

Processor Licensing Regulations

made under Section 9 of the

Dairy Industry Act

S.N.S. 2000, c. 24

N.S. Reg. 111/2010 (July 15, 2010, effective August 1, 2010)

Citation

1 These regulations may be cited as the Processor Licensing Regulations.

Application

2 These regulations apply to processors of cows' milk.

Definitions

3 In these regulations,

“Act” means the Dairy Industry Act;

“cow” means the mature female of domestic cattle, genus *Bos*.

Licensing authority

4 The Council is the licensing authority referred to in Section 7 of the Act for the issuance of a processor licence.

Processor licence required for each dairy plant

5 (1) A person who operates more than 1 dairy plant must hold a separate processor licence for each plant.

(2) Each dairy plant operated by the same processor is deemed to be operated by a separate processor.

Form of processor licence

6 A processor license must include all of the following:

- (a) the licence number;
- (b) the name and address of the licensee;
- (c) the name and address of the dairy plant for which the licence is issued;
- (d) the type of dairy plant for which the licence is issued;
- (e) the effective date and the expiry date of the licence;
- (f) the Council manager's signature; and
- (g) any terms and conditions imposed by the Council.

Term of processor licence

7 A processor licence becomes effective on the date stated on the licence and expires 3 years after the effective date or on an earlier date determined by the Council.

Processor licence fee

8 (1) The fee for a processor licence or for renewal of a processor licence is \$75.

(2) If a processor licence expires on a day other than an anniversary of its effective date, the Council may prorate the licence fee payable for that part of the year from the last anniversary to the expiry.

Conditions of processor licence

9 (1) It is a condition of every processor licence that

(a) the licensee must not permit an employee to work in the dairy plant unless the employee is

(i) free of communicable disease, and

(ii) wearing outer clothing that is clean and light in colour;

(b) every milk grader at the licensee's dairy plant must hold a Graders' License issued by the appropriate authority;

(c) the licensee must observe, perform and carry out the provisions of the Act, the regulations, all applicable agreements and orders of the Board and the Council; and

(d) the applicant complies with the Health Protection Act and regulations.

(2) The Council may issue a processor licence subject to the condition that the licensee furnish a surety in the event of default of payment.

Applying for processor licence

10 (1) An application for a processor licence must be made to the Council on an application form provided by the Council and must include all of the following:

(a) the category and volumes of cows' milk to be processed;

(b) the types of dairy products to be processed;

(c) an outline of the proposed business plan, including all of the following:

(i) an executive summary,

(ii) the names of the parties involved,

- (iii) the marketing approach,
 - (iv) a sales forecast,
 - (v) the amount of capital investment,
 - (vi) financial projections;
- (d) a cheque in the amount of the licence fee specified in Section 8.

- (2) A licence fee paid with an application is refundable if the application is refused.

Current licensee applying for changes to terms and conditions

11 Where a current licensee proposes changes to the terms and conditions of their license, these must be reviewed and approved before any changes are made by the licensee.

Applying for renewal of processor licence

12 (1) An application to renew a processor licence must be submitted to the Council at least 90 days before the expiry of the licence on an application form provided by the Council.

(2) A renewal application must include details about any proposed changes to the dairy products being processed at the dairy plant for which the licence is issued.

(3) Where the renewal application requests changes to its current terms and conditions, the applicant must provide a detailed explanation of the changes and the justification for these changes.

Applying for transfer of processor licence

13 (1) An application to transfer a processor licence must be submitted to the Council at least 90 days before the expiry of the licence on an application form provided by the Council.

- (2) A transfer application must include

(a) details about any proposed changes to the dairy products and their related volumes currently being processed at the dairy plant for which the licence is issued; and

(b) details of the proposed transfer including:

(i) the rationale for the change,

(ii) the justification for the change, and

(iii) the potential impact of this change on the dairy industry.

(3) A processor licence must not be transferred without the written approval of the Council.

Application review procedure

14 (1) An application for a processor licence or a renewal or transfer of a processor licence must be reviewed and assessed in accordance with the following procedure:

(a) on receipt of an application, the Council must check it for completeness and, except as provided in subsection (2), forward it to the Board for a recommendation;

(b) on receipt of an application for review and recommendation, the Board must

(i) review the application to determine the availability and the best method of delivering raw milk supplies based on the location of the dairy plant and the volume of milk to be processed,

(ii) forward the application and the results of the Board's review to the Board's Advisory Committee for Milk,

(iii) forward a recommendation to Council for a final decision.

(2) A renewal application that does not identify details about any proposed changes to the dairy products currently being processed at the dairy plant may be reviewed by the Council without a Board recommendation.

(3) At least 90 days must be allowed for reviewing and assessing an application.

Refusal to issue or renew a licence

15 (1) In addition to the reasons specified in subsection 7(3) of the Act, the Council may refuse to issue or renew a processor licence for any of the following reasons:

(a) the applicant does not comply with the Act, the regulations, an agreement or an order of the Board or the Council;

(b) the applicant has failed to comply with any condition of a processor licence held by the applicant;

(c) any material representation or information made or provided by or on behalf of the applicant is false or misleading;

(d) the applicant does not comply with the Health Protection Act and regulations;

(e) having regard to the needs of the industry and to the facilities of other dairy plants in operation, the dairy plant for which the licence is sought is not necessary or desirable.

(2) In deciding whether to refuse to issue or renew a processor licence in accordance with subsection 7(3) of the Act because issuance or renewal is not in the public interest, the Council may consider the past conduct of the applicant or, if the applicant is a corporation, of its officers or directors.

Council may suspend or revoke processor licence

16 The Council may, after a hearing, suspend or revoke a processor licence for failure to comply with any of the conditions on which it was issued.

Council may impose penalty

17 If, after a hearing, the Council determines that a licensee or former licensee has contravened any condition of a processor licence, the Council may impose a penalty.

Licensee ceasing to carry on business

18 If a licensed processor ceases to carry on the business for which the processor is licensed, the licensee must immediately surrender the licence to the Council.

Category requirements

19 (1) Processor licensees must segregate all different categories of milk for processing pursuant to the Milk Classes and Categories Regulations.

(2) For products processed as certified, a proof and maintenance certificate issued by a national certification body recognized by the Board or the Council is required.
