

§ 967.84

7 CFR Ch. IX (1-1-01 Edition)

§ 967.84 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 967.55.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17848, Nov. 30, 1968]

§ 967.85 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production of celery for market; provided, that such majority have, during such period produced for market more than 50 percent of the volume of such celery produced for market, but such termination shall be effective only if announced on or before August 1 of the then current fiscal year.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17848, Nov. 30, 1968]

§ 967.86 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the same committee, of all the funds and property then in possession of, or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary; (2) shall, from time to time, account for all receipts and disbursements, or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall,

upon the request of the Secretary, execute such assignments or other instruments necessary and appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to § 967.41 over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers as soon as practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17847, Nov. 30, 1968]

§ 967.87 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17847, Nov. 30, 1968]

§ 967.88 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler, or to any other person for errors in judgment, mistakes, or other

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acts, either of commission or omission as such member, alternate, employee, or agent except for acts of dishonesty.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17847, Nov. 30, 1968]

§ 967.89 Duration of immunities.

The benefits, privileges and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17847, Nov. 30, 1968]

§ 967.90 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

[30 FR 14266, Nov. 13, 1965. Redesignated at 33 FR 17847, Nov. 30, 1968]

Subpart—Rules and Regulations

SOURCE: 30 FR 15416, Dec. 15, 1965, unless otherwise noted.

GENERAL

§ 967.100 Communications.

Unless otherwise provided in the marketing agreement and order, or by specific direction of the committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order shall be addressed to the Florida Celery Committee, 4401 East Colonial Drive, Post Office Box 20067, at Orlando, Fla.

DEFINITIONS

§ 967.110 Order.

Order means Order No. 967 (§§ 967.1–967.60) regulating the handling of celery grown in Florida.

§ 967.111 Marketing Agreement.

Marketing Agreement means Marketing Agreement No. 149.

§ 967.112 Terms.

Except as otherwise provided herein, terms used in this subpart shall have the same meaning as when used in the marketing agreement and order.

INTERPRETATIVE RULES

§ 967.130 Producer.

(a) *Producer* shall be deemed to include any person: (1) Who or which owns and farms land resulting in his or its ownership of the celery produced thereon; (2) who or which rents and farms land, resulting in his or its ownership of all or a portion of the celery produced thereon; or (3) who or which owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of the celery produced thereon; or (4) who or which has celery produced on his or its behalf which results in his or its ownership of the celery so produced.

(b) The term *producer* is defined in § 967.6 as being any person engaged in a proprietary capacity in the production of celery (as defined in § 967.4). The term *person* is construed to mean the business unit which produces celery for market. The term *producer* shall be limited to those who have an ownership in celery produced in the production area.

(c) The term *partnership* shall be deemed to include a husband and wife with respect to land, the title to which, or leasehold interest in which, is vested in them as tenants in common, joint tenants, or tenants by entirety, or, under community property laws, as community property. The term “partnership” shall also be deemed to include two or more persons which join together by agreement, informal or otherwise, for the purpose of producing celery and which, as a unit, has ownership of such celery. The term “partnership” shall also include so-called “joint ventures,” wherein one or more parties to the arrangement contribute capital and others contribute labor, management, equipment, or other services, or any variation of such contributions by two or more parties, so that it results in the production of celery for market