

# BILL NO. 73

(as passed)



*2nd Session, 58th General Assembly  
Nova Scotia  
50 Elizabeth II, 2001*

Government Bill

## **Agriculture and Marketing Act (amended)**

CHAPTER 39 OF THE ACTS OF 2001

The Honourable Ernest L. Fage  
Minister of Agriculture and Fisheries

[First Reading](#): November 1, 2001 (LINK TO BILL AS INTRODUCED)

Second Reading: November 6, 2001

[Third Reading](#): November 15, 2001

Royal Assent: November 22, 2001



**An Act Amend Chapter 6**

## **of the Revised Statutes, 1989, the Agriculture and Marketing Act**

Be it enacted by the Governor and Assembly as follows:

**1** Section 2 of Chapter 6 of the Revised Statutes, 1989, the *Agriculture and Marketing Act*, is amended by

- (a) striking out "Marketing" in the second line of clause (a) and substituting "Fisheries"; and
- (b) striking out "Marketing" in the second line of clause (b) and substituting "Fisheries".

**2** Subsection 3(1) of Chapter 6 is amended by striking out "Marketing" in the first and second and in the third lines and substituting in each case "Fisheries".

**3** Section 5 of Chapter 6 is amended by adding "(1)" immediately after the Section number and by adding the following subsection:

(2) The Minister may, with the approval of the Governor in Council, make regulations respecting the livestock industry including, but not limited to, livestock breeding, production and facility standards, testing methods, inspection and livestock tracking.

**4** The headings immediately preceding Section 47, Sections 47 to 53, the headings immediately preceding Section 54, Sections 54 to 70, the headings immediately preceding Section 71, Section 71, the headings immediately preceding Section 72 and Sections 72 to 75 of Chapter 6 are repealed.

**5** The headings immediately preceding Section 119 and Sections 119 to 138 of Chapter 6 are repealed and the following headings and Sections substituted:

### PART XIII

#### PREVENTION AND CONTROL OF THE APPLE MAGGOT

*(Rhagoletis pomonella* Walsh)

119 In this Part,

- (a) "agrologist" means a member of the Nova Scotia Institute of Agrologists;
- (b) "control zone" means any area designated as an apple-maggot control zone where apples are grown commercially;
- (c) "inspector" means an inspector appointed pursuant to this Part;
- (d) "occupant" means the person in possession of real property on which or in which apple maggot is found or, where such person cannot be determined, the owner of the real property as shown on the last revised assessment roll of the municipality in which the property is located;
- (e) "orchard" means any land on which any apple tree is growing;
- (f) "regulation" means a regulation made pursuant to this Part;
- (g) "vegetation" means any apple tree or American hawthorn tree of any age or fruit of any apple tree or American hawthorn tree.

120 (1) The Minister shall appoint an agrologist who is responsible for this Part and for the inspectors appointed

pursuant to this Part.

(2) Where the agrologist appointed pursuant to subsection (1) is not an employee of the Department, the agrologist is subject to the supervision of the Department.

(3) The agrologist referred to in subsection (1) may also serve as an inspector.

(4) The Minister may appoint inspectors to enforce this Part and the regulations made pursuant to this Part.

(5) Additional duties and responsibilities of inspectors may be prescribed by regulation.

121 (1) An owner or occupant is required to control apple maggot in or on infested vegetation that is within a control zone of a commercial orchard.

(2) Where an inspector finds infested vegetation, the inspector shall confer with the owner or occupant as to a satisfactory method of control as prescribed by regulation.

(3) Where, after consulting with the owner or occupant, prompt effective action is not taken, the inspector may issue a destruction order in the form prescribed by regulation and the order may be served by registered mail or, where the owner or occupant is unknown or cannot be located, by posting it in a conspicuous place on the land.

(4) Where the person to whom a destruction order has been issued pursuant to subsection (3) feels that the order is unjust, the person may, within four days of service of the notice, appeal, by telephone, facsimile transmission or registered mail, to the agrologist who shall immediately cause a reinspection to take place.

(5) Following a reinspection pursuant to subsection (4), the agrologist may confirm, vary or rescind the destruction order.

122 (1) An inspector may enter upon any lands on which the inspector suspects any apple maggot exists.

(2) No person shall hinder or obstruct an inspector in the course of the inspector's duties or furnish the inspector with false information or refuse to furnish the inspector with information.

(3) Where an inspector is denied access or is obstructed in any way except as provided in subsection (4), the inspector may apply to a justice of the peace for a warrant.

(4) An inspector may be denied access if granting access would result in an immediate threat of injury or harm to the inspector.

123 Every person who contravenes this Part or a regulation is guilty of an offence and liable on summary conviction to the penalties provided for in the *Summary Proceedings Act*.

124 (1) The Governor in Council, on the recommendation of the Minister, may make regulations

(a) prescribing additional duties and responsibilities of inspectors;

(b) prescribing the treatment and method of treatment to be given to any orchard or vegetation to control or to prevent the spread of the apple maggot and determining whether the treatment should be given by the owner, occupant or by a person appointed for that purpose;

(c) prescribing the treatment, prior to the sale or disposal, of any vegetation infested with the apple maggot;

(d) prescribing the method of destruction and the manner of disposal of any vegetation infested with the apple maggot including the container, if any, to be used for the disposal;

(e) prescribing fees for inspections and payment to inspectors;

(f) prescribing any forms required by this Part;

(g) respecting any matter deemed necessary or advisable to carry out effectively the intent and purpose of this Part.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

**6** The SCHEDULE TO PART IV of Chapter 6 is repealed.

**7** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.



---

This page and its contents published by the Office of the Legislative Counsel, Nova Scotia House of Assembly, and © 2001 Crown in right of Nova Scotia. Created November 23, 2001. Send comments to [legc.office@gov.ns.ca](mailto:legc.office@gov.ns.ca).