

NOVA SCOTIA COURT OF APPEAL

Citation: Taylor v. Dairy Farmers of Nova Scotia, 2012 NSCA 1

Date: 20120104

Docket: CA 342854

Registry: Halifax

Between:

Paul Taylor, Doug Bacon and Bacon Farms Limited

Appellants

v.

Dairy Farmers of Nova Scotia, a body corporate, and
the Attorney General of Nova Scotia

Respondents

Judge: The Honourable Justice Joel E. Fichaud

Appeal Heard: November 8, 2011

Subject: Validity of a regulation under the *Dairy Industry Act*

Summary: The *Dairy Industry Act*, S.N.S. 2000, c. 24 authorized regulations that govern the “terms and conditions on which the transfer [of production quota] may take place”. Regulation 21 of the *Total Production Quota Regulations* under the *Dairy Industry Act* prescribed a cap on the price for the transfer of production quota between dairy farmers. The appellants, dairy farmers with quota, sought an order that Regulation 21 was *ultra vires*. The Supreme Court of Nova Scotia dismissed the claim. The appellants appealed to the Court of Appeal.

Issue: Is Regulation 21 of the *Total Production Quota Regulations* *ultra vires* the enabling provisions of the *Dairy Industry Act*?

Result: The Court of Appeal dismissed the appeal. The price to be paid for quota was one of the “terms and conditions” of transfer within the enabling provision of the *Dairy Industry Act*. Regulation 21 is intra vires.

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 18 pages.