

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Sheffield Mills Poultry*, 2003 NSCA 19

Date: 20030129

Docket: CA 181291

Registry: Halifax

Between:

Sheffield Mills Poultry Company Limited

Appellant

v.

Her Majesty the Queen

Respondent

JUDGE: CHIPMAN, J.A.

APPEAL HEARD: January 27th, 2003

SUBJECT: **Natural Products Act**, R.S.N.S. 1989, c. 308, as amended - Plan and Regulations made thereunder - meaning of s. 15 of the Regulations - whether the appellant was properly convicted

SUMMARY: The appellant was convicted in Provincial Court of processing turkeys without a license contrary to Regulation 15 of the Nova Scotia Turkey Producers Marketing Board Regulations made pursuant to ss. 9 and 11 of the **Natural Products Act**. At the trial an Agreed Statement of Facts was placed before the judge. The facts agreed to included that the appellant processed turkeys on behalf of customers who were exempt from the Regulations by reason of the fact that they marketed less than 25 turkeys in a control period (May 1st of each year to April 30th in the following year). The appellant sought leave, and if granted, appealed from the conviction contending that as it did not buy turkeys, but only

processed them on behalf of exempt producers, its operation was not within the spirit of the Regulation even if it fell within the literal meaning thereof.

ISSUE: Whether or not the Regulations were intended to embrace the appellant's activities.

RESULT: The Nova Scotia Court of Appeal reviewed the statutory scheme and concluded that both the letter and the intent of the Regulations embraced the appellant's activities and that the appellant was properly convicted. Leave to appeal was granted and the appeal dismissed.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 7 pages.