

Nova Scotia Chicken Marketing Plan

made under Section 11 of the
Natural Products Act
R.S.N.S. 1989, c. 308
O.I.C. 82-1418 (November 23, 1982), N.S. Reg. 241/82
as amended up to O.I.C. 2004-214 (May 13, 2004), N.S. Reg. 157/2004

1 This Plan may be cited as the Nova Scotia Chicken Marketing Plan.

2 In this Plan and in any orders, rules and regulations made hereunder, unless the context otherwise requires

(a) "Act" means Chapter 308 of the Revised Statutes of Nova Scotia 1989, the Natural Products Act and any amendments made thereto;

(b) "chick" means a chicken 15 days of age or less not raised or produced for egg production;

(c) "chicken" means a chicken of any class, 6 months of age or less, raised for meat production, whether live, fresh or frozen and includes any part or parts;
Clause 2(c) replaced: O.I.C. 2002-92, N.S. Reg. 22/2002.

(d) "Commodity Board" means the Chicken Farmers of Nova Scotia;
Clause 2(d) replaced: O.I.C. 2002-92, N.S. Reg. 22/2002.

(e) "hatchery" means the facility used for hatching or supply of meat-type chicks in Nova Scotia;
Clause 2(e) replaced: O.I.C. 2002-92, N.S. Reg. 22/2002.

(f) "marketing" includes advertising, buying, selling, storing, packing, transporting, shipping, shipping for sale or storage and offering for sale, and includes sale by peddlers, hawkers and traders;

(g) "marketing agency" means a person designated by the Commodity Board to market the whole or any part of the chickens produced in the regulated area;

(h) "meeting of producers" means a duly constituted meeting of the Chicken Producers Association of Nova Scotia;

(i) "person" includes a corporation and the heirs, executors, administrators or other legal representative of a person;
Clause 2(i) replaced: O.I.C. 2002-92, N.S. Reg. 22/2002.

(j) "processing" means altering the nature, size, quality or condition of chicken by mechanical means or otherwise and includes slaughtering;
Clause 2(j) replaced: O.I.C. 2002-92, N.S. Reg. 22/2002.

(k) "processor" means a person operating a plant for the processing, distribution or selling of chickens;

(l) "producer" means any person including each beneficial shareholder of a limited company or each partner in a partnership, licensed to produce and market chickens in the Province for the purpose of sale or distribution;
Clause 2(l) replaced: O.I.C. 2002-92, N.S. Reg. 22/2002.

(m) "registered chicken producer" means a producer who is registered with the Commodity Board;

(n) "registered processor" means a processor who is registered with the Commodity Board;

(o) "regulated area" means all of the Province of Nova Scotia;

(p) "production" means production for commercial purposes;

(q) "Council" means the Natural Products Marketing Council.

3 The purpose of this Plan is to promote, control and regulate the marketing and production of chickens and to constitute the Commodity Board to administer the Plan.

Section 3 replaced: O.I.C. 94-476, N.S. Reg. 93/94.

4 (1) The Commodity Board shall consist of six producers. The term of office for members elected to the Commodity Board shall be three years. Two members shall normally complete tenure of office each year.

(2) At the time of the annual meeting of producers, which shall be held within 90 days of the end of the operating year of the Commodity Board, the producers assembled shall elect two candidates from among the registered producers to fill the vacancies on the Commodity Board created by the retiring members. The names of the candidates so elected shall be forwarded by registered mail to the Secretary of the Natural Products Marketing Council for ratification by that Council. Notwithstanding any delay in official appointment to the Commodity Board, newly- elected members shall hold office on an interim basis from the date of their election.

(3) A member of the Commodity Board may serve a maximum of 2 consecutive 3-year terms and shall not be eligible for re-election, renomination or reappointment for at least 1 year following the end of the second term.

Subsection 4(3) added: O.I.C. 85-158, N.S. Reg. 34/85; replaced: O.I.C. 2002-92, N.S. Reg. 22/2002.

(4) Despite subsection (3), where a member of the Commodity Board is currently serving as Chairperson of Chicken Farmers of Canada, the member shall be eligible for re-election, renomination or reappointment to the Commodity Board for a third consecutive term.

Original subsection 4(3) renumbered 4(4): O.I.C. 85-158, N.S. Reg. 34/85; replaced: O.I.C. 2002-92, N.S. Reg. 22/2002.

(5) At a meeting held within 15 days of the annual meeting of producers, the members of the Commodity Board

(a) shall elect a Chairperson and a Vice-Chairperson from among themselves; and

(b) may appoint a General Manager and any other officers and employees as the members consider necessary.

Subsection 4(5) added: O.I.C. 2002-92, N.S. Reg. 22/2002.

(6) The operating year of the Commodity Board shall be the calendar year.

Original subsection 4(4) renumbered (5): O.I.C. 85-158, N.S. Reg. 34/85; renumbered (6): O.I.C. 2002-92, N.S. Reg. 22/2002.

5 (1) Meetings of the Commodity Board may be called by the Chairperson by giving to each member not less than three days notice thereof by telephone, telegraph or post; or by any four members of the Commodity Board, by giving not less than one week's notice by post. Meetings shall be held in the office of the Commodity Board or at such other place as the Chairperson or any four members of the said Board may determine. If the Chairperson is not present at a meeting, the Vice-Chairperson shall

act as Chairperson, and if neither the Chairperson nor the Vice-Chairperson is present at a meeting, the other members may elect an Acting Chairperson.

(2) At meetings of the Commodity Board, four members thereof shall constitute a quorum.

(3) Where a vacancy occurs on the Commodity Board by reasons of death, resignation or removal or any other cause, the Commodity Board members shall appoint a producer to fill such vacancy until the next annual meeting of the Chicken Producers Association of Nova Scotia.

(4) Notwithstanding any irregularity in the appointment or election and qualification of any member of the Commodity Board, every act of the said Board shall be as valid as if the Commodity Board was duly constituted and every member thereof duly appointed or elected and qualified.

(5) At any meeting of the Commodity Board each member, including the Chairperson, shall have one vote and a majority of votes shall be required to pass any resolution. In the case of equality of votes for and against a resolution, the resolution shall not carry and the Chairperson shall not have a second or casting vote.

6 (1) The Council may remove from office any member of the Commodity Board if he is convicted of any offence under the Act, or the Criminal Code, or if he fails to attend three consecutive meetings of the said Board without adequate cause.

(2) Upon receipt of a requisition signed by not less than 50% of the registered chicken producers, the Council may submit the question of continuing the Nova Scotia Chicken Marketing Plan to a vote of the producers; and if a majority suitable to the Council has voted against the Plan, the Council may recommend that the said Chicken Marketing Plan be discontinued.

7 (1) The Commodity Board shall administer regulations made by Council pursuant to the Act, and may make regulations, subject to approval by the Council,

(a) providing for

(i) the marketing or production of chickens on a quota basis,

(ii) the fixing and allotting to persons of quotas for the marketing or production of chickens for any reason that the Commodity Board deems proper,

(iii) the refusal to fix and allot to any person a quota for the marketing or production of chickens for any reason that the Commodity Board deems proper,

(iv) the transfer of quota among producers and the terms and conditions under which such transfer may take place,

(v) the cancellation or reduction of, or the refusal to increase, a quota fixed and allotted to any person for the marketing or production of chickens for any reason that the Commodity Board deems proper,

(vi) the making of returns or the furnishing of information by producers, processors, hatcheries and others involved in the marketing or production of chickens or chicks within the regulated area,

(vii) the licensing of persons engaged in the marketing or production of chickens within the regulated area, including types of licences, licence fees for each licence type, payment of licence fees, period of each licence and terms and conditions upon which licences may be issued, renewed, suspended or revoked, and

(viii) the regulation and control of the marketing or production of chickens in the regulated area, including prescribing terms and conditions under which chickens may be assembled, transported, shipped or sold;

(b) prohibiting

(i) any person to whom a quota has not been fixed and allotted for the marketing or production of chickens from marketing or producing any chickens,

(ii) any person to whom a quota has been fixed and allotted for the marketing or production of chickens from marketing or producing any chickens in excess of such quota,

(iii) any person to whom a quota has been fixed and allotted for the marketing or production of chickens produced on land in respect of which such quota was fixed and allotted, from marketing or producing any chickens other than chickens produced on such land, and

(iv) any person to whom a quota has been fixed and allotted from transferring or assigning the quota.
Subsection 7(1) amended: O.I.C. 2004-214, N.S. Reg. 157/2004.
Section 7 replaced: O.I.C. 94-476, N.S. Reg. 93/94.

8 The Commodity Board

(1) may

(a) cooperate with any board or agency, established under any federal statute or any provincial statute, to market or promote, facilitate, control, regulate or prohibit the marketing or production of chickens and to act conjointly with any such board or agency; and

(b) determine and fix fair or minimum prices at which chickens or any grade of chickens shall be bought by or sold to registered processors within the regulated area based on the recommendations from time to time of the Price Negotiating Committee constituted under Section 9 of this Plan; and

(2) may, with the approval of the Council,

(a) exempt from this Plan

(i) any person or class of persons, other than processors, engaged in the production or marketing of chickens, or

(ii) any class, variety or grade of chickens; and

(b) do such acts and make such orders, regulations and directions as are necessary to enforce the due observance and carrying out of this Plan and any regulations made pursuant to this Plan or the Act.
Section 8 replaced: O.I.C. 94-476, N.S. Reg. 93/94.

9 (1) The Price Negotiating Committee shall consist of

(a) two members appointed by the Commodity Board;

(b) one member appointed by ACA Cooperative Limited; and

(c) one member appointed by Maple Leaf Poultry.

Clause 9(1)(c) replaced: O.I.C. 2002-92, N.S. Reg. 22/2002.

Clause 9(1)(d) repealed: O.I.C. 2002-92, N.S. Reg. 22/2002.

(2) If the Price Negotiating Committee cannot agree on a recommended base price, the price shall be set by final offer arbitration in accordance with the Chicken Farmers of Nova Scotia Regulations. Subsection 9(2) added: O.I.C. 2002-92, N.S. Reg. 22/2002. Section 9 replaced: O.I.C. 94-476, N.S. Reg. 93/94.

10 (1) The Commodity Board may appoint committees in such form and for such purposes as the said Board may from time to time require.

(2) Producers' licences will be issued by the Commodity Board after receiving recommendations of the Producers' Licence Advisory Committee, which Committee shall be appointed by the Commodity Board and shall consist of two members of the Commodity Board and a member nominated by each of the two processors.

11 (1) No shipper, trucker, processor, or producer shall assemble, process, buy, sell, receive for shipment, or transport chickens within the Province of Nova Scotia without a license from the Commodity Board. Subsection 11(1) replaced: O.I.C. 94-476, N.S. Reg. 93/94.

(2) The Commodity Board may charge a fee for any licence issued pursuant to this Plan in such amounts and payable in such manner as the said Board deems advisable.

(3) All processors shall submit to the Commodity Board any monies collected on its behalf at such times as the said Board may from time to time provide; but in any case not later than the 15th of the month following the month of collection.

12 (1) The Commodity Board shall keep proper books of account which shall be audited at the end of each calendar year by an auditor appointed by the Chicken Producers Association of Nova Scotia, subject to the approval of the Council. Within one month of the close of the year, a report of such audit accompanied by a report of the operation of the Commodity Board shall be forwarded to the Council.

(2) A copy of the audited financial statement and an annual report shall be mailed to all producers 10 days before the annual meeting of the producers.

13 Duly certified copies of all orders, directions and determinations of the Commodity Board and copies of the minutes of all meetings of the said Board shall be sent forthwith to the Council.

14 The Council may appoint a person or persons to inspect the production records, land and premises of persons engaged in the production or marketing of chicken when deemed necessary.

15 (1) The Commodity Board shall submit a proposal to amend this Plan to any meeting of producers, provided that a copy of the proposed amendment is sent by prepaid regular post to each producer at least 10 days prior to the meeting date.

(2) In accordance with clause 11(a) of the Act, a proposal to the Council by the Commodity Board to amend this Plan requires the approval of at least 2/3 of the producers present at a meeting of producers.

Section 15 added: O.I.C. 2002-92, N.S. Reg. 22/2002.

Note: "Chicken Marketing Board" replaced with "Commodity Board", "Chairman" replaced with "Chairperson", and "Vice-Chairman" replaced with "Vice-Chairperson": O.I.C. 2002-92, N.S. Reg. 22/2002.
