Farm Practices Act

CHAPTER 3 OF THE ACTS OF 2000

as amended by

2025, c. 16, Sch., ss. 27-35

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CHAPTER 3 OF THE ACTS OF 2000
amended 2025, c. 16, Sch., ss. 27-35

An Act to Protect Farmers Engaged in Normal Farm Practices from Being Sued in Nuisance or Negligence

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Short title

1 This Act may be cited as the *Farm Practices Act*. 2000, c. 3, s. 1.

Purpose of Act

2 The purpose of this Act is to

(a) provide a mechanism for the establishment of normal farm practices; and

(b) protect farmers who are following normal farm practices from civil action in nuisance or negligence. 2000, c. 3, s. 2.

Interpretation

3 In this Act,

(a) "agricultural operation" means an activity that is carried on for the purpose of the production of agricultural products or services for gain or reward and includes, but is not limited to,

(i) the raising of livestock, including poultry, fur-bearing animals, honey bees, game birds and game animals,

(ii) the production of agricultural crops, including mushrooms, turf, maple syrup, greenhouse crops, orchards and nursery stock,

(iii) the production of eggs, cream and milk,

(iv) the operation of agricultural machinery and equipment, including irrigation pumps, bird scarers, exhaust fans and hay dryers,

(v) the process at a farm necessary to prepare a farm product for distribution, including cleaning, grading, storage and packaging,

(vi) the clearing, draining, leveling, irrigating or cultivating of land,

(vii) the application of fertilizers, soil conditioners, pest control products or other agricultural inputs,

(viii) the storage, disposal or use of organic by-products for farm purposes, and

(ix) any other activity prescribed by the Governor in Council;

(b) "Board" means the Agriculture Appeal and Review Board established under the *Agriculture Appeal and Review Board Act*;

(c) "code of practice" means a code of practice adopted pursuant to this Act;

(d) "farm" means the land, buildings, structures, equipment, machinery and livestock used in the production of agricultural products or services for gain or reward;

(e) "farmer" means an individual, a farm corporation, a co-operative corporation, an unincorporated association or a partnership that carries on an agricultural operation;

(f) "Minister" means the Minister of Agriculture;

(g) "normal farm practice" means a practice that is conducted as part of an agricultural operation

(i) in accordance with an approved code of practice,

(ii) in accordance with a directive, guideline or policy statement set by the Minister with respect to an agricultural operation or normal farm practice, or

(iii) in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations under similar circumstances, including the use of innovative technology used with advanced management practices;

(h) "order" means an order of the Board. 2000, c. 3, s. 3; O.I.C. 2000-483; O.I.C. 2006-121; 2025, c. 16, Sch., s. 27.

Supervision and management of Act

4 The Minister has the general supervision and management of this Act and the regulations. 2000, c. 3, s. 4.

5 to **7** *repealed 2025, c. 16, Sch., s. 28.*

Code of practice

8 **(1)** A person may make a request to the Minister that a code of practice be developed.

(2) Upon receipt of a request pursuant to subsection (1), the Minister may refer the request to any qualified persons or organizations as the Minister deems necessary to comment on the desirability of adopting a code of practice.

(3) The Minister shall, following such public consultation as the Minister deems appropriate, develop a code of practice. 2000, c. 3, s. 8; 2025, c. 16, Sch., s. 29.

Application to Board

9 **(1)** Any person may, in accordance with the *Agriculture Appeal and Review Board Act* and any regulations made under that Act, apply to the Board for a determination as to whether or not an odour, noise, dust, vibration, light, smoke or other disturbance results from a normal farm practice.

(2) The *Agriculture Appeal and Review Board Act* and any regulations made under that Act apply to a matter commenced under this Section. 2025, c. 16, Sch., s. 30.

Prohibition of certain civil proceedings

10 **(1)** Subject to subsection (2), no person shall

(a) commence a civil action in nuisance, negligence or otherwise, for any odour, noise, dust, vibration, light, smoke or other disturbance resulting from an agricultural operation; or

(b) apply for an injunction or other order of a court preventing or restricting the carrying on of an agricultural operation because it causes any odour, noise, dust, vibration, light, smoke or other disturbance.

(2) Subsection (1) does not apply

(a) to an agricultural operation that is found by the Board not to comply with normal farm practices; or

(b) where a farmer fails to comply with an order of the Board issued under the *Agriculture Appeal and Review Board Act* respecting a matter commenced under Section 9. 2000, c. 3, s. 10; 2025, c. 16, Sch., s. 31.

11 *repealed 2025, c. 16, Sch., s. 32.*

Restriction on application of by-laws

12 No municipal by-law respecting a nuisance, activity or thing that may be or may cause a nuisance including odour, noise, dust, vibration, light, smoke or other disturbance applies to restrict a normal farm practice carried on as part of an agricultural operation. 2000, c. 3, s. 12.

Effect on planning strategies and land-use by-laws

13 Nothing in this Act affects the ability of a municipality to apply a municipal planning strategy or land-use by-law to farm land. 2000, c. 3, s. 13.

Offence and penalties

14 **(1)** A person who violates an order issued by the Board respecting a matter commenced under Section 9 is guilty of an offence.

(2) A person who is guilty of an offence under this Act is liable, on summary conviction, to a fine not exceeding two thousand dollars or, in default of payment, to imprisonment to a term not exceeding six months, or to both a fine and imprisonment. 2000, c. 3, s. 14; 2025, c. 16, Sch., s. 33.

Ministerial regulations

14A **(1)** The Minister may make regulations

(a) prescribing a directive, guideline or policy statement with respect to an agricultural operation or normal farm practice;

(b) prescribing a code of practice.

(2) A regulation made under subsection (1) may adopt or incorporate by reference, in whole, in part or with modifications, a written standard, rule, regulation, guideline, designation, code or document relating to any matter in respect of which a regulation may be made under subsection (1).

(3) A standard, rule, regulation, guideline, designation, code or document that is adopted or incorporated by reference under subsection (2) may be adopted or incorporated as it reads on a prescribed day or as it is amended from time to time.

(4) Where a standard, rule, regulations, guideline, designation, code or document that is adopted or incorporated by reference under subsection (2), the Minister shall ensure that a copy of the standard, rule, regulation, guideline, designation, code or document is made publicly available.

(5) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 2025, c. 16, Sch., s. 34.

Governor in Council regulations

15 **(1)** The Governor in Council may make regulations

(a) determining what activities are an agricultural operation for the purpose of this Act;

(b) to (h) *repealed 2025, c. 16, Sch., s. 35.*

(i) defining any word or expression used but not defined in this Act;

(j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 2000, c. 3, s. 15; 2025, c. 16, Sch., s. 35.

Repeal

16 Chapter 5 of the Revised Statutes, 1989, the *Agricultural Operations Protection Act*, is repealed. 2000, c. 3, s. 16.

Proclamation

17 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2000, c. 3, s. 17.

Proclaimed - November 30, 2000
In force - March 1, 2001