

Turkey Farmers of Nova Scotia Regulations
made under Section 9 of the
Natural Products Act
R.S.N.S. 1989, c. 308
O.I.C. 92-1202 (effective December 8, 1992), N.S. Reg. 266/1992
amended to N.S. Reg. 216/2018 (effective January 1, 2019)

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Definition regulation

1 In these regulations

- (a) “Act” means Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the “*Natural Products Act*”;
- (b) “allottee” means a person to whom the Board has, in respect of registered premises, fixed and allotted a quota or quotas;
- (c) “base quota” means that quota which has been allotted to a producer and is registered at the offices of the Board as that producer’s base quota;

- (d) “bird unit” means 4.76 kilograms of live weight turkey;
- (e) “Board” means the Turkey Farmers of Nova Scotia;
- (f) “broiler weight” class birds means any one of a flock of any variety of turkey ordinarily marketed by a producer at a live flock weight averaging up to 6.17 kilograms per bird;
- (g) “control period” means the twelve month period covered by the Promotion Agreement of the Canadian Turkey Marketing Agency;
- (h) “distribution” includes marketing, advertising, buying, selling, storing, packing, transporting, shipping, shipping for sale or storage, and offering for sale and includes any such activity by a peddler, a hawker and a trader, but excludes any such activity by a producer who transports turkey from the place of production to the place of slaughter;
- (i) “facilities” means the building or buildings and land appurtenant thereto, fixtures and equipment belonging to or operated by a producer that are used for the housing and production of turkeys;
- (j) “flock” means any group of turkeys housed in a producer’s facilities which are being raised by the producer for marketing at the same live weight or approximately the same live weight and at the same time or approximately the same time;
- (ja) “free range turkey” means any one of a flock of any variety of turkey which
 - (i) is raised on a feed ration consisting solely of grains, vegetable products and necessary vitamins and minerals and containing no traces of rendered meat products or meat by-products, fish meal or fish by-products, antibiotics or other medication of any kind, including growth promoters,
 - (ii) has regular access to fresh air, sun, soil and green forage,
 - (iii) has been processed by a registered inspected processor.
- (k) “hatchery” means a person supplying poults for the production of turkeys within the Province of Nova Scotia;
- (l) “hen weight” class birds means any one of a flock of any variety of turkey ordinarily marketed by a producer at a live flock weight averaging 6.17 kilograms up to and including 9.76 kilograms per bird;

- (m) “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;
- (n) “minimum floor space” means the living space that is required by a living bird during a production cycle but does not include floor space not normally made available for use for turkey production such as basements, attics, furnace rooms, halls, stairways;
- (o) “new producer” means a person to whom the Board has allocated quota from the New Turkey Producer Quota Bank or other quota not previously held by a producer;
- (p) “New Turkey Producer Quota Bank” means the quota account established pursuant to Regulation 8;
- (q) “person” includes any board, association, corporation, firm or partnership;
- (r) “Plan” means the Nova Scotia Turkey Marketing Plan;
- (s) “poult” means a turkey fifteen days of age or less;
- (t) “process” or “processing” means altering the nature, size quality, or condition of turkey by mechanical means or otherwise and includes slaughtering;
- (u) “processor” means a person operating a plant for the processing, distribution or selling of turkeys;
- (v) “producer” means any person engaged in the production of turkeys in the Province of Nova Scotia for the purpose of sale or distribution;
- (w) “production” means production for commercial purposes;
- (x) “production cycle” means a marketing period determined from time to time by the Board;
- (y) “quota” means the bird units issued to a producer by the Board for the purpose of establishing that a fair and measurable distribution of available Provincial production has been made by the Board;
- (z) “quota in excess of base” means that quota that is available for production that is in excess of 100% of the existing base quota;
- (aa) “registered processor” means a processor who is registered and licensed with the Board;

- (bb) “registered producer” means a producer who is registered for actual production with the Board;
- (cc) “tom weight” class birds means any one of a flock of any variety of turkey ordinarily marketed by a producer at a live flock weight averaging over 9.76 kilograms per bird; and
- (dd) “turkey” means any class or variety of turkey of any age, whether live, fresh or frozen and includes any part or parts thereof.

Allocation of production quota for turkeys

- 2** **(1)** (a) Subject to these regulations, the Board may allot quota for the production of turkeys within the Province of Nova Scotia to producers who own land and have buildings which they allocate to the production of turkeys.
- (b) The Board may, in its discretion
- (i) allot quota to a producer who is leasing land and buildings for the purpose of using them for the production of turkeys, but the quota may be withdrawn by the Board if the producer does not, within three (3) years from the date of allotment, acquire full ownership of the land and buildings, or
 - (ii) allot quota to a producer who neither owns nor leases land and buildings for the purpose of using them for the production of turkeys, provided the producer obtains such facilities within six months of allotment and thereafter qualifies in accordance with subclause (i) of clause (b), or
 - (iii) allot quota in accordance with ~~Regulation~~[Section] 8.
- (2)** Quota may only be held by or allotted to bona fide producers who are not directly or indirectly, in the opinion of the Board, involved in the processing, hatchery, feed manufacturing or distribution sectors of the poultry industry.
- (3)** (a) The maximum quota that can be held or otherwise controlled by any one turkey producer shall be limited to 30,000 bird units per production cycle and in calculating bird units, consideration shall be given to all bird types, classes, weights and grades of live turkey.
- (b) The maximum allowable combined live weight that can be produced by a single producer per year shall be 428,400 kilograms including any over production penalties.
- (c) A processor who is also a producer shall be limited to a maximum of 30,000 bird units per production cycle or 428,400 kilograms per production year.

- (4) The maximum allowable quota as expressed in bird units (30,000 per production cycle) or in annual live kilograms (428,400 live kilograms) may be increased by the Board providing that
- (a) all other allottees and producers registered with the Board for production pursuant to ~~Regulations~~[Sections] 13 and 14 have received consideration by the Board for quota and production; and
 - (b) all other registered producers who have less than the maximum allowable quota have received consideration by the Board for additional quota and production.
- (5) (a) Despite any provision of these regulations to the contrary, no quota or licensed production shall be allotted to a producer or applicant unless that producer or applicant has satisfied the Board that the proposed facilities comply with the requirements for minimum floor space required to adequately house the total number of bird units per flock cycle permitted by the quota applied for.
- (b) Minimum floor space required in the case of
- (i) broiler weight class birds is .13935 square ~~meter~~[metre] per bird,
 - (ii) hen weight class birds is .2323 square ~~meter~~[metre] per bird, and
 - (iii) tom weight class birds is .3716 square ~~meter~~[metre] per bird.

Quota transfers

- 3 (1) (a) Any producer wishing to transfer quota shall make written application therefor to the Board setting out the full particulars of the proposed transfer and the transferee shall join in the application.
- (b) All quota transfers shall be subject to the discretion of the Board.
- (c) No transfer of quota shall be approved by the Board unless it is shown to the satisfaction of the Board by the applicant for transfer
- (i) that the land and buildings used to produce that quota are being sold to the intended transferee coincident with the proposed transfer, or
 - (ii) that the land and buildings used to produce that quota are not adequate or suitable for the continued production of turkeys.
- (d) No transfer of quota shall be approved by the Board if it is deemed by the Board that the transferee is or has been within the previous five years of the date of the application for transfer of quota
- (i) a spouse of the producer,

- (ii) a partner of the producer,
 - (iii) a partnership in which the producer is a partner,
 - (iv) a corporation in which the producer owns shares or any other interest,
 - (v) where the producer is a corporation, an owner of shares or any other interest,
 - (vi) a trustee for the producer, except for a trustee appointed pursuant to the *Bankruptcy Act* (Canada) or a trustee appointed pursuant to the *Probate Act* (Nova Scotia).
- (2) Upon an application for transfer of a quota by a producer and a transferee, or at such time or times that the Board may require, the transferee shall deliver to the Board, a sworn affidavit which shall include the following information:
- (a) the actual ownership of land and buildings related to the production facility, and of any lease agreements in respect thereof, upon and in which production relating to the quota is intended to take place;
 - (b) the names of all owners, co-owners, shareholders, partners, and interested parties involved in that facility together with a list of the shareholders in any corporation, excluding publicly traded corporations, involved or intended to be involved directly or indirectly, immediately prior to and following an approved transfer;
 - (c) where the transferee is a body corporate excluding publicly traded corporations, a list of all shareholders of that body corporate who are directly involved in processing, hatchery, or feed manufacturing or distribution in the poultry industry, and the percentage of interest of each shareholder thereof;
 - (d) all information relating to the availability of buildings and facility for the production of the quota; and
 - (e) such other information as the Board may direct.
- (3) If representations of the producer or the transferee to the Board in the application for transfer of a quota allotment are shown to be incorrect, misleading, or false, or where the parties to the transfer have violated these regulations, or where, in the opinion of the Board, the intent of these regulations has been circumvented, the Board may revoke the transfer to the transferee and cancel the quota allotment and if the quota allotment is so cancelled by the Board, it shall form a part of the unallocated quota of the Board.

- (4) No application for transfer of a quota allotment shall be considered by the Board unless the application is accompanied by a completed Quota Transfer Application Form in the form approved by the Board.
- (5) Notwithstanding any other provision in these regulations, no transfer shall be approved unless the applicant producer (transferor) has held the quota allotment for at least five years prior to the application for transfer.
- (6) No application to transfer less than 5,000 bird units per production cycle shall be considered by the Board unless the quota to be transferred is the transferor's entire quota.
- (7) Any producer who is the transferor of quota shall not be eligible for any increase in quota or allotment of quota in excess of base quota.

Retention of quota

- 4 (1) The Board may cancel the quota allocated to any producer, subject to subsection (2), where, in the opinion of the Board
 - (a) the producer fails to produce and market turkeys in a volume consistent with the quota allocated to the producer or marketing licences issued to the producer;
 - (b) the producer fails to submit to the Board the proper reports with respect to the producer's production or marketings, as provided for in the Plan or these regulations;
 - (c) a producer remains out of production for up to two consecutive production cycles; or
 - (d) a producer violates any provision of the Plan or any regulations of the Board.
- (2) A producer may discontinue production for a specified marketing period where the producer has received the written approval of the Board to so discontinue.

Allotted quota classification by bird type category

- 5 Allotted quota and marketing licences issued for different classes of turkeys, as defined in these regulations, shall not be interchangeable and inter-class transfers of allotted quota or marketing licences shall not be permitted.

Quota value

- 6 To facilitate the entry of new producers into the turkey industry, the Board declares that all allotted quotas and licences issued by the Board shall have no monetary value or exchange value whatsoever.

Allotted quota for public research

- 7 Public research institutions located and operated in Nova Scotia by the federal government, Provincial government or other public body shall be a special case under

these regulations and shall apply to the Board, in writing, to obtain from the Board a licence for each crop of turkeys and shall pay to the Board upon completion of the slaughter of the crop of turkey the same licence fees as are required of producers.

Allotment of quota in excess of base quota

- 8** (1) Allotment of quota in excess of base quota may be allotted by the Board in accordance with the following criteria:
- (a) existing quota holders shall be given first consideration in the allotment of any quota available in excess of base quota, subject however, to ~~Regulations~~[Sections] 2, 3, 5, 8, 13 and 14, and where the existing producer has, in the opinion of the Board, adequate and sufficient registered production capacity required to produce the additional quota;
 - (b) where allotment of quota in excess of base quota has been deemed by the Board to be necessary or advisable, a minimum of 5% of the available excess quota shall be set aside and placed by the Board into a New Turkey Producer Quota Bank account for allotment from time to time in the discretion of the Board to new producers;
 - (c) the Board may, at such time it considers appropriate to avoid removing quota from actual production, issue temporary no quota rights special licences to producers in accordance with the amount of production available in the New Turkey Producer Quota Bank. A “no quota rights” special licence issued to a producer will terminate without notice to the producer at the end of the control period for which the no quota rights licence was issued,
 - (i) first to existing producers who have not reached their maximum quota limit as defined in subsections (3) and (4) of ~~Regulation~~[Section] 2, and then
 - (ii) to other existing producers who have quota;
 - (d) the New Turkey Producer Quota Bank bird units held by the Board may be allotted at any time to a new producer. The total bird units held by the Board in this account may not exceed the equivalent of 15,000 bird units, and any bird units held in the New Turkey Producer Quota Bank must be allocated to a new producer within a period not to exceed 12 months; and
 - (e) every new producer shall be selected from the New Grower Waiting List established by the Board on October 21, 1986, and
 - (i) no new producer shall be eligible for any additional allocation or licence of any kind for a period of three years, and future eligibility to receive additional allotment or licence or licence transfer is at the sole discretion of the Board, and
 - (ii) every new producer is subject to classification.

Marketing licences

- 9** (1) No producer shall market turkeys in Nova Scotia or elsewhere without a valid marketing licence issued by the Board.
- (2) Marketing licences may, in whole or in part, be transferred subject to the approval of the Board, provided the Board has received, prior to the transfer, a written application upon its Licence Transfer Application Form in the form approved by the Board.
- (3) Licence transfer applications must be submitted and approved by the Board prior to the on-farm placement of poults intended for marketing under that licence.
- (4) Marketing licences may be issued by the Board for each marketing period as defined by the Board, in any control period, to each holder of allocated quota, or others who qualify under these regulations and who shall be marketing turkeys within the marketing period.

Exemptions from application of regulations

- 10** These regulations shall not apply to any producer who markets less than 25 turkeys in any control period.

Producer marketing levy

- 11** (1) (a) All producers marketing turkeys within the Province of Nova Scotia shall pay a levy to the Board.
- (b) All levies collected by a processor on behalf of a producer shall be submitted by the processor to the Board not later than ten days following the month in which the levies were deducted from payments due to the producer and the effective date of a marketing levy shall be that date upon which turkeys are delivered by a producer for slaughter.
- (c) In the event that a processor fails to deduct a levy on behalf of a producer the levy shall be due and payable by that specific producer to the Board.
- (d) In the event that a processor fails to remit a levy collected on behalf of a producer then the responsibility of the payment and recovery of that levy shall revert back to the producer for payment to the Board.
- (2) Processors must register and be licensed by the Board and each processor shall deduct all levies determined by the Board before making any financial settlement with any producer marketing turkeys through that processor.
- (3) (a) A producer marketing levy is hereby payable to the Board by the producer on all turkeys marketed by the producer to a processor within the Province of Nova Scotia at the rate of \$0.0565 per live kilogram of turkey slaughtered and for which payment is due to the producer.

- (b) With respect to turkeys which the producer does not market through a processor or processing plant, the marketing levy payable to the Board shall be either,

- (i) three cents per live kilogram, or
- (ii) in accordance with the following scale:

Live Weight in Kilograms	Marketing Levy Payable
0.0 to 6.17	18¢ per live bird
6.17 to 9.76	23¢ per live bird
9.76 to 12.05	30¢ per live bird
12.05 and over	36¢ per live bird

- (iii) the levy shall be paid directly by the producer to the Board within ten days after the completion of the marketing of the birds.
- (4) Provided always that levies made to the producers are subject to change by the Board at any time at the Board's discretion, and upon written notification by the Board of that change to the producer, the producer shall remit the levies at the new rates either through the processor or directly to the Board.

Over production penalties

- 12** (1) Every producer that produces quantities in excess of those for which the producer is licensed, or for which the producer has been allotted quota, shall pay to the Board an over production penalty of up to 22 cents per kilogram live weight which exceeds the weight for which the producer has been licensed or allotted quota.
- (2) A producer shall be considered to have exceeded the producer's allotted quota or licence when the producer's total production and marketings for all the marketing periods ending at the end of the control period exceed the total licence quantities for that control period.
- (3) Any producer who produces in excess of the producer's allocated quota or licence may, at the discretion of the Board, be subject to reduction of quota by an amount equal to the excess production, and the reduction shall be applied to the producer in the control period immediately following the control period in which the over production took place.
- (4) Failure by a producer to pay over production penalties to the Board after written notice to do so shall constitute cause for cancellation by the Board, in its discretion, of any existing quotas held by that producer.

Registration of production facilities

- 13** (1) Every producer in the Province of Nova Scotia shall register with the Board all of that producer's existing facilities to be used for the production of turkeys by

filing with the Board a completed written Registration of Producer Facilities in the form approved by the Board.

- (2) Notwithstanding the foregoing, the fact of registration of such facilities with the Board does not in itself entitle the registrant the right to produce turkeys and the registration form herein established is to assist the Board in its deliberations as to whether it shall allot to such registered producer any quota that becomes available for allotment and in any event such consideration shall be subject to ~~Regulations~~[Sections] 2, 5, 8, and 14.
- (3) Any producer who knowingly provides false information to the Board pertaining to the ownership of, or to the size or use of any production facility in which the producer is producing or is intending to produce turkeys, shall, at the option of the Board, render the producer liable for cancellation of any allotted quota held by that producer.

Registration for quota

- 14** (1) Each person making application for quota shall file with the Board a completed written Application for Turkey Quota in the form approved by the Board.
- (2) Any application for quota submitted to the Board shall be considered by the Board in its determinations as to whether quota shall be allotted to the applicant and, in any event, the Board shall give due consideration in its deliberations to ~~Regulations~~[Sections] 2, 3, 5, 8, and 13.

Registered processors' licences

- 15** (1) Each processor engaged in the slaughter or marketing of turkeys shall be registered as a processor with the Board.
- (2) (a) No person shall commence or carry on the business of processing turkeys except as previously authorized by licence issued by the Board.
- (b) No processing licence shall be issued by the Board in the absence of a written application by the proposed processor being submitted to the Board.
- (3) (a) All licences issued by the Board to a processor shall expire on the 31st day of December following the issuance of the licence.
- (b) No fee shall be chargeable to a person making application for or being granted a processor's licence.
- (4) (a) The Board may refuse to grant a licence to an applicant which, in the opinion of the Board, is not qualified by experience, financial responsibility, or available facility and equipment to properly engage in the processing business.
- (b) The Council may suspend or revoke or refuse to renew a licence to a processor for failure to observe, perform, or carry out the provisions of the

Natural Products Act, these regulations, the Plan, or any order or direction of the Natural Products Marketing Council of Nova Scotia, or of the Board.

Producer Settlement Reports

- 16** (1) Each processor shall file with the Board a Producer Settlement Report which shall include details of all purchases and sales transactions between the processor and each of the producers with whom the processor deals in any control period and the Producer Settlement Report shall be filed with the Board within ten days of the completion of each transaction.
- (2) A producer who operates on a cash basis shall forward to the Board a Producer Settlement Report within ten days of the completion of the marketing of each flock of turkeys.

Hatchery information

- 17** (1) (a) All hatcheries supplying turkey poults to producers shall submit to the Board on or before the 10th day of each and every month a registration summary setting out the number of poults placed with each producer dealing with that hatchery during the previous calendar month.
- (b) All hatcheries supplying poults to producers shall report the total number of poults shipped to each individual producer including any and all poults for which the producer has not been invoiced by the hatchery at the time of reporting.
- (2) Any person who produces, purchases, receives, sells, grows, or deals with poults, the existence of which has not been reported to the Board shall be liable to such penalties as have been established under the *Natural Products Act* of Nova Scotia, the Plan or the regulations of the Board.
- (3) Poults placed with or invoiced to a producer shall not be grown, transferred or credited to any other producer or person without the prior written permission of the Board.

Transfer of quota by processors who are also producers

- 18** (1) Despite the provisions of any other ~~regulation~~[Section], this ~~regulation~~[Section] applies solely to processors who are also producers who wish to transfer base quota and for the purpose of this regulation, processors who are also producers are defined as A.C.A. Co-operative Limited and Maple Leaf Foods Inc. and include any subsequent business engaged in the industry of processing turkey for the consumer market.
- (2) Processors who are also producers who wish to transfer all or part of their base quota may apply to the Board in writing in such form as the Board may prescribe from time to time.
- (3) Upon receipt of an application as prescribed in subsection (2), the Board shall consider the application and if the Board requires further information, the Board

may require the applicant or proposed transferee of the base quota to appear before the Board and make representations to the Board concerning the proposed transfer of base quota.

- (4) After consideration of the application, the Board may approve, in whole or in part, or disapprove of the application as the Board considers appropriate having regard to all the circumstances of the application, and without restricting the generality of the foregoing, the Board shall, in considering the application, have regard to the following factors:
- (a) the impact of the proposed transfer on the overall marketing scheme and strategy of the Board at the time of the application;
 - (b) the position of the proposed transferees of the base quota on the Board's New Grower Waiting List at the time of the application;
 - (c) the relationship, if any, between the applicant and the proposed transferees of the base quota at the time of the application;
 - (d) whether the proposed transferees of the base quota are existing producers and the impact the proposed transfer will have on the quota held by the existing producers at the time of the application;
 - (e) whether the proposed transfer of base quota is with or without facilities; and
 - (f) any other factor that the Board deems appropriate.

Legislative History Reference Tables

Turkey Farmers of Nova Scotia Regulations
Natural Products Act

N.S. Reg. 266/1992

Note: The information in these tables does not form part of the regulations and is compiled by the Office of the Registrar of Regulations for reference only.

Source Law

The current consolidation of the *Turkey Farmers of Nova Scotia Regulations* made under the *Natural Products Act* includes all of the following regulations:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
266/1992	Dec 8, 1992	date approved	Dec 25, 1992

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
107/1996	Jun 18, 1996	date approved	July 5, 1996
123/2010	Aug 1, 2010	date specified	Aug 13, 2010
71/2016	May 1, 2016	date specified	Apr 29, 2016
61/2017	Apr 30, 2017	date specified	Apr 14, 2017
216/2018	Jan 1, 2019	date specified	Dec 21, 2018

The following regulations are not yet in force and are not included in the current consolidation:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
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*See subsection 3(6) of the *Regulations Act* for rules about in force dates of regulations.

Amendments by Provision

ad. = added
am. = amended

fc. = fee change
ra. = reassigned

rep. = repealed
rs. = repealed and substituted

Provision affected	How affected
1(e).....	am. 123/2010
1(ja).....	ad. 107/1996
3(4).....	am. 123/2010
9(2).....	am. 123/2010
11(3)(a).....	am. 71/2016, 61/2017, 216/2018
12(3)-(4).....	am. 123/2010
13(1).....	am. 123/2010
13(3).....	am. 123/2010
14(1).....	am. 123/2010
15(4)(b).....	am. 123/2010
Appendices A(1)-A(3).....	rep. 123/2010

Note that changes to headings are not included in the above table.

Editorial Notes and Corrections:

Note	Effective date
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Repealed and Superseded:

N.S. Regulation	Title	In force date	Repealed date
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Note: Only regulations that are specifically repealed and replaced appear in this table. It may not reflect the entire history of regulations on this subject matter.