

Schedule 8 - Regulations for Specified Areas
made under Sections 9 and 14 of the
Dairy Industry Act
S.N.S. 2000, c. 24
N.S. Reg. 205/1989 (effective October 17, 1989)
as amended up to N.S. Reg. 96/2018 (effective August 1, 2018)

[Note: the Nova Scotia Dairy Commission does not exist under the *Dairy Industry Act*; the Dairy Farmers of Nova Scotia and the Natural Products Marketing Council regulate the industry under the new Act.]

- 1** The following areas of the Province of Nova Scotia are designated as specified areas and the regulations for specified areas are hereby declared to apply to such areas in the manner and to the extent set forth in such regulations:

Nova Scotia Mainland (embracing all cities, towns, villages and communities in the Nova Scotia mainland except Yarmouth County)

Cape Breton Island (embracing all cities, towns, villages and communities in Cape Breton Island)

Yarmouth Area (embracing all cities, towns, villages, and communities in Yarmouth County).

- 2** For the purpose of determining the price of milk to be paid by a distributor to a producer the price of milk shall be for milk delivered to the premises of the distributor.

- 3**
- (1)** [repealed]
 - (2)** [repealed]
 - (3)** [repealed]
 - (4)** [repealed]
 - (5)** [repealed]
 - (6)** [repealed]
 - (7)** [repealed]
 - (8)** [repealed]
 - (9)** [repealed]
 - (10)** [repealed]
 - (11)** [repealed]

- (12) [repealed]
 - (13) [repealed]
 - (14) [repealed]
 - (15) [repealed]
 - (16) renumbered (13): N.S. Reg. 63/1999
 - (17) renumbered (14): N.S. Reg. 63/1999
 - (18) renumbered (15): N.S. Reg. 63/1999
 - (19) No person shall sell or transport bulk milk, as defined in Schedule 7*, outside the Province without the prior written permission of the Commission.
- 4 Except as otherwise ordered by the Commission, the price to be paid by a distributor supplying a specified area to producers for Class 1 milk sales in such specified area shall be the price paid to producers in said specified area as determined in accordance with the regulations of the Commission and the schedules relating to such specified area.
 - 5 The price to be paid by a distributor supplying a specified area to another distributor for milk for Class 1 sales in such specified area shall be the price to producer in said specified area as determined in accordance with the regulations of the Commission and the schedules relating to such specified area.
 - 6 The price to be paid by a distributor to producers for milk sold to another distributor or processing plant shall be the price received for such milk, less such cost of handling and haulage as may be approved by the Commission.
 - 7 When the price paid for milk by a distributor to producers licensed under the provisions of the Dairy Industry Act varies according to the use thereof, the proportion of milk required by a distributor for Class 1 and Class 2 requirements shall be allocated, respectively, to the licensed producers supplying such distributor.
 - 8 Prices contained in the schedule of milk prices for specified areas to be paid to the producer are for standard test milk.
 - 9 Except as otherwise ordered by the Commission, milk sold by distributors or jobbers to consumers or storekeepers in a specified area shall be at the prices determined in accordance with the regulations of the Commission and the schedules relating to such specified area.
 - 10 In subsection 10(c) only, “non-pricing tools” means an incentive provided under a customer loyalty marketing program for the discount purchase or giveaway of goods or services.

- (a) No person shall sell fluid milk at retail to the ultimate consumer for a price less than the minimum retail price.
 - (b) The minimum retail price for milk sold by storekeepers to the ultimate consumer shall be the wholesale price as established from time to time by the schedule to these regulations.
 - (c) The use of coupons and other non-pricing tools used by manufacturers and retailers of fluid milk products are only permitted where the promotion does not cause the price paid by the consumer to fall below the regulated minimum price when the value of the coupon or other non-pricing tool is deducted from the retail price.
 - (d) Fluid milk products cannot be given away as part of any marketing or promotional programs except for sampling purposes and the sponsorship of charity events.
- 11** All milk and cream sold by distributors and jobbers shall be for cash or prepaid tickets except the following accounts:
- (a) hospitals, charitable institutions, schools, steamship and railway companies;
 - (b) government accounts;
 - (c) such other wholesale account as may be mutually agreed upon by the distributor or jobber and said wholesale purchaser.
- 12** When schedule prices include a fraction of a cent per unit, single sales may be adjusted to the nearest highest cent.
- 13** Except as otherwise provided by regulation, whole milk sold wholesale or retail shall not contain less than 33.5 grams of butterfat per litre.
- 14** No distributor shall purchase milk and no producer shall sell milk at prices other than those determined in accordance with the orders and regulations of the Commission and the schedules relating to specified areas.
- 15** The Commission may allow a distributor to charge a price for milk higher than the price of milk as set forth in the Schedule of Milk Prices for Specified Areas on application submitted by such distributor for a higher price.
- 16** Prices prescribed by the Commission from time to time by Order for the sale of milk in the grades, quantities and containers prescribed by the Commission in the specified areas shall be the standard of price charged for all milk sold until further Order of the Commission.
- 17** A distributor must notify the Nova Scotia Dairy Commission five full working days in advance of importing milk from outside the province for use as Class 1, Class 2, or

fluid classification for Market Sharing Quota purposes, at any processing plant, branch or subsidiary.

- 18 Milk acquired by a processor from producers within the province shall be allocated to the highest value utilization by the processor, unless the processor obtains specific exemption from the Council.
- 19 Where milk is received for processing from outside the province and no specific exemption has been received by the distributor, such milk shall be allocated to the lowest value utilization by such distributor.

Legislative History Reference Tables

Schedule 8 – Regulations for Specified Areas
Dairy Industry Act

N.S. Reg. 205/1989

Note: The information in these tables does not form part of the regulations and is compiled by the Office of the Registrar of Regulations for reference only.

Source Law

The current consolidation of the *Schedule 8 – Regulations for Specified Areas* made under the *Dairy Industry Act* includes all of the following regulations:

| N.S. Regulation | In force date* | How in force | Royal Gazette Part II Issue |
|------------------------|-----------------------|---------------------|------------------------------------|
| 205/1989 | Oct 17, 1989 | date filed | Nov 3, 1989 |
| 168/1990 | May 9, 1990 | date specified | Jul 27, 1990 |
| 23/1991 | Feb 5, 1991 | date specified | Mar 22, 1991 |
| 182/1992 | Aug 30, 1992 | date specified | Sep 18, 1992 |
| 77/1993 | May 30, 1993 | date specified | May 28, 1993 |
| 90/1993 | Aug 1, 1993 | date specified | Jul 9, 1993 |
| 156/1993 | Oct 22, 1993 | date specified | Nov 12, 1993 |
| 62/1994 | Apr 3, 1994 | date specified | Apr 29, 1994 |
| 126/1995 | Jul 30, 1995 | date specified | Sep 1, 1995 |
| 4/1998 | Jan 6, 1998 | date specified | Jan 30, 1998 |
| 37/1998 | May 13, 1998 | date specified | Jun 19, 1998 |
| 63/1999 | Jun 1, 1999 | date specified | Jun 18, 1999 |
| 151/2000 | Aug 1, 2000 | date specified | Sep 22, 2000 |

| N.S. Regulation | In force date* | How in force | Royal Gazette Part II Issue |
|------------------------|-----------------------|--------------------------------------|------------------------------------|
| 144/2010 | Oct 15, 2010 | date specified | Oct 8, 2010 |
| 45/2014 | Mar 21, 2014 | date filed (not filed within 7 days) | Apr 4, 2014 |
| 96/2018 | Aug 1, 2018 | date specified | Jul 6, 2018 |

The following regulations are not yet in force and are not included in the current consolidation:

| N.S. Regulation | In force date* | How in force | Royal Gazette Part II Issue |
|------------------------|-----------------------|---------------------|------------------------------------|
|------------------------|-----------------------|---------------------|------------------------------------|

*See subsection 3(6) of the *Regulations Act* for rules about in force dates of regulations.

Amendments by Provision

ad. = added
am. = amended

fc. = fee change
ra. = reassigned

rep. = repealed
rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|---|
| 1 -2..... | rs. 62/1994 |
| 3..... | rs. 182/1992, 126/1995 |
| 3(1)..... | rs. 77/1993, 156/1993, 63/1999; rep. 110/2001¹ |
| 3(2)..... | rs. 77/1993, 90/1993, 156/1993, 63/1999; rep. 110/2001¹ |
| 3(3)..... | rs. 77/1993, 90/1993, 156/1993; rep. 63/1999 |
| 3(3)..... | ra. from 3(6) 63/1999; rep. 110/2001¹ |
| 3(4)..... | rep. 63/1999 |
| 3(4)..... | ra. from 3(7) 63/1999; rep. 3/2006² |
| 3(5)..... | rs. 37/1998; rep. 63/1999 |
| 3(5)..... | ra. from 3(8) 63/1999; rep. 3/2006² |
| 3(6)..... | ra. as 3(3) 63/1999 |
| 3(6)..... | ra. from 3(9) 63/1999; rep. 3/2006² |
| 3(7)..... | rs. 77/1993; ra. as 3(4) 63/1999 |
| 3(7)..... | ra. from 3(10) 63/1999; rep. 3/2006² |
| 3(8)..... | ra. as 3(5) 63/1999 |

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| Provision affected | How affected |
|---------------------------|---|
| 3(8)..... | ra. from 3(11) 63/1999; rep. 3/2006 ² |
| 3(9)..... | ra. as 3(6) 63/1999 |
| 3(9)..... | ra. from 3(12) 63/1999; rep. 3/2006 ² |
| 3(10)..... | ra. as 3(7) 63/1999 |
| 3(10)..... | ra. from 3(13) 63/1999; rep. 3/2006 ² |
| 3(11)..... | ra. as 3(8) 63/1999 |
| 3(11)..... | ra. from 3(14) 63/1999; rep. 3/2006 ² |
| 3(12)..... | ra. as 3(9) 63/1999 |
| 3(12)..... | ra. from 3(15) 63/1999; rep. 3/2006 ² |
| 3(13)..... | ra. as 3(10) 63/1999 |
| 3(13)..... | ra. from 3(16) 63/1999; rep. 3/2006 ² |
| 3(14)..... | ra. as 3(11) 63/1999 |
| 3(14)..... | ra. from 3(17) 63/1999; rep. 3/2006 ² |
| 3(15)..... | ra. as 3(12) 63/1999 |
| 3(15)..... | ra. from 3(18) 63/1999; rs. 151/2000; rep. 3/2006 ² |
| 3(16)..... | ra. as 3(13) 63/1999 |
| 3(17)..... | ra. as 3(14) 63/1999 |
| 3(18)..... | ra. as 3(15) 63/1999 |
| 3(19)..... | ad. 4/1998 |
| 6..... | rs. 62/1994 |
| 10..... | rs. 168/1990, 23/1991; am. 144/2010 |
| 10(c)..... | rs. 144/2010; am. 96/2018 |
| 10(d)..... | rs. 144/2010 |
| 18..... | am. 45/2014 |

Note that changes to headings are not included in the above table.

Editorial Notes and Corrections:

| Note | Effective date |
|--|-----------------------|
| 1 Subsection repealed in N.S. Reg. 110/2001, Fluid Milk Categories and Classes Regulations. | Aug 7, 2001 |
| 2 Subsection repealed in N.S. Reg. 3/2006, Regulations Respecting Milk Classes and Categories. | Feb 1, 2006 |

Repealed and Superseded:

| N.S. | Regulation Title | In force date | Repealed date |
|-------------|-------------------------|----------------------|----------------------|
|-------------|-------------------------|----------------------|----------------------|

Note: Only regulations that are specifically repealed and replaced appear in this table. It may not reflect the entire history of regulations on this subject matter.