring persons to be licensed under the Plan before they become engaged in the production, marketing and processing, or any one or more of those functions, of the regulated product;

(d) prohibiting persons from engaging in the production, marketing or processing, as the case may be, of the regulated product except under the authority of a licence;

(e) governing the issuance, suspension or cancellation of a licence;

(f) providing for

(i) the assessment, charging and collection of service charges and licence fees, as the case may be, from producers from time to time for the purposes of the Plan, and

(ii) the taking of legal action to enforce payment of the service charges and licence fees, as the case may be;

(g) requiring any person who receives the regulated product from a producer

(i) to deduct from the money payable to the producer any service charges, licence fees or levies, as the case may be, payable by the producer to the Board, and

(ii) to forward the amount deducted to the Board;

(h) providing for the use of any class of service charges, licence fees, levies or other money payable to or received by the Board for the purpose of paying its expenses and administering the Plan and the regulations made by the Board;

(i) requiring persons who produce, market or process the regulated product to mark the containers of their products to show the place of origin or place of production to the satisfaction of the Board.

Regulations made under section 27(1) of the Act

3 For the purposes of enabling the Board to operate the Plan, the Board is hereby authorized under section 27(1) of the Act to make regulations

(a) establishing

(i) a formula for determining the amount of the regulated product deemed to have been produced or marketed by a producer, and

(ii) the period of time in respect of which the formula is to be applied,

for the purposes of determining the amount of the regulated product produced or marketed by a producer during a period of time;

(b) requiring a producer who produces the regulated product to market the regulated product through a designated agency;

(c) directing, controlling or prohibiting, as the case may be, the production or marketing, or both, of the regulated product or any class, variety, size, grade or kind of the regulated product in a manner that the Board considers appropriate;

(d) regulating and controlling the production or marketing, or both, of the regulated product, including the times and places at which the regulated product may be produced or marketed;

(e) determining from time to time the minimum price or prices that must be paid to producers for the regulated product or any class, variety, size, grade or kind of the regulated product and determining different prices for different parts of Alberta;

(f) providing for the payment to a producer of the money payable or owing for the regulated product, less any service charges and levies owing to the Board by the producer, and fixing the time or times at which or within which the payments must be made;

(g) providing for the collection from any person by legal action of money owing to a producer for the regulated product;

(h) prohibiting any person from marketing or processing any of the regulated product that has not been sold by or through a designated agency.

#### Approval re service charges

4 Notwithstanding section 2, a regulation made by the Board under section 26(f) of the Act shall not be submitted to the Registrar of Regulations for filing unless the amount of service charges fixed or imposed by the regulation has been approved by

- (a) a vote of the registered producers at a general meeting, or
- (b) the Council.

#### Repeal

5 The Alberta Vegetable Growers' Marketing Board Authorization Regulation (AR 176/93) is repealed.

#### Expiry

6 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2007.

AR 282/97 s6;244/2002

#### Coming into force

7 This Regulation comes into force on December 31, 1997.