

Schedule “A”

Regulations Respecting Nova Scotia Cattle Producers made by the Nova Scotia Cattle Producers pursuant to Section 9 of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*

Interpretation

Citation

1 These regulations may be cited as the *Cattle Producers Marketing Regulations*.

Definitions

2 (1) In these regulations,

“dairy producer” has the same meaning as “producer” under the *Dairy Industry Act*, except that it does not include producers who own or control only dairy animals that are not cattle;

“DFNS” means the Dairy Farmers of Nova Scotia, a body corporate under the *Dairy Industry Act*;

“grower licence” means a licence issued by the Commodity Board to a producer to raise beef cattle for the purpose of marketing;

“levy” means the levy payable to the Commodity Board under Section 12;

“licence” means any of the types of licences issued under these regulations, as listed in Section 3;

“licensing period” means the period that begins on January 1 in any year and ends on December 31 of the same year;

“livestock dealer licence” means a licence issued by the Commodity Board to a livestock dealer to buy and sell beef cattle;

“prepayment program” means a Commodity Board prepayment program established under Section 13 or a DFNS prepayment program established under Section 14;

“processor licence” means a licence issued by the Commodity Board to a processor to process beef cattle or beef;

“public auction operator” means a person who operates a public auction as a business;

“purchaser” means a person, including a producer, livestock dealer or processor, who purchases 1 or more beef cattle directly from a producer;

“slaughterhouse operator” means a person who operates a slaughterhouse where beef cattle are slaughtered;

“total production quota” has the same meaning as in the *Total Production Quota Regulations* made under the *Dairy Industry Act*.

- (2) A term defined in the *Cattle Producers Marketing Plan* made under the Act has the same meaning when used in these regulations.

Licensing

Types of licences

3 The following are the types of licence:

- (a) grower licence;
- (b) livestock dealer licence;
- (c) processor licence.

Requirement to hold licence

4 A person must not raise, buy, sell or process beef cattle in the regulated area without a licence of a type that authorizes them to do so.

Issuing licence

- 5 (1) The Commodity Board must issue a licence to a person who applies for a new licence in accordance with Section 6 and whose application is not rejected or refused.
- (2) A licence may be issued on any date, and expires at the end of the licensing period during which it is issued.

Licence application

- 6** **(1)** A person may apply to the Commodity Board for a licence or renewal of a licence by completing an application in the form and the manner determined by the Commodity Board.
- (2)** An application must include all of the following information:
- (a)** type of application, as 1 of the following:
 - (i)** new licence,
 - (ii)** renewal of licence;
 - (b)** type of licence applied for, as set out in Section 3;
 - (c)** all of the following about the business:
 - (i)** business name, if any,
 - (ii)** civic address,
 - (iii)** mailing address, if different than civic address,
 - (iv)** phone number,
 - (v)** fax number, if any,
 - (vi)** e-mail address, if any,
 - (vii)** name of contact person with authority to act on behalf of the business,
 - (viii)** title of contact person in subclause (vii),
 - (ix)** for an application for a livestock dealer licence, the name of each employee who is authorized to buy or sell beef cattle on behalf of the business;
 - (d)** for a renewal application, a copy of each of the following reports:
 - (i)** the purchase report required by Section 16,
 - (ii)** the sales report required by Section 17.

- (3) An application for renewal must be received by the Commodity Board by January 31 for the licensing period that begins the same year.
- (4) An application for renewal that is filed after the deadline in subsection (3) is deemed to be an application for a new licence.
- (5) An application must be accompanied by any licensing fee required by Section 7.
- (6) The Commodity Board may reject any application that does not include all the required information and fees.

Licensing fees

7 All of the following licensing fees are payable to the Commodity Board:

| Licence | Fee |
|------------------------------|-------------------|
| new grower licence | none |
| new livestock dealer licence | \$100.00 plus tax |
| new processor licence | \$100.00 plus tax |
| renewal of any licence | none |

Licence number and licensee record

- 8 (1) The Commodity Board must issue each new licensee a licence number.
- (2) The Commodity Board must maintain a record of all of the following for each licensee:
- (a) name;
 - (b) civic address;
 - (c) licence number.

Form of licence

- 9 (1) A licence must include all of the following information:
- (a) licensee's name;
 - (b) licence number, as issued under Section 8;
 - (c) type of licence, as set out in Section 3;
 - (d) effective date of the licence;

- (e) expiry date of the licence;
 - (f) issue date of the licence;
 - (g) if the licence is a grower licence, whether the producer is involved in a prepayment program.
- (2) A licence must be signed by the Chair of the Commodity Board or a member of the Commodity Board acting on behalf of the Chair.

Licence terms and conditions

10 A licence is subject to all of the following terms and conditions:

- (a) the licensee must comply with the Act, these regulations, the Plan and every applicable order of Council or the Commodity Board;
- (b) the licensee must provide any information required under these regulations in the form and manner prescribed by the Commodity Board;
- (c) the licensee must maintain the confidentiality of any information distributed by the Commodity Board regarding licensees for the purpose of levy collection from third parties;
- (d) the licence is not transferable;
- (e) if the licensee ceases to carry on the business for which the licence is issued, the licensee must immediately surrender the licence to the Commodity Board;
- (f) any terms or conditions imposed by the Commodity Board that are consistent with the Act, the Plan and these regulations and are disclosed at the time the licence is issued or renewed, or by notice given in a form and manner determined by the Commodity Board.

Refusing to grant, refusing to renew, suspending or revoking a licence

11 If a person fails to comply with the terms and conditions of clause 10(a), the Commodity Board may recommend to the Council that it refuse to grant or renew a licence, or suspend or revoke a licence.

Levies

Levy required

12 (1) A licensee who markets beef cattle in the regulated area must pay a levy to the Commodity Board as set out in the following table:

| Licensee | Levy |
|-----------|--|
| producer | \$6.00 plus tax for each head of beef cattle sold |
| processor | \$6.00 plus tax for each head of beef cattle slaughtered |

- (2) Despite subsection (1), a processor is not required to pay a levy for a head of beef cattle slaughtered if a levy has been paid for the sale of the same head of beef cattle through the Commodity Board prepayment program under Section 13.

Levy remittance through Commodity Board prepayment program

- 13** (1) The Commodity Board may establish a Commodity Board prepayment program for the annual remittance of levies payable by producers.
- (2) A producer, other than a producer who is also a dairy producer, may elect to remit the levy annually through the Commodity Board prepayment program.
- (3) A producer who elects to remit the levy annually may enrol in the Commodity Board prepayment program by signing an agreement with the Commodity Board and submitting a herd report in accordance with Section 18.
- (4) Under the Commodity Board prepayment program, a producer’s annual levy is calculated using the following formula:

$$TL = BF \times 0.9 \times CL$$

in which

TL is the total annual levy in dollars payable under the Commodity Board prepayment program, including any applicable taxes;

BF is the number of breeding females in the producer’s herd on the 1st day of the licensing period;

CL is the levy payable by the producer.

- (5) No later than December 31, a producer enrolled in the Commodity Board prepayment program must
- (a) remit the annual levy calculated under subsection (4) to the Commodity Board; and
- (b) submit a herd report to the Commodity Board in accordance with Section 18.

- (6) A producer must re-enrol annually in a manner determined by the Commodity Board to continue participating in the Commodity Board prepayment program.

Annual levy remittance for dairy producers through DFNS prepayment program

- 14
- (1) The Commodity Board may establish a DFNS prepayment program administered by DFNS under an agreement with the Commodity Board, for the annual collection and remittance of levies payable by dairy producers.
 - (2) A producer who is also a dairy producer may elect to remit the levy annually through the DFNS prepayment program.
 - (3) An eligible producer may enrol in the DFNS prepayment program by signing an agreement administered by DFNS.
 - (4) Under the DFNS prepayment program, a producer's annual levy is calculated using the following formula:

$$TL = TPQ \times 0.884 \times CL$$

in which

TL is the total annual levy in dollars payable under the DFNS prepayment program, including any applicable taxes;

TPQ is the total production quota allotted to the producer;

CL is the levy payable by the producer.

- (5) DFNS must remit the annual levy calculated under subsection (4) to the Commodity Board on behalf of each producer enrolled in the DFNS prepayment program, together with all of the following information for each participating producer:
 - (a) name;
 - (b) business name;
 - (c) licence number, as issued under Section 8;
 - (d) civic address;
 - (e) mailing address, if different than civic address;
 - (f) phone number;

- (g) fax number, if any;
- (h) e-mail address, if any;
- (i) name of the contact person for the producer.

Levy remittance by purchasers

- 15** (1) The Commodity Board must distribute a list of the producers participating in a prepayment program to all licensed livestock dealers and licensed processors.
- (2) When selling beef cattle to a purchaser, a producer must show their licence to the purchaser and allow the purchaser to record any information they need to complete their reporting requirements under these regulations.
- (3) A purchaser buying beef cattle from a producer who is not enrolled in a prepayment program must withhold the levy from the amount payable to the producer by the purchaser.
- (4) No later than the 15th day of the month following the month in which a purchase referred to in subsection (3) occurs, the purchaser must
- (a) remit the levy withheld under subsection (3) to the Commodity Board; and
 - (b) submit a levy remittance report in accordance with Section 19 to the Commodity Board.
- (5) A purchaser and producer are jointly and severally liable to the Commodity Board for the amount of any levy not remitted as required by these regulations.

Reporting and Records

Purchase report required for licence renewal

- 16** (1) A licensee must complete and submit a purchase report that covers the previous licensing period with their licence renewal application.
- (2) A purchase report required by subsection (1) must include all of the following information relating to each purchase of beef cattle during the reporting period:
- (a) name of the licensee;
 - (b) reporting period;
 - (c) date of the report;

- (d) signature of the contact person for the licensee;
- (e) for each purchase made by the licensee during the reporting period:
 - (i) name of the producer or livestock dealer who sold the beef cattle to the licensee,
 - (ii) number of beef cattle purchased by the licensee,
 - (iii) location where the beef cattle were purchased,
 - (iv) date of the purchase.

Sales report required for licence renewal

- 17** (1) A licensee must complete and submit a sales report that covers the previous licensing period with their licence renewal application.
- (2) A sales report required by subsection (1) must include all of the following information relating to each sale of beef cattle during the reporting period:
- (a) name of the licensee;
 - (b) reporting period;
 - (c) date of the report;
 - (d) signature of the contact person for the licensee;
 - (e) for each transaction:
 - (i) name of the producer, livestock dealer or processor who purchased beef cattle from the licensee,
 - (ii) number of beef cattle sold by the licensee,
 - (iii) location where the beef cattle were sold,
 - (iv) date of the sale.

Herd report

- 18** A producer's herd report required by subsection 13(5) must include all of the following information:
- (a) name of the licensee;

- (b) reporting period;
- (c) date of the report;
- (d) signature of the contact person for the licensee;
- (e) the number of breeding females in the licensee's herd on the 1st day of the reporting period.

Levy remittance report

19 A levy remittance report required by subsection 15(4) must include all of the following information relating to each purchase of beef cattle during the reporting period:

- (a) name of the licensee who purchased the beef cattle and is remitting the levy;
- (b) reporting period;
- (c) date of the report;
- (d) signature of the contact person for the licensee;
- (e) for each purchase of beef cattle during the reporting period:
 - (i) name of the producer who sold the beef cattle,
 - (ii) number of beef cattle purchased,
 - (iii) location where the beef cattle were purchased,
 - (iv) date of the purchase.

Recovery of Fees and Levies

Debt recoverable in court

- 20 (1)** A fee or levy 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.
- (2)** Any decision by the Commodity Board to recover a debt due to the Commodity Board under subsection (1) requires the approval of a majority of the members of the Commodity Board.