

## Pork Nova Scotia Regulations

made under Sections 6, 9 and 11 of the

Natural Products Act

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

N.S. Reg. 57/2006 (April 10, 2006)

as amended up to N.S. Reg. 9/2009 (January 20, 2009)

### Citation

1 These regulations may be cited as the Pork Nova Scotia Regulations.

### Definitions

2 In these regulations,

(a) “Act” means the Natural Products Act;

(b) “auction market” means a place where hogs are sold by auction;

(c) “boar” means an uncastrated male hog that is used or has been used for breeding;

(d) “booking system” means a system through which a person informs the Commodity Board of the number and class of hogs intended to be shipped by a producer to a processor during a booking period;

(e) “booking period” means a weekly period set by the Commodity Board from time to time during which a person may book hogs with the Commodity Board for sale and delivery to a processor;

(f) “Commodity Board” means Pork Nova Scotia, a commodity board established under the Act;

(g) “contract grower” means a person who is engaged in production by raising hogs, which they do not own, on behalf of a producer;

(h) “custom kill” means a slaughter of a producer’s hog by a processor for a fee, after which the hog is returned to the producer;

(i) “drover” means a person who buys hogs from a producer to market them by a means other than through the Commodity Board’s booking system;

(j) “hog” means a member of the species *Sus scrofa* L. (domestic pig) produced in the regulated area and includes a hog carcass;

(k) “livestock trucker” means a person who transports hogs for compensation or reward;

(l) “market hog” means a hog other than a weanling, sow, stag or boar;

(m) “marketing” includes advertising, buying, selling, storing, packing, transportation, shipping, pricing, processing, shipping for sale or storage, offering for sale and any other act necessary to prepare hogs in a form or to make them available at a place and time for purchase, for consumption or use and also includes sale by pedlars, hawkers and traders;

(n) “Plan” means the Pork Marketing Plan established under the Act;

(o) “processing” means altering the nature, size, quality or condition of hogs by mechanical means or otherwise and includes the slaughtering of hogs;

(p) “processor” means a person engaged in processing;

(q) “producer” means a person who owns hogs that are bred or raised, or both, in the regulated area for commercial purposes or that are produced or marketed in or from the regulated area, but does not include a processor or a contract grower;

Clause 2(q) replaced: N.S. Reg. 386/2007.

- (r) “production” means production for commercial purposes;
- (s) “regulated area” means all of the Province of Nova Scotia;
- (t) “sow” means a female hog that has been used for breeding;
- (u) “stag” means a castrated male hog that has been used for breeding;
- (v) “weanling” means a hog that is at least 10 days old but is less than 51 days old.

#### Classes of hogs

3 There are 4 class[es] of hogs, as follows:

- (a) weanling;
- (b) sow;
- (c) stag and boar;
- (d) market hog.

#### Exemption from regulations

4 (1) Except as provided in subsection (2), a producer who markets less than 50 hogs per year and less than 5 sows per year in the regulated area is exempt from these regulations.

(2) A producer must pay all fees, levies and charges established under these regulations, unless the fee, levy or charge is waived by the Commodity Board under these regulations.

## Producer licence required to produce hogs

5 Unless exempted by subsection 4(1), a person must not produce hogs in the regulated area without a valid producer licence issued by the Commodity Board.

## Applying for and issuing producer licence

6 (1) The Commodity Board must issue to a producer a licence to produce hogs to an applicant who meets all of the following requirements:

(a) the applicant completes and submits an application on the form required by the Commodity Board;

(b) if the applicant is a corporation, the applicant provides the Commodity Board with a list of the names, addresses and telephone numbers of the officers and the manager of the corporation;

(c) the applicant provides proof, in a form satisfactory to the Commodity Board, that the applicant is capable of meeting the terms and conditions of the licence.

(2) The Commodity Board must refuse to issue a licence to an applicant if the applicant does not meet the requirements of subsection (1).

## Terms and conditions on producer licence

7 (1) A producer licence issued under these regulations is subject to the terms and conditions set out in this Section and in any order made by the Commodity Board under subsection (3).

(2) The following are conditions on every licence issued to a producer:

(a) the producer must not permit a contract grower to raise hogs that the producer owns unless the contract grower complies with the Act, the Plan, the regulations made under the Act and any order of the Commodity Board or unless the producer has received written permission from the Commodity Board;

Clause 7(2)(a) amended: N.S. Reg. 386/2007.

(b) until the Commodity Board is paid, the producer is liable to the Commodity Board for all fees, levies, premiums and charges that the producer is subject to under the Plan, these regulations or an order of the Commodity Board, and the Commodity Board has a right of set-off against any amounts payable by it to the producer;

(c) the producer permits the Commodity Board to deduct the following fees, levies and charges from the proceeds of the sale of the hogs for which the fees, levies or charges are imposed:

(i) a levy imposed under Section 18,

(ii) an administrative charge imposed for an overbooking loss or an underbooking loss under Section 16,

(iii) a hog grading fee set by the Commodity Board,

(iv) HST or other federal or Provincial taxes that may be applicable and including applicable tax on a marketing service under the jurisdiction of the Commodity Board,

(v) any fee, levy or charge set by the Commodity Board under these regulations.

(3) The Commodity Board may by order impose additional terms and conditions on a producer licence if

(a) the producer fails to comply with the Act, the Plan, the regulations made under the Act or any order made by the Commodity Board; or

(b) the producer is not actively producing or marketing hogs.

(4) A producer licence is valid for no longer than 365 days after the date it is issued, unless another period is specified by the Commodity Board in an order made under subsection (3).

(5) To renew a licence, a producer must apply to the Commodity Board for renewal of their licence in the form required by the Commodity Board before the expiry of the licence.

Refusal to renew, suspension or revocation producer licence

8 The Commodity Board may recommend to the Council the refusal to renew, the suspension of or revocation of a producer licence if

(a) the producer fails to comply with the Act, the Plan, the regulations made under the Act or any order made by the Commodity Board; or

(b) the producer is not actively producing or marketing hogs.

8A (1) A producer or drover engaging in interprovincial and export trade shall obtain an Export Licence from the Board;

(2) A producer or a drover shall not market a shipment of hogs produced in the Province in interprovincial and export trade unless the producer has been granted an Export Licence and has applied for an export shipment permit and has been issued an export permit by the Board.

Section 8A added: N.S. Reg. 386/2007.

Processors registered

9 (1) A person may process hogs in the regulated area only if they are registered with the Commodity Board.

(2) A processor must register with the Commodity Board each year.

(3) To register as a processor, a person must submit all of the following to the Commodity Board, together with any additional information required by the Commodity Board:

(a) the processor's name and address;

(b) if the processor is a corporation, a list of the names, addresses and telephone numbers of the officers and the manager of the corporation;

- (c) the address of each of the processor's plant locations;
- (d) slaughter capacity for each of the processor's plant [locations];
- (e) the processor's slaughter schedule;
- (f) the processor's custom-kill capabilities.

#### Contract growers registered

10 (1) A person may act as a contract grower in the regulated area only if they are registered with the Commodity Board.

(2) A contract grower must register with the Commodity Board each year that they intend to act as a contract grower.

(3) To register as a contract grower, a person must submit all of the following to the Commodity Board, together with any additional information required by the Commodity Board:

- (a) the contract grower's name, address and telephone number;
- (b) if the contract grower is a corporation, a list of the names, addresses and telephone numbers of the officers and the manager of the corporation;
- (c) a list of the counties in the regulated area where the contract grower carries on business.

#### Contract grower information and records

11 A contract grower must keep up-to-date information and records required by the Commodity Board relating to the raising of all hogs raised by the contract grower.

## Livestock truckers and drovers

12 (1) A person may act as a livestock trucker or drover in the regulated area only if they are registered with the Commodity Board.

(2) A livestock trucker or a drover must register with the Commodity Board each year.

(3) To register as a livestock trucker or drover, an applicant must submit all of the following to the Commodity Board, together with any additional information required by the Commodity Board:

(a) the livestock trucker's or drover's name, address and telephone number;

(b) if the trucker or drover is a corporation, a list of the names, addresses and telephone numbers of the officers and the manager of the corporation;

(c) a description of all equipment owned or operated by the livestock trucker or drover for transporting hogs.

## Livestock trucker and drover information and records

13 A livestock trucker or drover must

(a) on request, give the Commodity Board information about the description, condition, registration and ownership of equipment used by the trucker or drover for transporting hogs;

(b) no later than 48 hours after delivering hogs to a processor, contract grower, producer or auction market, give the Commodity Board a manifest for the delivery, on the form required by the Commodity Board, that includes all of the following:

(i) the name and address of the trucker or drover,

(ii) the name and address of the consignee,

(iii) the name, address, producer number and tattoo number of each producer for whom hogs were shipped,

(iv) the total number of hogs shipped from each producer and the total number of each class of hog shipped from each producer,

(v) the total number of hogs shipped and accepted by the trucker or drover,

(vi) the date and time of departure from the producer's facilities,

(vii) the date and time of delivery to the consignee; and

(c) give the Commodity Board a return, on the form required by the Commodity Board, for all hogs found dead on arrival at their destination.

#### Marketing of hogs

14 (1) Unless exempted under subsection (2), a person must market hogs through the Commodity Board's booking system only.

(2) A producer may market hogs other than through the booking system if

(a) the producer is exempt from these regulations under subsection 4(1); or

(b) the producer's hogs are purchased by a class of processor or buyer designated by the Commodity Board.

#### Bookings

15 (1) To market hogs with the Commodity Board in any booking period, a person must make a booking with the Commodity Board for the number and classes of hogs to be shipped to a processor in that booking period.

(2) A booking must be made in the manner required and during the time allotted by the Commodity Board.

#### Overbooking and underbooking

16 (1) If a person ships a greater or lesser number of hogs in any class during a booking period than the person booked with the Commodity Board for that period, the person must pay an administrative charge of \$10 for each hog that is overbooked or underbooked.

(2) Overbooking and underbooking administrative charges levied under subsection (2) [(1)] may be waived by the Commodity Board in any of the following circumstances:

(a) if, 24 hours or more before the scheduled shipment of hogs, the person shipping the hogs advises the Commodity Board of the error in booking and amends the booking to the exact number of hogs that are eventually shipped during the booking period;

(b) if, 24 hours or more before the scheduled shipment of hogs, the person shipping the hogs receives permission from the Commodity Board to substitute hogs in one class for hogs in another class and the substitution is made;

(c) if the booking error is for

(i) 1 hog only, or

(ii) 1% or less of the number of hogs booked by the person shipping the hogs;

(d) if the person shipping the hogs provides evidence to the satisfaction of the Commodity Board that the booking error occurred through an emergency that could not have been reasonably foreseen.

#### Setting price-per-kilogram of hogs

17 (1) For each booking period, the Commodity Board must set the price-per-kilogram of hogs to be paid to producers for hogs marketed through the Commodity Board during that booking period.

(2) If the Commodity Board directs shipments of hogs to non-traditional destinations during a booking period, the Commodity Board may use a marketing pool price that averages any increase in the cost of transportation to set the price-per-kilogram of hogs.

Levy

18 (1) A producer must pay the Commodity Board a levy of \$0.10 for every hog that the producer owns in the regulated area.

(2) A producer must pay the Commodity Board a levy for each hog that the producer markets in the regulated area, in accordance with the class of the hog and as set out in the following table:

Class of Hog	Maximum Levy per Hog
weanling	
sow	
stag and boar	
market hog	
	\$0.15
	\$1.60
	\$1.60
	\$1.60

Subsection 18(2) replaced: N.S. Reg. 9/2009.

(3) A producer who pays a levy under subsection (2) is exempt from the levy under subsection (1).

Section 18 replaced: N.S. Reg. 83/2008.

Deduction of fees for dead stock removal

19 A licenced producer may enter into an agreement with the Commodity Board to permit the Commodity Board to deduct fees for dead stock removal from payment owed to the producer.

#### Debt recoverable in court

20 A fee, levy or charge imposed on a person under these regulations is a debt due to the Commodity Board by that person and is recoverable in a court of competent jurisdiction, in addition to any manner permitted under the Act or regulations.

#### Producer information and records

21 A producer must keep up-to-date information and records required by the Commodity Board that relate to the production and marketing of hogs owned by the producer.

#### Processor information and records

22 (1) A processor must keep up-to-date marketing and processing information and records required by the Commodity Board relating to the processing and marketing of all hogs processed by the processor.

(2) The information and records required by subsection (1) must be kept for 6 months after the date it is recorded, unless the Commodity Board by order establishes another time period.

#### Auction market information and records

23 (1) An operator of an auction market must keep records of all sales of hogs at its facilities, including all of the following information:

- (a) the name and address of the seller;
- (b) the name and address of the buyer;
- (c) the number of hogs sold;
- (d) the weights of the hogs sold;
- (e) the date of sale.

(2) An operator of an auction market must report the information of a sale to the Commodity Board if directed by the Commodity Board to do so.

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