

Potato Industry Act

CHAPTER 350 OF THE REVISED STATUTES, 1989

An Act Respecting the Potato Industry

Short title

1 This Act may be cited as the *Potato Industry Act*. R.S., c. 350, s. 1.

Interpretation

2 In this Act,

- (a) "certified foundation seed area" means an area established for the production of certified foundation seed potatoes;
- (b) "certified foundation seed potatoes" means potatoes so certified by the Food Production and Inspection Branch of the Department of Agriculture of Canada;
- (c) "certified seed area" means an area established for the production of certified seed potatoes;
- (d) "certified seed potatoes" means potatoes so certified by the Food Production and Inspection Branch of the Department of Agriculture of Canada;
- (e) "container" means any barrel, sack, crate, carton or package used as a receptacle for potatoes;
- (f) "grower" means person who grows potatoes of any quantity, quality or variety and for any purpose whatsoever;
- (g) "insect, pest or disease" means any insect, pest or disease destructive or injurious to potatoes;
- (h) "inspector" means a person appointed or designated as such by the Minister;
- (i) "Minister" means the Minister of Agriculture and Marketing;
- (j) "vehicle" means a motor vehicle, wagon, cart or other means of conveyance and includes a vessel or railway car. R.S., c. 350, s. 2.

CERTIFIED FOUNDATION SEED AREA OR CERTIFIED SEED AREA

Certified seed area and regulations

3 (1) The Governor in Council may, on application as hereinafter provided, establish any areas in the Province as certified foundation seed areas or certified seed areas and may make regulations governing the planting, growing, digging, storing and conveying of potatoes in any areas so established and the conveying of potatoes between such areas and other parts of the Province.

Content of regulations

(2) Such regulations may include regulations governing

- (a) the source of the seed;
- (b) the quality of the seed to be used for planting;
- (c) the standards of certification for foundation seed;
- (d) compulsory roguing;
- (e) the periods during which and the extent to which roguing and removal of defective plants may be practised;
- (f) compulsory destruction of crops. R.S., c. 350, s. 3.

Application for certification

4 (1) An application for the establishment of a certified foundation seed area or certified seed area shall be addressed to the Minister and shall be signed by not less than eighty per cent of the growers residing in the proposed area and shall state

- (a) the location and definite boundaries of the proposed area;
- (b) the approximate acreage of potatoes grown in the proposed area;
- (c) the number and names of growers residing within the proposed area;
- (d) that not less than eighty per cent of the growers residing in the proposed area are in favour of having the area established as a certified foundation seed area or certified seed area and are subscribers to the application;
- (e) such other facts as may be required by the regulations.

Provision or regulation deemed directory

(2) The provisions of this Section and of any regulations relating to matters preliminary to the establishment of an area as a certified foundation seed area or certified seed area shall be deemed directory only, and no order in council establishing a certified foundation seed area or certified seed area shall be held void or voidable on account of any irregularity in respect of any matter preliminary to the passing thereof. R.S., c. 350, s. 4.

Publication of certification and effect

5 Notice of the establishment of a certified foundation seed area or certified seed area shall be published in the Royal Gazette and the provisions of this Act and the regulations having application thereto apply to such area from the date of such publication. R.S., c. 350, s. 5.

DISEASE CONTROL

Regulations respecting insect or disease control

6 (1) The Governor in Council may make regulations for the purpose of preventing the introduction into the Province or any defined area therein of any insect, pest or disease and the spreading thereof within the Province.

Content of regulations

(2) Such regulations may include regulations governing

(a) standards and grades of potatoes brought into or grown in the Province or in any defined area therein;

(b) treatment and manner of treatment to be given any vehicle or container in order to prevent spreading of any insect, pest or disease and prescribing by whom such treatment shall be given;

(c) the use of containers intended for potatoes;

(d) the use of vehicles being used for transportation of potatoes;

(e) sale and movement of potatoes from farm to farm within a defined area;

(f) prohibition of sale of potatoes infected or suspected of being infected with any insect, pest or disease;

(g) notification of the Minister of the presence or suspected presence of any insect, pest or disease by the occupier of any premises on which such are discovered or suspected and the forwarding to the Minister of specimens of insect, pest or disease so discovered;

(h) confiscation of potatoes, containers or vehicles in respect of which a breach of this Act or any regulation occurs;

(i) inspection of and granting of health certificates for potatoes, containers and vehicles previous to shipment from any area. R.S., c. 350, s. 6.

Inspectors

7 The Minister may appoint one or more inspectors for the purpose of carrying out this Act and the regulations and may designate the inspectors and officers of the Production Service of the Department of Agriculture of Canada and of the marketing service of that Department as inspectors under this Act. R.S., c. 350, s. 7.

Right of entry

8 An inspector may enter any premises where potatoes are growing or stored and any vehicle containing potatoes for the purpose of inspecting the premises or vehicle and the potatoes growing, stored or contained therein, and may take such specimens as he deems necessary for the purpose of ascertaining the existence of any insect, pest or disease. R.S., c. 350, s. 8.

Quarantine or detention

9 An inspector may, by order, quarantine any premises where potatoes are growing or stored and may detain any vehicle containing potatoes until such time as an investigation has been made for the purpose of ascertaining the existence of any insect, pest or disease. R.S., c. 350, s. 9.

Order to prevent spread of existing disease

10 The Minister, when satisfied of the existence of any insect, pest or disease in any potatoes, whether growing or stored or contained in a vehicle, may order that such steps be taken by the owner or person under whose control they are as the Minister deems necessary to prevent the spread of the insect, pest or disease, including the destruction of such potatoes or any vehicle or container. R.S., c. 350, s. 10.

Order to prevent spread of existing disease

11 Any potatoes, vehicle or other property subject to an order of quarantine or detained under this Act are at all times at the risk and expense of the owner or person under whose control the potatoes, vehicle

or other property were at the time of quarantine or detention, but the inspector quarantining or detaining the potatoes, vehicle or other property shall immediately after such quarantine or detention notify the owner or person under whose control they were at the time of quarantine or detention, by telegram, letter or otherwise, of the quarantine or detention. R.S., c. 350, s. 11.

No action lies

12 No action shall lie against the Minister, an inspector or other person for any act done or performed in good faith and purporting to have been done or performed under the provisions of this Act or of the regulations. R.S., c. 350, s. 12.

Penalty

13 Any person who

- (a) obstructs an inspector in the execution of his duty;
 - (b) contravenes the provisions of any order of quarantine made under Section 9;
 - (c) fails to observe the provisions of any order made under Section 10; or
 - (d) otherwise contravenes any provisions of this Act or of any regulations,
- is liable to a penalty not exceeding one hundred dollars and in default of payment to imprisonment for a term not exceeding two months or to both fine and imprisonment. R.S., c. 350, s. 13.

Regulations

14 (1) The Governor in Council may from time to time make regulations for the better carrying out of this Act.

Application of regulations

(2) Any regulation may have general application or may be limited in application to a particular area of the Province.

Publication of regulations

(3) All such regulations shall be published in the Royal Gazette and shall come into force on the day of such publication. R.S., c. 350, s. 14.

This page and its contents published by the Office of the Legislative Counsel, Nova Scotia House of Assembly, and © 1998 Crown in right of Nova Scotia. Created September 1, 1998. Send comments to legc.office@gov.ns.ca.