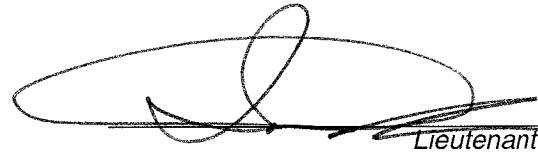


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL


Order in Council No. **710**, Approved and Ordered **OCT 12 2006**


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the attached British Columbia Wine Grape Council Regulation is made.


Minister of Agriculture and Lands


Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Farming and Fishing Industries Development Act, R.S.B.C. 1996, c. 134, s. 10

Other (specify):- oics 199/2002 and 1632/98

BRITISH COLUMBIA WINE GRAPE COUNCIL REGULATION

Definitions

- 1 In this regulation:
- “**Act**” means the *Farming and Fishing Industries Development Act*;
 - “**council**” means the British Columbia Wine Grape Council established by the minister under section 2 of the Act;
 - “**first receiver**” means a person who receives wine grapes directly or indirectly from a wine grape grower for processing into wine;
 - “**levy**” means the levy referred to in section 2;
 - “**wine grape grower**” means a person who operates a vineyard that produces wine grapes;
 - “**wine grapes**” means grapes grown in mainland British Columbia for the purpose of being processed into wine by a winery;
 - “**winery**” means a winery licensed under the *Liquor Control and Licensing Act*.

Payment of levy

- 2 (1) Each wine grape grower must pay to the council the levy established by the council under section 4 (1) of the Act.
- (2) The levy is payable as follows:
- (a) in the case of wine grapes delivered to a first receiver, on the delivery date;
 - (b) in the case of wine grapes produced on the vineyard of a first receiver and processed by the receiver in that receiver’s winery, on the date the wine grapes are moved into that winery.

Collection and remittance of levy on wine grapes delivered to first receiver

- 3 (1) Each first receiver, on behalf of the council, must collect the levy payable under section 2 (2) (a) by deducting it from the proceeds otherwise due to the wine grape grower for the wine grapes delivered to the first receiver.
- (2) On or before December 31 of each year, each first receiver must remit to the council the amount collected by the receiver under subsection (1) during the period December 1 of the previous year to November 30 of the current year.

Remittance of levy on wine grapes grown and processed by first receiver

- 4 On or before December 31 of each year, each first receiver must remit to the council the total amount that became payable by the grower under section 2 (2) (b) during the period December 1 of the previous year to November 30 of the current year.

Records

- 5 (1) Each person required under this regulation to remit a levy must retain all records relating to the collection and remittance of the levy for a period of 2 years after the deadline for remitting the levy.

- (2) Records for the purpose of subsection (1) must include the name and address of each wine grape grower who paid the levy.
- (3) A person required under subsection (1) to retain records must make the records available to the council on its request.