

Crop and Livestock Insurance Act

CHAPTER 113

OF THE

REVISED STATUTES, 1989

amended 2004, c. 24, ss. 17-21; 2010, c. 2, s. 96

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An Act to Establish a Scheme of
Crop and Livestock Insurance

Short title

1 This Act may be cited as the Crop and Livestock Insurance Act. R.S., c. 113, s. 1.

Interpretation

2 In this Act,

- (a) "Commission" means Nova Scotia Crop and Livestock Insurance Commission;
- (b) "contract of insurance" means a contract of insurance under a plan;
- (c) "Fund" means the Crop and Livestock Insurance Fund;
- (d) "insurable crop" means an agricultural product or plant designated as insurable by the regulations;
- (e) "insurable livestock" means any species of livestock or livestock product designated as insurable livestock by the regulations;
- (f) "Minister" means the Minister of Agriculture and Fisheries;
- (g) "plan" means a plan of crop and livestock insurance established by the regulations. R.S., c. 113, s. 2; 2004, c. 24, s. 17.

Commission

3 (1) There is hereby constituted and established a body corporate under the name of the Nova Scotia Crop and Livestock Insurance Commission, to carry out and administer this Act under the direction, supervision and control of the Minister.

(2) The Commission shall be composed of not fewer than three members who shall be appointed by the Governor in Council.

(3) The Governor in Council may designate one of the members of the Commission as Chairman and one as Vice-chairman.

(4) Each member of the Commission shall hold office for such term as is prescribed by his appointment and is eligible for re-appointment.

(5) Three members of the Commission, of whom one shall be the Chairman or the Vice-chairman, constitute a quorum.

(6) Members of the Commission may be paid the necessary expenses incurred by them while engaged in the performance of their official duties and such remuneration as the Governor in Council determines. R.S., c. 113, s. 3.

Personnel

4 (1) An Executive Secretary of the Commission and such other officers, clerks and servants as are deemed necessary from time to time for the proper conduct of the business of the Commission may be appointed under the Civil Service Act.

(2) The Executive Secretary of the Commission shall be the chief administrative officer of the Commission, and the Commission may delegate to the Executive Secretary such of its powers and duties under this Act as it deems advisable.

(3) The Commission may engage persons other than those appointed under subsection (1) to provide professional, technical or other assistance to or on behalf of the Commission. R.S., c. 113, s. 4.

Functions and powers

5 It is the function of the Commission and it has power to

(a) administer plans of crop and livestock insurance established by the regulations;

(b) conduct surveys and research programs relating to crop and livestock insurance and to obtain statistics for the purposes of the Commission;

(c) evaluate losses and pay claims under plans of crop and livestock insurance;

(d) enter into agreements with or retain persons for the soliciting and receiving of applications for insurance, the collecting of premiums and the adjusting of claims under plans for and on behalf of the Commission, and the doing of such other things on its behalf as the Commission deems necessary;

(e) re-insure with any other insurer the risk or any portion thereof under its contracts of insurance under any plan;

(f) require an applicant for crop or livestock insurance or an insured person to furnish such information, statements and reports as the Commission requires from time to time;

(fa) provide any form that is necessary to administer an insurance plan;

(fb) subject to clause 6(1)(b), calculate and approve premium rates, unit prices, coverage levels and benefit levels for insurance plans established under the regulations;

(g) administer this Act and the regulations;

(h) exercise such powers and perform such duties as are conferred or imposed upon it by or under this or any other Act; and

(i) perform such other functions and discharge such other duties as are assigned to it from time to time by the Governor in Council. R.S., c. 113, s. 5; 2004, c. 24, s. 18.

Regulations of Commission

6 (1) Subject to the approval of the Governor in Council, the Commission may make regulations establishing, amending and revoking voluntary plans for the insurance within the Province of insurable crops and insurable livestock, governing the terms and conditions of insurance under any plan and, without restricting the generality of the foregoing,

- (a) designating perils for the purposes of any plan;
- (b) respecting the manner in which base premium rates, unit prices, coverage levels and benefit levels for a plan are set by the Commission including
 - (i) a method for setting premium rates that is approved by an actuary,
 - (ii) coverage levels based on a statistical assessment of risk, and
 - (iii) maximum unit price options and benefit levels based on farmgate values, replacement values or cost of production;
- (c) providing for the payment and collection of premiums in respect of any plan;
- (d) prescribing the contract of insurance form and its use and requiring any information given in a form to be verified by statutory declaration;
- (e) fixing a final date in each year for the receipt of applications for crop or livestock insurance under any plan;
- (f) requiring applicants for crop or livestock insurance and insured persons to furnish such information, statements and reports as are necessary to administer an insurance plan;
- (g) designating insurable persons for the purposes of any plan.

(2) A plan may apply to one or more insurable crops and to one or more insurable livestock, and the plan or any provisions thereof may apply to all of the Province or to any area within the Province. R.S., c. 113, s. 6; 2004, c. 24, s. 19.

Regulations of Governor in Council

7 (1) The Governor in Council may make regulations

- (a) designating any agricultural product or plant as an insurable crop;
- (b) designating any species of livestock or livestock product as insurable livestock;
- (c) providing for the arbitration by an arbitrator or by a board of arbitration of disputes arising out of the adjustment of losses;
- (d) providing for the appointment of arbitrators, determining the constitution of boards of arbitration and regulating the practice and procedure of such arbitrators or boards of arbitration;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The decision of an arbitrator or a board of arbitration under the regulations is final. R.S., c. 113, s. 7; 2004, c. 24, s. 20.

Crop and Livestock Insurance Fund

- 8 (1) There is hereby established a fund which shall be known as the Crop and Livestock Insurance Fund, which shall be in the custody and control of the Commission on behalf of Her Majesty in right of the Province.
- (2) The Minister of Finance, with the approval of the Governor in Council and on the written requisition of the Minister, may advance to the Commission from time to time, for use as working capital, without legislative authority or appropriation other than this Act, such sums as may be stated in the requisitions.
- (3) The Minister of Finance, on the written requisition of the Minister, shall pay to the Commission in each year the amount determined to be the cost of administering this Act during that year, such payment to be made out of the General Revenue Fund with money authorized by the Legislature or the Governor in Council.
- (4) The Commission shall credit to the Fund
- (a) the moneys advanced under subsection (2);
 - (b) the moneys paid under subsection (3);
 - (c) the amount of all premiums received;
 - (d) any amount received from the Government of Canada for the purpose of this Act; and
 - (e) all other amounts received by the Commission for the purposes of this Act.
- (5) The Commission shall deposit and keep all amounts credited to the Fund in a chartered bank.
- (6) The Commission shall administer the Fund and pay therefrom all amounts required by this Act to be paid therefrom, together with the costs of administering this Act including, notwithstanding any other Act, the salaries of the Executive Secretary and of all other persons engaged in the administration of this Act.
- (7) If any employees of the Commission are, or become, employees within the meaning of the Public Service Superannuation Act, the Commission shall pay from the Fund in respect of those employees the contributions required to be made by the Minister of Finance under the Public Service Superannuation Act and the Commission shall also make, in respect of those employees, the deductions from the salaries required under that Act and remit the amount thereof to the Minister of Finance who shall pay it into the Fund under that Act.
- (8) Notwithstanding any other Act, but subject to subsection (10), the moneys in the Fund do not form part of the General Revenue Fund, and the Fund is not a division or part of the General Revenue Fund but the moneys therein are the property of Her Majesty in right of the Province.
- (9) The Commission shall pay to the Minister of Finance for investment for the Commission any moneys in the Fund not immediately required for expenditure and the Minister of Finance may invest the moneys in securities in which under the Finance Act moneys in the General Revenue Fund may be invested.
- (10) Moneys paid to the Minister of Finance for investment pursuant to subsection (9) shall form a trust or special fund and the interest earnings thereon shall be credited to the account of the Commission, and such earnings, either alone or with the principal sum invested for the Commission by the Minister of Finance hereunder, or any part thereof, shall be paid over to the Commission by the Minister of Finance on the request of the Commission. R.S., c. 113, s. 8; 2004, c. 24, s. 21; 2010, c. 2, s. 96.

Audit

- 9 The accounts and financial transactions of the Commission shall be audited annually by the Auditor General and a report of the audit shall be made to the Commission and to the Minister. R.S., c. 113, s. 9.

Annual report

10 (1) The Commission shall make an annual report of the affairs of the Commission to the Minister.

(2) The Minister shall submit the annual report to the Governor in Council and shall then lay the report before the House of Assembly if it is in session, or if not, at the next ensuing session. R.S., c. 113, s. 10.

Agreements with Government of Canada

11 (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with the Government of Canada as provided for in the Crop Insurance Act (Canada).

(2) Notwithstanding anything in this Act, no crop insurance plan shall be established unless an agreement made under subsection (1) applies to the plan.

(3) The Minister may, with the approval of the Governor in Council, enter into an agreement with the Government of Canada respecting livestock insurance. R.S., c. 113, s. 11.

Insurance Act does not apply

12 The Insurance Act does not apply to any matter or thing done by or under this Act. R.S., c. 113, s. 12.

Source of money for administration

13 The moneys required for the purposes of administering this Act shall be paid out of the moneys appropriated therefor by the Legislature. R.S., c. 113, s. 13.