

## Nova Scotia Grain Marketing Board Regulations

made under Sections 9 and 11 of the  
Natural Products Act  
R.S.N.S. 1989, c. 308  
O.I.C. 84-212 (February 28, 1984), N.S. Reg. 32/84  
as amended by O.I.C. 85-194 (March 5, 1985), N.S. Reg. 47/85

### Definitions

1 In this [these] regulations

- (a) "agent" means a firm or person appointed by the Board to receive, process and ship grain from registered producers;
- (b) "Board" means the Nova Scotia Grain Marketing Board;
- (c) "producer" means a person engaged in the production of grain anywhere in the Province of Nova Scotia;
- (d) "grain" means winter wheat, spring wheat, rye, barley, oats, corn, soybeans, canola and triticale produced in Nova Scotia and committed to the Board for pool marketing;
- (e) "registration form" means the combined application for advance payment, storage space and pool commitment;
- (f) "pool" means grain from more than one producer pooled for sale;
- (g) "falling number" is one factor in the measure of the milling quality of grain;
- (h) "advance payments" means payments under federal and provincial advanced payment programs advanced to producers when grain is delivered.

### Registration and marketing

- 2 (a) Participating producers shall register with the Board by June 15th in the year of harvesting, stating their marketing intentions by variety and acreage. The Board may, from time to time at its discretion, advise the producers with respect to the planting of those varieties for which the best market potential appears to exist for the coming year.
- (b) A person engaged in the marketing of grain not returning his registration form, or other information requested from time to time by the Board in writing, on or before the time specified by the Board, shall be assessed a late filing fee of \$50, such fees to be collected from the grower by way of deduction from the first payment of the season. The Board shall not be obliged to make advance payments to producers who fail to return their registration forms by the specified date.
  - (c) The Board shall handle only grain delivered to its appointed agents.
  - (d) The Board shall have the right to refuse or accept any grain offered by a producer not registered with the Board.
  - (e) The Board shall annually appoint its agents and make their addresses known to the participating producers by June 30th.
  - (f) The Board shall operate pools for the purpose of marketing grain, whereby the pool may be separated according to

- (a) agent,
- (b) grade, as per latest Canadian Grains Commission standards,
- (c) variety, protein, falling number and/or other criteria affecting market value.

(g) (1) The Board shall deduct all provisions for applicable disbursements and expenses from the first payment to growers as follows:

- (a) drying charges,
- (b) cleaning charges,
- (c) elevation charges,
- (d) transportation charges,
- (e) storage charges,
- (f) Board administration.

(Items (a) through (e) inclusive referred to in this subsection shall be determined as per the most recent schedules published by the Nova Scotia Grain and Forage Commission from time to time.)

(2) Following deduction of all applicable disbursements and expenses pursuant to subsection (1), the Board shall distribute the remainder of the monies received from the sale of the grain in the pool in such a manner that every producer in the pool receives their share of the remainder of the monies received from the sale in relation to the amount, variety, quality and grade of grain delivered by him.

(h) The Board may act as representative of producers in matters pertaining to either federal or provincial advance payments. (See Appendix A for information regarding advance payments.)

(i) Unless otherwise provided, the guidelines and schedules of the Nova Scotia Grain and Forage Commission shall apply.

(j) The protein or falling number differential payment on grain shall be decided by producers annually for the coming year.

(k) All accounting shall be in metric.

(l) Grain sold by a producer to the Board shall be

- (a) inspected and sold on the basis of grades established under the Canada Grain Act; and
- (b) tested for moisture content by the agent who takes delivery of the grain.

(m) Every agent shall receive where feasible all grain offered to the agent other than

- (a) contaminated grain,
  - (b) grain with smutty odor,
  - (c) grain with musty odor,
  - (d) grain containing levels of heat damaged kernels which exceed Canadian Grain Commission standards,
  - (e) grain infested with rusty grain beetles, grain weevils, flour beetles or sawtooth grain beetles,
  - (f) grain containing levels of ergot which exceed Canadian Grain Commission grade standards.
- Clause 2(m) replaced: O.I.C. 85-194, N.S. Reg. 47/85.

(n) Every agent shall take proper samples from the intake of grain for the establishment of grade, moisture, falling numbers, protein levels, and other quality criteria requested from time to time by the Board. It shall be the agent's responsibility to have the samples tested and report the results to the Board in writing on a load by load basis. The Board may establish criteria from grain destined for

certain markets, and instruct the agent to bin such grain separately. Losses incurred due to lack of proper segregation of grain on intake shall be the sole responsibility of the agent.

(o) It shall be the Board's responsibility to appoint as agents only such firms or individuals as can provide satisfactory bonding, irrevocable letter of credit or other security acceptable to the Board, covering 100 percent of the value of Board grain under the agent's care at any given time. Grain owned by the agent shall be exempt from this provision. The agent may draw advance payments on his own grain provided he signs the proper registration form.

(p) The Board shall have the authority to determine the last date on which different varieties of grain shall be received.

(q) The participating producer may choose his own agent; however, depending on the circumstances, the Board may in its discretion direct the delivery of certain varieties of grain to certain agents.

#### Duties of the agent

##### 3 An agent shall

(a) receive from producers where feasible all grain of acceptable grade and variety offered by producers to the agent, other than

- (a) contaminated grain,
  - (b) grain with smutty odor,
  - (c) grain with musty odor,
  - (d) grain containing levels of heat damaged kernels which exceed Canadian Grain Commission standards,
  - (e) grain infested with rusty grain beetles, grain weevils, flour beetles or sawtooth grain beetles,
  - (f) grain containing levels of ergot which exceed Canadian Grain Commission grade standards;
- Clause 3(a) replaced: O.I.C. 85-194, N.S. Reg. 47/85.

(b) an agent shall establish the number of tonnes of grain received from each producer, basis maximum allowable moisture levels for the respective grains, as set out in Canadian Grain Commission standards, using tables provided by the Nova Scotia Grain and Forage Commission for that year as a basis for moisture deduction, and weights from government-approved scales;

Clause 3(b) replaced: O.I.C. 85-194, N.S. Reg. 47/85.

(c) issue proper receipts to producers in a manner acceptable to the Board;

(d) clean, weigh, condition and otherwise process all grain received from producers taking care that drying temperatures for processing grain do not exceed 140oF or 60oC;

(e) ship grain as instructed by the Board from time to time;

(f) report within 48 hours in writing to the Board an analysis of all grain received, classified by grade and producer, in a manner acceptable to the Board;

(g) report to the Board at the end of harvest all of the following applicable charges incurred by a producer:

- (i) drying charges,
- (ii) cleaning charges,
- (iii) elevation charges,
- (iv) transportation charges,
- (v) storage charges,

unless otherwise agreed in writing the current rates established by the Nova Scotia Grain and Forage Commission shall apply;

- (h) report to the Board the amount of screenings derived from individual producers' grain;
- (i) credit to the Board all monies received from the sale of screenings. The screenings sale shall be undertaken on a written bid basis expressing the screenings value in terms of percent of the respective feed grain. The acceptance of any bid shall be subject to the approval of the Board;
- (j) satisfy the Board that the agent's facilities have been cleaned and disinfected and allow inspection of the agent's facilities at the Board's discretion;
- (k) agree to make good any deficiencies in quantity of any grade with a like grade or to repay the difference based on the average sales price achieved by the Board for the crop year;
- (l) weigh grain, other than his own, on government-approved scales only;
- (m) cover all perils not covered by insurance, such as insect infestation, quality deterioration, shortages, etc., by way of bonding, irrevocable letter of credit or other security acceptable to the Board. The amount of coverage shall be no less than 100 percent of the value of grain, other than his own, under his care at any given time.

#### Annual meeting

4 The Board shall, at a duly called annual meeting of producers, provide

- (a) a properly audited financial statement;
- (b) a market report of the preceding year's crop broken down by pools;
- (c) a market plan and strategy for the coming year; and
- (d) a budget.

---

#### Appendix "A" - Advance Payment System The Nova Scotia Grain Marketing Board

##### Summary of advance payment system

1. Advance payments to producers are based on two sources; 50% or \$15 000.00 maximum per producer from the federal Act, and 50% or \$15 000.00 maximum per producer from the Province.

Within these eligibility limits, the federal portion generally contributes 50% of the anticipated market price, with the provincial funds making up the balance. It is endeavoured that both payments amount to approximately 80% of the anticipated market price.

The Nova Scotia Grain Marketing Board has been authorized under the Federal Act and by the Nova Scotia Grain and Forage Commission to administer both funds.

Details of the federal Act are attached. These also act as guidelines for the administration of the provincial funds.

##### Producer responsibility

2. The producer must submit the completed registration form by June 15th to the Nova Scotia Grain Marketing Board. This registration form must be notarized by a notary public or commissioner, etc.

3. The registration form:

(a) For purposes of the Advance Payment Act, a farmer/producer is defined to be over 18 years of age, actually involved in the production of the crop, and must fulfill the qualifications as outlined in the Act. The Advance Payment Act recognizes single, double and triple producer units; it is the responsibility of the applicants to declare their respective eligibility before a notary. Each producer qualifies for a maximum advance of \$30 000.00. Thus a two producer farm qualifies for \$60 000.00, and a three producer farm for \$90 000.00. The registration form must be signed jointly by each producer; this makes each party equally responsible for repayment;

(b) states the crops on which the advance is requested;

(c) producer agrees to comply with repayment system and final deadline date;

(d) authorizes the Board to withhold amounts in repayment of the advance.

#### Payment

The advance payment (or loan) from the bank will be in a special advance payment account. From this account, the Nova Scotia Grain Marketing Board will, at the end of each month in which the delivery occurred, make advances to the producers as per the amount requested and approved based on the actual amounts of grain delivered to the pool.

The amount of advance per tonne will be announced annually prior to harvest by the federal and provincial governments. The cheques themselves will identify the number of tonnes of grain and the rate at which the advance is being paid.

#### Interest

The interest on the advance is paid by the federal and provincial governments respectively.

#### Repayment of the advance

The advance will be repaid by the Board on behalf of the producers by way of deductions prorated to sales. A financial statement showing advances and repayments on behalf of the producers will be issued at the end of each crop year.

[Note: O.I.C. 89-715, N.S. Reg. 85/89 eliminated all references to "winter" in the Nova Scotia Grain Marketing Plan Regulations (O.I.C. 82-1421, N.S. Reg. 244/82). "Winter" has been deleted in these regulations to correspond to that change.]

This page and all contents are copyright © 2003, Province of Nova Scotia, all rights reserved.  
Please send comments to: [regofregs@gov.ns.ca](mailto:regofregs@gov.ns.ca)

Last updated: 04-09-2003