



Seed Potato Act
SEED POTATO REGULATION
B.C. Reg. 219/84

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Consolidated Regulations of British Columbia

This is an unofficial consolidation.

B.C. Reg. 219/84 (O.C. 1197/84), deposited June 29, 1984, is made under the *Seed Potato Act*, R.S.B.C. 1996, c. 421, s. 10.

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Contents

1	Interpretation	1
2	Committee	1
3	Term of office	1
4	Annual meeting of owners	1
5	Notice of meeting	1
6	Procedure at meeting	1
7	Nominations for members	2
8	Acclamation	2
9	Voting	2
10	Tied vote	2
11	Delay or irregularity	2
12	Special general meeting	2
13	Entitlement to vote	2
14	Vote by agent	2
15	Committee meeting	2
16	Quorum	3
17	Officers	3
18	Calling committee meetings	3
19	Orders valid	3
20	Vacancy	3
21	Storage warehouses	3
22	Planting and source of seed	4
23	Storage of seed	4
24	Disease, insect and weed control	4
25	Offence	5
26	Banking	5

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Interpretation

- 1** (1) In this regulation:
- “**Cariboo Certified Seed Potato Control Area**” means the seed potato control area constituted under B.C. Reg. 237/59 and continued under this regulation;
- “**member**” means a member of a committee;
- “**Pemberton Certified Seed Potato Control Area**” means the seed potato control area constituted under B.C. Reg. 239/59 and continued under this regulation;
- “**vacancy**”, with reference to the membership of a committee, includes a vacancy about to occur by the expiration of the term of a member.
- (2) This regulation applies to the Cariboo Certified Seed Potato Control Area and to the Pemberton Certified Seed Potato Control Area.
- [am. B.C. Reg. 112/2014, App. s. 18 (a).]

Committee

- 2** (1) A committee shall be composed of 4 members.
- (2) Three of the members shall be persons acclaimed or elected by the owners of land in the seed potato control area and the fourth member shall be a nominee of the minister.

Term of office

- 3** Except for a member appointed under section 5 of the Act or a member appointed to succeed a member who has died or otherwise ceased to be a member, a member shall hold office from the time of the member’s appointment until the third annual meeting next following.
- [am. B.C. Regs. 112/2014, App. s. 18 (b); 76/2022, s. 4.]

Annual meeting of owners

- 4** The committee of the seed potato control area shall, before May 1 of a year, call a meeting of the owners in the area for the purpose of filling any vacancies in the elected membership of the committee and for the transaction of other necessary business.

Notice of meeting

- 5** Notice of the date, time and place of a general meeting shall be posted at least 10 days before the meeting in 2 conspicuous places within the seed potato control area.

Procedure at meeting

- 6** The owners present at a general meeting shall choose a chair for the meeting, who shall decide all questions of order and shall call for nominations of candidates for membership on the committee.
- [am. B.C. Reg. 76/2022, s. 11.]

Nominations for members

- 7 No person shall be nominated as a candidate where the person refuses to accept the nomination.

[am. B.C. Regs. 112/2014, s. 18 (c); 76/2022, s. 3.]

Acclamation

- 8 Where no more candidates are nominated than there are vacancies to fill, the persons nominated shall be acclaimed as members of the committee.

Voting

- 9 Where more candidates are nominated than are required to fill the vacancies on the committee, the chair shall, with the consent of the majority of owners present, declare when nominations are closed and shall then proceed to take the votes by ballot of the owners.

[am. B.C. Reg. 76/2022, s. 11.]

Tied vote

- 10 In the event of a tied vote the chair shall call for another vote on the candidates who are tied.

[am. B.C. Reg. 76/2022, s. 11.]

Delay or irregularity

- 11 In the event of a delay or irregularity occurring in the conduct of a general meeting or of a doubt arising as to the validity of an election of a member, the matter shall be referred to the minister for decision.

Special general meeting

- 12 The minister or a committee may at any time order the holding of a special general meeting for any purpose.

Entitlement to vote

- 13 Only the member of the committee nominated by the minister and an owner of land in the seed potato control area shall be entitled to take part in the proceedings at a general meeting.

Vote by agent

- 14 An owner may be represented by an agent who may vote for the owner.

[am. B.C. Reg. 76/2022, s. 8.]

Committee meeting

- 15 The committee members may meet together for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit.

Quorum

- 16** Three members of the committee shall constitute a quorum.

Officers

- 17** (1) The committee shall appoint from among its members a chair and may appoint a secretary treasurer who need not be a member.
- (2) In case of an equality of votes, the chair shall have a casting vote.
- [am. B.C. Reg. 76/2022, s. 11.]

Calling committee meetings

- 18** A member of the committee may, and the secretary treasurer on the requisition of a member shall, at any time summon a meeting of the committee.

Orders valid

- 19** An order or determination signed by all members of the committee shall be valid, whether signed at a meeting of the committee or otherwise.

Vacancy

- 20** (1) In the event of any casual vacancy in the membership of the committee the remaining members of the committee shall constitute the committee until the vacancy is filled.
- (2) Where a member of the committee is absent from the Province for 6 months or fails to attend to the member's duties for a like period, the other members of the committee may declare the member's office vacant.
- (3) A member of the committee ceases to hold office where
- (a) the member is convicted of an offence under the Act or regulations,
 - (b) by notice in writing to the committee the member resigns his or her office,
or
 - (c) the member's office is declared vacant by the other members of the committee.
- (4) Where a vacancy occurs in the membership of the committee by reason of death or through a member ceasing to hold office, the remaining members of the committee, if constituted a quorum, may, subject to the approval of the minister, fill the vacancy, and the person appointed to fill the vacancy shall hold office for the unexpired term of the member whose office the appointed person fills.

[am. B.C. Regs. 112/2014, App. s. 18 (b) and (c); 76/2022, ss. 3 and 4.]

Storage warehouses

- 21** All storage warehouses for seed potatoes grown within the seed potato control area shall be subject to approval by the committee.

Planting and source of seed

- 22** (1) No person shall plant potato seed within the seed potato control area unless obtained from sources recommended by the committee.
- (2) Subsection (1) does not apply to the planting of seed of the pre-Elite, Elite and Foundation classes of those varieties licensed for sale in Canada that have been virus tested and approved by the committee.
- (3) Subsection (1) does not apply to the planting of plots of seedlings and varieties which have been pathogen tested and approved by the committee.

Storage of seed

- 23** (1) An owner shall store each variety of potato separately.
- (2) No owner shall grow more than 5 potato varieties on a farm unit within the seed potato control area.
- (3) No owner shall grow more than 3 easily distinguishable potato varieties without applying for and receiving the approval of the committee.
- (4) No owner shall grow 2 or more varieties that are not easily distinguishable unless the owner applies for in writing and receives the approval of the committee.
- (5) An owner growing 2 or more varieties that are not easily distinguishable shall store each variety in a separate storage building or a fully separated section of a building.

[am. B.C. Regs. 112/2014, App. s. 18 (c); 76/2022, s. 3.]

Disease, insect and weed control

- 24** (1) All crops shall be rogued and diseased plants destroyed and injurious insects and weeds controlled in accordance with instructions of the committee issued in notice form to an owner or occupier.
- (2) The notice referred to in subsection (1) shall allow the owner or occupier at least 7 days from date of delivery of the notice to do the things required by the notice.
- (3) The notice shall be deemed to be delivered to the owner or occupier on the day it is handed personally to the owner or occupier, or is posted up in some prominent place on the premises, or on the day when the owner or occupier would in the ordinary course of the post receive the notice when the notice is sent to the owner's or occupier's last known address by prepaid registered mail.
- (4) Where potatoes do not meet the standards of a seed potato control area, the owner of the potatoes shall dispose of them as the committee may direct.
- (5) Where the committee has reasonable grounds to believe that a warehouse, place of storage, container, vehicle or machine within the seed potato control area is infected with a readily transmissible potato disease, the committee may by notice

direct the owner to disinfect it at the time and place and in the manner set out in the notice.

[am. B.C. Regs. 112/2014, s. 18 (b); 76/2022, s. 11.]

Offence

- 25** An owner or occupier within the seed potato control area who fails to comply with the requirements of a notice given under section 24 (5) commits an offence.

Banking

- 26** The committee shall deposit all money received by it in a bank, credit union or trust company and shall not disburse any money other than by means of cheques signed by the chair and secretary treasurer.

[am. B.C. Reg. 76/2022, s. 11.]