

## **Farm Registration Act**

### CHAPTER 3

#### OF THE

#### ACTS OF 1994-95

amended 2002, c. 1, ss. 2-8; 2004, c. 24, ss. 23, 24; 2005, c. 18

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An Act to Provide for  
a Farm Registration System  
Short title

1 This Act may be cited as the Farm Registration Act. 1994-95, c. 3, s. 1.

Purpose of Act

2 The purpose of this Act is to provide for

(a) a farm-business registration system designed to facilitate access to the programs of government by farm businesses;

(b) the creation of a data base that may be used

(i) by government departments to verify farm-business eligibility for programs of assistance, and

(ii) for the development of agriculture policy; and

(c) the fair and equitable funding of general farm organizations by farm businesses. 1994-95, c. 3, s. 2.

Interpretation

3 (1) In this Act,

(a) repealed 2002, c. 1, s. 2.

(b) "Appeal Committee" means the Appeal Committee established pursuant to this Act;

(c) "Department" means the Department of Agriculture and Fisheries;

(d) "farm business" means a farming business within the meaning of the Income Tax Act (Canada);

(e) "Minister" means the Minister of Agriculture and Fisheries;

(f) "Registrar" means the Registrar of Farms appointed pursuant to this Act.

(2) A commodity group, marketing board or issue-specific group is not a general farm organization for the purpose of this Act.

(2A) To be considered a general farm organization for the purpose of this Act, the organization must have at least the percentage of registered farm businesses as members as prescribed in the regulations, have geographic representation from across the Province as prescribed by the regulations and meet any additional criteria prescribed by the regulations.

(3) For the purpose of this Act, the Nova Scotia Federation of Agriculture is recognized as a general farm organization unless this recognition is revoked by the Appeal Committee. 1994-95, c. 3, s. 3; 2002, c. 1, s. 2.

#### Supervision of Act

4 The Minister has the general supervision and management of this Act and the regulations. 1994-95, c. 3, s. 4.

#### Registrar of Farms

5 (1) The Minister may appoint a person employed in the Department to be the Registrar of Farms.

(2) The Registrar of Farms shall

(a) receive applications for registration pursuant to this Act;

(aa) prescribe the forms to be used for the purpose of this Act;

(b) receive and process fees collected pursuant to this Act as part of the registration process;

(c) administer and oversee the registration process and data collected pursuant to this Act;

(ca) determine whether an organization meets the criteria for a general farm organization;

(cb) where the organization meets the criteria referred to in clause (ca), by order designate the organization as a general farm organization for the purpose of this Act; and

(d) perform such other functions as are assigned to the Registrar by the Minister.

(3) Where the Minister approves, the Registrar of Farms may delegate the Registrar's duties under subsection (2). 1994-95, c. 3, s. 5; 2002, c. 1, s. 3; 2004, c. 24, s. 23.

6 repealed 2002, c. 1, s. 4.

#### Appeal Committee

7 (1) There shall be an Appeal Committee consisting of

(a) one person who is an employee of the Department appointed by the Minister;

(b) one registered farm-business operator appointed by each general farm organization; and

(c) at the discretion of the Minister, one other person appointed by the Minister.

(2) The members of the Appeal Committee shall be appointed for such term, not to exceed three years, as the Minister determines.

(3) The person appointed to the Appeal Committee pursuant to clause (1)(a) is the Chair of the Appeal Committee.

(4) The members of the Appeal Committee, other than the member pursuant to clause (1)(a), may be paid such reasonable travelling and living expenses and such fees as the Minister determines.

(5) repealed 2004, c. 24, s. 24.

1994-95, c. 3, s. 7; 2002, c. 1, s. 5; 2004, c. 24, s. 24.

#### Registration

8 (1) Upon payment of the annual fee prescribed by the regulations, a farm business may register with the Registrar, on an annual basis, the information prescribed by the regulations.

(2) With the approval of the Registrar, a farm operation that is not a farm business may, upon payment of the annual fee prescribed by the regulations, register with the Registrar, on an annual basis, the information prescribed by the regulations.

(3) Subject to the regulations, the fees referred to in subsections (1) and (2) shall be used in support of general farm organizations.

(4) Upon payment of the annual fee referred to in subsections (1) and (2), the Registrar shall forward the fee and the name, address, telephone number and registration number of the farm business or farm operation that paid the fee to the appropriate general farm organization.

(4A) Notwithstanding subsections (1) and (2), a farm business or a farm operation may, at the time of payment of the annual fee, state that they do not want to be a member of a general farm organization.

(4B) Where a farm business or a farm operation makes a statement referred to in subsection (4A), the Registrar shall not forward the information referred to in subsection (4) to a general farm organization.

(5) For the purpose of verifying information submitted to the Registrar pursuant to this Section, the Registrar, or a person authorized by the Registrar, may

(a) at all reasonable times, inspect, examine, check or audit the books, records and inventory of a farm business or farm operation; or

(b) enter upon and inspect any land, place or premises owned or occupied by a farm business or farm operation.

(6) For the purpose of verifying information submitted to a general farm organization pursuant to this Section, the Registrar, or a person authorized by the Registrar, may

(a) at all reasonable times, inspect, examine, check or audit the books, records and inventory of a general farm organization; or

(b) enter upon and inspect any land, place or premises owned or occupied by a general farm organization.

(7) repealed 2005, c. 18, s. 1.

1994-95, c. 3, s. 8; 2002, c. 1, s. 6; 2005, c. 18, s. 1.

#### Application of Freedom of Information Act

9 (1) For greater certainty, the Freedom of Information and Protection of Privacy Act applies to information submitted to the Registrar pursuant to Section 8.

(2) For greater certainty, any personal information provided to a general farm organization pursuant to subsection 8(4) shall be kept confidential and shall not be disclosed to any person, except as may be necessary for the performance of the general farm organization's duties under Section 8. 1994-95, c. 3, s. 9; 2002, c. 1, s. 7.

#### Audit by Auditor General

10 The registration process under this Act is subject to audit by the Auditor General or such other person as determined by the Auditor General. 1994-95, c. 3, s. 10.

#### Appeal

11 (1) Any person directly affected by a decision made pursuant to this Act may, within sixty days of the decision, appeal to the Appeal Committee.

(2) The Appeal Committee may vary or confirm a decision made pursuant to this Act. 1994-95, c. 3, s. 11.

#### Regulations

12 (1) The Governor in Council may make regulations

(a) respecting the registration process;

(b) subject to subsection 3(2A), prescribing the criteria for a general farm organization;

(ba) prescribing the percentage for the purpose of subsection 3(2A);

(c) prescribing fees to be paid;

(d) repealed 2005, c. 18, s. 2.

(e) defining any term used but not defined in this Act;

(f) respecting such matters or things as the Governor in Council considers necessary to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the Regulations Act. 1994-95, c. 3, s. 12; 2002, c. 1, s. 8; 2005, c. 18, s. 2.