

Schedule “A”

Regulations Respecting Pork Nova Scotia made pursuant to Section 9 of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*

Citation

1 These regulations may be cited as the *Pork Nova Scotia Regulations*.

Application of regulations

2 Except as provided in Section 3, these regulations apply to all producers, contract growers, livestock dealers and processors.

Exemption from regulations

3 A producer who markets fewer than 25 hogs per year is exempt from these regulations.

Definitions

4 (1) In these regulations,

“Act” means the *Natural Products Act*;

“boar” means an uncastrated male hog that is used for breeding;

“booking system” means the Commodity Board booking system described in Section 15 through which a producer may market hogs;

“breeder” means a boar, gilt or sow;

“broker” means a person who purchases a hog for resale or on a contract basis under the booking system;

“contract grower” means a person who raises hogs that they do not own on behalf of a producer;

“cull boar” means a boar that is no longer used for breeding and is marketed for slaughter;

“cull sow” means a sow that is no longer used for breeding and is marketed for slaughter;

“feeder hog” means a hog that is at least 51 days old and is marketed for hog production instead of slaughter;

“gilt” means a young female hog that is capable of breeding and producing young, has unaltered reproductive organs, has not been bred and will be used for breeding;

“levy” means a levy required by Section 17 to be paid by a producer to the Commodity Board for each hog marketed in the regulated area;

“licence” means a licence issued by the Commodity Board under Section 9;

“licensing period” means the period between January 1 and December 31, inclusive, in any year;

“livestock dealer” means a person who acts as an agent in buying or selling hogs, and includes

- (i) a broker, and
- (ii) a person who, as a business, operates a public auction where hogs are sold;

“market hog” means a hog other than a weanling, feeder hog, gilt, sow, cull sow, stag, boar or cull boar;

“Plan” means the *Pork Marketing Plan* made under the Act;

“sow” means a female hog that has been used for breeding;

“stag” means a castrated male hog that has been used for breeding;

“weanling” means a hog that is at least 10 days old but is younger than 30 days old.

- (2) Definitions in the Plan apply to these regulations.

Licensing and Registration

Requirement to hold licence

- 5** **(1)** A person must not produce or market pork or a hog in the regulated area without a licence.
- (2)** A licensee may produce or market pork or a hog in the regulated area only as authorized for their type of licence, as set out in Section 6.

Types of licences

- 6** The following are the types of licences:
- (a) producer's licence;
 - (b) contract grower licence;
 - (c) livestock dealer licence;
 - (d) processor licence.

No licensing fee

- 7** No licensing fee is payable to the Commodity Board for issuing a new licence or renewing a licence.

Applying for licence

- 8** **(1)** A person may apply for a licence by completing an application in the form and the manner determined by the Commodity Board and submitting it to the Commodity Board.
- (2)** An application for a licence must include all of the following information:
- (a) type of licence being sought, as set out in Section 6;
 - (b) applicant's name;
 - (c) type of applicant's business entity;
 - (d) applicant's business name, if different from the applicant's name;
 - (e) applicant's mailing address;
 - (f) applicant's civic address;
 - (g) civic address of the location where licensed operations will be carried out;

- (h) applicant's telephone number;
 - (i) applicant's fax number, if any;
 - (j) applicant's email address, if any;
 - (k) name and title of a contact person with authority to act on behalf of the applicant;
 - (l) if the application is for a producer licence, the estimated number of hogs to be produced per year;
 - (m) if the application is for a livestock dealer licence, the estimated number of hogs to be purchased per year;
 - (n) if the application is for a processor licence, the estimated number of hogs to be slaughtered per year.
- (3) The Commodity Board must not consider an application unless the Commodity Board determines it is complete.

Commodity Board may issue licence

- 9 (1) The Commodity Board must issue a licence to a person who applies for a new licence in accordance with Section 8 and whose application is not rejected or refused.
- (2) A licence may be issued on any date during a licensing period.

Licensee registration

- 10 (1) The Commodity Board must assign a registration number to each new licensee.
- (2) The Commodity Board must maintain a register containing the name, civic address, phone number and registration number of each licensee.

Form of licence

- 11 A licence must include all of the following:
- (a) licensee's name;
 - (b) registration number assigned to the licensee under Section 10;
 - (c) type of licence issued, as set out in Section 6;
 - (d) effective date of the licence;

- (e) issue date of the licence;
- (f) a statement that the licence will be renewed automatically at the end of each licensing period except as provided in these regulations;
- (g) signature of the Chair of the Commodity Board or a member of the Commodity Board acting on behalf of the Chair.

Licence terms and conditions

12 A licence is subject to all of the following terms and conditions:

- (a) the licensee must comply with the Act, these regulations, the Plan and every applicable order of Council or the Commodity Board;
- (b) the licensee must immediately surrender their licence to the Commodity Board if the licensee ceases to carry on the business for which the licence is issued;
- (c) the licence is not transferable;
- (d) any term or condition imposed by the Commodity Board that is consistent with the Act, the Plan and these regulations and disclosed at the time the licence is issued or renewed or by notice to all licensees, as determined by the Commodity Board.

Licence expiry and renewal

13 (1) Every licence expires on December 31 of the licensing period in which it is issued or for which it is renewed.

(2) A licence is automatically renewed for consecutive licensing periods unless

- (a) the licensee gives notice to the Commodity Board that it will not be operating in the next licensing period; or
- (b) the Commodity Board recommends to Council under Section 14 that the licence not be renewed.

Recommendation to Council to suspend, revoke or refuse to grant or renew licence

14 (1) If a person does not comply with the terms and conditions set out in clause 12(a), the Commodity Board may recommend to Council that Council suspend, revoke or refuse to renew the person's licence or refuse to grant the person a licence.

- (2) A recommendation by the Commodity Board under subsection (1) to refuse to renew a licence must be provided to Council at least 90 days before the licence expires at the end of the licensing period.

Marketing

Booking system

- 15** (1) In this Section, “shipping day” means a day that is designated by the Commodity Board as the day for picking up and shipping hogs under the booking system.
- (2) A producer marketing hogs through the booking system must adhere to administrative requirements established by the Commodity Board, including all of the following:
- (a) only the following types of hogs may be marketed through the booking system:
 - (i) market hogs,
 - (ii) subject to clause (b), cull sows;
 - (b) a producer must not market any cull sows through the booking system unless they are marketing at least 1 market hog on the same shipping day;
 - (c) a producer must give the Commodity Board at least 6 days’ notice of the number and type of hogs that they intend to ship on the next shipping day;
 - (d) at the Commodity Board’s request, a producer must confirm the number and type of hogs that they plan to ship on the next shipping day;
 - (e) the Commodity Board may limit the number of hogs shipped by a producer on shipping day;
 - (f) a producer must transport their hogs at a time and at a place determined by the Commodity Board.

Market price

- 16** The Commodity Board must issue a weekly report providing a market price for market hogs and cull sows.

Levy

Levy required

- 17** (1) Except as provided in Section 18, a producer who markets a hog in the regulated area must pay a levy in accordance with Sections 19 to 22.
- (2) For the purpose of determining a levy amount, the classes of hogs are as set out in the following table:

Class	Types of Hogs in Class
I	weanlings only
II	cull boar, feeder hog, market hog, cull sow, stag

- (3) The levy for each class of hog is as set out in the following table:

Class	Levy per Hog Marketed
I	\$0.25
II	\$2.00

Levy exception

- 18** No levy is due for a hog marketed as a breeder.

Levy on hog marketed through booking system

- 19** If a producer markets a hog through the booking system, the broker who purchases or who otherwise markets a hog on shipping day must deduct the levy from their payment to the producer and remit the levy to the Commodity Board.

Levy on hog slaughtered or marketed to processor

- 20** (1) A producer who does any of the following must, on a quarterly basis in accordance with the schedule set out in subsection (2), submit payment of the levy due together with the slaughter report required by Section 24:
- (a) slaughters a hog in the producer's own facilities;
 - (b) markets a hog to a processor;
 - (c) has a hog slaughtered by a processor for a fee, after which the pork from that hog is returned to the producer.

- (2) The schedule for the quarterly payments of levy required by subsection (1) is as set out in the following table:

Quarter	Start and End Dates of Quarterly Reporting Period	Deadline for Levy Payment and Slaughter Report
Q1	January 1 to March 31	April 30
Q2	April 1 to June 30	July 31
Q3	July 1 to September 30	October 31
Q4	October 1 to December 31	January 31

Levy on marketed weanling or feeder hog

21 If a producer markets weanlings or feeder hogs, the Commodity Board collects levy in accordance with the following procedure:

- (a) the Commodity Board invoices the producer quarterly for levy due based on past records;
- (b) no later than 30 days after the date a producer receives an invoice under clause (a), the producer submits all of the following to the Commodity Board:
 - (i) each manifest for the weanlings or feeder hogs marketed during the quarter to which the invoice applies;
 - (ii) payment of the levy due, based on the number of hogs marketed, as documented in the manifests submitted under subclause (i);
- (c) based on the manifests submitted under clause (b), the Commodity Board adjusts its record of the amount of levy due.

- (2) In subsection (1), “manifest” means a record of a marketing transaction.

Contract grower responsible for remitting levy

22 A contract grower is responsible for remitting the levy due for the hogs raised by the contract grower.

Debt recoverable in court

23 (1) A fee, levy or charge imposed on a person under these regulations is a debt due to the Commodity Board by that person and is recoverable in a court of competent jurisdiction, in addition to any manner permitted under the Act or regulations.

- (2) Any decision by the Commodity Board to recover a debt due to the Commodity Board under subsection (1) requires the approval of the majority of the members of the Commodity Board.

Reporting and Records

Slaughter report

- 24** (1) A producer referred to in Section 20 must prepare a slaughter report and submit it to the Commission together with their quarterly levy payments
- (2) A slaughter report must be in the form required by the Commodity Board, and must include all of the following information:
- (a) producer's name;
 - (b) quarterly reporting period covered by the report;
 - (c) date of the report;
 - (d) name of a contact person and their signature;
 - (e) total number of hogs slaughtered, reported by location of slaughter.

Records

- 25** (1) A person licensed under these regulations must keep all of the following records at their facilities or operation:
- (a) records supporting a report made to the Commodity Board under this Part.
 - (b) records relating to all transactions in which hogs were marketed for the previous 2 calendar years, including all of the following information:
 - (i) name and address of all parties involved in the transaction,
 - (ii) number of hogs marketed,
 - (iii) date of the transaction;
 - (c) if the licensee is a producer licence, records relating to the production of hogs for the previous 2 calendar years
- (2) A person licensed under these regulations must submit a copy of records under subsection (1) to the Commodity Board at the request of the Commodity Board, within 30 days of the request.