

The Vegetable Marketing and Development Plan Regulations

Repealed

by Saskatchewan Regulations 27/97 (effective April 23, 1997).

Formerly

Chapter N-3* Reg 2 (sections 1 to 25 and 27 effective July 8, 1988; section 26 effective July 9, 1988).

* *The Natural Products Marketing Act* (c.N-3) was repealed by *The Agri-Food Act*, but these regulations continue in force under *The Agri-Food Act*.

NOTE:

All persons making use of this consolidation are reminded that it has no legislative sanction, that the amendments have been embodied only for convenience of reference and that the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. Please note, however, that in order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER N-3 REG 2

The Agri-Food Act

TITLE AND INTERPRETATION

Title

1 These regulations may be cited as *The Vegetable Marketing and Development Plan Regulations*.

Interpretation

2(1) In these regulations:

- (a) “**Act**” means *The Natural Products Marketing Act*;
- (b) “**board**” means the Saskatchewan Vegetable Marketing and Development Board established pursuant to section 7 and includes any provisional board;
- (c) “**buyer**” means any person who buys or contracts to buy vegetables produced in Saskatchewan for resale;
- (d) “**fiscal year**” means the fiscal year of the board prescribed in subsection 14(3);
- (e) “**processing**” means changing the nature, size, quality or condition of vegetables;
- (f) “**processor**” means a person engaged in the business of processing vegetables;
- (g) “**producer**” means:
 - (i) a person who operates a farm in Saskatchewan and who is engaged in the production and marketing of vegetables, and includes the employer of any such person;
 - (ii) a person who is entitled under any lease or agreement to a share of the vegetables produced by a person mentioned in subclause (i) or the proceeds from the sale of those vegetables; or
 - (iii) a person who takes possession of any vegetables pursuant to any form of security or legal proceeding for a debt;
- (h) “**production unit**” means the buildings, structures, equipment and land used for the production and marketing of vegetables;
- (i) “**provisional board**” means the provisional board of directors appointed by the Lieutenant Governor in Council;
- (j) “**registered producer**” means a producer who is registered with the board and whose registration is in good standing;

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(k) **“vegetable”** means asparagus, beans, other than field or dry beans, broccoli, brussels sprouts, cabbages, carrots, cauliflower, field cucumbers, beets, lettuce, onions, parsnips, peas, other than field or dry peas, peppers, potatoes, pumpkins, radishes, rutabagas, squash, sweet corn or field tomatoes;

(l) **“vegetable plan”** means the Saskatchewan Vegetable Marketing and Development Plan continued pursuant to section 3.

(2) For the purposes of section 14 of the Act, **“producer”** means a person who operates a farm in Saskatchewan and was engaged in the production and marketing of \$10,000 or more of vegetables in 1985, 1986 or 1987.

15 Jly 88 cN-3 Reg 2 s2.

PLAN

Plan continued

3(1) The Saskatchewan Vegetable Marketing Plan is continued as the Saskatchewan Vegetable Marketing and Development Plan.

(2) All real property, assets, liabilities and goodwill of the Saskatchewan Vegetable Marketing Commission are hereby transferred to and vested in the board.

(3) Any reference in any Act, regulation, contract, instrument or document to the Saskatchewan Vegetable Marketing Commission is deemed to be a reference to the board, unless the context otherwise requires.

(4) The members of the Saskatchewan Vegetable Marketing Commission cease to hold office on the day these regulations come into force.

15 Jly 88 cN-3 Reg 2 s3.

Application

4 Subject to the exemptions set out in section 5 and to any exemptions made by the board, the vegetable plan and the orders of the board made pursuant to the vegetable plan apply to:

- (a) all of Saskatchewan;
- (b) all vegetables and all grades, classes or varieties of vegetables;
- (c) all producers; and
- (d) all persons engaged in the marketing of vegetables in Saskatchewan.

15 Jly 88 cN-3 Reg 2 s4.

Exemptions

5 These regulations do not apply to:

- (a) any vegetables raised by a producer for consumption by himself or his family;

- (b) any vegetables raised by a producer and delivered directly to an individual for consumption by that individual and his family;
- (c) research stations operated by the Government of Canada;
- (d) research and demonstration projects of the University of Saskatchewan;
or
- (e) greenhouses.

15 Jly 88 cN-3 Reg 2 s5.

Purposes

6(1) The general purpose and intent of the vegetable plan is to provide for the orderly and effective development of the Saskatchewan vegetable industry.

(2) Without limiting the generality of subsection (1), the specific purposes of the vegetable plan are:

- (a) to promote and develop the vegetable industry in Saskatchewan;
- (b) to maximize returns to vegetable producers;
- (c) to gather and distribute production, consumption and marketing information relating to vegetables;
- (d) to advertise and promote vegetables;
- (e) to encourage production to meet domestic and export market needs;
- (f) to promote and improve understanding among individuals and organizations in the vegetable industry;
- (g) to work with persons within and outside Saskatchewan to improve the vegetable industry;
- (h) to encourage vegetable processing in Saskatchewan; and
- (i) to conduct, encourage and assist in carrying out research relating to the production and marketing of vegetables.

15 Jly 88 cN-3 Reg 2 s6.

BOARD

Administration

7(1) The Saskatchewan Vegetable Marketing and Development Board is established consisting of five directors elected in accordance with sections 21 to 25.

(2) The board shall administer the vegetable plan.

(3) The provisional board shall administer the vegetable plan until a board is established.

15 Jly 88 cN-3 Reg 2 s7.

Powers of board

8 The board is vested with the power:

- (a) to market, including grading and insuring, vegetables either as principal or agent;
- (b) to exempt from any order or regulation any person or class of persons engaged in the production or marketing of vegetables or any class, variety or grade of vegetables;
- (c) to require any or all persons engaged in the production or marketing of vegetables to register with the board;
- (d) to fix and collect charges for services rendered by the board and penalties from any or all persons producing or marketing vegetables and to recover those charges and penalties by suit in any court of competent jurisdiction;
- (e) to require full information relating to the production and marketing of vegetables from all persons engaged therein, and to require from those persons periodic information in any form as the board may determine and to inspect the books and premises of those persons;
- (f) to use in carrying out the purposes of the vegetable plan and paying the expenses of the board any moneys received by the board;
- (g) to borrow, raise or secure the payment of money in any manner that the board considers appropriate for the purpose of carrying out the objects of the vegetable plan;
- (h) to draw, make, accept, endorse, execute, issue, hypothecate or assign promissory notes, bills of exchange and other negotiable or transferable instruments;
- (i) to purchase, lease or exchange or otherwise acquire real property for the purposes of its business and to sell or otherwise dispose of, or mortgage, real property acquired by the board;
- (j) to make any orders that are considered by the board necessary or advisable to promote the marketing of vegetables, and to amend or revoke those orders subject to approval of the council; and
- (k) to carry out educational and research programs relating to vegetables.

15 Jly 88 cN-3 Reg 2 s8.

Books and records

- 9(1) The board shall maintain any books and records that may be required for the administration of the vegetable plan and keep those books and records open for inspection by the council at any reasonable time.
- (2) The board shall maintain a head office in Saskatchewan.
- (3) The board shall prepare an annual report containing:
 - (a) a copy of the audited financial statement of the board for its previous fiscal year;

- (b) a description of the activities of the board for its previous fiscal year; and
- (c) a list of the names and addresses of the members of the board;

and shall submit the annual report to the council, shall make the annual report available at the annual general meeting and shall forward, on request, a copy of the annual report to any registered producer of vegetables.

15 Jly 88 cN-3 Reg 2 s9.

Auditor

10 The registered producers shall appoint an auditor for the board at the annual or at any special meeting of registered producers, and the auditor shall audit the books and records of the board.

15 Jly 88 cN-3 Reg 2 s10.

Committees

11(1) The board may appoint any advisory committee that it considers necessary or desirable for the proper operation of the vegetable plan.

(2) The members of a committee appointed pursuant to this section are entitled to any remuneration and reimbursement for expenses that the board may determine.

15 Jly 88 cN-3 Reg 2 s11.

Chairman and vice-chairman

12(1) The board shall elect a chairman and a vice-chairman from among its members.

(2) The chairman and the vice-chairman hold office for a period of one year and until they are re-elected or their successors in office are elected pursuant to this section.

(3) The chairman or, in his absence, the vice-chairman shall preside at all meetings of the board.

(4) The remuneration to be paid to members of the board is to be fixed by the registered producers at their annual meeting.

15 Jly 88 cN-3 Reg 2 s12.

Staff

13 The board may appoint or hire a manager and any other staff or agents necessary to carry out the objectives of the plan.

15 Jly 88 cN-3 Reg 2 s13.

Financial provisions

14(1) The board may open accounts in any:

- (a) bank to which the *Bank Act* (Canada), as amended from time to time, applies;

(b) credit union incorporated, continued or registered pursuant to *The Credit Union Act, 1985*; or

(c) trust corporation incorporated or licensed pursuant to *The Trust and Loan Corporations Act*;

in the name of the board and appoint signing officers.

(2) The board may invest any money in its possession or control that is not immediately required for the purpose of its operations in securities of a class approved by the Investment Board established pursuant to *The Department of Finance Act, 1983*, and may sell any securities so acquired by it and reinvest any of the proceeds of that sale in a similar manner.

(3) The fiscal year of the board is the period commencing on July 1 in one year and ending on June 30 in the following year.

15 Jly 88 cN-3 Reg 2 s14.

Meeting of producers

15(1) An annual general meeting of registered producers is to be held during October, November or December in each year at a time and place determined by the board.

(2) The board may call a special general meeting of registered producers at any time and shall call a special general meeting on the written request of the lesser of:

(a) 10% of; or

(b) five;

registered producers.

(3) The quorum at an annual or special general meeting of registered producers is 10 registered producers.

(4) The board shall prepare and submit to the annual general meeting for approval:

(a) a proposed budget outlining the collection and expenditure of funds during the next fiscal year; and

(b) an outline of proposed programs and activities for the next fiscal year.

15 Jly 88 cN-3 Reg 2 s15.

REGISTRATION

Registration of producers

16(1) Every producer engaged in the production and marketing of \$10,000 or more of vegetables in the previous fiscal year shall register with the board at the time and in the manner required by the board.

(2) Any producer with two acres or more of vegetable crops may register with the board at the time and in the manner required by the board.

- (3) The board shall maintain at its head office:
 - (a) a register containing the name and address of each registered producer; and
 - (b) a list of all producers with two acres or more of vegetable crops.
- (4) The board shall remove from the register of producers or the list of producers the name of any person who ceases to have two or more acres of vegetables for a period of two consecutive fiscal years.

15 Jly 88 cN-3 Reg 2 s16.

Producer registration fees

- 17(1) Every registered producer shall pay a registration fee of \$100 annually at the time and in the manner required by the board.
- (2) Each producer's registration fee for any fiscal year is reduced by the lesser of:
 - (a) \$100; or
 - (b) the total of the check-off fees paid by the producer pursuant to section 19 in the previous fiscal year.

15 Jly 88 cN-3 Reg 2 s17.

Register of buyers

- 18(1) In this section, "**retail buyer**" means a buyer who purchases vegetables from a producer for resale directly to consumers.
- (2) Subject to subsection (4), every buyer of vegetables shall register with the board at the time and in the manner required by the board.
- (3) The board shall maintain at its head office a register containing the name and address of each buyer of vegetables.
- (4) Retail buyers are exempt from registering with the board.

15 Jly 88 cN-3 Reg 2 s18.

PRODUCER CHECK-OFF FEES

Amount

- 19(1) Every producer who markets \$10,000 or more of vegetables in a fiscal year shall pay check-off fees to the board in an amount equal to the specified percentage of the producer's gross sales of vegetables that is, subject to subsection (2), established at the annual general meeting of registered producers held pursuant to section 15 and stated in an order of the board.
- (2) Check-off fees shall not exceed 2.5% of the value of vegetables marketed.
- (3) The board may require any buyer of vegetables to deduct fees on vegetables from any payments made to producers and to forward those fees to the board, and the board may recover those fees by suit in any court of competent jurisdiction.

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(4) The board shall refund to a producer whose sales during the fiscal year total less than \$10,000 all fees deducted by buyers within three months after the end of the fiscal year.

15 Jly 88 cN-3 Reg 2 s19.

BOARD ORDERS**Orders of boards**

20(1) The chairman or, in his absence, the vice-chairman, shall sign every order issued by the board pursuant to clause 8(j) and the board shall, at its head office, retain and make available for inspection by any producer or person engaged in the marketing of vegetables all such orders that have been approved by the council pursuant to section 17 of the Act.

(2) The board shall annually review all orders issued by it.

15 Jly 88 cN-3 Reg 2 s20.

ELECTIONS**Eligibility to vote and hold office**

21(1) Every registered producer is eligible to vote for any purpose under the vegetable plan and to hold any office on the board.

(2) A registered producer who is a corporation, co-operative, partnership, association, society or person carrying on business under a corporate name, trade name, farm name or other designation is entitled to vote or hold office only through a designated representative appointed in writing and notice of whose appointment is filed with the board at the time of registration.

(3) Except as provided in subsection (2), voting by proxy is prohibited.

(4) Each registered producer is entitled to one vote.

15 Jly 88 cN-3 Reg 2 s21.

Regions

22(1) For the purposes of the vegetable plan, Saskatchewan is divided into two regions in accordance with the map that appears in the Appendix.

(2) Two directors whose production units are located in the north region are to be elected to represent the north region.

(3) Two directors whose production units are located in the south region are to be elected to represent the south region.

(4) One director at large, whose production unit is located in Saskatchewan, is to be elected to represent the north region and the south region.

(5) Every registered producer is eligible to vote for the election of every director regardless the region in which the registered producer resides or his production unit is located.

15 Jly 88 cN-3 Reg 2 s22.

Election of first board of directors

23(1) The provisional board shall conduct a vote among registered producers to elect the first board in accordance with subsection (2) and sections 22, 24 and 25.

(2) The provisional board shall call the vote described in subsection (1) at any time within 12 months after these regulations come into force.

15 Jly 88 cN-3 Reg 2 s23.

Term of office; vacancy

24(1) A member of the board holds office as a director for three years or until his successor is elected and is eligible for re-election.

(2) The term of office of each member of the first board commences on the day on which he is declared elected by the returning officer and ends on June 30:

(a) in the case of the director for the north region and the director for the south region each receiving the largest number of votes, of the third year following the year in which the election is held;

(b) in the case of the director for the north region and the director for the south region each receiving the second largest number of votes, of the second year following the year in which election is held;

(c) in the case of the director at large, of the first year following the year in which the election is held.

(3) If a vacancy occurs on the board, the remaining members of the board may appoint a registered producer to fill the vacancy until the next election.

15 Jly 88 cN-3 Reg 2 s24.

Conduct of elections

25(1) The board shall:

(a) arrange for the conduct of elections;

(b) fix a date for receiving nominations; and

(c) at least 30 days before the date so fixed, send to each registered producer a notice stating that nominations are being accepted for the board and giving the date fixed for receiving nominations.

(2) The board shall:

(a) appoint a returning officer; and

(b) a scrutineer;

who are not registered producers or employees of the board.

- (3) Every nomination is to be:
 - (a) in writing in the form prescribed by the board;
 - (b) signed by two registered producers or their designated representatives; and
 - (c) delivered to the returning officer not later than the date fixed for receiving nominations.
- (4) If not more than the required number of candidates are nominated, the candidates nominated are to be declared elected by acclamation.
- (5) If more than the required number of candidates are nominated, the board shall, at least 21 days prior to the date fixed for the election, send to each registered producer the ballot, a plain envelope and a notice of the time by which and the place to which the ballot is to be returned.
- (6) All voting is to be by ballot, and the ballot, sealed in the plain envelope provided, is to be returned to the returning officer named by the board either in person or by mail.
- (7) The returning officer shall declare those candidates receiving the most votes, up to the number of positions to be filled, to be members of the board.
- (8) Ties between candidates are decided by the drawing of lots.
- (9) A registered producer is deemed to have received any notice, nomination paper or ballot which is posted to him at his last address registered with the board, and the failure of any person to receive any such notice, nomination paper or ballot does not invalidate the election.
- (10) The ballot of a registered producer who votes for more than the specified number of candidates required to fill the vacancies is not valid.
- (11) If any delay or irregularity occurs in any election, or if any doubt arises as to the validity of the election, the council shall determine who the members of the board are, fix their terms of office and, if the council considers it advisable, direct the holding of a special election of members of the board.

15 Jly 88 cN-3 Reg 2 s25.

REPEAL

Sask. Reg. 24/78 repealed

26 Saskatchewan Regulation 24/78 are repealed.

15 Jly 88 cN-3 Reg 2 s26.

Appendix

NOTE: Pursuant to subsection 4(5) of *The Regulations Act*, publication of the Appendix referred to in these regulations has been dispensed with. A copy of the Appendix is on file in the office of the Registrar of Regulations.