

NOVA SCOTIA

SUGGESTED RE-DRAFT OF SECTION 91(2.1)

- 91 (2.1) The regulation of competition throughout Canada.
- (2.2) The establishment of reasonable minimum product standards in Canada or in the various provinces or regions thereof; but any law of the legislature of a province concerning standards for products substantially produced and consumed within the province and which does not contravene Section 121 shall have paramountcy over a law of Canada passed pursuant to this subsection.

COMMENTS ON CHANGES FROM FEDERAL DRAFT

- (a) "reasonable minimum" product standards - new.
- (b) drops the requirement of being "reasonably necessary" for the operation of the Canadian economic union.
- (c) excludes products in intraprovincial trade only, where the province chooses to legislate.
- (d) provincial legislation would be subject to the tests of Section 121 - i.e., it could not discriminate in a way that "unduly impedes" the economic union, except for the reasons spelled out in the derogations.