

**Christmas Tree Levy Regulations**  
**made under Section 40 of the**  
*Forests Act*  
**R.S.N.S. 1989, c. 179**  
**O.I.C. 93-898 (effective January 31, 1994), N.S. Reg. 168/1993**  
**amended to O.I.C. 2019-58 (effective March 5, 2019), N.S. Reg. 40/2019**

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Please note: this table of contents is provided for convenience of reference and does not form part of the regulations.

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**Citation**

**1** These regulations may be cited as the “Christmas Tree Levy Regulations”.

**Definitions**

**2** In these regulations

- (a) “Act” means the *Forests Act*;
- (b) “broker” means a person who purchases Christmas trees from a producer for resale to a person other than a consumer in Nova Scotia;
- (c) “Council” means the Christmas Tree Council of Nova Scotia incorporated pursuant to the provisions of the *Societies Act*;
- (d) “export market” means any Christmas tree market outside of Nova Scotia;
- (e) “Minister” means the Minister of Natural Resources;
- (f) “producer” means a person who grows Christmas trees for sale;
- (g) “roadside value” means the amount paid by a broker to a producer for unbaled Christmas trees at roadside;

- (h) “vendor-producer” means a person who produces Christmas trees for sale to a consumer, retailer or export market.

### **Exemption**

**3** These regulations do not apply to the production of brush or wreaths.

### **Registration**

- 4** (1) Every broker or vendor-producer shall register with the Council by certifying in writing to the Secretary of the Council that the person is either a broker or vendor-producer as defined in these regulations.
- (2) The Council shall keep and maintain a list of registered brokers and vendor-producers within the Province.
- (3) No broker shall buy and no vendor-producer shall sell Christmas trees unless the broker or vendor-producer is registered with the Council.
- (4) A person who is registered as a broker or vendor-producer pursuant to subsection (1) shall remain registered until the person notifies the Secretary of the Council in writing that the registration should be revoked or unless the Council revokes the registration pursuant to subsection (5).
- (5) The Council may revoke the registration of a broker or vendor-producer in the event the broker or vendor-producer fails to remit a levy required to be remitted pursuant to subsection (1) of Section 5, or fails to make available any record required to be made available pursuant to subsection (2) of Section 8.
- (6) A broker or vendor-producer whose registration has been revoked pursuant to subsection (5) may be re-registered by the Council upon payment of all outstanding levies required to be remitted pursuant to subsection (1) of Section 5, or by production of all records required to be made available pursuant to subsection (2) of Section 8.

### **Levy**

- 5** (1) A broker or vendor-producer shall deduct and remit to the Council from
- (a) any amount payable by a broker to a producer; or
- (b) any amount received by the vendor-producer as a result of a sale of Christmas trees,
- a levy equal to one percent of the roadside value of the Christmas trees or a levy determined from time to time pursuant to subsection (1) of Section 6.
- (2) A broker or vendor-producer shall remit the levy deducted in any year pursuant to subsection (1) to the Council on or before February 1 of the immediately following year.

- (3) Subject to receipt of a notice pursuant to Section 7, any unpaid levy may be recovered in a Court of competent jurisdiction in an action for debt instituted by the Council.
- (4) The Council shall use any sums remitted pursuant to subsection (1) for purposes of promotion and research for the benefit of the Christmas tree industry including the support of the Council and defrayal of expenses incurred by the Council in administering and collecting the levy.
- (5) The Council shall submit to the Minister not later than the 30th day of June in each year an audited statement of the receipts and disbursements of the Council for the Council's immediately preceding fiscal year.

### **Increase in levy**

- 6 (1) Where the Council is of the opinion that a review of the amount of the levy is required, the Council shall provide a written notice to the producers of the proposed increase in the levy along with a ballot and shall request the producers to return the ballot to the Council on or before the date specified in the notice marked as either in favour of or opposed to the proposed increase.
  - (1A) Subject to subsection (2), the levy may be increased by the amount proposed in the notice referred to in subsection (1) where at least two thirds of the ballots received by the Council on or before the date specified in the notice are marked in favour of such an increase.
- (2) An increase in the levy approved pursuant to subsection[s] (1) [and (1A)] shall not be effective until approved by the Governor in Council.

### **7 [repealed]**

### **Records**

- 8 (1) A broker or vendor-producer shall keep a record of
  - (a) the number and roadside value of Christmas trees purchased from a producer in a year;
  - (b) the name and mailing address of the producer;
  - (c) the number and roadside value of Christmas trees sold by a vendor-producer in a year; and
  - (d) **[Original text does not include clause 8(1)(d).]**
  - (e) the amount deducted in a year pursuant to subsection (1) of Section 5,and shall remit the record to the Council on or before February 1st of the immediately following year.

- (2) A broker or vendor-producer shall make available to the Secretary of the Council, upon reasonable notice, all books of account, records or documents as the Secretary of the Council may require for inspection, audit and examination to assist the Council in ensuring compliance with these regulations.

#### Effective date of regulations

9 These regulations shall be effective on, from and after the 31st day of January, 1994.

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## Legislative History Reference Tables

Christmas Tree Levy Regulations  
Forests Act

N.S. Reg. 168/1993

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*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.*

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### Source Law

The current consolidation of the *Christmas Tree Levy Regulations* made under the *Forests Act* includes all of the following regulations:

<b>N.S. Regulation</b>	<b>In force date*</b>	<b>How in force</b>	<b>Royal Gazette Part II Issue</b>
168/1993	Jan 31, 1994	date specified	Dec 10, 1993
40/2019	Mar 5, 2019	date specified	Mar 29, 2019

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

<b>N.S. Regulation</b>	<b>In force date*</b>	<b>How in force</b>	<b>Royal Gazette Part II Issue</b>
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\*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
7 .....	rep. 40/2019

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

## Editorial Notes and Corrections:

Note	Effective date
1 Original text does not include clause 8(1)(d).	
2 The provisions in Section 6 of the original text that were lettered as clauses (1)(a) and (b) have been redesignated as subsections (1) and (1A) to correct the structure of the Section for the purposes of this consolidation.	
3 The reference to the Minister of Natural Resources in clause 2(e) should be read as a reference to the Minister of Lands and Forestry in accordance with Order in Council 2018-188 under the <i>Public Service Act</i> , R.S.N.S. 1989, c. 376.	Jul 5, 2018
4 The reference to the Minister of Natural Resources in clause 2(e) should be read as a reference to the Minister of Agriculture in accordance with Order in Council 2020-041 under the <i>Public Service Act</i> , R.S.N.S. 1989, c. 376.	Feb 4, 2020

## Repealed and Superseded:

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