

Nova Scotia Grain Marketing Plan

made under Section 11 of the

Natural Products Act

R.S.N.S. 1989, c. 308

O.I.C. 82-1421(November 23, 1982), N.S. Reg. 244/82

as amended up to and including O.I.C. 93-774 (Sept. 21, 1993), N.S. Reg. 128/93

1 This Plan may be cited as the Nova Scotia Grain Marketing Plan.

Section 1 amended: O.I.C. 89-715, N.S. Reg. 85/89.

2 In this Plan, and any orders, rules and regulations made thereunder, unless the context otherwise requires

(a) "Act" means Chapter 308 of the Revised Statutes of Nova Scotia 1989, the Natural Products Act and any amendments thereto;

(b) "Council" means the Natural Products Marketing Council;

(c) "buyer" means a person who buys grain;

(d) "Commodity Board" means the Nova Scotia Grain Marketing Board;

(e) "marketing" includes advertising, grading, buying, selling, storing, drying, cleaning, or otherwise processing, transporting, shipping, shipping for sale or storage, and offering for sale;

(f) "marketing agency" means a person designated by the Nova Scotia Grain Marketing Board to market the whole or any part of the grain produced;

(g) "person" includes any board, association, corporation, firm or partnership;

(h) "Plan" means the Nova Scotia Grain Marketing Plan;

(i) "Processing" includes drying, cleaning, grading, milling and otherwise preparing grain for market;

(j) "production" means production for commercial purposes;

(k) "producer" means a person engaged in the production of grain;

(l) "grain" means winter wheat, spring wheat or rye produced in Nova Scotia.

Clause 2(l) replaced; Section 2 amended: O.I.C. 89-715, N.S. Reg. 85/89.

3 The purposes of this Plan are to control and regulate in any and all respects the marketing or production of Nova Scotia produced grain, including the prohibition of marketing or production in whole or in part.

Section 3 amended: O.I.C. 89-715, N.S. Reg. 85/89.

4 The Nova Scotia Grain Marketing Board is hereby constituted, and shall consist of not less than four nor more than seven members, each of whom shall be an elected producer representative.

Section 4 amended: O.I.C. 89-715, N.S. Reg. 85/89; O.I.C. 91-530, N.S. Reg. 92/91; and O.I.C. 93-774, N.S. Reg. 128/93.

5 For the purpose of electing producer representatives to the Commodity Board, a producer is the owner of a property on which grain is produced except where the property is rented to a tenant who produces and markets grain on his own account, in which case the producer is the tenant, and

(a) where the producer is a corporation, the person, if any, designated in writing in respect of that property by the corporation shall be deemed to be the producer;

(b) where the producer is a firm or partnership or one or more persons carrying on the production and marketing under a trade name, farm name or other designation, the person, if any, designated in writing in respect of that property by the owner or owners shall be deemed to be the producer; and

(c) where the producer is comprised of two or more persons who are joint owners, the one of such joint owners who first presents himself to register the vote in respect of that property shall be deemed to be the producer.

Section 5 amended: O.I.C. 89-715, N.S. Reg. 85/89.

6 The term of office for members elected to the Commodity Board shall be three years; except that at the first annual meeting of producers at which the Commodity Board is elected, two producers shall be elected for a two year term, and two producers shall be elected for a three year term.

7 At the time of the annual meeting of producers, which shall be held no later than 120 days following the end of the operating year, the producers assembled shall elect one or more producers to fill the vacancies on the Commodity Board. The names of the producers so elected shall be forwarded to the Secretary of the Council for ratification by that Council. Notwithstanding any delay in official appointment to the Commodity Board, newly-elected members shall hold office on an interim basis from the date of their election.

8 The members of the Commodity Board shall annually, at a meeting held within 15 days of the annual meeting of producers, elect a chairman from among themselves. The Commodity Board may appoint a secretary-manager and such other officers and employees as they from time to time deem necessary.

9 At meetings of the Commodity Board, four members thereof shall constitute a quorum. Meetings of the Commodity Board may be called by the Chairman by giving to each member not less than three days notice thereof by telephone, telegraph, or post, or by any two members of the Commodity Board by giving to each member not less than one week's notice thereof by post.

Section 9 amended: O.I.C. 91-530, N.S. Reg. 92/91.

10 Where a vacancy occurs on the Commodity Board by reason of death, resignation or any other cause, the remaining members shall appoint a producer to fill such vacancy until the next annual meeting of the producers.

11 Notwithstanding any irregularity in the appointment or election and qualification of any member of the Commodity Board, every act of the Commodity Board shall be as valid as if the Commodity Board was duly constituted and every member thereof duly appointed or elected and qualified.

12 (1) The operating year of the Commodity Board shall be from the first day of August until the last day of July.

(2) The Commodity Board shall keep proper books of account which shall be audited at the end of each operating year by an auditor appointed at the previous annual meeting of producers, subject to the approval of the Council. Within one month of the close of each operating year, a report of such audit accompanied by a report of the operations of the Commodity Board shall be forwarded to the Council.

(3) A copy of the audited financial statements and the report of the operations of the Commodity Board shall be mailed to all producers at least 10 days before the annual meeting of producers.

13 Copies of all orders, directions and determinations of the Commodity Board and copies of the minutes of all meetings of the Commodity Board shall be sent forthwith to the Council.

Powers of the Commodity Board

14 The Commodity Board shall have the following powers:

- (a) to require persons engaged in production or marketing of grain to register their names, addresses and occupations with the Commodity Board;
 - (b) to require persons engaged in production or marketing [of] grain to furnish such information relating to the production or marketing of grain, including the completing and filing of returns, as the Commodity Board determines;
 - (c) to appoint persons to inspect the books, records, documents, land and premises and any grain of persons engaged in the marketing or production of grain;
 - (d) to stimulate, increase and improve the marketing or production of grain by such means as it considers proper;
 - (e) to cooperate with a marketing board, local board, marketing commission or marketing agency of Canada or of any province in Canada established for the purpose of marketing grain; and
 - (f) to do such acts and make such orders and issue such directions as are necessary to enforce the due observance and carrying out of the provisions of the Act, the Plan, and the regulations.
- Section 14 amended: O.I.C. 89-715, N.S. Reg. 85/89.

15 The Commodity Board shall have authority to make regulations with respect to grain

- (a) providing for the licensing of any or all persons before commencing or continuing to engage in the marketing or production of grain;
- (b) prohibiting persons from engaging in the marketing or production of grain except under the authority of a licence issued by the Commodity Board.
- (c) providing for the refusal to grant a licence for the marketing or production of grain where the applicant is not qualified by experience, financial responsibility or equipment to be properly engaged in the business for which the application was made, or for any other reason that the Commodity Board considers proper;
- (d) providing for the suspension or revocation of, or the refusal to renew a licence for failure to observe, perform or carry out the provisions of the Act, the Plan or any order or direction of the Commodity Board;
- (e) providing for the fixing of licence fees and the terms of their payment from any or all persons marketing or producing grain and the collecting of the licence fees and the recovering of such licence fees by suit in a court of competent jurisdiction;
- (f) providing for the form of licences;
- (g) providing for the exemption from any or all of the regulations, orders or directions under the Plan of any class, variety or grade of grain or any person or class of persons engaged in the marketing or production of grain of any class, variety or grade of grain;
- (h) requiring the furnishing of security or proof of financial responsibility by any person engaged in the marketing or production of grain and providing for the administration and disposition of any monies or securities so furnished;
- (i) requiring any person who produces grain to furnish to the Commodity Board statements of the amounts of grain produced or intended to be produced in any year;
- (j) providing for

- (i) the marketing or production of grain on a quota basis,
 - (ii) the fixing and allotting to persons of quotas for the marketing or production of grain on such basis as the Commodity Board considers proper,
 - (iii) the refusing to fix and allot to any person a quota for the marketing or production of grain for any reason that the Commodity Board considers proper, and
 - (iv) the cancelling or reducing of, or the refusing to increase a quota fixed and allotted to any person for the marketing or production of grain for any reason that the Commodity Board considers proper;
 - (k) prohibiting
 - (i) any person to whom a quota has not been fixed and allotted for the marketing or production of grain from marketing or producing any grain, and
 - (ii) any person to whom a quota has been fixed and allotted for the marketing or production of grain from marketing or producing any grain in excess of such quota;
 - (l) providing for the control and regulation of agreements entered into by producers of grain with persons engaged in marketing or producing or processing grain and the prohibition of any provision or clause in such agreements;
 - (m) providing for the control and regulation of the marketing of grain, including the times and places at which grain may be marketed;
 - (n) prohibiting any person from processing any grain that has not been sold by or through the Commodity Board; and
 - (o) providing for the making of agreements relating to the marketing or production of grain through the Commodity Board and prescribing the forms and the terms and conditions of such agreements.
- Section 15 amended: O.I.C. 89-715, N.S. Reg. 85/89.

16 The Commodity Board shall have authority to

- (a) use any class of licence fees for the purpose of paying the expenses of the Commodity Board, carrying out and enforcing the Act and carrying out the purposes of the Plan;
- (b) require the price or prices payable or owing to the producers for grain to be paid to or through the Commodity Board and to recover such price or prices by suit in a court of competent jurisdiction;
- (c) prohibit the marketing or production of any class, variety or grade of grain; and
- (d) appoint agents and to prescribe their duties and terms and conditions of employment and to provide for their remuneration.

Section 16 amended: O.I.C. 89-715, N.S. Reg. 85/89.

17 The Commodity Board shall have authority to conduct a pool or pools for the distribution of all monies received from the sale of grain and, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the monies received from the sale in such manner that every producer receives a share of the remainder in relation to the amount, class, variety or grade of grain delivered by him and authorizes the Commodity Board to make an advance payment on delivery of grain and subsequent payments until all the remainder of the monies received from the sale is distributed to the producers.

Section 17 amended: O.I.C. 89-715, N.S. Reg. 85/89.

18 The Commodity Board may act as an agent in conducting a pool or pools for the marketing of barley, oats, corn, high-moisture corn, corn/cob mix, soybeans, canola, field peas, or other field grown livestock feeds, and for the distribution of all monies received from the sale of these products and, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the monies received from the sale in such a manner that every producer of these products using the Commodity Board as a marketing agent receives a share of the remainder in relation to the amount, class, variety or grade of these products delivered by him and the Commodity Board may make advance payments on delivery of these products and subsequent payments until all the remainder of the monies received from the sale is distributed to the said producers.

Section 18 amended: O.I.C. 89-715, N.S. Reg. 85/89.

[Note: All references to "winter grain" were changed to "grain" by O.I.C. 89-715, N.S. Reg. 85/89.]