

Farm Practices Board Regulations

made under Section 15 of the
Farm Practices Act
S.N.S. 2000, c. 3

O.I.C. 2001-112 (March 2, 2001, effective March 1, 2001), N.S. Reg. 16/2001
as amended by O.I.C. 2001-620 (December 21, 2001), N.S. Reg. 153/2001

Part 1 - Farm Practices Board

Part 1 heading added: O.I.C. 2001-620, N.S. Reg. 153/2001.

Citation

1 These regulations may be cited as the Farm Practices Board Regulations.

Definitions

1A In these regulations

(a) “working day” means a weekday from Monday to Friday but does not include a holiday;

(b) “site visit” means a physical visit to a location or locations that is conducted by the Board to obtain information about the subject matter of an application.

Section 1A added: O.I.C. 2001-629, N.S. Reg. 153/2001.

Terms of appointment

2 (1) Members of the Board shall be appointed for a term not exceeding 3 years and may be reappointed.

(2) Despite subsection (1), of the members first appointed, 1 shall serve for a term of 1 year, 2 shall serve for a term of 2 years and 4 shall serve for a term of 3 years.

(3) The Minister shall appoint 1 member of the Board to be Vice-chair.

(4) The Chair and the Vice-chair shall be appointed for a term not exceeding 3 years and they may be reappointed.

Duties of the Chair

3 The Chair of the Board is responsible for the general supervision, direction and conduct of activities of the Board, and in the Chair’s absence or inability to act, the Vice-chair shall have all powers of the Chair.

Remuneration

4 (1) The remuneration to be paid to the members of the Board for performing their duties as members shall be \$100.00 per day.

(2) The remuneration to be paid to the Chair of the Board for performing duties as Chair shall be \$150.00 per day.

Expenses

5 Reasonable travelling and living expenses that are necessarily incurred by the members of the Board in carrying out their duties as members shall be paid to the members in accordance with the established guidelines approved for civil servants.

Powers of the Board

6 The Board may engage a person who has technical or special knowledge to provide assistance in any capacity in a matter before the Board.

Part 2 - Applications, Investigations, Hearings and Fees

Application

7 (1) An application to the Board shall be in a form approved by the Board.

(2) An application shall be

(a) accompanied by a fee of \$250.00 plus HST, made payable to the Minister of Finance; and

(b) delivered to the Farm Practices Board, 176 College Road, Truro, Nova Scotia, B2N 5E3.

(3) The fee prescribed in subsection (2) may be refunded if

(a) the application is resolved or rejected before the Board renders a decision of a complaint regarding the subject matter of the application; or

(b) the application is successful.

Completed application

8 (1) If the Board considers an application to be incomplete, the Board shall notify the applicant in writing within 15 working days of receipt of the application and request the information necessary to make the application complete.

(2) If the information requested pursuant to subsection (1) is not supplied by the applicant within 20 working days of the request, the Board may reject the application and shall immediately advise the applicant in writing that the application has been rejected.

(3) An applicant may request an extension from the Board of the 20-day time limit prescribed in subsection (2).

(4) When the Board considers an application to be complete, the Board shall acknowledge its acceptance of the application in writing within 15 working days of receipt of the completed application, to the applicant, and to any other party named in the application.

(5) When the Board considers an application to be complete the Board shall begin an investigation into the complaint and establish a date for a hearing.

Investigation

9 (1) The Board may conduct a site visit.

(2) When the Board conducts a site visit, a written record of the visit shall be made, including the date, time and identity of persons in attendance.

(3) The Board may request that a farmer supply a written description of farm practices that are carried out in relation to the subject matter of an application.

Hearing

10 (1) The Board shall provide an opportunity for the applicant and any other party or their representatives to appear before a hearing of the Board.

(2) The Board shall notify the applicant and any named party of their scheduled appearance before the Board at least 15 working days before conducting a hearing on an application.

(3) A hearing of the Board shall be public, but the Board may exclude members of the public during the whole or any part of the meeting if it considers the exclusion to be in the public interest.

(4) The Board shall complete its investigation and render its decision within 60 working days of the notification made pursuant to subsection (2), or as soon after that as practical.

(5) A copy of the decision of the board, and the reasons for the decision, shall be sent in writing to the applicant and any named party involved in the investigation, the Minister and any other persons as determined by the Board.

Part 2 (Sections 7-10) added: O.I.C. 2001-620, N.S. Reg. 153/2001.

Part 3 - Directives, Guidelines and Policy Statements

Procedure for issuance

11 (1) A directive, guideline or policy statement that has been issued by the Minister pursuant to the Act shall be published in the Royal Gazette Part 1.

(2) The Minister shall forward a copy of the directive, guideline or policy statement to the attention of the Board upon its publication in accordance with subsection (1).

Part 3 (Section 11) added: O.I.C. 2001-620, N.S. Reg. 153/2001.
