

Food and Agricultural Products Classification Act

ENFORCEMENT REGULATION

Note: Check the Cumulative Regulation Bulletin 2015 and 2016
for any non-consolidated amendments to this regulation that may be in effect.

Contents

- 1 Definition
- 2 Service of orders
- 3 Reassessment of orders
- 4 Applications to court

Schedule

Definition

- 1 In this regulation, "Act" means the Food and Agricultural Products Classification Act.

Service of orders

- 2 (1) Orders and notices of variations of orders may be served on the person who is subject to the order or notice as follows:

- (a) personally;
- (b) by registered mail sent to the person's last known address;
- (c) by electronic mail sent to the person's last known electronic mail address;
- (d) if the order is in respect of a place, by posting it at a conspicuous location on the place.
- (2) If an order or notice is sent by registered mail, the order or notice is deemed to be served on the person to whom it is addressed on the 14th day after deposit with Canada Post, unless the person received actual service before that day.
- (3) Subject to subsection (4), if an order or notice is sent by electronic mail, the order or notice is not effectively served unless all of the following conditions are met:
 - (a) the person who is subject to the order or notice confirms that the order or notice was received;
 - (b) the confirmation is made
 - (i) both verbally and by electronic mail,
 - (ii) by fax, including the person's signature, or
 - (iii) in writing, including the person's signature;
 - (c) the confirmation is received by the person who served the order or notice, or a person acting on his or her behalf, no later than 96 hours after the electronic message was sent.
- (4) The time limit set out in subsection (3) (c) does not apply if the person who is subject to the order or notice confirms, in writing and including the person's signature, after the expiry of the 96 hour period that the order or notice
 - (a) was received by the person, and

(b) is effectively served.

Reassessment of orders

3 (1) A person may request reassessment of an order under section 19 [variation and reassessment of orders] of the Act if the person is subject to an order made under section 15 (b) to (e) or (h) [orders that may be made] of the Act.

(2) A request for reassessment must be made in writing to the inspector who made the order stating the reasons why the order should be reassessed.

(3) Within 72 hours of receiving a request for reassessment, the inspector who made the order must consider whether the order, or conditions within the order, continue to be necessary for the purposes of the Act.

(4) A second request for reassessment may be made in accordance with subsection (2) not earlier than 7 days following the first request.

(5) A third or subsequent request for reassessment may be made in accordance with subsection (2) not earlier than 14 days following the most recent request.

Applications to court

4 (1) An application to court for a warrant under section 24 of the Act may be made

(a) by submitting information on oath in the form set out as Form 1 of the Schedule, and

(b) in person, or if the inspector making the application believes it would be impracticable to appear in person, by telephone or other means of telecommunication.

(2) A warrant may be issued in the form set out as

(a) Form 2 of the Schedule, if the application was made in person, or

(b) Form 3 of the Schedule, if the application was made by telephone or other means of telecommunication.

(3) An application to court for an injunction under section 25 of the Act may be made by filing an application in accordance with the Supreme Court Civil Rules.

Schedule

(section 4)

[Provisions relevant to the enactment of this regulation: Food and Agricultural Products Classification Act, S.B.C. 2016, c. 1, section 49 (2) (c) and (d) and (4) (a) and (c)]

Copyright (c) Queen's Printer, Victoria, British Columbia, Canada