

Farm Products Marketing Act

R.R.O. 1990, REGULATION 413

Amended to O. Reg. 140/06

POTATOES — 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 potatoes. R.R.O. 1990, Reg. 413, s. 1; O. Reg. 245/99, s. 2.

2. The local board named in the Schedule is given the powers set out in subsection 15 (1), and sections 50 and 110, of the Co-operative Corporations Act and the power set out in subsection 15 (4) of that Act to accept extra-provincial powers and rights. O. Reg. 245/99, s. 3.

3. The members of the local board shall be deemed to be its shareholders and directors for the exercise of any of the powers mentioned in section 2. O. Reg. 245/99, s. 3.

Schedule

Plan

Farm Products Marketing Act

1. This plan may be cited as “The Ontario Potato Plan”.

2. In this plan,

“fresh potatoes” means potatoes produced in Ontario that are not used for processing by a processor nor sold as certified seed; (“pommes de terre de consommation immediate”)

“fresh potato producer” means a person engaged in the production of fresh potatoes; (“producteur de pommes de terre de consommation immediate”)

“potatoes” means potatoes produced in Ontario; (“pommes de terre”)

“processing” means,

(a) canning, dehydrating, chipping, drying, freezing or processing with any chemical or by heat and combining or mixing potatoes with one or more other vegetables, or

(b) entering into a contract for the purchase of potatoes for the purpose of performing on them any of the operations mentioned in clause (a); (“transformation”)

“processing potatoes” means potatoes produced in Ontario that are used by a processor for processing; (“pommes de terre de transformation”)

“processing potato producer” means a person engaged in the production of processing potatoes; (“producteur de pommes de terre de transformation”)

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

3. This plan provides for the control and regulation in any or all respects of the production and marketing within Ontario of potatoes, including the prohibition of such marketing in whole or in part.

4. The local board named “Fresh Potato Growers of Ontario” is continued under the name “The Ontario Potato Board”.

5. (1) The local board shall be composed of six members, all of whom shall be producers.

(2) Members of the local board shall be elected or appointed in accordance with this plan and shall hold office until their successors are elected or appointed.

6. Producers are divided into seven districts as follows:

1. District 1, comprising the counties of Essex and Kent.

2. District 2, comprising the counties of Elgin, Huron, Lambton, Middlesex and Perth.

3. District 3, comprising the counties of Brant and Oxford and the regional municipalities of Haldimand-Norfolk, Hamilton-Wentworth and Niagara.

4. District 4, comprising the counties of Bruce, Dufferin, Grey and Wellington and the regional municipalities of Halton, Peel and Waterloo.

5. District 5, comprising the County of Simcoe and The Regional Municipality of York.

6. District 6, comprising the counties of Dundas, Frontenac, Glengarry, Grenville, Haliburton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Peterborough, Prescott, Prince Edward, Renfrew, Russell, Stormont and Victoria, the Territorial District of Parry Sound, The District Municipality of Muskoka and the regional municipalities of Durham and Ottawa-Carleton.

7. District 7, comprising the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Rainy River, Sudbury, Thunder Bay and Timiskaming.

7. (1) Subject to subsection (2), the producers in each of the districts mentioned in section 6 form a district potato growers’ committee.

(2) The processing potato producers in districts 6 and 7 do not form part of the potato growers’ committee for their own districts but are deemed to be members of the potato growers’ committee for District 5.

8. A person who is a producer in more than one district is deemed to be a member of the district potato growers’ committee for the district in which he or she resides.

9. (1) On or before December 15 in each year, the members of each district potato growers’ committee shall, in accordance with this section, elect councillors, as follows:

TABLE

Column 1
Column 2
Column 3

District
Fresh Potatoes
Processing Potatoes

1
one councillor
one councillor

2
one councillor
one councillor

3
one councillor
one councillor

4
one councillor
two councillors

5
three councillors
three councillors

6
one councillor
no councillor

7
one councillor
no councillor

(2) The members of each district potato growers' committee who are fresh potato producers shall elect from among themselves the number of councillors set out in Column 2 of the Table.

(3) The members of each district potato growers' committee who are processing potato producers shall elect from among themselves the number of councillors set out in Column 3 of the Table.

(4) The councillors elected under subsection (2) constitute the "Fresh Council" and the councillors elected under subsection (3) constitute the "Processing Council".

(5) A producer who produces less than five acres of fresh potatoes is not eligible to vote to elect councillors to the Fresh Council or to hold office as a councillor on the Fresh Council or as a member of the local board.

(6) No person is eligible for election to the Fresh Council or the Processing Council from a district unless he or she is a member of the district potato growers' committee for the district.

10. (1) On or before December 15 in each year, the members of the Fresh Council shall elect from among themselves a chair and two vice-chairs of the Council.

(2) On or before December 15 in each year, the members of the Processing Council shall elect from among themselves a chair and two vice-chairs of the Council.

(3) The persons elected under subsections (1) and (2) are the members of the local board.

11. The term of office of councillors and of members of the local board expires on December 15 in the year following the date of their election, or of their appointment under section 13.

12. (1) Where in any year the councillors on the Fresh Council fail to elect one or more members to the local board in accordance with section 11, the members of the local board shall, at their first meeting after December 15 in that year, appoint from the Fresh Council the number of members necessary to complete the local board.

(2) Where in any year the councillors on the Processing Council fail to elect one or more members to the local board in accordance with section 11, the members of the local board shall, at their first meeting after December 15 in that year, appoint from the Processing Council the number of members necessary to complete the local board.

13. (1) Where a member of the local board representing the Fresh Council dies, resigns or otherwise ceases to be a member before December 15 in the year following the date of his or her election or appointment, the councillors on the Fresh Council may, within 14 days, appoint a replacement member from among themselves for the unexpired term.

(2) Where a member of the local board representing the Processing Council dies, resigns or otherwise ceases to be a member before December 15 in the year following the date of his or her election or appointment, the councillors on the Processing Council may, within 14 days, appoint a replacement member from among themselves for the unexpired term.

(3) If no appointment is made under subsections (1) and (2), the local board shall appoint a member from the Fresh Council or the Processing Council, as appropriate, for the unexpired term.

O. Reg. 245/99, s. 4.