

- (b) the approval by the Governor in Council referred to in clause (a) of subsection (2) may be revoked, withdrawn, cancelled, or suspended if the production plan, in the opinion of the minister in charge of administration of the Liquor Control Act, is substantially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

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Last updated: 24-03-2009