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Nova Scotia Liquor Corporation Regulations

made under Section 15 of the

Liquor Control Act

R.S.N.S. 1989, c. 260

O.I.C. 91-214 (February 12, 1991), N.S. Reg. 22/91

as amended up to O.I.C. 2001-371 (July 26, 2001), N.S. Reg. 98/2001

[Citation]

1 These regulations may be cited as the *Nova Scotia Liquor Corporation Regulations*.

Section 1 added: O.I.C. 2001-371, N.S. Reg. 98/2001.

Interpretation

1A (1) In these regulations, unless the context otherwise requires,

(a) "Act" means the Liquor Control Act;

(b) "agency store" means a store established pursuant to the authority contained in subsection 42(4) of the Act, the operator of which may pursuant to the Act sell liquor under the control of the Corporation, and includes a private wine or specialty retail store;

Clause 1A(1)(b) replaced: O.I.C. 2001-371, N.S. Reg. 98/2001.

Clause 1A(1)(c) repealed: O.I.C. 96-256, N.S. Reg. 70/96.

(d) "brewer" means any person who makes beer and conducts, works, occupies or carries on any brewery, either personally or by or through an agent;

(e) "brewery" means any place or premises duly licensed by the Government of Canada, and permitted by the Corporation, where beer or other related and approved products are manufactured for sale to the Corporation or for export;

Clause 1A(1)(f) repealed: O.I.C. 2001-371, N.S. Reg. 98/2001.

(g) "common carrier" means any person, firm or corporation approved by the Corporation as a carrier, and who carries or conveys liquor as provided by the Act and these regulations;

(ga) "Corporation" means the Nova Scotia Liquor Corporation;

Clause 1A(1)(ga) added: O.I.C. 2001-371, N.S. Reg. 98/2001.

(h) "cottage-brewery," "micro-brewery" or "mini-brewery" means a small free-standing brewery which produces less than 15,000 hectolitres of beer per year;

(i) "distiller" means any person who conducts, works, occupies or carries on any distillery, or who rectifies any spirits by any process whatever, either personally or by or through an agent, or who possesses, complete or partially completed, or imports, makes or manufactures, in whole or in part, any still, worm, rectifying or other apparatus suitable for the manufacture of spirits, and includes any person making or keeping beer or wash prepared, or in preparation, or fit for distilling, or low wines or fairs, or having in his possession or use a still or rectifying apparatus;

(j) "hospitality rooms" means premises which are permanent or quasi-permanent in nature and includes rooms or areas for sampling in Government stores and in the head office of the Corporation and which are authorized by the Corporation under these regulations;

(k) "inducement" means any act by a liquor manufacturer or liquor representative to persuade a licensee or retailer through any benefit including, but not limited to, cash or liquor products, to buy more of a particular product than would be bought under normal circumstances, to the detriment of other manufacturers;

(l) "licensed premises" means any premises in respect of which a license has been issued by the Review Board;

Clause 1A(1)(l) added: O.I.C. 96-256, N.S. Reg. 70/96.

(m) "licensee" means a holder of a license issued by the Review Board for the sale and service of liquor;

Clause 1A(1)(m) added: O.I.C. 96-256, N.S. Reg. 70/96.

(n) "licensee, on site, manufacturing facility" means a small-capacity manufacturing facility which, unless otherwise approved by the Corporation, produces less than 2000 hectolitres of beer per year and/or, counted separately, less than 2000 hectolitres of non-spirits per year (no distillation permitted and each product separately approved by Corporation policy) produced from 100% Nova Scotia agricultural products, and is authorized by the Corporation to sell all product only for consumption in its adjacent, totally segregated, licensed premises and in up to four additional licensed premises owned and operated by the same licensee;

Clause 1A(1)(n) added: O.I.C. 96-256, N.S. Reg. 70/96; amended: O.I.C. 2000-35, N.S. Reg. 16/2000.

(o) "liquor" means and includes any alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks or drinkable liquids and all preparations or mixtures, whether liquid or solid, capable of human consumption which are intoxicating, and any compound, mixture or preparation whether in solid or liquid form to which the addition of water or any other liquid or any substance will produce intoxicating liquor;

(p) "manufacturer" means a brewer, vintner, distiller, distributor or agency;

(q) "manufacturer's retail store" means a store for the on-premises sale of approved liquor products in unopened containers;

(r) "palatable" means agreeable to the palate or taste;

(s) "potable" means suitable for drinking;

(t) "purchaser" means a person who purchases liquor from a store manager or otherwise in accordance with the provisions of the Act and these regulations;

(u) "registered representative" means any employee of a manufacturer, distributor or agency who is registered by the Corporation under these regulations for the promotion and sale of liquor;

(v) "vintner" means any person who makes wine and conducts, works, occupies or carries on any winery, either personally or through an agent;

(w) "winery" means any place or premises duly permitted by the Corporation where wine is manufactured for sale to the Corporation or for export.

Clauses 1A(1)(l)-(t) relettered (o)-(w): O.I.C. 96-256, N.S. Reg. 70/96.

Designation of residence

(2) Those portions of buildings containing offices and businesses which are not open to the public or in public view during the time liquor is being consumed therein are hereby designated and deemed to be a residence within the meaning of the word "residence" as defined in clause (x) (i) of Section 2 of the Act.

Original Section 1 renumbered 1A: O.I.C. 2001-371, N.S. Reg. 98/2001.

Advertising

2 No person shall advertise or promote liquor or its sale or consumption except as authorized under these regulations.

Approval

3 (1) The Corporation shall prescribe policy guidelines setting out the frequency, number, size, length and other criteria which all advertisements must meet.

(2) All advertisements shall be submitted to the Corporation for approval in accordance with Corporation policy, before they are published or communicated.

Approval - other

4 Notwithstanding any provision of these regulations the Corporation may approve a form of advertisement not expressly dealt with in these regulations, but nothing herein shall require or compel the Corporation to approve any advertisement.

Brand advertising

5 (1) A manufacturer may only advertise a brand or product

(a) by referring to

(i) trademarks,

(ii) brand names,

(iii) body labels,

(iv) established slogans,

(v) recipes, or

(vi) such other references as may be approved by the Corporation; and

(b) by the use of copy descriptive of the merits of the brand or product.

(2) Brand advertising shall not deal with the use and consumption of beer and wine generally, but shall be designed to draw attention to one or more brands of beer or wine by the use of language descriptive of those brands.

Events - sponsorship - prizes

6 (1) No manufacturer shall distribute any novelty or premium, be a sponsor of or be involved in any give-away program or point-of-sale article, unless approved by the Corporation.

(2) A manufacturer shall not distribute a pamphlet or brochure unless the pamphlet or brochure is approved by the Corporation.

(3) A manufacturer may sponsor or claim the sponsorship of a sports event or other event as approved by the Corporation.

(4) A manufacturer may donate trophies and prizes for events approved by the Corporation and have the name of the manufacturer engraved or otherwise shown on them.

(5) A manufacturer may donate money for scholarships, bursaries, fellowships and any other educational incentive or benefit program.

Media or form

7 A manufacturer of liquor may only advertise in the specified print and media form which is authorized and documented in policy guidelines prescribed by the Corporation.

Motor vehicles

8 (1) A manufacturer shall not display any form of advertising, other than its corporate name, on any motor vehicle unless authorized by the Corporation.

(2) A manufacturer may use a community service vehicle and display its corporate name thereon.

Public service

9 (1) A manufacturer may advertise through an advertisement approved by the Corporation as a public service advertisement.

(2) Public service advertising shall be

(a) a type of advertising that, in the Corporation's opinion, supports worthwhile causes, other than sales campaigns;

(b) any advertisement in which the only reference to the advertiser or its product is the use of its company name or brand name with a slogan but without further words descriptive of the product.

Radio and television

10 An advertisement by a manufacturer on radio or television shall, in addition to complying with the regulations of the Canadian Radio and Television Commission, be restricted to the following classifications:

(a) brand advertising in accordance with Section 5 of these regulations;

(b) public service advertising in accordance with Section 9 of these regulations;

(c) corporate advertising in accordance with Corporation policy guidelines.

Restrictions

11 No advertisement shall

(a) contain a personal endorsement of any liquor unless approved by the Corporation;

(b) convey the impression that the consumption of liquor is necessary or helpful in obtaining any social prestige, business success, popularity or escape from personal problems;

(c) depict family scenes that in any way involve use of liquor, including any group

of adults accompanied by children;

(d) encourage or promote the consumption of liquor by minors, or use wording that suggests misuse or its consumption in an immoderate way;

(e) indicate that liquor may be consumed in any way, manner or place prohibited by any federal, provincial or municipal law;

(f) make any claim, directly or indirectly, which implies or attributes to any liquor, either alone or as a mixture, any healthful, nutritive, dietary, curative, sedative, or stimulative quality or properties;

(g) portray drinking-party scenes which show immoderate or extreme use of liquor;

(h) refer in any way to persons who may be minors;

(i) state prices without Corporation approval and without compliance with Corporation policy guidelines.

Signs

12 No person shall use a sign advertising liquor unless the sign is approved by the Corporation.

Corporation - general

13 (1) A meeting of the Corporation may be called at any time by the President or by any person upon the direction of the President at its offices or at any other place.

(2) All officers and officials of the Corporation shall, if and as required by the Corporation, furnish approved surety bonds for the proper performance of their duties in such amounts and subject to such terms and conditions as the Corporation may from time to time prescribe, the cost of which bonds shall be paid by the officer or official unless the Corporation otherwise determines.

(3) No account payable by the Corporation shall be paid without the prior approval of the President or of such other officer as may be designated by the Corporation for that purpose.

(4) All leases of land or buildings required for the purposes of the Corporation shall be signed by the President or by such other officer as may be designated by the Corporation for that purpose.

(5) The Corporation, representing and on behalf of Her Majesty the Queen in the right of the Province of Nova Scotia, may insure all property, whether real or personal, acquired, possessed or received by the Corporation in the name of the Nova Scotia Liquor Corporation, and all loss payable under any contract of insurance so entered into by the Corporation may be payable to the Corporation.

(6) The prices to be charged by the Corporation for liquor shall be the prices set out in the Official Price List to be issued by the Corporation from time to time, and no store manager shall charge or receive any other price except upon the written instructions of the Corporation.

Delivery and transportation

14 (1) The delivery of liquor within Nova Scotia from the premises of any Government store to any person entitled to purchase liquor may be made by the store manager to such person.

(2) A store manager may deliver liquor to any person entitled to purchase the liquor by sending the liquor by parcel post in a prepaid package addressed to the person at the person's address within Nova Scotia, and

(a) it shall be lawful for the person to receive and carry or convey the liquor from the post office to any place in which the person may lawfully keep, have or consume the same; and

(b) it shall be lawful for any other person authorized in writing by the consignee of the liquor, to receive the liquor and carry or convey the liquor to any place mentioned in clause (a), but to no other place.

(3) A common carrier may deliver in accordance with the Act and regulations, liquor lawfully sold and received from any premises where the same may be lawfully sold or kept for sale to the person in charge of any premises where the same may be lawfully kept or received.

(4) No liquor shall be forwarded through an express company or through parcel post until the purchaser pays the Corporation for the same and also pays the express or parcel charges thereon.

(5) Pursuant to subsection (3) of Section 63 of the Act, all manufacturers' deliveries including deliveries from cottage wineries and farm wineries, unless otherwise

authorized by the Corporation, are to be made by common carrier.

Subsection 14(5) replaced: O.I.C. 93-530, N.S. Reg. 94/93.

(6) Every railway company, express company or other common carrier and every agent of any common carrier shall keep or cause to be kept at each agency of such company where goods are received for shipment, or are delivered within Nova Scotia, an accurate record of each consignment of liquor received and every delivery of liquor made by them or any of them or by their or either of their clerks, servants or agents at or from such agency respectively, in a book to be kept for that purpose and such record shall show the time when such liquor was received and the name and address of the person to whom the same was delivered, and the apparent kind and quantity thereof, and such record shall at all times be open only to an inspector or any member or officer of the Corporation, and a copy thereof shall be delivered to any such inspector, member or officer upon demand therefor, certified to be a true copy thereof, but no information obtained in this manner by any such inspector, member or officer shall be communicated to anyone other than the Corporation, and shall only be used for the purpose for which it was lawfully obtained provided, however, that nothing in this subsection shall be deemed to impose any duty or liability upon any such company, carrier or agent, in respect of any consignment not known to such company, carrier or agent to consist of or contain liquor.

(7) Subject to the Act and these regulations, no person shall engage or enter into any arrangement with a person under the age of nineteen years to convey or deliver liquor for or on behalf of the person under the age of nineteen years, and no person under the age of nineteen years either alone or in company with any other person shall convey or deliver liquor for another person.

(8) The carriage of liquor in any manner not specifically provided for by these regulations shall be lawful if authorized by a permit issued by the Corporation.

Delivery of liquor

15 (1) No delivery of liquor shall be made

(a) on Sunday or on any statutory holiday; or

(b) on any other day prescribed by the Corporation.

Subsection 15(1) replaced: O.I.C. 93-780, N.S. Reg. 133/93.

(2) The Corporation may, at any time, by an order signed by the President or Acting

President, prohibit any manufacturer or its carrier from delivering liquor to any person.

(3) A brewer, distiller or vintner may, in accordance with the Act and these regulations, deliver personally or by its employee or carrier from its premises, liquor which has been lawfully sold, to any place where the same may be lawfully kept or received.

Subsection 15(3) amended: O.I.C. 2000-296, N.S. Reg. 107/2000.

Employment - N.S.L.C.

16 No person who has been convicted under subsection (1) of Section 78 of the Act shall be employed by the Corporation within five years of the conviction date or such lesser period of time as the Corporation may deem appropriate in the circumstances.

Estate/trustee - liquor

17 (1) The Corporation may approve the continuance of a grant of permit to a Receiver/Trustee in bankruptcy or liquidation appointed by statute or by a Court, for a period of not more than six months to permit the orderly disposition of stock on hand when the appointee makes proper application to the Corporation and, in the case of a Receiver/Manager, the Corporation may, on application from the appointee, approve the continued operation of the premises under the existing permit for a period of not more than six months.

(2) The Public Trustee shall destroy all liquor taken in the administration of an estate except those full, sealed containers of such liquor which may be held and disposed of for the benefit of the estate provided, however, that the disposal of such containers shall be determined by the Corporation and revenue from the sale thereof, less the Corporation's administrative costs, shall be forwarded to the Public Trustee for credit to the estate.

Fees

18 All fees pertaining to the Corporation's operations under the Act or regulations shall be prescribed by the Corporation.

Forms

19 The Corporation may provide forms which shall be sufficient for use in carrying out the purposes and objectives of the Act and may require the forms to be used for the purpose for which they are respectively provided.

Gifts - promotional

20 A registered representative may make a gift of liquor for promotional purposes in accordance with terms and conditions prescribed from time to time by the Corporation.

Inducement

21 Inducement by a liquor manufacturer or its representative is not permitted.

Inspectors

Duties

22 (1) It shall be the duty of inspectors to inspect all stores and warehouses, breweries, wineries, distilleries and such other areas as the Corporation may prescribe, and to make reports thereon in such manner and at such times as the Corporation may require and to perform such other acts or duties as the Corporation may from time to time require.

Office/warehouse duties (orders)

(2) The Corporation may establish an office in any brewery or warehouse and place an inspector in charge of such office whose duty it shall be to receive all orders from store managers for the sale of beer, and unless the Corporation otherwise determines, no delivery of beer shall be made from a brewery or warehouse unless and until the order therefor has been first checked and reviewed by the inspector or a written order for such delivery has been delivered to the brewer or brewer's agent by the Corporation or a store manager.

Manufacturers' prohibitions

23 (1) Unless authorized by the Corporation, a manufacturer is not permitted to own, rent, lease or operate a licensed premise as defined by the Review Board.

(2) Unless authorized by the Corporation, manufacturers who sell to the Corporation and thence to the general public through liquor stores are not eligible for a licensee, on site, manufacturing facility permit.

Subsection 23(2) replaced: O.I.C. 96-256, N.S. Reg. 70/96.

(3) Manufacturers who are unable to package their products in suitable, approved cans or bottles and, in the case of breweries, do not have an established, proper delivery system for product and a suitable arrangement for return of the containers, where applicable, are not eligible for a permit.

Medical prescription

24 (1) Any medical prescription presented to a store manager may be retained by the store manager before supplying any liquor thereunder, for such time as may be necessary to enable the store manager to ascertain whether the medical prescription was signed by the medical practitioner by whom it purports to be signed and whether it is otherwise bona fide.

(2) No person shall by an improper means obtain a medical prescription for the purpose of securing liquor, or use or attempt to use personally or for any other person any such prescription, or any prescription which he is not lawfully entitled to use.

Payment for liquor

25 (1) Subject to subsections (2) and (3), every sale by the Corporation shall be for cash or Corporation approved credit card or Corporation approved debit card.

(2) Payment for sales to licensees, permit holders, military messes, registered representatives or government agencies shall be made by cash, certified cheque, postal money order, bank money order, travellers cheque, standard cheque, Corporation approved credit card or a Corporation approved debit card.

Subsection 25(2) amended: O.I.C. 97-433, N.S. Reg. 81/97; O.I.C. 2000-642, N.S. Reg. 203/2000.

(3) Payment for sales by farm winery agency stores, cottage winery retail stores, manufacturer's retail stores, and other stores the Corporation may designate from time to time, shall be made by cash or credit card, debit card, or other method acceptable to the individual retailer.

Section 25 replaced: O.I.C. 94-862, N.S. Reg. 195/94.

Permits

Application

26 (1) Every applicant for a permit shall

(a) make application for a permit to the Corporation on the prescribed form and pay the fees prescribed by the Corporation;

(b) file with the Corporation a copy of all documents and any other information required by the Corporation;

(c) satisfy the Corporation that such other requirements as may be prescribed by the Corporation have been or will be complied with.

(2) No permit shall be granted to any person unless and until an application therefor has been made on the form issued by the Corporation.

Person authorized to issue

27 (1) The Corporation may appoint persons to issue permits.

(2) Every person authorized to issue permits shall do so in accordance with the instructions issued from time to time by the Corporation.

(3) Every person authorized to issue permits shall conform to any instructions issued by the Corporation relating to the accounting for any moneys received by the person for or on behalf of the Corporation.

(4) No permit shall be issued under the provisions of clauses (a) or (b) of subsection (2) of Section 56 of the Act unless the permit is signed by the President or Acting President, or by some other person specially authorized in writing by the President or Acting President.

Classes

28 The following classes of permits shall be available for issuance by the Corporation:

(a) Physician;

(b) Nursing Homes;

(c) Food Industry and Food Manufacturers;

(d) Pharmacists;

(e) Mechanical and Scientific;

(f) Dentists;

(g) Hospitals;

(h) Sacramental Wine;

(i) N.A.T.O.;

(j) Breweries (in-province);

(k) licensee, on site, manufacturing facility;
Clause 28(k) replaced: O.I.C. 96-256, N.S. Reg. 70/96.

(l) Wineries (in-province);

(m) Farm Wineries;

(n) Farm Winery Agency Stores;

(o) Distilleries (in-province);

(p) Manufacturers' Retail Stores;

(q) Agencies (in-province);

(r) Warehouses;

(s) Hospitality Rooms;

(t) Cottage Wineries;

(u) Cottage Winery Retail Stores;

(v) agency stores;
Clause 28(v) added: O.I.C. 2001-371, N.S. Reg. 98/2001.

(w) Other (specified purposes).
Original clause 28(v) relettered (w): O.I.C. 2001-371, N.S. Reg. 98/2001.
Section 28 replaced: O.I.C. 93-530, N.S. Reg. 94/93.

Duties

29 A permit holder shall

(a) keep such records as the Corporation may prescribe;

(b) furnish the Corporation with such information as the Corporation may require

from time to time;

(c) keep the permit and other notices required by the Corporation prominently displayed in the premises at all times;

(d) ensure that the premises are never operated without having a properly qualified individual present who is designated as being in charge of the premises;

(e) when a permit is suspended or cancelled, return the permit on demand to the Corporation or an inspector of the Corporation;

(f) abide by all standards and conditions set by the Corporation with respect to the operation of the premises;

(g) at all times, comply with all provisions of the Act and these regulations.

Grant, cancel, revoke

30 (1) Nothing herein shall compel or require the Corporation to do any act or issue any permit or other authorization to any person and the Corporation may at any time grant, cancel or revoke any permit granted or authorization given.

(2) Every permit granted shall be a permit only for the benefit of the persons therein named and for the premises or part thereof specified in the permit.

(3) The Corporation may grant a permit upon such conditions as it may prescribe, and if any or all of the conditions are not fulfilled, the Corporation may refuse to issue or suspend or cancel the permit.

(4) Permits shall be issued annually to persons or institutions as approved by the Corporation requiring alcohol or liquor for specific use in their business as categorized in Section 28 of these regulations.

Granting by Corporation

31 The Corporation may grant a permit to

(a) a person who is nineteen or more years of age and is of good character and reputation;

(b) a partnership registered in Nova Scotia, with the partners, and manager in charge of the premises for which the permit is required being personally qualified as

provided in clause (a);

(c) a company authorized to carry on business in Nova Scotia with the officer, agent or manager in charge of the premises for which the permit is required being personally qualified as provided in clause (a); and

(d) members of the Diplomatic Corps for special functions in accordance with the policy guidelines of the Corporation.

Hospitality rooms

32 (1) Any person wishing to obtain a hospitality room permit shall comply with Section 26 of these regulations following which the Corporation may designate such premises as it deems necessary as hospitality rooms and may issue a permit authorizing the owner or manager thereof to carry on hosting in accordance with the Act and these regulations.

(2) All liquor served in premises designated as hospitality rooms pursuant to subsection (1) shall be purchased from the Corporation.

(3) The Corporation may prescribe the days and hours when premises designated as hospitality rooms pursuant to subsection (1) may be used.

Limits and conditions

33 The Corporation may impose such limits and conditions as it deems necessary on all hospitality room permits and the permit holder shall comply with such limits or conditions.

Prohibitions - general

34 A holder of a permit shall not personally, or through any employee, servant or agent, in or about any premises

(a) permit any liquor to be removed from the premises except as permitted by the Corporation;

(b) permit any liquor to be consumed on the premises except as allowed by the Act or these regulations;

(c) permit any person who is, or appears to be, under the influence of liquor, to be on the premises or to remain on the premises;

(d) permit liquor to be served to any person who is, or appears to be, disorderly or under the influence of liquor;

(e) commit or attempt to commit a breach of any provision of the Act or these regulations.

Renewal

35 (1) Any permit holder wishing to renew a permit may apply to the Corporation during the period prescribed by the Corporation and shall

(a) complete and file the required form and pay the necessary fee on a date determined by the Corporation;

(b) supply any information that the Corporation may require.

(2) The Corporation may reinstate an expired permit provided the permit holder lodges an appeal to the Corporation within thirty days of the expiration of the permit and pays the prescribed fees.

(3) The Corporation may grant a renewal of any permit upon such conditions as it may prescribe on the permit, provided that any permit holder shall have a reasonable time to comply with any conditions, and if any or all of the conditions are not fulfilled, the Corporation may suspend or cancel the permit.

(4) The Corporation may, subsequent to receiving an application for renewal, as well as the renewal fee, and after a hearing of which the permit holder is given notice to attend, refuse to grant a renewal of any permit.

Societies

36 (1) Pursuant to Section 77 of the Act, the Corporation may approve special permits for societies.

(2) Applications for permits for societies shall include specific detail regarding proper purchase, control, use and exchange of information and product data amongst the society members.

Transfer

37 (1) A permit shall not be transferred or deemed to be transferred without first obtaining the consent of the Corporation.

(2) The Corporation may allow the transfer of a permit when the applicant

(a) files the prescribed application;

(b) pays the fee prescribed by the Corporation;

(c) complies with the provisions of these regulations and the Act;

(d) submits to the Corporation such further information as may be required.

(3) The Corporation may allow the transfer of a permit upon such conditions as the Corporation may prescribe, and revoke the authorization to transfer if any of the conditions are not complied with.

Transfer of shares

38 (1) Every permit holder that is a company, shall, when requested by the Corporation, notify the Corporation in writing within ten days of the request of the names of the company's officers, directors, shareholders and the number of shares held by each holder.

(2) The Corporation may suspend or cancel the permit of any permit holder which does not comply with the provisions of this regulation.

Policy guidelines

39 The Corporation may prescribe policy guidelines setting out details and procedures required for administration and operations carried out under the Act and these regulations.

Products containing alcohol

40 (1) Any potable product intended as a beverage containing less than one-half of 1% alcohol by volume at 15.5 degrees Celsius (60 degrees Fahrenheit) of absolute alcohol, is exempt from the provisions of the Act and these regulations.

(2) Except for the purposes of Sections 72 and 73 of the Act, concentrated food mixtures, and beverage flavourings which contain more than one-half of one percent alcohol by volume at 15.5 degrees Celsius (60 degrees Fahrenheit) of absolute alcohol, that are not palatable when consumed alone, are exempt from the provisions of the Act and these regulations.

Subsection 40(2) replaced: O.I.C. 92-521, N.S. Reg. 111/92.

(3) The exemption mentioned in subsection (2) shall only apply to tonics and bitters in containers of 114 millilitres (four ounces) or less.

Subsection 40(3) replaced: O.I.C. 92-521, N.S. Reg. 111/92.

Registered representatives

Application

41 Every applicant for registration shall

- (a)** make application for registration to the Corporation on the prescribed form and pay the fees prescribed by the Corporation;
- (b)** file with the Corporation a copy of all documents and any other information required by the Corporation;
- (c)** satisfy the Corporation that the applicant is nineteen or more years of age and personally of good character and reputation.

Duties

42 Registered representatives shall

- (a)** carry their registration card with them whenever engaging in business activity;
- (b)** only maintain such liaison with Corporation stores or personnel as the Corporation may allow;
- (c)** only engage in such activities in relation to their duties as the Corporation may permit;
- (d)** abide by all standards and conditions set by the Corporation;
- (e)** at all times, comply with all provisions of the Act and these regulations.

Employment

43 (1) No person shall directly or indirectly hold out to be or act as a representative of a manufacturer unless the person is properly registered with the Corporation as a representative of the manufacturer.

(2) No manufacturer shall directly or indirectly employ or engage a person to act as its representative unless the person is registered with the Corporation as a

representative of the manufacturer.

General prohibitions

44 The restrictions contained in the general provisions of the act, these regulations and the Criminal Code of Canada respecting gifts shall apply mutatis mutandis to liquor manufacturers and registered representatives doing business with the Corporation.

Granting of registration

45 (1) Every grant of registration shall be only for the benefit of the person therein named and used only by the person and is not transferable and is for the time period therein specified.

(2) The Corporation may grant registration upon such conditions as it may prescribe, and if any or all of the conditions are not fulfilled, the Corporation may refuse to issue, suspend or cancel the registration.

(3) The Corporation may prescribe the number of representatives a manufacturer may have and nothing shall compel the Corporation to grant registration to any person.

Renewal of registration

46 Any registered representative wishing to renew registration may apply to the Corporation during the period prescribed by the Corporation on the required form and shall pay the prescribed fee.

Stores

47 The Corporation may, after proper application, agreement or contract, and payment of fee, authorize by Special Permit the operation of a store for the sale of beer, liquor or wine as described in these regulations.

Duties of managers

48 (1) It shall be the duty of every store manager to supervise and regulate the operation of the store under his charge in an efficient and orderly manner and to comply with instructions issued from time to time by the Corporation.

Hours

(2) No sale or delivery of liquor shall be made on or from the premises of any liquor store nor shall any store be kept open for the sale of liquor during such periods and on such days as the Corporation may direct.

Subsection 48(2) replaced: O.I.C. 93-780, N.S. Reg. 133/93.

Stores - farm winery

49 (1) This Section may be cited as the Nova Scotia Farm Winery Agency Store Regulation.

(2) In this Section

(a) "farm winery" means a winery in Nova Scotia which makes wine from grapes and which has a production plan for the growth and use of grapes grown in Nova Scotia, which plan has been approved by the Governor in Council on the recommendation of the minister in charge of administration of the Act, provided, however, that no such production plan shall be presented for approval by the Governor in Council without prior approval of the Department of Agriculture;

(b) the approval by the Governor in Council referred to in clause (a) of subsection (2) may be revoked, withdrawn, cancelled, or suspended if the production plan, in the opinion of the minister in charge of administration of the Liquor Control Act, is substantially altered, delayed or circumvented.

(3) The Corporation may issue a permit to a farm winery to operate an agency store for the sale of liquor.

(4) A farm winery agency store for which a permit is issued pursuant to these regulations shall be operated in accordance with the provisions of the Act, allowing for the necessary exemptions within the Act to incorporate the spirit and intent of the Nova Scotia Farm Winery Policy and the specific provisions as outlined in the Policy.

(5) The Corporation shall enter into a contract with a farm winery to which a permit to operate an agency store is issued, and the contract shall provide terms and conditions reflecting the spirit and intent of the Nova Scotia Farm Winery Policy and the specific provisions as outlined in the Policy.

(6) To ensure that the economic and development provisions and the spirit and intent of the Nova Scotia Farm Winery Policy are maintained, the Minister in charge of the administration of the Liquor Control Act shall appoint a Monitoring Committee consisting of representatives of the Department of Agriculture, the Office of Economic Development, the Nova Scotia Liquor Corporation, and any other individual or individuals which may be appointed from time to time by the

Minister.

Subsection 49(6) replaced: O.I.C. 96-167, N.S. Reg. 48/96.

(7) In this Section "Nova Scotia Farm Winery Policy" means the policy guidelines respecting farm wineries prescribed from time to time by the Corporation.

Stores - manufacturer's retail

50 (1) In this Section

(a) "commercial brewery" means a manufacturing plant, located in the Province, to which a license has been issued by the Government of Canada and [to which] a permit has been issued by the Corporation and which manufactures 15,000 hectolitres or more of beer per year for sale to the Corporation or for export;

(b) "commercial winery" means a manufacturing plant, located in the Province, to which a permit has been issued by the Corporation and where wine is manufactured or blended and bottled for sale to the Corporation or for export but does not include a farm winery as defined in Regulation 49;

(c) "Corporation's Manufacturers' Retail Stores Policy" means the Corporation's Policy Guideline No. 17 entitled "Manufacturers' Retail Stores";

(d) "distillery" means a manufacturing plant, located in the Province, to which a license has been issued by the Government of Canada and [to which] a permit has been issued by the Corporation and where liquor, other than beer or wine, is manufactured or blended and bottled for sale to the Corporation or for export;

(e) "manufacturer" means the operator of a commercial brewery, commercial winery, or distillery operating a manufacturing plant in the Province for the manufacturing of beer in the case of a brewery, manufacturing or blending and bottling wine in the case of commercial winery and other liquor in the case of a distillery;

(f) "on-premises sale" means a sale where the purchaser or the purchaser's agent is present in the store at the time of the sale;

(g) "plant site" means the land, buildings, machinery, apparatus and fixtures employed by a manufacturer in the manufacturing process at the location of a commercial brewery, commercial winery or distillery and includes land adjacent thereto; and

(h) "store" means a manufacturer's retail store for the on-premises sale of liquor.

(2) The Corporation may issue a permit to a manufacturer to operate one store at each of the manufacturer's plant sites in Nova Scotia.

(3) A separate permit shall be required for each store.

(4) The Corporation shall enter into a contract with a manufacturer to which a permit is issued respecting operation of the store and containing terms and conditions reflecting the spirit and intent of the Corporation's Manufacturers' Retail Stores Policy and the specific provisions thereof.

(5) A manufacturer to which a permit is issued shall comply with

(a) the Act, these regulations and Corporation's Manufacturers' Retail Stores Policy, as amended from time to time; and

(b) the contract entered into between the Corporation and the Manufacturer pursuant to subsection (4) of this Section.

(6) No liquor shall be sold at a store unless it is manufactured or blended and bottled at the manufacturer's plant site located in Nova Scotia.

(7) Every store shall be owned or leased and operated by the manufacturer.

51 (1) A person may only engage in the process of beer or wine making for personal use at the residential premises of the person.

(2) No person shall for remuneration or other consideration assist or in any way participate in the process of beer or wine making by another person for personal use of the other person.

(3) Despite subsection (2), a person may receive remuneration for the sale of books, pamphlets or other information or for the sale of ingredients for the making of wine or beer.

Section 51 added: O.I.C. 92-482, N.S. Reg. 106/92.

Cottage wineries and cottage winery retail stores

52 (1) This Section may be cited as the Nova Scotia Cottage Winery and Cottage

Winery Retail Store Regulation.

(2) This Section applies to

(a) wine containing not more than 16 percent alcohol by volume which is produced on the farm; and

(b) subject to clause (a), wine products including but not limited to wine products known as wine coolers, table wine, still wine, sparkling wine, champagne and cider.

(4) In this Section

(a) "contract" means an agreement entered into between the Nova Scotia Liquor Corporation and a cottage winery to operate a cottage winery or a cottage winery retail store;

(b) "cottage winery" means a winery in Nova Scotia located on the principal farm premises which makes wine from non-grape products which are indigenous to the Province of Nova Scotia, including apples, blueberries, cherries, currants, elderberries, lingonberries, pears, raspberries, strawberries and honey;

(c) "cottage winery retail store" means a retail store operated by a cottage winery for the on- premises sale of wine;

(d) "farm" means an agricultural farm enterprise with entitlement to a minimum of 10 acres in the production of agricultural commodities and producing and selling \$20,000.00 or more in agricultural commodities annually or deriving 50 percent or more of its gross income from the sales of its own agricultural production;

(e) "Nova Scotia Cottage Winery Policy" means the policy respecting cottage wineries and cottage winery retail stores, as prescribed from time to time by the Executive Council and the Corporation.

(5) The Corporation may issue a permit to a cottage winery to operate a cottage winery provided the cottage winery

(a) is a farm;

(b) has as its base product, other than grape, a base product comprised of not less

than 90 percent Nova Scotia agricultural product;

(c) has a minimum productive capacity of 10,000 litres and a demonstrated technical capability of consistently producing quality wine on a commercial basis; and

(d) is operated by an operator who is the principal owner of the farm.

(6) The Corporation may issue a permit to a cottage winery to operate a cottage winery retail store.

(7) The Corporation shall enter into a contract with a cottage winery to permit the operation of a cottage winery or a cottage winery retail store and the contract shall provide the terms and conditions reflecting the spirit and intent of the Nova Scotia Cottage Winery Policy and the specific provisions outlined in the Policy.

(8) A cottage winery, cottage winery retail store or hospitality room for which a permit is issued pursuant to these regulations, shall be operated in accordance with the provisions of the Liquor Control Act, these regulations and the Nova Scotia Cottage Winery Policy.

(9) If a cottage winery ceases to be a farm as defined in this Section, the Corporation may cancel the permit to operate the cottage winery.

(10) The Monitoring Committee established under subsection (6) of Section 49 of the Liquor Control Act is hereby established as a Monitoring Committee for the purposes of this Section and shall ensure that the spirit and intent of the Nova Scotia Cottage Winery Policy are being monitored and maintained.

Section 52 added: O.I.C. 93-530, N.S. Reg. 94/93.

Manufacturers' retail outlets attached to major warehouse facilities

53 (1) The Corporation may issue a permit to operate a retail store for the on premises sale of liquor to a brewer, distiller or vintner who operates a functional warehouse facility in Nova Scotia with a minimum annual sales volume of one million equivalent twelve pack cases within the Province of Nova Scotia.

(2) The store must be attached to the warehouse facility and operated by the same brewer, distiller or vintner that operates the facility.

(3) A separate permit shall be required for each store.

(4) The Corporation shall enter into a contract with the brewer, distiller or vintner to which a permit is issued respecting operation of the store and containing terms and conditions reflecting the spirit and intent of the Corporation's Manufacturers' Retail Stores Policy and the specific provisions thereof.

(5) A brewer, distiller or vintner to which a permit is issued shall comply with

(a) the Act, these regulations and the Corporation's Manufacturers' Retail Stores Policy, as amended from time to time; and

(b) the contract entered into between the Corporation and the manufacturer pursuant to subsection (4) of this Section.

(6) No liquor shall be sold at the store unless it is manufactured or blended and bottled by the operator of the store.

Section 53 added: O.I.C. 94-88, N.S. Reg. 19/94.

Repeal

Repeal of existing regulations

54 All regulations heretofore made by the Corporation pursuant to Section 15 of the Act are hereby repealed.

Original Section 51 renumbered Section 52: O.I.C. 92-482, N.S. Reg. 106/92;

Section 52 renumbered Section 53: O.I.C. 93-530, N.S. Reg. 94/93.

Section 53 renumbered Section 54: O.I.C. 94-88, N.S. Reg. 19/94.

Note: “Commission” replaced with “Corporation”; “Chief Commissioner” replaced with “President”; and “Board” replaced with “Review Board”: O.I.C. 2001-371, N.S. Reg. 98/2001.

Last updated: 24-03-2009