



## CHAPTER 72.

An Act to facilitate the Growing of  
Certified Seed-potatoes.

[Assented to 3rd April, 1947.]

**H**IS MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of British Columbia,  
enacts as follows:—

1. This Act may be cited as the "Certified Seed-potato Act." Short title.
2. In this Act, unless the context otherwise requires:— Interpretation.
  - "Committee" means the Seed-control Committee of a seed-potato control area constituted under this Act:
  - "Owner" means any person who is:—
    - (a.) Registered as the owner of land in the books of the Land Registry Office;
    - (b.) A purchaser of land under an agreement for purchase registered in the books of the Land Registry Office, and who is by the terms of the agreement liable to pay the taxes on the land; or
    - (c.) A pre-emptor, homesteader, purchaser, or lessee of land from the Crown,—
 and includes the duly authorized agent or representative of any owner within the scope of clause (a), (b), or (c) of this definition:
  - "Seed" means certified potato-tuber for reproduction purposes:
  - "Seed-potato control area" means a seed-potato control area constituted under this Act.
3. (1.) Any five owners of lands within an area that they propose to have constituted a seed-potato control area under this Act may by public notice call a meeting of the owners of lands within that area at a time and place named in the notice. Meeting of owners to discuss the constitution of an area.

(2.) The notice shall contain a description of the area proposed to be constituted a seed-potato control area.

(3.) The notice shall be given by a copy thereof being posted up at each post-office serving the area, or at any two conspicuous public places in the area, at least fifteen days before the day named for the meeting, and by publication of the notice at least one week before the day named for the meeting in one issue of a newspaper published in the Province and circulating within the area.

(4.) Every owner of land within the area may attend and take part in the discussion at the meeting.

(5.) A majority in number of the owners present at the meeting may decide to circulate a petition for the constitution of a seed-potato control area under this Act.

Petition  
for constitution  
of an area.

4. (1.) The petition shall be addressed to the Lieutenant-Governor in Council, in a form prescribed by the regulations.

(2.) The petition shall:—

(a.) Contain a description of the proposed seed-potato control area:

(b.) State the variety or varieties of seed proposed to be produced in that area; and

(c.) State the names of three persons whom the petitioners desire to be appointed as members of the Seed-control Committee of the seed-potato control area, and who express in writing their willingness to act.

Power of Lieut.  
Governor in Council  
to constitute area.

5. (1.) On the presentation of the petition, accompanied by proof of compliance with section 3, and showing that the petition is signed by not less than eighty per centum in number of the owners of lands in the proposed seed-potato control area, the Lieutenant-Governor in Council may, by Order, constitute the lands described in the petition a seed-potato control area, under such name as may be considered advisable, and may appoint the persons nominated in the petition, together with one other person nominated by the Minister of Agriculture, to be the Seed-control Committee of that control area.

(2.) In constituting the seed-potato control area the Lieutenant-Governor in Council may change or vary the boundaries of the seed-potato control area as set out in the petition.

(3.) The Lieutenant-Governor in Council may, by the Order constituting the seed-potato control area, or by a subsequent Order from time to time, prescribe the variety or varieties of seeds that may be grown within the seed-potato control area, and the variety or varieties may differ from those stated in the petition.

6. (1.) Upon the making of the Order constituting the seed-potato control area, the members of the committee so appointed and their successors in office shall become and be a body politic and corporate under the name set out in the Order.

Constitution of  
committee.

(2.) The Order shall be conclusive evidence of the regularity of all proceedings leading up to the constitution of the seed-potato control area and that the committee is duly appointed and incorporated under this Act.

(3.) The number of members constituting the committee from time to time, the term of office of the members, the making of appointments of members, and the constitution of a quorum shall be governed by the regulations; but there shall be at all times one member of the committee who is the nominee of the Minister of Agriculture, and the other members shall be nominees of the owners of lands within the control area.

7. Upon cause shown, and upon such conditions and subject to such provisions as may be considered proper, the Lieutenant-Governor in Council may, by Order, revoke and cancel the constitution of any seed-potato control area and declare the committee thereof to be dissolved.

Dissolution of  
control area and of  
committee.

8. (1.) For the purpose of controlling, facilitating, and protecting the growing of seed within the seed-potato control area, the committee shall have authority to carry out and enforce the provisions of this Act and of the regulations.

Functions of  
committee.

(2.) Without thereby limiting the generality of the provisions of subsection (1), the powers and duties of the committee shall extend to:—

Powers and duties.

(a.) The employment, direction, and supervision of such servants and employees as may be considered necessary to enable the committee effectively to carry out its work, and the payment of the salaries or wages of the persons so employed:

(b.) The keeping of accurate records of the work done and of the costs and expenses incurred by the committee:

(c.) The submission from time to time of such reports as the Minister of Agriculture may require:

(d.) The exercise of such other powers and the performance of such other duties as may be prescribed by the regulations.

(3.) The committee shall not undertake any expenditure or incur any liability in excess of the moneys contributed for the purposes of this Act by the seed-growers and owners of lands within the seed-potato control area.

Limitation of  
expenditures.

9. No person shall grow or permit to grow on any land of which he is the owner or occupier within a seed-potato control

Restriction of grow-  
ing to authorized  
varieties.

area, or within any part thereof, any seed of a variety other than that prescribed or authorized under this Act.

**Regulations.**

10. (1.) For the purpose of carrying into effect the provisions of this Act according to their true intent, the Lieutenant-Governor in Council may make such regulations as he considers necessary or advisable.

(2.) Without hereby limiting the generality of the provisions contained in subsection (1), the power of the Lieutenant-Governor in Council to make regulations under this section shall extend to:—

- (a.) Defining, redefining, reducing, or extending the limits of a seed-potato control area:
- (b.) Prescribing the powers and duties of committees under this Act, the number of members constituting a committee, the term of office of members, the manner of nominating and appointing members, and the number of members required to constitute a quorum:
- (c.) Regulating the times of meetings and the manner of calling and conducting meetings of owners of lands within a seed-potato control area and the method of voting and the qualification of voters at those meetings:
- (d.) Prescribing the methods of seed-potato control-work to be followed by the committee in respect of any seed-potato control area:
- (e.) The prescribing and authorizing of the variety or varieties of seed to be grown within a seed-potato control area:
- (f.) The defining of a variety area or areas within a seed-potato control area, and prescribing what variety or varieties of seeds shall or shall not be grown or produced within any variety area so defined:
- (g.) The cancelling of any or all variety areas:
- (h.) Providing for the inspection, testing, and approval of the seed so grown or produced and the inspection of variety areas:
- (i.) Requiring and compelling the owners and occupiers of lands within any control area to rogue defective plants injurious, or that might become injurious, to any seed grown in that area pursuant to this Act:
- (j.) Governing the periods which and the extent to which roguing and removal of defective plants may be practised:
- (k.) Such other regulations as may be expedient or necessary to carry out the purposes and provisions of this Act.

11. Every person who violates any provision of this Act or of the regulations, or who hinders or obstructs the committee or any member, servant, or employee of the committee in the performance of its or his duties or powers under this Act, shall be liable, on summary conviction, to a fine not exceeding one hundred dollars.

Offences and penalties.

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