

Meat Inspection Act

CHAPTER 6

OF THE

ACTS OF 1996

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An Act Respecting
the Inspection and Sale of
Meat and Meat Products
Short title

1 This Act may be cited as the Meat Inspection Act. 1996, c. 6, s. 1.

Purpose of Act

2 The purpose of this Act is to support and promote the agriculture industry in the Province through an efficient, effective and appropriate meat inspection system providing consumers with safe and wholesome Nova Scotia meat and meat products while recognizing the following principles:

- (a) the right of the consumer to purchase inspected meat;
- (b) the responsibility of producers and processors of meat products to provide a safe and wholesome product;
- (c) the right to produce and sell wholesome product direct to the consumer;
- (d) that slaughter be conducted in a humane manner;
- (e) that producers, processors and retailers of meat products, government and the consumer have a shared responsibility concerning meat for human consumption;
- (f) that government provide a responsive, effective, fair, timely and efficient administrative and regulatory system, recognizing that whenever practical, it is essential to promote the purpose of this Act primarily through non-regulatory means such as co-operation, communication, education and partnerships. 1996, c. 6, s. 2.

Interpretation

3 In this Act,

- (a) "administrator" means a person appointed as an administrator by the Minister for the purpose of this Act;
- (b) "animal" means a domestic animal, the meat of which is intended to be used for human consumption;
- (c) "Board" means the Meat Inspection Board established by this Act;
- (d) "farmgate" means land owned, leased or used by a producer to raise animals for sale and includes an individual's residence;
- (e) "inspector" means a person appointed as an inspector by the Minister;
- (f) "licence" means a licence issued pursuant to this Act;
- (g) "meat" means animal flesh that is to be or intended to be used for human consumption;
- (h) "meat plant" means an abattoir, slaughterhouse or place or premises where animals are slaughtered, processed, prepared and stored for gain;
- (i) "meat processing plant" means a place or premises where meat or meat products are received from a meat plant and meat or meat products are produced, processed, prepared and stored for gain;
- (j) "meat product" means a food processed or derived in whole or part from meat and to be or intended to be used for human consumption;
- (k) "Minister" means the Minister of Agriculture and Marketing;
- (l) "prepare" includes cut, wrap, package, freeze, cure or smoke;
- (m) "prescribed" means prescribed by the regulations;
- (n) "producer" means a person who raises animals the meat of which is to be or intended to be used for human consumption;
- (o) "slaughter" means humane killing for the purpose of producing, processing or preparing meat or meat products. 1996, c. 6, s. 3.

Exemption from application of Act

4 (1) This Act does not apply to the slaughter of

(a) an animal owned by an individual where the meat or meat product of the animal will not be sold or exchanged for gain;

(b) an animal by a producer for sale at the farmgate to a consumer where the consumer does not sell or intend to sell the meat or meat product or use the meat or meat product for other commercial purposes; or

(c) an animal at a meat plant for a purpose referred to in clause (a) or (b).

(2) Notwithstanding clause (1)(b), no person shall sell meat that has not been inspected by an inspector from a retail shop located at the farmgate where the shop requires a retail licence to operate.

(3) Sections 10, 15 and 18 do not apply with respect to an establishment that is registered pursuant to and operated in accordance with the Meat Inspection Act (Canada) and the regulations made pursuant to that Act. 1996, c. 6, s. 4.

ADMINISTRATION

Supervision and management of Act

5 The Minister has the general supervision and management of this Act and the regulations. 1996, c. 6, s. 5.

Meat Inspection Board

6 (1) The Minister, with the approval of the Governor in Council, may establish a Meat Inspection Board consisting of

(a) one person representing meat plant owners;

(b) one person representing livestock owners; and

(c) one person other than a person described in clause (a) or (b).

(2) The Minister shall designate one of the members of the Board to be the Chair of the Board and one of the members to be the Vice-chair.

(3) A member of the Board holds office for such term as the Governor in Council determines and may be re-appointed.

(4) The members of the Board shall be paid such remuneration as the Governor in Council determines and the actual and reasonable expenses incurred by them in the discharge of their duties. 1996, c. 6, s. 6.

Secretary to Board

7 An administrator designated by the Minister shall be the secretary to the Board. 1996, c. 6, s. 7.

Functions of Board

8 The Board shall

(a) advise the Minister on such matters relating to meat and meat products as are referred by the Minister to the Board for consideration;

(b) bring to the attention of the Minister matters of interest and concern to the public, meat plant owners and livestock owners respecting meat and meat products; and

(c) hear appeals pursuant to this Act. 1996, c. 6, s. 8.

Personnel

9 (1) Administrators and inspectors necessary for the administration and enforcement of this Act and the regulations shall be appointed in accordance with the Civil Service Act.

(2) Notwithstanding subsection (1), the Minister may engage, upon such terms and conditions as the Minister deems necessary, the services of such professional or technical persons to assist in the efficient carrying out of the intent and purpose of this Act and the regulations. 1996, c. 6, s. 9.

Requirement for licence

10 (1) No person shall operate a meat plant or meat processing plant without first having obtained a licence from an administrator designated by the Minister.

(2) An application for a licence in respect of a meat plant or meat processing plant shall be made to the administrator in accordance with the regulations.

(3) Subject to this Act and the regulations, the administrator shall issue a licence in respect of a meat plant or meat processing plant to an applicant upon payment of the prescribed fee. 1996, c. 6, s. 10.

Grounds for refusal of licence

11 (1) An administrator shall not issue or renew a licence in respect of a meat plant or meat processing plant to an applicant where the administrator is of the opinion that

(a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds to believe that the operation of the meat plant or meat processing plant will not be carried on in accordance with this Act and the regulations;

(b) the applicant does not have or will not have available all premises, facilities and equipment necessary to operate a meat plant or meat processing plant in accordance with this Act and the regulations;

(c) the applicant is not or will not be able to comply with this Act and the regulations; or

(d) initial or continued operation of the meat plant or meat processing plant is deemed by the administrator to represent a risk to human health.

(2) Any condition that is injurious to human health or, in the opinion of the administrator, is potentially injurious to human health is deemed a risk under this Act. 1996, c. 6, s. 11.

Supervision and revocation of licence

12 The administrator may suspend or revoke a licence in respect of a meat plant or meat processing plant where the administrator is of the opinion that

(a) the premises, facilities and equipment used in the operation of the meat plant or meat processing plant do not comply with the regulations;

(b) the licensee or, where the licensee is a corporation, any officer, director or servant of the corporation has contravened or permitted any person under that person's control or direction in connection with the operation of the meat plant or meat processing plant to contravene any law applying to the operation of the meat plant or meat processing plant or the conditions of the licence and the contravention warrants the suspension or revocation; or

(c) human health is at risk. 1996, c. 6, s. 12.

Communication of reasons for action on licence

13 The administrator shall, within seven days of making a decision not to renew a licence or to suspend or revoke a licence, inform the licensee of a meat plant or meat processing plant, in writing, of the reasons for the refusal to renew or the suspension or revocation. 1996, c. 6, s. 13.

APPEALS

Appeal procedure

14 (1) Where an applicant or licensee has received notification that an administrator has refused to grant or renew a licence or has suspended or revoked a licence, the licensee may appeal to the Board, by notice in writing, stating concisely the reasons for the appeal.

(2) The appeal shall be conducted in the manner prescribed in the regulations.

(3) The Board may dismiss the appeal, allow the appeal or make any decision the administrator was authorized to make.

(4) The administrator and the appellant shall take such action as is necessary to implement the decision of the Board. 1996, c. 6, s. 14.

PLANT OPERATIONS

Conditions permitting slaughter

15 No person shall slaughter an animal at a meat plant unless

(a) the animal has been inspected by an inspector prior to its slaughter; and

(b) an inspector is present during its slaughter, except as otherwise provided in the regulations. 1996, c. 6, s. 15.

Manner of slaughter

16 All animals shall be slaughtered in a humane manner. 1996, c. 6, s. 16.

Standards for plant

17 A meat plant or meat processing plant shall be constructed and maintained in such a manner that no condition exists that is injurious to human health or that, in the opinion of an administrator, is potentially injurious to human health. 1996, c. 6, s. 17.

Compliance with regulations

18 No person shall engage in the production, processing, preparation, handling or storage of meat or meat products at a meat plant or meat processing plant except in accordance with the regulations. 1996, c. 6, s. 18.

SALE OF MEAT

Conditions permitting certain activities

19 (1) No person shall sell, offer for sale, transport or deliver meat or meat products described or held out as "inspected meat", "approved meat" or words of like import to any person unless

(a) the animal from which the meat was obtained was inspected

(i) by an inspector as provided in this Act, or

(ii) pursuant to the Meat Inspection Act (Canada) and the regulations made pursuant to that Act;

(b) the slaughter of the animal took place at

(i) a meat plant in respect of which a licence is in force and that complies with this Act and the regulations, or

(ii) an establishment that is registered pursuant to and operated in accordance with the Meat Inspection Act (Canada) and the regulations made pursuant to that Act; and

(c) the meat is stamped with an inspection legend or is labelled as prescribed, except as otherwise provided in the regulations. 1996, c. 6, s. 19.

Requirement for inspection

20 (1) No person shall sell meat that has not been inspected or inspected pursuant to the Meat Inspection Act (Canada) if the person knew or ought to have known that the purchaser intended to resell the meat.

(2) No person shall purchase meat that has not been inspected or inspected pursuant to the Meat Inspection Act (Canada) for the purpose of resale or commercial use. 1996, c. 6, s. 20.

Conditions permitting cutting and processing

21 Meat referred to in subsection 4(1) may be cut or further processed at a meat plant licensed pursuant to this Act if

(a) the meat is kept separate from inspected meats;

(b) the meat after cutting or further processing is identified on the packaging as "Custom Meat - Not For Resale". 1996, c. 6, s. 21.

Conditions permitting sale from vehicle

22 No person shall sell from a vehicle meat that has not been inspected by an inspector or inspected pursuant to the Meat Inspection Act (Canada). 1996, c. 6, s. 22.

GENERAL

Power to enter and inspect

23 (1) An administrator or an inspector may, at any reasonable time, for the purpose of carrying out that person's duties under this Act or the regulations, enter without a warrant any vehicle, premises or building wherein there is reasonable and probable grounds to believe that any animal, meat or meat product is being produced, processed, prepared, handled or stored or records relating thereto are to be found and inspect the vehicle, premises or building and any animal, meat or meat product therein or records relating thereto.

(2) Notwithstanding subsection (1), the administrator or an inspector shall not enter any part of a dwelling without the consent of the occupant unless pursuant to a warrant. 1996, c. 6, s. 23.

Hindering or obstructing official

24 No person shall hinder or obstruct the administrator or an inspector in the course of that persons duties, provide the inspector or administrator with false information or refuse to provide the inspector or administrator with information required for the purpose of this Act and the regulations. 1996, c. 6, s. 24.

Evidence of appointment

25 The production by an inspector of a certificate of appointment purporting to be signed by the Minister is admissible in evidence as proof of the appointment without further proof of the signature or authority of the Minister. 1996, c. 6, s. 25.

Proof of offence

26 (1) In a prosecution for a violation of this Act or the regulations, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent is identified or has been prosecuted for the offence.

(2) Proof that meat or a meat product, or a package containing meat or a meat product, bore

(a) a name and address purporting to be the name and address of the person by whom it was produced, processed or prepared; or

(b) a registered number or brand mark purporting to be the registered number or brand mark of the establishment where it was produced, processed or prepared,

is prima facie proof that the meat or meat product was produced, processed or prepared and that the meat, meat product or package was marked by the person whose name or address appeared on the meat product or package or by the person operating the meat plant or meat processing plant whose registered number or brand mark appeared on the package, as the case may be. 1996, c. 6, s. 26.

Persons assisting official

27 An inspector or administrator in carrying out any duties or exercising any powers under this Act or the regulations, may be accompanied by one or more persons considered by the inspector or administrator to be necessary to enable the inspector or administrator to carry out those duties and exercise those powers. 1996, c. 6, s. 27.

Agreements by Minister

28 (1) The Minister may enter into agreements with the Government of Canada for

(a) the performance by the Government of Canada, on behalf of the Province, of functions and duties under this Act and the regulations that are the responsibility of the Province;

(b) the performance by the Province, on behalf of the Government of Canada, of functions and duties that are the responsibility of the Government of Canada under an act of the Parliament of Canada.

(2) The Minister may enter into agreements for the more efficient carrying out of the object and purpose of this Act and the regulations. 1996, c. 6, s. 28.

Compliance with construction standards

29 A meat plant licensed by the Minister shall, within three years of the coming into force of this Section, comply with all the prescribed construction standards. 1996, c. 6, s. 29.

Offences and penalties

30 (1) A person who contravenes this Act or the regulations is guilty of an offence and upon summary conviction is liable for a first offence to a fine of not more than two thousand dollars or to imprisonment for a term of not more than six months, or to both, and for a subsequent offence to a fine of not more than ten thousand dollars or to imprisonment for a term of not more than one year, or to both.

(2) Notwithstanding subsection (1), a corporation that is convicted of an offence is liable for a first offence to a fine of not more than ten thousand dollars and for a subsequent offence to a fine of not more than fifty thousand dollars. 1996, c. 6, s. 30.

Conflict with other enactments

31 (1) Where the provisions of any Act or by-law or regulation of a regional municipality, town, municipality of a county or district or other local body are in conflict with this Act or the regulations, the provision of this Act and the regulations prevail to the extent of the conflict.

(2) Notwithstanding subsection (1), a by-law or regulation referred to in subsection (1) may impose or prescribe higher or more stringent standards or requirements than those provided for by this Act or the regulations where an enactment authorizes the by-law or regulation to impose or prescribe such standards or requirements. 1996, c. 6, s. 31.

REGULATIONS

Regulations

32 (1) The Governor in Council may make regulations

(a) respecting the Board, its Chair, Vice-chair and secretary;

(b) prescribing the powers and duties of administrators and inspectors or any class of inspectors;

(c) providing for the exemption from this Act or the regulations, or any part thereof, of any person or any class of persons or of any animal, meat or meat product or class of animals, meat or meat product and prescribing the terms and conditions of the exemption;

(d) prescribing the manner of and the devices to be used in the slaughter of animals in licensed meat plants;

(e) respecting the facilities and equipment to be provided and maintained at licensed meat plants or meat processing plants and the operation of licensed plants;

- (f) respecting cleanliness and sanitation of licensed meat plants or meat processing plants;
- (g) requiring and governing the detention and disposal of any animal, meat or meat product at a licensed meat plant or meat processing plant and prescribing the procedures for the detention and disposal;
- (h) respecting the transportation and delivery of meat or meat products from a licensed meat plant or meat processing plant;
- (i) prescribing the records to be made and kept by the operator of a licensed meat plant or meat processing plant;
- (j) providing for the issue, renewal, suspension, reinstatement or revocation of or refusal to issue or renew licences and prescribing the fees payable for licences or the renewal of licences;
- (k) prescribing conditions to which licences may be subject;
- (l) governing appeals;
- (m) prescribing terms and conditions under which animals, meat and meat products may be inspected at any licensed meat plant and the fees payable for inspection;
- (n) prescribing standards for any class or variety of meat or meat products;
- (o) providing for the taking at a licensed meat plant or meat processing plant of samples of meat or any meat product at the expense of the owner for the purpose of testing;
- (p) providing for the stamping with an inspection legend at a licensed meat plant of meat that is fit for human consumption;
- (q) providing for the labelling at a licensed meat plant or meat processing plant of meat that is fit for human consumption;
- (r) providing for the labelling at a licensed meat plant or meat processing plant of meat products;
- (s) extending the period during which meat, meat products or things may be retained by an inspector;
- (t) respecting the detention of meat, meat products or things seized pursuant to this Act and for preserving or safeguarding them;
- (u) prescribing forms and providing for their use;

(v) further defining the word "animal";

(w) defining any word or expression used but not defined in this Act;

(x) respecting any matter, whether or not of the kind or type contained in this subsection, necessary or advisable 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. 1996, c. 6, s. 32.

Meat Inspection (Nova Scotia) Act repealed

33 Chapter 276 of the Revised Statutes, 1989, the Meat Inspection (Nova Scotia) Act, is repealed. 1996, c. 6, s. 33.

Proclamation

34 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 1996, c. 6, s. 34.

Proclaimed - July 17, 1996

In force - December 2, 1996

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