



Province of Alberta

MARKETING OF AGRICULTURAL PRODUCTS ACT

ALBERTA VEGETABLE GROWERS (PROCESSING) PLAN REGULATION

Alberta Regulation 273/1997

With amendments up to and including Alberta Regulation 57/2015

Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer
7th Floor, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

Copyright and Permission Statement

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(Consolidated up to 57/2015)

ALBERTA REGULATION 273/97

Marketing of Agricultural Products Act

**ALBERTA VEGETABLE GROWERS
(PROCESSING) PLAN REGULATION**

Table of Contents

1	Definitions
2	Designation
3	Plan continued
4	Termination of Plan
5	Application of Plan
6	Financing of Plan
7	Board
8	Purpose and intent
9	Operation of Plan
10	Districts
11	Composition of Board
12	Meetings
13	By-laws
14	Annual general meetings
15	Nominations
16	Secret ballot
17	Term of office of directors
17.1	Transitional
18	Loss of eligibility
19	Vacancy
20	Eligibility to vote
21	Voting
22	Representatives
23	Returning officer
24	Election records
25	Quorum
26	Result of invalid election
27	Controverted election
28	Indemnification funds
29	Transitional
30	Repeal
31	Expiry

32 Coming into force**Definitions****1** In this Regulation,

- (a) “Act” means the *Marketing of Agricultural Products Act*;
- (a.1) “assets” means economic resources controlled by the body as a result of past transactions and from which future economic benefits may be obtained;
- (a.2) “auditor” means a person registered under the *Regulated Accounting Profession Act* or a firm or partnership of those persons;
- (b) “Board” means the Alberta Vegetable Growers (Processing) Board continued under this Regulation;
- (b.1) “director” means a director of the Board;
- (c) “district” means a district established under section 10;
- (c.01) “investment” means a commitment of assets in order to gain a financial return but does not include an expenditure of assets for the purposes of research and development or current operations;
- (c.02) “licensed processor” means a person who holds a processor’s licence under the *Alberta Vegetable Growers (Processing) Marketing Regulation* (AR 160/2007);
- (c.1) “licensed producer” means a person who holds a producer’s licence under the *Alberta Vegetable Growers (Processing) Marketing Regulation* (AR 160/2007);
- (d) “person” means a person as defined in the *Interpretation Act* and includes
 - (i) a partnership as defined in the *Partnership Act*,
 - (ii) any unincorporated organization that is not a partnership referred to in subclause (i), and
 - (iii) any group of individuals that is carrying on an activity for a common purpose and is neither a partnership referred to in subclause (i) nor an unincorporated organization referred to in subclause (ii);

- (e) “Plan” means the Alberta Vegetable Growers (Processing) Plan;
- (f) “processing” means the changing of the nature or form of a regulated product and without restricting the generality of the foregoing includes cooking, canning, freezing, drying, dehydrating or compressing the regulated product;
- (g) “processor” means any person engaged in processing;
- (g.1) “producer” means any person who produces the regulated product within any of the districts described in section 10;
- (h), (i) repealed AR 137/2007 s2;
- (i.1) “registrant” means a person who has registered with the Board as a registrant under the *Alberta Vegetable Growers (Processing) Marketing Regulation* (AR 160/2007);
- (j) “regulated product” includes peas, corn, wax beans, green beans, cucumbers, carrots, red beets, pumpkins, asparagus, tomatoes, cabbage and cauliflower and any other vegetables produced for processing except potatoes and sugar beets.

AR 273/97 s1;137/2007;28/2011;57/2015

Designation

2 Peas, corn, wax beans, green beans, cucumbers, carrots, red beets, pumpkins, asparagus, tomatoes, cabbage and cauliflower and any other vegetables produced for processing except potatoes and sugar beets are designated as agricultural products for the purposes of the Act.

Plan continued

3(1) The Alberta Vegetable Growers’ Marketing Plan established under the *Alberta Vegetable Growers Marketing Plan Regulation* (AR 95/93) is hereby amended and continued under this Regulation with the name “Alberta Vegetable Growers (Processing) Plan”.

(2) The Alberta Vegetable Growers (Processing) Plan operates pursuant to this Regulation.

Termination of Plan

4 This Plan does not terminate at the conclusion of a specific period of time and remains in force unless otherwise terminated pursuant to the Act.

Application of Plan**5** This Plan applies

- (a) to that part of Alberta that is contained within the districts,
 - (b) to all persons who are producers and who
 - (i) produce the regulated product on land contained within the districts, or
 - (ii) market that regulated product,
- and
- (c) for the purposes of section 9(1)(b), (c), (d), (e), (f) and (g) and (2)(c) to (h.1), to processors who process the regulated product produced on land contained within the districts.

AR 273/97 s5;57/2015

Financing of Plan

6(1) The Plan must be financed by charging and collecting service charges and other money payable to or received by the Board.

(2) The amount of a service charge and the method by which it may be assessed must be as prescribed by the Board.

(3) A processor must

- (a) deduct the service charge from payments due to licensed producers, and
- (b) pay the service charge to the Board

in the manner prescribed by the Board.

(4) The amounts of service charges and the manner in which they may be assessed and collected must be as prescribed by the Board.

AR 273/97 s6;137/2007;57/2015

Board

7(1) The board with the name “Alberta Vegetable Growers’ Marketing Board” established under the *Alberta Vegetable Growers Marketing Plan Regulation* (AR 95/93) is hereby continued with the name “Alberta Vegetable Growers (Processing) Board”.

(2) The Board must operate pursuant to this Plan.

(3) The Board

- (a) is responsible, subject to the Act, for the operation, regulation, supervision and enforcement of the Plan,
- (b) must
 - (i) open one or more accounts in and designate any officers, employees and other persons necessary to sign cheques and transact the Board's business with its bank, loan corporation, trust corporation, credit union, treasury branch or other depository, and
 - (ii) generally do all things incidental to or in connection with the transaction of the Board's business with its bank, loan corporation, trust corporation, credit union, treasury branch or other depository,
- (b.1) when investing its assets must make prudent investments in accordance with the requirements of section 3 of the *Trustee Act* respecting the investment of assets and may delegate to an agent in accordance with section 5(1) to (3) of that Act,
- (b.2) must establish policies respecting the management of its assets as required by the *Operation of Boards and Commissions Regulation* (AR 26/99),
- (b.3) may retain earnings and revenues from year to year to finance the purposes of the Plan, and
- (c) must maintain or cause to be maintained books and records that
 - (i) are required under the Act, the regulations or by virtue of any order of the Council, or
 - (ii) are required by the Board,and the books and records must be open for inspection at all reasonable times at the office of the Board on the written request of a licensed producer or any member of the Council.
- (4)** The Board is hereby empowered to accept and exercise any power and authority vested in the Board by the Lieutenant Governor in Council or the Council or delegated to the Board by the Council.
- (5)** The Board may become a member of or contribute funds to a farm organization.

(6) The Board may appoint officers and agents, prescribe their duties and fix and provide for their remuneration.

AR 273/97 s7;137/2007;28/2011

Purpose and intent

8 The purpose of the Plan is to provide for the effective control and regulation in all respects of the production and marketing of the regulated product in the area of Alberta to which the Plan applies and, without limitation, to accomplish the following:

- (a) to maintain and improve methods and practices of producing, harvesting, transporting, grading, processing, packing, storing and marketing the regulated product;
- (b) to provide for licensing of processors and registrants;
- (c) to maintain a fair and stabilized price for the regulated product;
- (d) to establish and maintain a system of marketing whereby the regulated product is marketed through processors in accordance with this Plan and the regulations made in respect of this Plan;
- (e) to provide a uniform, high quality of regulated product for processing;
- (f) repealed AR 137/2007 s5;
- (g) to ensure the supply of sufficient regulated product to processors;
- (h) to ensure that producers sell the regulated product to or through a processor licensed by the Board;
- (i) to work with marketing boards or organizations in Canada having purposes similar to those of the Plan;
- (j) to fund, initiate, conduct or carry on research and development and studies with respect to the production, handling, marketing and processing of the regulated product, including research and studies concerning the development and use of the regulated product;
- (k) to establish the negotiating agencies to settle matters regarding prices and the terms, conditions and forms of agreements relating to the marketing of the regulated product.

AR 273/97 s8;137/2007;28/2011;57/2015

Operation of Plan

9(1) For the purposes of enabling the Board to operate the Plan, the Board may be empowered by the Council, pursuant to section 26 of the Act, to make regulations

- (a) requiring producers engaged in the production or marketing, or both, of the regulated product to register their names and addresses with the Board;
- (b) requiring any person who produces, markets or processes the regulated product to furnish to the Board any information or record relating to the production, marketing or processing of the regulated product that the Board considers necessary;
- (c) requiring persons to be licensed under the Plan before they become engaged in the production, marketing and processing, or any one or more of those functions, of the regulated product;
- (d) prohibiting persons from engaging in the production, marketing or processing, as the case may be, of the regulated product except under the authority of a licence;
- (e) governing the issuance, suspension or cancellation of a licence;
- (f) providing for
 - (i) the assessment, charging and collection of service charges from producers from time to time for the purposes of the Plan, and
 - (ii) the taking of legal action to enforce payment of the service charges;
- (g) requiring any person who receives the regulated product from a producer
 - (i) to deduct from the money payable to the producer any service charges payable by the producer to the Board, and
 - (ii) to forward the amount deducted to the Board;
- (h) providing for the use of any class of service charges or other money payable to or received by the Board for the purpose of paying its expenses and administering the Plan and the regulations made by the Board;
- (i) repealed AR 57/2015 s6.

(2) For the purposes of enabling the Board to operate the Plan, the Board may be empowered by the Council, pursuant to section 27(1) of the Act, to make regulations

- (a) establishing
 - (i) a formula for determining the amount of the regulated product deemed to have been produced or marketed by a producer, and
 - (ii) the period of time in respect of which the formula is to be applied,

for the purposes of determining the amount of the regulated product produced or marketed by a producer during a period of time;
- (b) repealed AR 57/2015 s6;
- (c) directing, controlling or prohibiting, as the case may be, the production or marketing, or both, of the regulated product or any class, variety, size, grade or kind of the regulated product in a manner that the Board considers appropriate;
- (d) repealed AR 137/2007 s6;
- (d.1) regulating and controlling the production or marketing, or both, of the regulated product, including the times and places at which the regulated product may be produced or marketed;
- (e) providing for the establishment and operation of one or more programs for the disposition of any of the regulated product considered to be surplus to market requirements;
- (f) determining from time to time the minimum price or prices that must be paid to producers for the regulated product or any class, variety, grade, size or kind of the regulated product;
- (g) providing for the payment to a producer of the money payable or owing for the regulated product, less any service charges owing to the Board by the producer, and fixing the time or times at which or within which the payments must be made;
- (h) providing for the collection from any person by legal action of money owing to a producer for the regulated product;

(h.1) regulating and controlling agreements entered into by producers of the regulated product with persons engaged in marketing or processing of the regulated product, including to prohibit any provision in the agreements.

(i) repealed AR 57/2015 s6.

AR 273/97 s9;137/2007;15/2008;57/2015

Districts

10(1) For the purposes of representation, the area of Alberta to which the Plan applies is divided into the following 3 districts:

- (a) Coaldale District, which consists of the land lying within Range 19, south of Township 20 to the United States border and west of Range 19 to the British Columbia/Alberta border;
- (b) Taber District, which consists of the land lying within Range 18 south of the Oldman River and south of the South Saskatchewan River to the United States border, and east of Range 18 to the Saskatchewan/Alberta border;
- (c) Vauxhall District, which consists of the land lying within Range 18 north of the Oldman River and the South Saskatchewan River and south of Township 27 and east of Range 18 to the Saskatchewan/Alberta border.

(2) Meetings of the licensed producers of a district may be called

- (a) by the Board or the Council at any time, or
- (b) by the Board on the written request of at least 3 licensed producers for that district.

AR 273/97 s10;137/2007

Composition of Board

11(1) The Board consists of 5 directors representing the area of Alberta to which the Plan applies.

(2) The directors shall, at the conclusion of every annual general meeting, elect a chair and a vice-chair from among themselves, each for a one-year term.

(3) The Board may remove the chair if

- (a) in the opinion of the Board the chair no longer represents the interests of the vegetable processing industry, and
- (b) at least 3 of the 5 directors, other than the chair, vote to do so.

- (4) The Board may remove the vice-chair if
- (a) in the opinion of the Board the vice-chair no longer represents the interests of the vegetable processing industry, and
 - (b) at least 3 of the 5 directors, other than the vice-chair, vote to do so.

AR 273/97 s11;137/2007;57/2015

Meetings

12 The Board

- (a) must hold an annual general meeting of licensed producers at the date, time and place fixed by the Board,
- (b) must hold special general meetings of licensed producers when the Board considers it appropriate to do so, and
- (c) must hold a special meeting of licensed producers on receipt of a written request
 - (i) by the Council, or
 - (ii) by not less than 10% of the licensed producers.

AR 273/97 s12;137/2007

By-laws

13 Subject to the Act and the regulations, the Board may make by-laws governing the calling and holding of annual general meetings, special general meetings and special meetings.

Annual general meetings

- 14(1)** At each annual general meeting the licensed producers must
- (a) elect individuals to fill the positions on the Board that become vacant at the conclusion of that annual general meeting,
 - (b), (c) repealed AR 57/2015 s8,
 - (d) receive, consider and discuss the annual reports of the Board and the operations of the Board since the previous annual general meeting,
 - (e) receive, consider and discuss the annual reports of any committees appointed by the Board,

- (f) receive the auditor's annual financial statement and report,
- (g) appoint an auditor for the Board for the coming year, and
- (h) discuss and formulate the policies to be adopted or continued by the Board in carrying out its general duties under the Plan and in carrying out the powers and duties vested in the Board.

(2) Repealed AR 137/2007 s10.

AR 273/97 s14;137/2007;57/2015

Nominations

15(1) Only licensed producers who are resident in the area of Alberta to which this Plan applies may nominate a person as a director.

(2) A person may be nominated for election to the Board only if a person is a licensed producer and is a resident of the area of Alberta to which the Plan applies.

(3) A nomination may be made

- (a) in writing, signed by at least 2 nominators, or
- (b) from the floor at the meeting at which the election is to be held.

(4) A nomination in writing must be delivered to the returning officer prior to the election date.

(5) A nomination is not valid unless

- (a) in the case of a nomination in writing, it is accompanied by the written consent of the nominee, or
- (b) in the case of a nomination made orally, the nominee gives oral or written consent to the nomination at the meeting at which the election is to be held.

(6) Repealed AR 137/2007 s11.

AR 273/97 s15;137/2007;57/2015

Secret ballot

16 The election of directors must be by secret ballot.

AR 273/97 s16;57/2015

Term of office of directors

17(1) The term of office of a director commences at the conclusion of the annual general meeting at which the election is held to fill the office and terminates on the conclusion of the annual general meeting held in the 3rd year following the year in which the term commenced.

(2) No individual shall serve more than 3 consecutive 3-year terms as director.

(3) If an individual serves for 9 consecutive years as director, that individual is not eligible to serve again as director until the annual general meeting following the annual general meeting in which that individual's term expired.

AR 273/97 s17;137/2007;57/2015

Transitional

17.1(1) Notwithstanding section 17(1), at the 2015 annual general meeting, the licensed producers must elect

- (a) 2 individuals each as directors for a 3-year term,
- (b) one individual as director for a one-year term, and
- (c) one individual as director for a 2-year term.

(2) This section is repealed immediately following the conclusion of the 2015 annual general meeting.

AR 57/2015 s11

Loss of eligibility

18 A director who ceases to hold a licence for 18 consecutive months ceases to be a director.

AR 273/97 s18;137/2007;57/2015

Vacancy

19(1) If a director's position becomes vacant during the director's term of office, the Board may, with the approval of Council, appoint from among the individuals eligible to be elected to the vacant position, an individual

- (a) to fill the position for the unexpired portion of the term, or
- (b) to act as a director until the date of the next annual general meeting, at which time the position is to be filled by an election held in accordance with this Regulation of a director to hold office for the unexpired portion of the term.

(2) An individual who fills a position or acts as a director pursuant to subsection (1) for 18 months or less is not considered to have served a term as a director for the purposes of section 17(3).

(3) If a director's position as chair becomes vacant during the chair's term of office, the vice-chair must assume the position and the responsibilities of the chair for the unexpired portion of the term.

(4) If a director's position as vice-chair becomes vacant during the vice-chair's term of office, the Board must elect from among themselves a vice-chair to serve the unexpired portion of the term.

AR 273/97 s19;137/2007;57/2015

Eligibility to vote

20(1) An individual who

- (a) is a licensed producer or a representative of a licensed producer,
- (b) resides in Alberta, and
- (c) is present at a meeting

is eligible to vote on any matter at that meeting and is eligible to vote in the election of directors.

(2) Notwithstanding subsection (1), if an individual is both

- (a) a licensed producer, and
- (b) appointed under section 22 as a representative of a producer that is not an individual,

that individual, during the time that the individual is a representative of a licensed producer under section 22, shall not

- (c) vote on any matter under this Plan,
- (d) vote at an election under this Plan, or
- (e) hold office under this Plan,

in that individual's own capacity as a producer and may only carry out those functions as the representative of the licensed producer appointed under section 22.

(3) An individual who is eligible to vote may appoint any person as a proxy to vote on the individual's behalf.

(4) An individual who is appointed as a proxy under subsection (3) must deposit with the returning office, before the vote is to be held, the document under which the proxy is appointed.

(5) A person may not act as a proxy for more than one individual in respect of the same vote.

AR 273/97 s20;137/2007;57/2015

Voting

21(1) An individual who is eligible to vote may

- (a) vote once on each matter, and
- (b) in the case of an election of directors, vote for any number of candidates the individual chooses, not exceeding the number of directors to be elected to the Board,

notwithstanding that the individual may manage or operate or own, lease or hold equity in 2 or more operations that are licensed separately with the Board.

(1.1) If an individual is appointed as a proxy and the individual is also a licensed producer or a representative of a licensed producer, that individual is entitled to vote in that individual's own right as a licensed producer or as a representative of a licensed producer and on behalf of the individual who appointed that individual as a proxy.

(2) An individual shall not vote under the Plan unless

- (a) the individual's name appears on the current list of licensed producers, or
- (b) the individual is a representative of a corporation, partnership or other organization and complies with section 22(6) and (7).

AR 273/97 s21;137/2007;57/2015

Representatives

22(1) If a licensed producer is not an individual and

- (a) makes representations on any matter pertaining to the Plan,
- (b) attends meetings held under the Plan,
- (c) votes on any matter under the Plan,
- (d) votes at an election under the Plan, or

- (e) holds office under the Plan,
it must do so in accordance with this section.
- (2)** A licensed producer that is not an individual must appoint an individual to be the representative of the licensed producer.
- (3)** A representative appointed by a licensed producer under this section must
- (a) represent the licensed producer in any matter pertaining to the Plan,
 - (b) attend meetings on behalf of the licensed producer, and
 - (c) vote and hold office, as the case may be, on behalf of the licensed producer.
- (4)** If a licensed producer is
- (a) a corporation, it must appoint an individual who is a director, shareholder, member, officer or employee of the corporation as its representative,
 - (b) a partnership, it must appoint an individual who is a partner or employee of the partnership as its representative, or
 - (c) an organization other than a corporation or partnership, it must appoint an individual who is a member, officer or employee of the organization as its representative.
- (5)** An appointment of a representative under this section must
- (a) be in writing, and
 - (b) in the case where a vote is to be taken at a meeting, be filed with the returning officer prior to the calling to order of the meeting at which a vote is to take place.
- (6)** A representative of a licensed producer must not vote under this Plan unless the representative
- (a) presents a document signed by a licensed producer indicating the representative as the person who may vote for the licensed producer, or
 - (b) makes a declaration in writing stating that the representative
 - (i) is a representative of the licensed producer, and

- (ii) has not previously voted in the election or on the matter in respect of which the representative wishes to vote.

(7) A declaration made under subsection (6)(b) must be made in writing before the returning officer or the deputy returning officer prior to the vote being cast.

(8) An individual may not be a representative under this section for more than one licensed producer at any one time.

(9) A representative shall not vote or hold office before the appointment is filed in accordance with subsection (5).

(10) A representative of a licensed producer who is eligible to vote may appoint any person as a proxy to vote on the representative's behalf.

(11) A person who is appointed as a proxy under subsection (10) must deposit with the returning officer, before the vote is to be held, the document under which the proxy is appointed.

(12) A person may not act as a proxy for more than one representative of a licensed producer in respect of the same vote.

AR 273/97 s22;137/2007;57/2015

Returning officer

23(1) The Board must appoint a returning officer for the purposes of any election or vote taken under the Plan.

(2) The returning officer may appoint individuals as deputy returning officers to assist in the conduct of elections and votes under the Plan.

(3) The returning officer must

- (a) compile and maintain a voters list of licensed producers who are entitled to vote under the Plan,
- (b) ensure that an individual does not cast a vote under the Plan unless
 - (i) the name of that individual appears on the voters list,
 - (ii) that individual has made a declaration under section 22(6)(b), or
 - (iii) that individual has been appointed as a proxy pursuant to section 20(3) and deposits with the returning officer the document under which the proxy is appointed pursuant to section 20(4);

and

- (c) permit scrutiny by a scrutineer of the actions of the returning officer and the deputy returning officers respecting the conduct of a vote taken under the Plan.

AR 273/97 s23;137/2007;57/2015

Election records

24 Unless otherwise directed by the Council, no person shall destroy any record or ballot in respect of any vote held pursuant to the Plan until at least 90 days after the day on which the voting was conducted.

AR 273/97 s24;137/2007

Quorum

25(1) The quorum required

- (a) to conduct business at an annual general meeting or special meeting, or
- (b) to elect directors at an annual general meeting or at a special meeting held under section 27(6)(a)

is 20% of the licensed producers eligible to attend the meeting.

(2) The quorum required for meetings of the Board is a majority of the directors then sitting on the Board.

AR 273/97 s25;137/2007;57/2015

Result of invalid election

26(1) If an election is held under the Plan and there is in attendance at the meeting at which the election is held an insufficient number of individuals who are eligible to vote at the election,

- (a) the election is void, and
- (b) the position for which the election was held is vacant.

(2) Notwithstanding that a position is vacant under subsection (1), the term of office of the position is deemed to have commenced as if an individual had been elected to the position.

(3) Notwithstanding section 19, if a position is vacant under subsection (1), the Council must fill the position by appointing, from individuals eligible to be elected to that position, an individual to fill that position.

(4) An individual appointed under subsection (3) must serve the unexpired portion of the term.

Controverted election

27(1) If a licensed producer

- (a) questions
 - (i) the eligibility of a candidate,
 - (ii) the eligibility of a voter,
 - (iii) any matter relating to a ballot or the tabulation of ballots, or
 - (iv) any other irregularity with respect to the conduct of an election,
- and
- (b) seeks to have the election declared invalid and the position declared vacant,

the licensed producer must, not later than 15 days after the date of the election, apply in writing to the Council to have the election declared invalid and the position declared vacant.

(2) If, within 15 days after the date of an election, the Council has not received an application under subsection (1), a person elected at that election is deemed to be duly elected.

(3) The Council shall not consider an application under subsection (1) that has not been received by the Council within 15 days after the date of the election.

(4) On receipt of an application under subsection (1), the Council must consider the matter and may

- (a) declare the election to be proper and the position filled if, in the opinion of the Council, there is no basis for the application,
- (b) declare the election to be proper and the position filled, notwithstanding that there is a basis for the application, if, in the opinion of the Council,
 - (i) the basis for the application did not materially affect the result of the election, and
 - (ii) the election was conducted substantially in accordance with this Regulation and the Act,

or

- (c) declare the election to be void and the position vacant if, in the opinion of the Council, there is a basis for the application and the basis is sufficient to or did affect the result of the election.

(5) Notwithstanding that an election is declared void and a position is declared vacant under subsection (4)(c), the term of office of the position declared vacant is deemed to have commenced on the date that the election which was declared void was held.

(6) Notwithstanding section 19, if the Council declares an election to be void and the position vacant, it must

- (a) order that, within the time set by the Council, a special meeting be held and an election be conducted to fill the vacant position, or
- (b) appoint, from among individuals who are eligible to be elected to the position, an individual to fill the vacant position.

(7) A person elected or appointed under subsection (6) must hold office for the unexpired portion of the term.

AR 273/97 s27;137/2007

Indemnification funds

28(1) The Board may establish one or more funds under section 34 or 35 of the Act.

(2) In accordance with section 50 of the Act, the Board, with respect to the production or marketing, or both, of the regulated product, is authorized to perform any function or duty and exercise any power imposed or conferred on the Board by or under the *Agricultural Products Marketing Act* (Canada) or the *Farm Products Marketing Agencies Act* (Canada), or both of them.

(3) In order to finance the funds, the Board may raise amounts in accordance with sections 34 and 35 of the Act.

Transitional

29(1) In this section,

- (a) “new Plan” means this Plan as continued by this Regulation;
- (b) “previous Plan” means the Alberta Vegetable Growers’ Marketing Plan established under the *Alberta Vegetable*

Growers Marketing Plan Regulation (AR 95/93) as it read immediately before the coming into force of this Regulation.

(2) The persons who, immediately before the coming into force of this Regulation, were members of the Board under the previous Plan must, on the coming into force of the new Plan, continue as members of the Board under the new Plan until their term under the previous Plan expires and they are replaced by members of the new Board who are elected under the new Plan.

(3) All assets, liabilities and obligations of the previous Board are assumed by the new Board.

(4) Any obligation or liability that a person has

(a) under the previous Plan is an obligation or liability, as the case may be, under the new Plan, or

(b) with or in respect of the previous Board is an obligation or liability, as the case may be, with or in respect of the new Board.

(5) Any reference to the previous Board or the previous Plan in any document, agreement or regulation that is subsisting or in force immediately before the coming into force of the new Plan is deemed to be a reference to the new Board or the new Plan, as the case may be.

(6) Any proceeding that has been commenced but not completed under the previous Plan or in respect of the previous Board may be continued and completed under the new Plan or in respect of the new Board.

(7) Any matters or business of the previous Board that was in progress at the time of the coming into force of the new Plan may be continued by the new Board.

Repeal

30 The *Alberta Vegetable Growers Marketing Plan Regulation (AR 95/93)* is repealed.

Expiry

31 In compliance with the on-going regulatory review initiative, this Regulation must be reviewed on or before November 30, 2020.

AR 273/97 s31;206/2002;137/2007;57/2015

Coming into force

32 This Regulation comes into force on December 31, 1997.



Printed on Recycled Paper 