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Part II Regulations under the Regulations Act

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N.S. Reg. 10/2000

Made: January 12, 2000

Filed: January 14, 2000

Schedule 9 - Schedule of Milk Prices for
Specified Areas Regulations

Order dated January 12, 2000
made under Section 13 of the
Dairy Commission Act

THE NOVA SCOTIA DAIRY COMMISSION, pursuant to Section 13 of Chapter 117 of the Revised Statutes of Nova Scotia, the *Dairy Commission Act*, on January 12, 2000,

HEREBY ORDERS that Schedule 9 - Schedule of Milk Prices for Specified Areas, made on _____, be amended effective February 1, 2000.

Schedule 9 - Schedule of Milk Prices for Specified Areas, made by the Nova Scotia Dairy Commission on January 12, 2000, is amended by repealing subsection 1(a) and substituting the following:

- (a) Component Prices, per kilogram for Classes 1, 2, 3, and 4

<u>Class of Milk</u>	<u>\$ Per Kg Butterfat</u>	<u>\$ Per Kg Protein</u>	<u>\$ Per Kg Other Solids</u>	<u>\$ Per hl Solids-non-fat</u>
1(a)	5.6936			45.06
1(b)	5.6936			33.35
1(c)	5.6936			45.98
2	5.6936	4.4299	4.4299	
3(a)	5.6936	10.1173	0.6343	
3(b)	5.6936	9.6631	0.6343	
4(a)	5.6936	3.8734	3.8734	
4(b)	5.6936	3.9820	3.9820	
4(c)	5.6936	3.8734	3.8734	
4(d)	5.6936	3.8734	3.8734	

N.S. Reg. 11/2000

Made: January 14, 2000

Filed: January 18, 2000

Ministerial Order re: Sinly Tam, King Lam Restaurant Management
Limited and Wawanesa Mutual Insurance Company

Order dated January 14, 2000
made under subsection 125(1) of the
Environment Act

IN THE MATTER OF Chapter 1 of the Statutes of Nova Scotia 1994-95, the
Environment Act (the "Act")

- and -

IN THE MATTER OF a Ministerial Order issued pursuant to the provisions of
the *Environment Act* to **Sinly Tam** of Bible Hill, Colchester County, Nova
Scotia, **King Lam Restaurant Management Limited**, a body corporate,
located at or near 39 Main Street, Bible Hill, Colchester County, Nova Scotia,
and **Wawanesa Mutual Insurance Company**, a body corporate, located at or
near 201 Brownlow Avenue, Halifax County, Nova Scotia

MINISTERIAL ORDER

I. **WHEREAS** King Lam Restaurant Management Limited and/or Sinly
Tam, owns, occupies, operates or is responsible for the operation of a plant,
structure, facility, undertaking or thing, to wit: a restaurant and other properties
which are located at or near 39 Main Street, Bible Hill, in Colchester County, Nova
Scotia, hereafter called the "Site";

II. **AND WHEREAS** Wawanesa Mutual Insurance Company insures the Site;

III. **AND WHEREAS** the Minister of the Environment believes on reasonable
and probable grounds that the persons named in this Ministerial Order have
contravened subsection 67(2) and section 71 of the *Environment Act*;

Environment Act

67 (2) No person shall release or permit the release into the
environment of a substance in an amount, concentration or level
or at a rate of release that causes or may cause a significant
adverse effect, unless authorized by an approval or the
regulations.

71 Any person responsible for the release of a substance under this Part
shall, at that person's own cost, and as soon as that person knows or
ought to have known of the release of a substance into the
environment that has caused, is causing or may cause an adverse
effect,

- (a) take all reasonable measures to
 - (i) prevent, reduce and remedy the adverse effects of the substance, and
 - (ii) remove or otherwise dispose of the substance in such a manner as to minimize adverse effects;
- (b) take any other measures required by an inspector or an administrator; and
- (c) rehabilitate the environment to a standard prescribed or adopted by the Department.

IV. **AND WHEREAS** the Minister is of the opinion that it is in the public interest to do all things and take all steps necessary to comply with the *Environment Act* or to repair any injury or damage, or to control, eliminate or manage an adverse effect;

IT IS HEREBY ORDERED:

That pursuant to subsection 125(1) of the *Environment Act*, the persons named in this Ministerial Order shall, at their own cost, comply with the terms and conditions, including compliance times, set forth in Schedule "A" attached to and forming part of this Ministerial Order.

AND TAKE NOTICE if the persons to whom this Ministerial Order is directed fail to comply with the Ministerial Order, or any part thereof, the Minister, pursuant to section 132(2) of the *Environment Act*, may take whatever action the Minister considers necessary to carry out the terms and conditions of the Ministerial Order and may recover any reasonable costs, expenses and charges incurred by the Minister pursuant to subsection 132 of the *Environment Act*.

AND FURTHER TAKE NOTICE that the appeal provisions respecting the issuance of a Ministerial Order are more fully outlined in Section 138 of the *Environment Act*, including a 30 day time period from the date of the issuance of the Ministerial Order to file an appeal.

DATED at Halifax, in Halifax Regional Municipality, Province of Nova Scotia, this 14th day of January, 2000.

Signed: *John Chataway*
The Honourable John Chataway
Minister of the Environment

SCHEDULE "A"**TERMS AND CONDITIONS****SINLY TAM, KING LAM RESTAURANT MANAGEMENT
LIMITED AND WAWANESA MUTUAL INSURANCE COMPANY****1 Site Assessment**

1.1 The persons named in this Ministerial Order shall ensure an environmental site assessment is conducted by a professional consultant(s) who has the necessary expertise in hydrogeology, chemistry and engineering to:

- (a) identify the type and levels of contamination in the soils and groundwater on site;
- (b) determine the potential and extent of any offsite impacts;
- (c) prepare a comprehensive and detailed report ("Assessment Report") recommending a cost effective and timely remediation plan;
- (d) include a time schedule to implement any soil and/or groundwater remediation and a description of the remedial technologies to be used.

1.2 On or before January 22, 2000 the name(s) of the consultant(s) specified in Paragraph 1.1 shall be submitted to the person identified in Paragraph 6.1.

1.3 On or before March 1, 2000 the Assessment Report specified in Paragraph 1.1 shall be submitted to the contact person for the Department of the Environment identified in Paragraph 6.1.

2.0 Site Remediation Approval

2.1 Prior to the commencement of any remediation works, the persons named in this Ministerial Order shall ensure written approval of the Assessment Report is obtained from the Department of the Environment including any remediation plan and the time schedules involved.

3.0 Implementation

3.1 Immediately upon receipt of approval from the Department of the Environment pursuant to Paragraph 2.1, the persons named in this Ministerial Order shall ensure work commences under the approved remediation plan and is completed within the approved time schedules.

4.0 Progress Reports

4.1 Once remediation has commenced pursuant to Paragraph 3.1, the persons named in this Ministerial Order shall ensure written progress reports are submitted on remediation activities to the Department of the Environment at such intervals to be determined by the contact persons named in Paragraph 6.1.

5.0 Time Extensions

- 5.1 If the persons named in this Ministerial Order request an extension of time to comply with the terms and conditions of this Ministerial Order, the request shall be in writing, shall outline the reasons and shall be directed for approval to the Minister of the Environment at P.O. Box 2107, Halifax, Nova Scotia, B3J 3B7 [N] (902) 424-5300, Fax (902) 424-0503.

6.0 Departmental Contact

- 6.1 Unless otherwise specified in this Ministerial Order or notified in writing by the Minister, the contact person in the Department of the Environment for this Ministerial Order is:

Wayne Faulkner A/ District Manager
Nova Scotia Department of the Environment
Northern Regional Office
P.O. Box 824 Truro, Nova Scotia
B2N 5G6

Tel: (902) 893-5880
Fax:(902) 893-0282

N.S. Reg. 12/2000

Made: January 14, 2000

Filed: January 18, 2000

Ministerial Order re: Able Towing and Recovery Limited and
Larry, Peg, Roger, Ronald and Natasha Matthews

Order dated January 14, 2000
made under subsection 125(1) of the
Environment Act

IN THE MATTER OF Chapter 1 of the Statutes of Nova Scotia 1994-95, the
Environment Act (the "Act")

- and -

IN THE MATTER OF a Ministerial Order issued pursuant to the provisions of the said *Act* to **Able Towing and Recovery Limited** a body corporate, located at or near Highway # 2, East Shubenacadie, Colchester County, Nova Scotia, and individuals **Larry Matthews**, of RR # 2, Shubenacadie, Hants County, Nova Scotia, **Peg Matthews** of RR # 2 Shubenacadie, Hants County, Nova Scotia, **Roger Matthews** of RR # 1 Elmsdale, Hants County, Nova Scotia, **Ronald Matthews** of RR # 1 Elmsdale, Hants County, Nova Scotia, **Natasha Matthews** of Shubenacadie, Hants County, Nova Scotia

MINISTERIAL ORDER

I. **WHEREAS** Able Towing and Recovery Limited, Larry Matthews, Peg Matthews, Roger Matthews, Ronald Matthews and Natasha Matthews own, occupy, operate or are responsible for the operation of a plant, structure, facility, undertaking or thing, to wit: a salvage yard located at or near Highway # 2, East Shubenacadie, in Colchester County, Nova Scotia, hereafter called the "Site";

II. **AND WHEREAS** the Minister of the Environment believes on reasonable and probable grounds that the persons named in this Ministerial Order have contravened subsection 67(2) of the *Environment Act* and section 27 of the *Petroleum Storage Regulations*;

Environment Act

67 (2) No person shall release or permit the release into the environment of a substance in an amount, concentration or level or at a rate of release that causes or may cause a significant adverse effect, unless authorized by an approval or the regulations.

Petroleum Storage Regulations

27 Where a storage tank system has been unused for a period of 24 consecutive months, the owner, operator or person responsible shall forthwith remove the storage tank system from the site in the manner set forth in the standard unless an exemption is granted in writing by an Administrator.

III. **AND WHEREAS** the Minister is of the opinion that it is in the public interest to do all things and take all steps necessary to comply with the *Environment Act* and the *Petroleum Storage Regulations* to repair any injury or damage, or to control, eliminate or manage an adverse effect;

IT IS HEREBY ORDERED:

That pursuant to subsection 125(1) of the *Environment Act*, the persons named in this Ministerial Order shall, at their own cost, comply with the terms and conditions, including compliance times, set forth in Schedule "A" attached to and forming part of this Ministerial Order.

AND TAKE NOTICE if the persons to whom this Ministerial Order is directed fail to comply with the Ministerial Order, or any part thereof, the Minister, pursuant to subsection 132(2) of the *Environment Act*, may take whatever action the Minister considers necessary to carry out the terms and conditions of the Ministerial Order and may recover any reasonable costs, expenses and charges incurred by the Minister pursuant to Section 132 of the *Environment Act*.

AND FURTHER TAKE NOTICE that the appeal provisions respecting the issuance of a Ministerial Order are more fully outlined in Section 138 of the *Environment Act*, including a 30 day time period from the date of the issuance of the Ministerial Order to file an appeal.

DATED at Halifax, in Halifax Regional Municipality, Province of Nova Scotia, this 14th day of January, 2000.

Signed: *John Chataway*
The Honourable John Chataway
Minister of the Environment

SCHEDULE "A"

TERMS AND CONDITIONS

**Able Towing and Recovery Limited, Larry Matthews, Peg Matthews,
Roger Matthews, Ronald Matthews, Natasha Matthews**

1.0 Underground Petroleum Storage System Removal

- a) The persons named in this Ministerial Order shall ensure the underground petroleum tank and associated system is removed from the site on or before February 18, 2000.
- b) The persons named in this Ministerial Order shall ensure the removal of all petroleum storage systems located at the Site is carried out by a Registered Installer pursuant to the *Petroleum Storage Regulations*.
- c) On or before January 28, 2000 the name of the Registered Installer specified in Paragraph (b) shall be submitted to the contact person for the Department of the Environment identified in Paragraph 7.1; and

- d) If contamination of the soil or groundwater is discovered upon the system being removed, the Nova Scotia Department of the Environment (NSDOE), Northern Regional Office, Truro shall be notified immediately.

2.0 **Contamination if Present**

Following NSDOE site assessment of the contamination, a professional consultant with the appropriate credentials may be required to provide the following:

- (a) identify the type and levels of contamination in the soils and groundwater on site;
- (b) determine the potential and extent of any offsite impacts;
- (c) prepare a comprehensive and detailed report (“Assessment Report”) recommending a cost effective and timely remediation plan;
- (d) include a time schedule for the implementation of any soil and/or groundwater remediation and a description of the remedial technologies to be used.

2.1 On or before April 17, 2000, the Assessment Report specified in Paragraph 2.0 (c) shall be submitted to the contact person for the Department of the Environment identified in Paragraph 7.1.

3.0 **Site Remediation Approval**

3.1 Prior to the commencement of any remediation works, the persons named in this Ministerial Order shall ensure written approval of the Assessment Report is obtained from the Department of the Environment, including any remediation plan and the time schedules involved.

4.0 **Implementation**

4.1 Immediately upon receipt of approval from the Department of the Environment pursuant to Paragraph 3.1, the persons named in this Ministerial Order shall ensure work commences under the approved remediation plan and is completed within the approved time schedules.

5.0 **Progress Reports**

5.1 Once remediation has commenced pursuant to Paragraph 4.1, the persons named in this Ministerial Order shall ensure written progress reports are submitted on remediation activities to the Department of the Environment at such intervals to be determined by the contact person named in Paragraph 7.1

6.0 **Time Extensions**

6.1 If the persons named in this Ministerial Order request an extension of time to comply with the terms and conditions of this Ministerial Order, the request shall be in writing, shall outline the reasons for the request and shall be directed for approval to the Minister of the Environment at P.O. Box 2107, Halifax, Nova Scotia, B3J 3B7 [N] (902) 424-5300, Fax (902) 424-0503.

7.0 Departmental Contact

7.1 Unless otherwise specified in this Ministerial Order or notified in writing by the Minister, the contact person in the Department of the Environment for this Ministerial Order is:

Wayne Faulkner A/ District Manager
Nova Scotia Department of the Environment
Northern Regional Office
P.O. Box 824 Truro, Nova Scotia
B2N 5G6

Tel: (902) 893-5880

Fax:(902) 893-0282

N.S. Reg. 13/2000

Made: January 19, 2000

Filed: January 20, 2000

Chicken Farmers of Nova Scotia Regulations

Order in Council 2000-12 made January 19, 2000
Regulations approved by the Governor in Council
pursuant to Sections 9 and 11
of the *Natural Products Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Marketing dated December 16, 1999, pursuant to Sections 9 and 11 of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*, is pleased to:

- (a) approve the repeal of the regulations respecting the Chicken Marketing Board approved by Order in Council 84-813 dated July 17, 1984; and
- (b) approve the making of new regulations respecting the Chicken Farmers of Nova Scotia made by the Natural Products Marketing Council, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**Regulations respecting chicken marketing approved by the
Governor in Council pursuant to Sections 9 and 11 of
Chapter 308 of the Revised Statutes of Nova Scotia, 1989,
the *Natural Products Act***

Short title

- 1** These regulations may be cited as the *Chicken Farmers of Nova Scotia Regulations*.

Part I - Interpretation

Interpretation

- 2** In these and all other regulations, orders, directions and policies of the Commodity Board, unless the context otherwise specifies,
 - (a) "A-06" means an 8-week production period from April 14, 1996 to June 8, 1996 inclusive;
 - (b) "A-07" means an 8-week production period immediately following A-06;
 - (c) "Act" means the *Natural Products Act*;

- (d) “adjustment unit” means one of the units assigned by the Commodity Board, after the end of a base quota period, to producers who had not previously transferred any quota and were licensed to produce less than the amount set out in subsection 4(3);
- (e) “Agreement” means the agreement, made on the form approved by the Commodity Board, called the Agreement for Producing and Marketing Chicken, entered into between a producer and a processor for each marketing period pursuant to Sections 11 and 13;
- (f) “base quota” means the live weight kilograms registered by the Commodity Board in each producer’s name;
- (g) “base quota period” means
 - (i) for broiler producers, the 48-week period used to calculate adjustments to base quota as provided in Section 4, beginning with the period from December 24, 1995 to November 23, 1996, and from then on each consecutive 48 weeks; and
 - (ii) for roaster and combination producers, the 50-week period used to calculate adjustments to base quota as provided in Section 4, beginning with the period from November 26, 1995 to November 9, 1996, and from then on each consecutive 50 weeks;
- (h) “beneficial shareholder” means a person who owns one or more shares issued by a body corporate, whether or not that person is listed as the registered owner of any such share in the register of members of the body corporate;
- (i) “broiler” means any variety of chicken ordinarily marketed by a producer at an average live weight exceeding 1 kg (2.2 lbs.) but less than 2.7217 kg (6 lbs.) but a broiler may be marketed at any weight;
- (j) “chicken” means a chicken of any class, 6 months of age or less, raised for meat production, whether live, fresh or frozen and includes any part or parts;
- (k) “combination producer” means a producer who has been issued base quota for more than one class of chicken;
- (l) “Commodity Board” means the Chicken Farmers of Nova Scotia;
- (m) “Cornish chicken” means any variety of chicken marketed at an average live weight equal to or less than 1 kg (2.2 lbs.);
- (n) “Council” means the Natural Products Marketing Council;

- (o) “dealer” means any person other than a primary processor, further processor, retailer or restaurateur who buys chicken for resale in Nova Scotia;
- (p) “facilities” means the building or buildings and lands appurtenant to them and fixtures and equipment owned or leased by a producer that are used for the production of chickens;
- (q) “flock” means any group of chickens housed in a producer’s facilities that are being raised by the producer for marketing at the same or approximately the same live weight at the same or approximately the same time;
- (r) “free range chicken” means any variety of chicken that
 - (i) is raised on a feed ration consisting solely of grains, vegetable oil and necessary vitamins and minerals and containing no traces of rendered meat products, fish meal, antibiotics or other medication of any kind, including growth promoters,
 - (ii) has regular access to fresh air, sun, soil and green forage, and
 - (iii) will be processed by a federally or Provincially inspected processor;
- (s) “hatchery” means the facility used for hatching or supply of meat type chicks in Nova Scotia;
- (t) “licence” means the approval that is required by and issued pursuant to subsection 10(3) by the Commodity Board to a person to produce and market chicken in the Province;
- (u) “live weight” means the weight of live chicken as measured by a processor on delivery by a producer;
- (v) “marketing” includes advertising, buying, selling, storing, packing, transporting, shipping, shipping for sale or storage, and offering for sale, and includes sale by peddlers, hawkers and traders;
- (w) “marketing period” means any marketing period established by the Commodity Board during which producers are licensed to market chicken;
- (x) “person” includes a corporation and the heirs, executors, administrators or other legal representative of a person;
- (y) “Plan” means the *Nova Scotia Chicken Marketing Plan*;
- (z) “processing” means altering the nature, size, quality or condition of chicken by mechanical means or otherwise and includes slaughtering;

- (aa) “processor” means a person operating a plant for the processing, distribution or selling of chickens;
- (ab) “producer” means any person including each beneficial shareholder of a limited company or each partner in a partnership, licensed to produce and market chickens in the Province for the purpose of sale or distribution;
- (ac) “producer-vendor” means any person who produces and markets, offers for sale, sells or stores all or any part of chicken produced;
- (ad) “quota allocation” means the total kilograms of chicken expressed in live weight, allocated for a marketing period by the Chicken Farmers of Canada to the Commodity Board;
- (ae) “retailer” means any person who sells or offers for sale chicken directly to the public for consumption;
- (af) “roaster” means any variety of chicken ordinarily marketed at an average live weight equal to or more than 2.7217 kg (6 lbs.) and includes chicken intended to be marketed at that weight but actually marketed at a lesser weight with prior approval of the Commodity Board; and
- (ag) “Special Licence” means a licence issued to a producer to produce and market chicken for a specified purpose and time period pursuant to Section 16 to meet market requirements and does not constitute a basis for chicken quota.

Part II - Base Quota

Requirement to hold base quota

- 3 (1)** Except as provided in subsection (4), no person may obtain a Producer Licence for the production and marketing of chicken unless that person has been issued base quota by the Commodity Board.

Allocation of quota

- (2) Each producer’s share of the quota allocation may be issued by the Commodity Board as an 8 or 10 week Producer Licence.
- (3) The total production as allocated in all licences shall be equal to the quota allocation.

Exemption

- (4) The Nova Scotia Agricultural College shall be exempt from subsection (1), but it shall obtain licences for each flock of chickens housed in its research facilities and shall pay the applicable levy.

Base quota adjustments

- 4 (1) Base quota shall be adjusted after each base quota period to reflect increases or decreases in the quota allocation and to reflect the total kilogram increase or decrease in Nova Scotia for the base quota period then ended.

Apportionment of adjustments

- (2) Adjustments to base quota shall be apportioned by the Commodity Board equally among all producers who have not reached the maximum as prescribed in subsection (3) and producers who have an interest in an adjustment unit based on each producer's share of all adjustment units, regardless of class of chicken quota held.

Maximum base quota

- (3) The maximum amount of the base quota issued to a producer for broiler, roaster or Cornish chicken, or any combination of these, shall not exceed 840 200 kg live weight.

Adjustment unit

- (4) Each producer shall have no more than one adjustment unit at any given time.
- (5) A producer who transfers all or part of that producer's base quota shall not retain any part of an adjustment unit.
- (6) Where a producer transfers all or part of that producer's base quota, the producer's adjustment unit shall be transferred to the transferee as directed by the Commodity Board in writing, subject to subsection (4), taking into consideration the amount of base quota transferred to each transferee.
- (7) Where an adjustment unit is eliminated as a result of a transfer or otherwise, the Commodity Board may, at a later date, issue an adjustment unit to one or more producers, subject to subsection (4).
- (8) The Commodity Board may make exceptions to the requirements of subsections (5) and (6), if the Commodity Board considers it to be in the best interests of the producer requesting the transfer of base quota and of the industry to do so.

Beneficial shareholder

- (9) When a producer is a limited company, each beneficial shareholder shall be deemed to be the holder of all that producer's base quota and its adjustment unit, regardless of the percentage of shares of the company and the number of beneficial shareholders.

Partnership

- (10) When a producer is a partnership, each partner shall be deemed to be the holder of all of that producer's base quota and its adjustment unit, regardless of the percentage of ownership of the partnership and the number of partners.

Base quota distribution

- 5 The Commodity Board may distribute base quota adjustments from the quota allocation to any person or persons upon such terms as the Commodity Board decides.

Approval of base quota transfers

- 6 (1) Base quota shall not be transferred unless the Commodity Board
- (a) considers that the transfer is in the best interests of the industry; and
 - (b) gives prior approval for the transfer.

Minimum base quota

- (2) Unless the Commodity Board considers it to be in the best interests of the industry to make an exception, the Commodity Board shall not approve an application to transfer a part of a producer's base quota where, after the transfer, the base quota held by each of the producer and the transferee would be less than 235 000 kg live weight.

Transfer without facilities

- 7 (1) A producer who wishes to transfer base quota without facilities shall submit, on a form approved by the Commodity Board, an application to the Commodity Board for approval of the base quota transfer and shall provide
- (a) the name and address of the person or persons to whom the base quota is proposed to be transferred;
 - (b) a copy of the Agreement of Purchase and Sale relating to the proposed transfer, if any;
 - (c) a completed application signed by the producer and the proposed transferee verifying the proposed purchase and sale; and
 - (d) any other information or documentation that the Commodity Board may consider relevant to the application.

Considerations of transfer

- (2) The Commodity Board may approve the transfer of base quota without facilities to any person or persons upon consideration of such matters as the Commodity Board considers appropriate, including but not limited to whether
- (i) it is in the best interests of the industry to do so,
 - (ii) it is practical or economical, and
 - (iii) the transferee has suitable facilities to produce the additional base quota, or agrees to have suitable facilities within 6 months of the Commodity Board's approval in principle of the transfer.

- (3) Despite subsection (2) no producer shall hold more base quota after the transfer than the amount prescribed in subsection 4(3).

Transfer with facilities

- 8** (1) A producer who wishes to transfer base quota with facilities shall submit, on a form approved by the Commodity Board, an application to the Commodity Board for approval of the base quota transfer and shall provide
- (a) the name and address of the person or persons to whom the base quota and facilities are proposed to be transferred;
 - (b) a copy of the Agreement of Purchase and Sale relating to the proposed transfer, if any;
 - (c) a completed application signed by the producer and the proposed transferee verifying the proposed purchase and sale; and
 - (d) any other information or documentation that the Commodity Board may consider relevant to the application.

Considerations of transfer

- (2) The Commodity Board, in considering an application for approval of base quota transfer with facilities, shall not be limited in its inquiry to facts relating to the proposed transfer, but may also consider the effect of the proposed transfer on the industry as a whole.

Conditions

- (3) Whether specifically stated in the approval or not, it shall be a condition of any approval of transfer of base quota with facilities that the Producer Licence in kilograms issued to the transferee shall, for a period of 3 years following the date of transfer, be produced in the facilities transferred from the transferor and not in other facilities that may be owned by the transferee, unless subsection (4) applies.

Exception to conditions

- (4) Despite subsection (3), the Commodity Board may approve the Producer Licence in kilograms in other facilities of the transferee if it
- (a) is satisfied that the facilities of the transferor are or have become, through no fault on the part of the transferee, unsuitable for the production of chicken; or
 - (b) determines that it is in the best interests of the industry to do so.

Cancellation of base quota or adjustment unit

- 9** (1) The Commodity Board may cancel all or part of a producer's base quota and any adjustment unit in that producer's name if any of the following apply:

- (a) the producer fails to submit to the Commodity Board the proper reports concerning production and marketing of chickens as prescribed by Section 17;
- (b) the producer fails to produce or market chickens in a volume consistent with the licence issued to the producer within a reasonable time after receiving written notice from the Commodity Board that cancellation of the base quota is being considered;
- (c) the producer fails to comply with conditions in any approval of transfer of base quota;
- (d) the producer produces chicken in facilities not owned by the producer without prior written approval of the Commodity Board; or
- (e) the producer violates any other provision of the Plan or these regulations.

Effect of cancellation

- (2) When part or all of a producer's base quota or adjustment unit has been cancelled by the Commodity Board, the base quota and adjustment unit shall be deemed to have been transferred to the Commodity Board and may be reissued by the Commodity Board pursuant to Section 5.

No compensation

- (3) Where base quota is transferred to the Commodity Board pursuant to this Section, the producer shall not be entitled to any compensation from the Commodity Board.

Part III - Licensing and Fees**Requirement to hold licence**

- 10** (1) No person shall engage in the production or marketing of chicken unless that person holds the required licence and, in the case of a producer, pays to the Commodity Board the levy prescribed by Section 15 and, where required, the licence fee prescribed in subsection (4).

Exception

- (2) Despite subsection (1), no licence shall be required for a person who raises fewer than 50 chickens per calendar year for that person's own use.

Categories of licences

- (3) The Commodity Board may issue a licence and establish a corresponding licence fee structure for any of the following:
 - (a) Producer Licence;
 - (b) Producer-Vendor Licence; and
 - (c) Special Licence.

Licence fee

- (4) The licence fee for a Special Licence issued to a producer of free range chicken under clause (3)(c) shall be \$25.

Application for licence

- (5) A person shall submit a completed application to the Commodity Board, on a form approved by the Commodity Board, for each type of licence sought.

Transfer of licence

- (6) No licence may be transferred without the prior written approval of the Commodity Board.

Producer Licence content

- 11 (1) A Producer Licence shall state the marketing period for which it is issued, the name of the licensee and the quantity in kilograms live weight and class of chicken that is required to be marketed by the licensee in the marketing period for which the licence is issued.

Effective date of Producer Licence

- (2) A Producer Licence shall take effect if the Commodity Board receives the Agreement by the deadline as specified in the Agreement and it shall remain in force for the marketing period stated in the licence.

Production standard

- (3) The Commodity Board shall determine the standard amount of kilograms live weight for a Producer Licence by multiplying 31 kg by the producer's building capacity per square metre as recorded with the Commodity Board at the time of issuing the licence.
- (4) Regardless of the quantity stated in a Producer Licence, a producer shall not market more kilograms live weight in a marketing period than the standard amount determined pursuant to subsection (3) unless the producer and the processor specify their agreement to exceed the standard in the Agreement filed with the Commodity Board for that period.

Under-production of Producer Licence

- (5) The Commodity Board may require a producer who markets less than 92% of the kilograms live weight prescribed by that Producer Licence in a specified marketing period to appear before the Commodity Board to explain why less kilograms live weight than licensed was marketed in that marketing period.

Refusal to issue Producer Licence

- (6) The Commodity Board may revoke or refuse to issue, in whole or in part, a Producer Licence for any marketing period to a producer who marketed less kilograms live weight than prescribed by the licence issued to that producer for the prior marketing period, if the Commodity Board is not satisfied with the explanation given pursuant to subsection (5).

Facilities requirement

- (7) A Producer Licence confers upon the producer the right to produce chicken in facilities owned by the producer.
- (8) A producer must apply to the Commodity Board in writing for approval to produce chicken in facilities owned by another person.

Basis for licence amount

- 12 (1) Subject to subsection (2) and Section 11, the quantity of chicken in kilograms live weight for each Producer Licence shall be based on the base quota held by each producer as determined under Part II, processor market requirements, and the quota allocation.

Adjustments

- (2) Adjustments to licences shall be apportioned among all producers who have an interest in an adjustment unit based on each producer's share of all adjustment units, unless subsection (3) applies.

Reductions in licences

- (3) If, after a producer has transferred an adjustment unit or reached the maximum amount specified in subsection 4(3), total licences are reduced to an amount less than the total licences issued to all producers at the time of the transfer or the time the amount in subsection 4(3) was reached, then that producer shall share in the reduction in licences as if the producer had an adjustment unit.

Agreement with processor

- 13 (1) Prior to each marketing period, a producer and a processor shall enter into an Agreement for that marketing period, which shall specify the number of chickens to be placed with the producer, the target average weight for each chicken at marketing and the scheduled process week for the chickens to be placed.

Maximum kilograms

- (2) The product obtained by multiplying the number of chickens to be placed minus expected mortality by the target average weight at marketing shall not exceed the quantity of kilograms live weight prescribed by the Producer Licence for that marketing period.

Overproduction caused by producer

- (3) If a producer markets more kilograms live weight than prescribed by the Producer Licences for 2 consecutive marketing periods, beginning with periods A-06 and A-07 and every consecutive 2 marketing periods after that, as a result of the producer
 - (a) placing more chickens than specified in the Agreement;
 - (b) producing the chickens to a heavier weight than the target average weight; or

- (c) delaying the processing week for the chickens to be placed for either marketing period,

the producer shall pay the fee specified in subsection (5).

Overproduction caused by the processor

- (4) If a producer markets more kilograms live weight than prescribed by the Producer Licences for 2 consecutive marketing periods, beginning with periods A-06 and A-07 and every consecutive 2 marketing periods after that, as a result of the processor

- (a) placing more chickens than specified in the Agreement;
- (b) requesting heavier weight chickens than the target average weight; or
- (c) delaying the marketing week for the chickens to be placed for either marketing period,

the processor shall pay the fee specified in subsection (5).

Fee for overproduction

- (5) The fee for marketing more kilograms live weight than prescribed by the Producer Licences for 2 consecutive marketing periods shall be

- (a) \$0.44 for every kilogram marketed in excess of 102% and up to 104% of the total prescribed by the 2 licences; and
- (b) \$0.88 for every kilogram marketed in excess of 104% of the total prescribed by the 2 licences,

and a written notice of the amount of the fee shall be sent to the processor or producer by the Commodity Board.

Payment of fee

- (6) A person required to pay a fee pursuant to this Section shall remit the fee to the Commodity Board within 10 days of receipt of the written notice required in subsection (5).

Waiver of fee

- (7) In extenuating circumstances, the Commodity Board may waive the payment of a fee prescribed pursuant to this Section.

Notice of objection

- 14** (1) Upon receipt of the written notice of the fee prescribed by subsection 13(5), the producer or the processor shall have 10 days to file a written notice of objection with the Commodity Board requesting arbitration to decide who is responsible for the marketing of the excess kilograms.

Appointment of arbitrator

- (2) Upon receipt of the notice of objection pursuant to subsection (1), the Commodity Board shall request that the chairperson of the Council appoint an arbitrator and shall prepare a written report for the arbitrator outlining the basis for the fee.

Apportionment of fee

- (3) The appointed arbitrator may apportion the fee between the processor and producer or allocate it to one of them.

Decision final

- (4) The decision of the appointed arbitrator shall be final and binding on all parties.

Producer levy fee

- 15 (1) Each producer shall pay to the Commodity Board, at the time the producer's chicken is marketed, a levy fee of \$1.12 plus any applicable tax, per 100 kg based on live weight of the chicken marketed.

Deduction by processor

- (2) Despite subsection (1), where a producer is marketing chicken through the processing plant of a processor, processors shall deduct the levy referred to in subsection (1) before making any settlement with the producer, and the levy collected by a processor in such manner shall be paid on behalf of the producer to the Commodity Board not later than 10 days following the end of the month in which the levy was deducted.

Producer responsibility

- (3) If a processor fails to remit the levy payable to the Commodity Board on behalf of a producer pursuant to subsection (2), the levy shall immediately become payable by the producer.

Payment by producer

- (4) When a producer markets chicken without shipping to a processor, the producer shall remit the levy to the Commodity Board within 7 days of marketing the chicken, and the Commodity Board may in its discretion assess a per bird equivalent levy for that marketing.

Time of marketing

- (5) For the purposes of these regulations, marketing is deemed to have occurred,
- (a) where a producer, whether directly or indirectly, through an associated company, is also a processor, when live chickens are removed from the producer's facilities for the purposes of processing or marketing; or
 - (b) in all other cases, when chicken is delivered to the plant or other location from which the producer is paid.

Condemned chicken

- (6) Despite subsection (5), a levy shall not be payable with respect to any chicken delivered to a plant and not subsequently resold in any form for human consumption by virtue of its being condemned by *Health of Animals Act* (Canada) or the *Meat Inspection Act* inspectors as unsuitable for resale.

Penalty

- (7) Where a processor or producer does not pay a levy as prescribed by this Section, the Commodity Board may suspend, revoke or cancel the producer's licence and may order the forfeiture of base quota and adjustment unit.

Special Licence

- 16 (1) Despite any other provision in these regulations, the Commodity Board may issue a Special Licence for any marketing period for the production and marketing of any class of chicken.

Effect of Special Licence

- (2) A Special Licence issued pursuant to subsection (1) shall not entitle a producer to any rights other than those specifically stated in the Special Licence and, without limiting the generality of the foregoing, shall not confer any rights to receive additional licence or base quota for the same or any other class of chicken.

Part IV - Records and Reporting**Requirement to maintain records**

- 17 (1) A person licensed shall maintain records satisfactory to the Commodity Board relating to the licensee's production and marketing of chicken.

Requirement to furnish information

- (2) A person licensed shall, upon request, furnish to the Commodity Board or any agent of the Commodity Board duly authorized for that purpose, any information relating to the licensee's production, processing, storing, transporting and marketing of chicken within the Province on the appropriate forms approved by the Commodity Board and referred to in this Section.

Processor reports

- (3) A processor shall forward to the Commodity Board
- (a) within 14 days following the processing date, a properly completed producer return form in relation to all chicken processed during that week; and
 - (b) promptly on a weekly basis, a properly completed processor marketing report form in relation to all chicken processed by the processor during the previous week.

Producer reports

- (4) On delivery of chicken to a processor, a producer may be required to submit to the Commodity Board a copy of a producer's delivery slip, properly completed to show the producer's licence number and the number of chickens sold.

Return recap form

- (5) A producer who purchases feed other than through a processor shall submit to the Commodity Board within 14 days following the time of marketing a properly completed return recap form in relation to all chicken marketed by that producer.

Hatchery report

- (6) A hatchery operator shall submit to the Commodity Board within 10 days of the end of the month a properly completed hatchery report showing the number and variety of chicks placed during that month as well as the name of the producer with whom they were placed.

Failure to provide reports

- (7) The Commodity Board may suspend, revoke or refuse to issue a licence in the event that a licensee or applicant fails to provide the reports prescribed by this Section.

Part V - Pricing**Base price**

- 18 (1) The price established by the Price Negotiating Committee pursuant to the Plan, called the "base price", shall be forwarded immediately to the General Manager of the Commodity Board.

Publication

- (2) The General Manager shall publish the base price and distribute it as soon as is practicable to each producer and processor.

Catching

- (3) The base price includes all costs incurred in catching.

Premium

- 19 (1) In addition to the base price, a processor shall pay to a producer a premium per kilogram live weight as determined by resolution of the Commodity Board.
- (2) A premium shall be based on the average live weight of all chicken contained in each truckload shipped by a producer to a processor.

Condemned chickens

- 20 (1)** Every processor purchasing chicken shall pay for all chickens received at the premises of a producer other than chickens condemned at the processing plant by *Health of Animals Act* (Canada) or the *Meat Inspection Act* inspectors for reasons of disease or emaciation.

Bruised birds

- (2)** No parts of or whole bruised birds are to be charged back to the producer by the processor.

Requirement to pay published price

- 21** Unless authorized by the Commodity Board in writing, no producer shall sell or offer to sell and no processor shall buy chicken at a price less than the base price established by the Price Negotiating Committee and published by the Commodity Board.

Part VI - Appeals**Appeal provisions**

- 22 (1)** An interested person or class of persons affected by a decision of the Commodity Board on

- (a) cancellation of a licence;
- (b) refusal to issue a licence;
- (c) refusal to approve a quota transfer;
- (d) cancellation of base quota; or
- (e) refusal to issue quota allocation,

shall have the right to appeal the decision to the Council.

- (2)** An interested person or class of persons affected by a decision of the Commodity Board may make a request to the Council to hear an appeal on a decision and except as provided for in subsection (1), the Council may, in its discretion, determine whether to hear an appeal.

Please note: Forms required by these regulations may be obtained from the Commodity Board.