



BILL NO. 109

Government Bill

*2nd Session, 61st General Assembly
Nova Scotia
59 Elizabeth II, 2010*

An Act to Amend Chapter 501 of the Revised Statutes, 1989, the Weed Control Act

CHAPTER 77
ACTS OF 2010

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 10, 2010**

The Honourable John MacDonell
Minister of Agriculture

*Halifax, Nova Scotia
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**An Act to Amend Chapter 501
of the Revised Statutes, 1989,
the Weed Control Act**

Be it enacted by the Governor and Assembly as follows:

1 The title of Chapter 501 of the Revised Statutes, 1989, the *Weed Control Act*, is amended by adding “*Agricultural*” immediately after “the”.

2 Section 1 of Chapter 501 is amended by adding “*Agricultural*” immediately after “the” in the first line.

3 Section 2 of Chapter 501, as amended by Chapter 7 of the Acts of 1994-95, is further amended by

- (a) striking out clause (b); and**
- (b) striking out “and Marketing” in the second line.**

4 Chapter 501 is further amended by adding immediately after Section 2 the following Section:

2A For the purpose of the administration and enforcement of this Act, the Minister may

- (a) establish and administer policies, programs and guidelines pertaining to the control of agricultural weeds;
- (b) consult with and co-ordinate the work and efforts of other departments and agencies of the Government of the Province respecting any matter relating to the control of agricultural weeds;
- (c) enter into agreements with the Government of Canada or the government of any other province of Canada on matters relating to the control of agricultural weeds;
- (d) develop scientific databases to assist in the control of agricultural weeds;
- (e) gather, compile, publish and disseminate information, including statistical data, relating to the control of agricultural weeds;
- (f) establish and assist demonstration programs that are consistent with the intent of this Act;
- (g) convene conferences and conduct seminars and educational programs relating to the control of agricultural weeds;
- (h) give financial assistance to any person, group, society or association for purposes related to the control of agricultural weeds;
- (i) prescribe forms for the purpose of this Act.

5 (1) Subsection 3(1) of Chapter 501 is amended by striking out “Governor in Council” in the first line of subsection (1) and substituting “Minister”.

(2) Subsection 3(2) of Chapter 501 is amended by striking out “by the Governor in Council” in the third and fourth lines.

6 (1) Subsection 6(1) of Chapter 501 is repealed and the following subsection substituted:

(1) The Minister may appoint a Chief Inspector and inspectors for the enforcement of this Act.

(2) Section 6 of Chapter 501 is further amended by adding immediately after subsection (2) the following subsections:

(3) Where a person appointed pursuant to subsection (1) is not an employee of the Department, the Minister shall, before making the appointment, consult with and obtain the consent of the person or, where applicable, the employer of the person.

(4) An appointment under subsection (1) may direct that the authority of the inspector be exercised subject to any terms and conditions that the Minister prescribes in the appointment, including limitations on the scope of the appointment.

7 Chapter 501 is further amended by adding immediately after Section 6 the following Section:

6A An inspector may enter upon any lands or premises, other than a private dwelling, for the purpose of determining compliance with this Act or the regulations.

8 (1) Subsection 9(1) of Chapter 501 is repealed and the following subsection substituted:

(1) Where an inspector finds noxious weeds or weed seeds on any land, the inspector shall confer with the occupant as to a satisfactory method of destroying such noxious weeds or weed seeds.

(2) Subsection 9(2) of Chapter 501, as amended by Chapter 7 of the Acts of 1994-95, is further amended by striking out “district” in the second line.

(3) Subsection 9(3) of Chapter 501 is amended by adding “or her” immediately after “his” in the fourth line.

9 (1) Subsection 10(1) of Chapter 501, as amended by Chapter 7 of the Acts of 1994-95, is further amended by

(a) striking out “a district” in the first line and substituting “an”;

(b) striking out “his jurisdiction” in the third line and substituting “the Province”; and

(c) striking out “district” in the third line.

(2) Subsection 10(2) of Chapter 501 is amended by adding “or her” immediately after “his” in the third line.

10 (1) Subsection 11(1) of Chapter 501, as amended by Chapter 7 of the Acts of 1994-95, is further amended by striking out “a district” in the first line and substituting “an”.

(2) Subsection 11(2) of Chapter 501, as amended by Chapter 7 of the Acts of 1994-95, is further amended by striking out “district” in the third line.

11 Section 12 of Chapter 501, as amended by Chapter 7 of the Acts of 1994-95, is further amended by striking out “he” in the second line and substituting “the person”.

12 Section 13 of Chapter 501 is repealed and the following Section substituted:

13 No person shall hinder or obstruct an inspector carrying out duties pursuant to this Act or furnish an inspector with false information or refuse to furnish an inspector with information.

13 (1) Subsection 14(1) of Chapter 501, is further amended by striking out “district” in the second line.

(2) Subsection 14(2) of Chapter 501 is repealed and the following subsection substituted:

(2) An inspector shall keep a record of the expenses incurred in the discharge of duties under subsection (1) with respect to each parcel of land inspected.

(3) Subsection 14(3) of Chapter 501, as amended by Chapter 7 of the Acts of 1994-95, is further amended by

(a) striking out “a district” in the second line and substituting “an”; and

(b) striking out “district” in the third line.

14 Subsection 19(1) of Chapter 501 is repealed and the following subsection substituted:

(1) Every person who contravenes this Act or the regulations or any order made under this Act is guilty of an offence and, on summary conviction, is liable for a first offence to a fine of not more than five hundred dollars and for a second or subsequent offence to a fine of not less than five hundred nor more than one thousand dollars.
