

Royal Gazette

Part II Regulations under the Regulations Act

Printed by the Queen's Printer

Halifax, Nova Scotia

Vol. 33, No. 21

October 9, 2009

Contents

Act	Reg. No.	Page
Apology Act		
Proclamation, S. 6, S.N.S. 2008, c. 34	275/2009	680
Employment Support and Income Assistance Act		
Employment Support and Income Assistance Regulations—amendment	279/2009	685
Environment Act		
Environmental Assessment Regulations—amendment	277/2009	682
Fisheries and Coastal Resources Act		
Aquaculture Licence and Lease Regulations—amendment	274/2009	679
Gaming Control Act		
Video Lottery Regulations—amendment	282/2009	689
House of Assembly Act		
Proclamation of amendments to Act, S. 2, S.N.S. 2007, c. 40	276/2009	681
Income Tax Act		
Nova Scotia Child Benefit Regulations—amendment	280/2009	686
Petroleum Products Pricing Act		
Petroleum Products Pricing Regulations	286/2009	694
Prescribed Petroleum Products Prices	278/2009	683
Prescribed Petroleum Products Prices	283/2009	690
Privacy Review Officer Act		
Proclamation, S. 8, S.N.S. 2008, c. 42	287/2009	706

Securities Act

Proclamation of amendments to Act, S. 22, S.N.S. 2008, c. 32–S. 1, 6 to 12 and 14	284/2009	692
Proclamation of amendments to Act, S. 65, S.N.S. 2006, c. 46–S. 18, 19 and 31	285/2009	693

Wilderness Areas Protection Act

Ship Harbour Long Lake Wilderness Area Designation	281/2009	687
--------------------------------------------------------------	----------	-----

In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 274/2009

Made: September 15, 2009

Filed: September 16, 2009

Aquaculture Licence and Lease Regulations

Order in Council 2009-380 dated September 15, 2009
Amendment to regulations made by the Governor in Council
pursuant to Section 64 of the *Fisheries and Coastal Resources Act*

The Governor in Council on the report and recommendation of the Minister of Fisheries and Aquaculture dated July 20, 2009, and pursuant to Section 64 of Chapter 25 of the Acts of 1996, the *Fisheries and Coastal Resources Act*, is pleased to amend the *Aquaculture Licence and Lease Regulations*, N.S. Reg. 15/2000, made by the Governor in Council by Order in Council 2000-31 dated February 2, 2000, to provide for fee waivers in specific defined circumstances, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after September 15, 2009.

Schedule "A"

**Amendment to the *Aquaculture Licence and Lease Regulations*
made by the Governor in Council pursuant to Section 64 of Chapter 25
of the Acts of 1996, the *Fisheries and Coastal Resources Act***

Section 6 of the *Aquaculture Licence and Lease Regulations*, N.S. Reg. 15/2000, made by the Governor in Council by Order in Council 2000-31 dated February 2, 2000, is amended by adding the following subsections immediately after subsection (1):

- (2) The Minister may waive any fee, other than an application fee, for an aquaculture licence or lease if all of the following conditions are met:
 - (a) environmental, food safety, economically depressed markets or fish health conditions exist which have resulted in a loss to the persons to whom the waiver is to be granted;
 - (b) the loss referred to in clause (a) cannot be mitigated;
 - (c) significant hardship is demonstrated by the persons to whom the waiver is to be granted.
- (3) A fee waiver granted under subsection (2) may apply to an individual licence or lease or to licences or leases for any of the following:
 - (a) 1 or more classes of operations;
 - (b) 1 or more species of aquaculture;
 - (c) 1 or more geographic areas.

N.S. Reg. 275/2009

Made: September 15, 2009

Filed: September 16, 2009

Proclamation, S. 6, S.N.S. 2008, c. 34

Order in Council 2009-381 dated September 15, 2009

Proclamation made by the Governor in Council

pursuant to Section 6 of the

Apology Act

The Governor in Council on the report and recommendation of the Minister of Justice dated September 2, 2009, and pursuant to Section 6 of Chapter 34 of the Acts of 2008, the *Apology Act*, is pleased to order and declare by proclamation that Chapter 34 of the Acts of 2008, the *Apology Act*, do come into force on and not before October 1, 2009.

PROVINCE OF NOVA SCOTIA

sgd: **Mayann E. Francis**

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 6 of Chapter 34 of the Acts of 2008, the *Apology Act*, it is enacted as follows:

- 6** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 34 of the Acts of 2008, the *Apology Act*, do come into force on and not before October 1, 2009;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 34 of the Acts of 2008, the *Apology Act*, do come into force on and not before October 1, 2009, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour
the Honourable Mayann E. Francis, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 15th day of September in the year of Our Lord two thousand and nine and in the fifty-eighth year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 276/2009

Made: September 15, 2009

Filed: September 16, 2009

Proclamation, S. 2, S.N.S. 2007, c. 40

Order in Council 2009-385 dated September 15, 2009

Proclamation made by the Governor in Council
pursuant to Section 2 of

An Act to Amend Chapter 1 (1992 Supplement) of the Revised Statutes, 1989, the House of Assembly Act

The Governor in Council on the report and recommendation of the Government House Leader dated August 21, 2009, and pursuant to Section 2 of Chapter 40 of the Acts of 2007, *An Act to Amend Chapter 1 (1992 Supplement) of the Revised Statutes, 1989, the House of Assembly Act*, is pleased to order and declare by proclamation that Chapter 40 of the Acts of 2007, *An Act to Amend Chapter 1 (1992 Supplement) of the Revised Statutes, 1989, the House of Assembly Act*, do come into force on and not before September 15, 2009, with effect on and after January 1, 2007.

PROVINCE OF NOVA SCOTIA

sgd: Mayann E. Francis

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 2 of Chapter 40 of the Acts of 2007, *An Act to Amend Chapter 1 (1992 Supplement) of the Revised Statutes, 1989, the House of Assembly Act*, it is enacted as follows:

- 2 This Act has effect on and after January 1, 2007, upon the Governor in Council so ordering and declaring by proclamation.

AND WHEREAS it is deemed expedient that Chapter 40 of the Acts of 2007, *An Act to Amend Chapter 1 (1992 Supplement) of the Revised Statutes, 1989, the House of Assembly Act*, do come into force on and not before September 15, 2009;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 40 of the Acts of 2007, *An Act to Amend Chapter 1 (1992 Supplement) of the Revised Statutes, 1989, the House of Assembly Act*, do come into force on and not before September 15, 2009, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent and the Great Seal of Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour the Honourable Mayann E. Francis, Lieutenant Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 15th day of September in the year of Our Lord two thousand and nine and in the fifty-eighth year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 277/2009

Made: September 15, 2009

Filed: September 16, 2009

Environmental Assessment Regulations

Order in Council 2009-386 dated September 15, 2009
Amendment to regulations made by the Governor in Council
pursuant to Section 49 of the *Environment Act*

The Governor in Council on the report and recommendation of the Minister of Environment dated August 19, 2009, and pursuant to Section 49 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, is pleased to amend the *Environmental Assessment Regulations*, N.S. Reg. 26/95, made by the Governor in Council by Order in Council 95-220 dated March 21, 1995, to designate small scale refinery projects as Class 1 undertakings, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on or after September 15, 2009.

Schedule "A"

**Amendment to the *Environmental Assessment Regulations*
made by the Governor in Council under
Section 49 of Chapter 1 of the
Acts of 1994-1995, the *Environment Act***

Schedule A to the *Environmental Assessment Regulations*, N.S. Reg. 26/95, made by the Governor in Council by Order in Council 95-220 dated March 21, 1995, is amended

- (a) under the heading Class 1 Undertakings, by adding the following item after item 7 of Section A Industrial facilities:
8. An oil refinery that
- (a) produces no more than 15,000 L of hydrocarbon products per day; and
 - (b) uses a feedstock that meets all of the following criteria:
 - (i) it contains no more than 1% sulphur or sulphur compounds by weight;
 - (ii) it does not contain halogenated compounds.
- (b) under the heading Class II Undertakings, by adding “other than an oil refinery listed as a Class 1 undertaking” immediately after “an oil refinery” in item 6 of Section A Industrial facilities.
-

N.S. Reg. 278/2009

Made: September 11, 2009

Filed: September 17, 2009

Prescribed Petroleum Products Prices

Order dated September 11, 2009
made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act*

**In the Matter of Section 14 of Chapter 11 of the Acts of 2005
the *Petroleum Products Pricing Act***

- and -

**In the Matter of Sections 14 to 18 of the *Petroleum Products Pricing Regulations*
made by the Governor in Council
pursuant to Section 14 of the *Petroleum Products Pricing Act***

- and -

**In the Matter of an Order Prescribing Prices for Petroleum Products
made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 14 to 18 of the *Petroleum Products Pricing Regulations***

Order

I, Ramona Jennex, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, pursuant to Section 14 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, and Sections 14 to 18 of the *Petroleum Products Pricing Regulations*, hereby

- (a) repeal the Order dated September 3, 2009, which prescribed prices September 4, 2009; and
- (b) prescribe prices for petroleum products in the Province as set forth in the tables in Schedule “A”.

This Order is effective on and after 12:01 a.m. on September 11, 2009.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on September 10, 2009.

Sgd.: *Ramona Jennex*
Honourable Ramona Jennex
Minister of Service Nova Scotia and Municipal Relations

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on September 11, 2009**

Regular unleaded gasoline	53.7
Mid-grade unleaded gasoline	56.7
Premium unleaded gasoline	59.7
Ultra-low-sulfur diesel oil	50.8

		Retail Mark-up				Retail Price (includes all taxes)			
		Self-Service		Full-Service		Self-Service		Full-Service	
	Fixed Wholesale Price (excludes GST)	Min	Max	Min	Max	Min	Max	Min	Max
Zone 1									
Regular Unleaded	85.5	4.0	5.5	4.0	999.9	101.1	102.8	101.1	999.9
Mid-Grade Unleaded	88.5	4.0	5.5	4.0	999.9	104.5	106.2	104.5	999.9
Premium Unleaded	91.5	4.0	5.5	4.0	999.9	107.9	109.6	107.9	999.9
Ultra-Low-Sulfur Diesel	76.5	4.0	5.5	4.0	999.9	91.0	92.7	91.0	999.9
Zone 2									
Regular Unleaded	85.9	4.0	5.5	4.0	999.9	101.6	103.3	101.6	999.9
Mid-Grade Unleaded	88.9	4.0	5.5	4.0	999.9	105.0	106.7	105.0	999.9
Premium Unleaded	91.9	4.0	5.5	4.0	999.9	108.4	110.1	108.4	999.9
Ultra-Low-Sulfur Diesel	76.9	4.0	5.5	4.0	999.9	91.4	93.7	91.4	999.9
Zone 3									
Regular Unleaded	86.4	4.0	5.5	4.0	999.9	102.2	103.8	102.2	999.9
Mid-Grade Unleaded	89.4	4.0	5.5	4.0	999.9	105.5	107.2	105.5	999.9
Premium Unleaded	92.4	4.0	5.5	4.0	999.9	108.9	110.6	108.9	999.9
Ultra-Low-Sulfur Diesel	77.4	4.0	5.5	4.0	999.9	92.0	93.7	92.0	999.9
Zone 4									
Regular Unleaded	86.4	4.0	5.5	4.0	999.9	102.2	103.8	102.2	999.9
Mid-Grade Unleaded	89.4	4.0	5.5	4.0	999.9	105.5	107.2	105.5	999.9
Premium Unleaded	92.4	4.0	5.5	4.0	999.9	108.9	110.6	108.9	999.9
Ultra-Low-Sulfur Diesel	77.4	4.0	5.5	4.0	999.9	92.0	93.7	92.0	999.9

Zone 5									
Regular Unleaded	86.4	4.0	5.5	4.0	999.9	102.2	103.8	102.2	999.9
Mid-Grade Unleaded	89.4	4.0	5.5	4.0	999.9	105.5	107.2	105.5	999.9
Premium Unleaded	92.4	4.0	5.5	4.0	999.9	108.9	110.6	108.9	999.9
Ultra-Low-Sulfur Diesel	77.4	4.0	5.5	4.0	999.9	92.0	93.7	92.0	999.9
Zone 6									
Regular Unleaded	87.2	4.0	5.5	4.0	999.9	103.1	104.8	103.1	999.9
Mid-Grade Unleaded	90.2	4.0	5.5	4.0	999.9	106.4	108.1	106.4	999.9
Premium Unleaded	93.2	4.0	5.5	4.0	999.9	109.8	111.5	109.8	999.9
Ultra-Low-Sulfur Diesel	78.2	4.0	5.5	4.0	999.9	92.9	94.6	92.9	999.9

N.S. Reg. 279/2009

Made: September 16, 2009

Filed: September 18, 2009

Employment Support and Income Assistance Regulations

Order in Council 2009-389 dated September 16, 2009
Amendment to regulations made by the Governor in Council
pursuant to Section 21 of the *Employment Support and Income Assistance Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated August 14, 2009, and pursuant to Section 21 of Chapter 27 of the Acts of 2000, the *Employment Support and Income Assistance Act*, is pleased to amend the *Employment Support and Income Assistance Regulations*, N.S. Reg. 25/2001, made by the Governor in Council by Order in Council 2001-138 dated March 23, 2001, to increase the personal allowance for income assistance recipients in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after October 1, 2009.

Schedule "A"

**Amendment to the *Employment Support and Income Assistance Regulations*
made by the Governor in Council under Section 21 of
Chapter 27 of the Acts of 2000,
the *Employment Support and Income Assistance Act***

The *Employment Support and Income Assistance Regulations*, N.S. Reg. 25/2001, made by the Governor in Council by Order in Council 2001-138 dated March 23, 2001, are amended by striking out the table immediately following the heading "Personal Allowance" in Appendix "A" and substituting the following table:

Adult	Dependent Child (under age 18)	Dependent Child (age 18 to 20 inclusive)
\$214	\$133	\$214

N.S. Reg. 280/2009

Made: September 16, 2009

Filed: September 18, 2009

Nova Scotia Child Benefit Regulations

Order in Council 2009-390 dated September 16, 2009
Amendment to regulations made by the Governor in Council
pursuant to Section 80 of the *Income Tax Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated August 27, 2009, and pursuant to Section 80 of Chapter 217 of the Revised Statutes of Nova Scotia, 1989, the *Income Tax Act*, is pleased to amend the *Nova Scotia Child Benefit Regulations*, N.S. Reg. 62/98, made by the Governor in Council by Order in Council 1998-430 dated August 28, 1998, to expand the income thresholds for full and partial Nova Scotia Child Benefit eligibility in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after July 1, 2009.

Schedule "A"

**Amendment to the *Nova Scotia Child Benefit Regulations*
made by the Governor in Council under Section 80
of Chapter 217 of the Revised Statutes of Nova Scotia, 1989,
the *Income Tax Act***

- 1 Subsection 4(1) of the *Nova Scotia Child Benefit Regulations*, N.S. Reg. 62/98, made by the Governor in Council by Order in Council 1998-430 dated August 28, 1998, is amended by striking out "\$16,000" and substituting "\$18 001".
- 2 (1) Subsection 4(2) of the regulations is amended by striking out "\$16,000" and substituting "\$18 001".
 - (2) Subclause 4(2)(b)(i) of the regulations is amended by
 - (a) striking out "9.041%" and substituting "8.9%"; and
 - (b) striking out "\$15,999" and substituting "\$18 000".
 - (3) Subclause 4(2)(b)(ii) of the regulations is amended by
 - (a) striking out "22.1455%" and substituting "21.8%"; and
 - (b) striking out "\$15,999" and substituting "\$18 000".
 - (4) Subclause 4(2)(b)(iii) of the regulations is amended by
 - (a) striking out "22.1455%" and substituting "21.8%";
 - (b) striking out "14.6282%" and substituting "14.4%"; and
 - (c) striking out "\$15,999" wherever it appears and substituting "\$18 000".

N.S. Reg. 281/2009

Made: September 17, 2009

Filed: September 18, 2009

Ship Harbour Long Lake Wilderness Area Designation

Order in Council 2009-394 dated September 17, 2009

Designation made by the Minister of Environment and approved by the Governor in Council pursuant to Section 11 of the *Wilderness Areas Protection Act*

The Governor in Council on the report and recommendation of the Minister of Environment dated August 5, 2009, and pursuant to Section 11 of Chapter 27 of the Acts of 1998, the *Wilderness Areas Protection Act*, is pleased to approve the designation by the Minister of Environment of a wilderness area that shall be known as Ship Harbour Long Lake Wilderness Area, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after September 17, 2009.

Schedule "A"**In the matter of Section 11 of Chapter 27 of the Acts of 1998,
the *Wilderness Areas Protection Act***

- and -

**In the matter of the designation of a wilderness area on Crown lands
in Eastern Halifax County
to be known as Ship Harbour Long Lake Wilderness Area**

I, Sterling Belliveau, Minister of Environment for the Province of Nova Scotia, pursuant to ~~subsection~~ [clause] 11(3)(a) of Chapter 27 of the Acts of 1998, the *Wilderness Areas Protection Act*, hereby designate an area of Crown land as described in Schedule "A" to be known as Ship Harbour Long Lake Wilderness Area, the approximate boundary of which is shown on the map attached as Schedule "B", the actual boundary of which is described and shown on a description and plan signed by the Director of Surveys and deposited in the Provincial Crown Lands Record Centre as required by subsection 11(3) of the Act.

The designation is effective on the date it is approved by the Governor in Council.

Dated and made at Halifax Regional Municipality, Province of Nova Scotia, August 5, 2009.

Sgd.: *Sterling Belliveau*

Honourable Sterling Belliveau

Minister of Environment

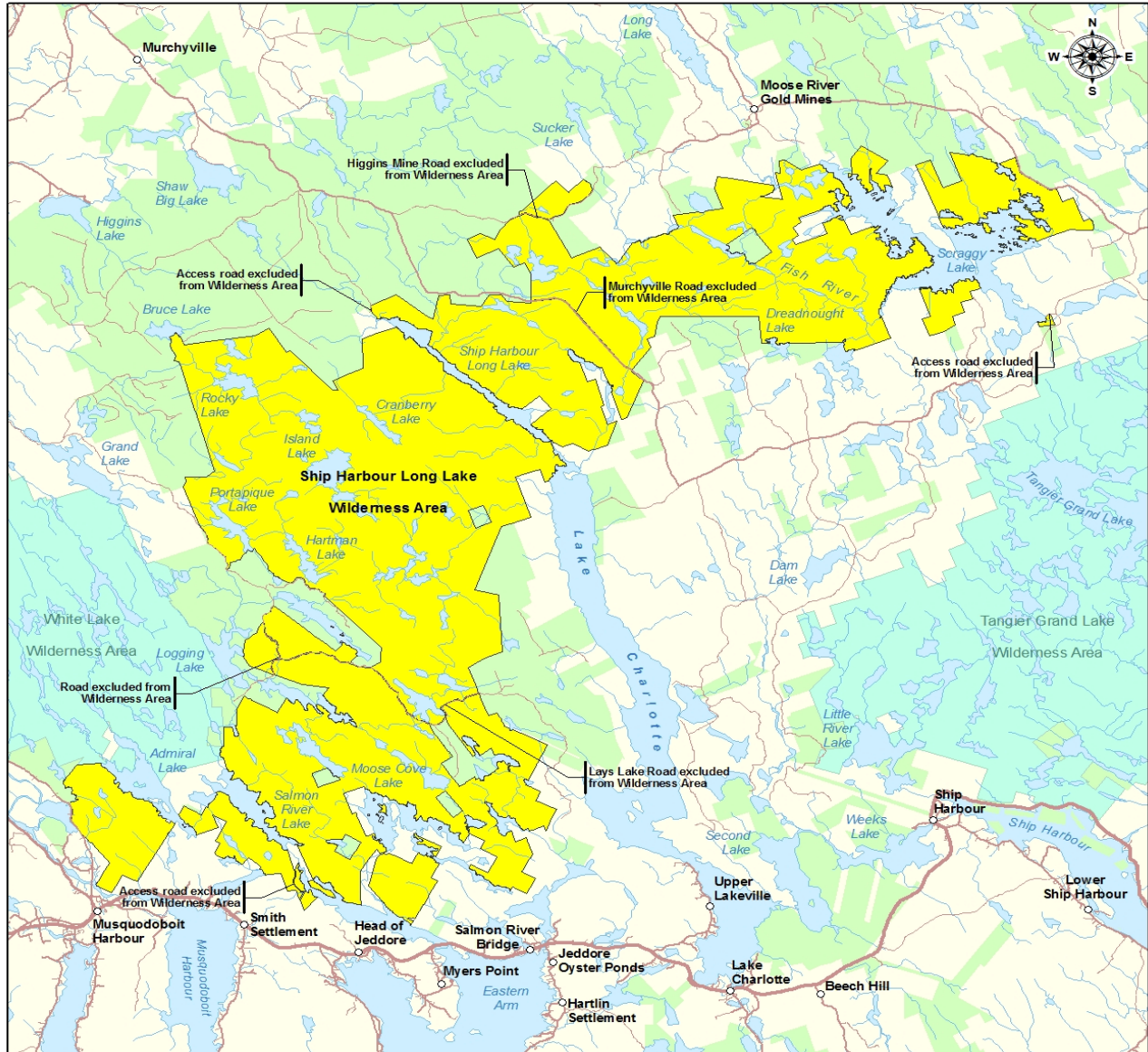
Schedule "A"**Description of Ship Harbour Long Lake Wilderness Area**

All that certain tract of land and land covered by water shown outlined in bold line on Plan showing Ship Harbour Long Lake Wilderness Area, filed at the Provincial Crown Records Centre Office at Halifax, under Field Plot P-061/09, said tract of land located at Ship Harbour Long Lake, Halifax County, Province of Nova Scotia.

Containing an approximate total area of 14,730 hectares.

Schedule "B"

Map showing Approximate Boundaries of Ship Harbour Long Lake Wilderness Area



Ship Harbour Long Lake Wilderness Area



- Ship Harbour Long Lake Wilderness Area
- Provincial Protected Areas
- Crown Lands



Map produced by the Protected Areas Branch of NS Environment, July, 2008.

The information shown here was obtained courtesy of the NS Geomatics Centre (SNSMR) and the NS Department of Natural Resources.

© Crown Copyright, Province of Nova Scotia, 2009. All rights reserved.

This map is a geographic representation only. NS Environment accepts no responsibility for any errors or omissions contained herein.



N.S. Reg. 282/2009

Made: September 17, 2009

Filed: September 23, 2009

Video Lottery Regulations

Order in Council 2009-395 dated September 17, 2009
Amendment to regulations made by the Governor in Council
pursuant to Section 127 of the *Gaming Control Act*

The Governor in Council on the report and recommendation of the Acting Minister of Labour and Workforce Development dated September 3, 2009, and pursuant to Section 127 of Chapter 4 of the Acts of 1994-95, the *Gaming Control Act*, is pleased to amend the *Video Lottery Regulations*, N.S. Reg. 42/95, made by the Governor in Council by Order in Council 95-261 dated April 4, 1995, to add an annual fee for registrants based on the number of video lottery terminals in their establishment, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after September 15, 2009.

Schedule "A"

**Amendment to the *Video Lottery Regulations*
made by the Governor in Council pursuant to
Section 127 of Chapter 4 of the Acts of 1994-95,
the *Gaming Control Act***

The *Video Lottery Regulations*, N.S. Reg. 42/95, made by the Governor in Council by Order in Council 95-261 dated April 4, 1995, are amended by adding the following Section immediately after Section 4:

- 4A (1)** Except as provided in subsection (3), a licensee who holds a registration certificate under these regulations shall pay to the Minister of Labour and Workforce Development the annual fee set out in subsection (2) on or before January 1 each year.
- (2)** The annual fee is \$100 for each approved device contained in the licensee's approved premises.
- (3)** An annual fee is not required to be paid by a licensee who is the holder of a club license granted under the *Liquor Control Act*.

N.S. Reg. 283/2009

Made: September 17, 2009

Filed: September 23, 2009

Prescribed Petroleum Products Prices

Order dated September 17, 2009
made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act*

**In the Matter of Section 14 of Chapter 11 of the Acts of 2005
the *Petroleum Products Pricing Act***

- and -

**In the Matter of Sections 14 to 18 of the *Petroleum Products Pricing Regulations*
made by the Governor in Council
pursuant to Section 14 of the *Petroleum Products Pricing Act***

- and -

**In the Matter of an Order Prescribing Prices for Petroleum Products
made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 14 to 18 of the *Petroleum Products Pricing Regulations***

Order

I, Ramona Jennex, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, pursuant to Section 14 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, and Sections 14 to 18 of the *Petroleum Products Pricing Regulations*, hereby

- (a) repeal the Order dated September 10, 2009, which prescribed prices September 11, 2009; and
- (b) prescribe prices for petroleum products in the Province as set forth in the tables in Schedule "A".

This Order is effective on and after 12:01 a.m. on September 18, 2009.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on September 17, 2009.

Sgd.: *Ramona Jennex*
Honourable Ramona Jennex
Minister of Service Nova Scotia and Municipal Relations

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on September 18, 2009**

Table 1: Benchmark Prices for Regulated Petroleum Products (cents/litre)	
Regular unleaded gasoline	52.5
Mid-grade unleaded gasoline	55.5
Premium unleaded gasoline	58.5
Ultra-low-sulfur diesel oil	51.0

Table 2: Fixed Wholesale Prices, Retail Mark-ups and Retail Prices for Regulated Petroleum Products (cents/litre)									
	Fixed Wholesale Price (excludes GST)	Retail Mark-up				Retail Price (includes all taxes)			
		Self-Service		Full-Service		Self-Service		Full-Service	
		Min	Max	Min	Max	Min	Max	Min	Max
Zone 1									
Regular Unleaded	84.3	4.0	5.5	4.0	999.9	99.8	101.5	99.8	999.9
Mid-Grade Unleaded	87.3	4.0	5.5	4.0	999.9	103.2	104.9	103.2	999.9
Premium Unleaded	90.3	4.0	5.5	4.0	999.9	106.6	108.3	106.6	999.9
Ultra-Low-Sulfur Diesel	76.7	4.0	5.5	4.0	999.9	91.2	92.9	91.2	999.9
Zone 2									
Regular Unleaded	84.7	4.0	5.5	4.0	999.9	100.2	101.9	100.2	999.9
Mid-Grade Unleaded	87.7	4.0	5.5	4.0	999.9	103.6	105.3	103.6	999.9
Premium Unleaded	90.7	4.0	5.5	4.0	999.9	107.0	108.7	107.0	999.9
Ultra-Low-Sulfur Diesel	77.1	4.0	5.5	4.0	999.9	91.6	93.3	91.6	999.9
Zone 3									
Regular Unleaded	85.2	4.0	5.5	4.0	999.9	100.8	102.5	100.8	999.9
Mid-Grade Unleaded	88.2	4.0	5.5	4.0	999.9	104.2	105.9	104.2	999.9
Premium Unleaded	91.2	4.0	5.5	4.0	999.9	107.6	109.3	107.6	999.9
Ultra-Low-Sulfur Diesel	77.6	4.0	5.5	4.0	999.9	92.2	93.9	92.2	999.9
Zone 4									
Regular Unleaded	85.2	4.0	5.5	4.0	999.9	100.8	102.5	100.8	999.9
Mid-Grade Unleaded	88.2	4.0	5.5	4.0	999.9	104.2	105.9	104.2	999.9
Premium Unleaded	91.2	4.0	5.5	4.0	999.9	107.6	109.3	107.6	999.9
Ultra-Low-Sulfur Diesel	77.6	4.0	5.5	4.0	999.9	92.2	93.9	92.2	999.9
Zone 5									
Regular Unleaded	85.2	4.0	5.5	4.0	999.9	100.8	102.5	100.8	999.9
Mid-Grade Unleaded	88.2	4.0	5.5	4.0	999.9	104.2	105.9	104.2	999.9
Premium Unleaded	91.2	4.0	5.5	4.0	999.9	107.6	109.3	107.6	999.9
Ultra-Low-Sulfur Diesel	77.6	4.0	5.5	4.0	999.9	92.2	93.9	92.2	999.9
Zone 6									
Regular Unleaded	86.0	4.0	5.5	4.0	999.9	101.7	103.4	101.7	999.9
Mid-Grade Unleaded	89.0	4.0	5.5	4.0	999.9	105.1	106.8	105.1	999.9
Premium Unleaded	92.0	4.0	5.5	4.0	999.9	108.5	110.2	108.5	999.9
Ultra-Low-Sulfur Diesel	78.4	4.0	5.5	4.0	999.9	93.1	94.8	93.1	999.9

N.S. Reg. 284/2009

Made: September 22, 2009

Filed: September 29, 2009

Proclamation, S. 22, S.N.S. 2008, c. 32

Order in Council 2009-396 dated September 22, 2009
Proclamation made by the Governor in Council
pursuant to Section 22 of
An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act

The Governor in Council on the report and recommendation of the Minister responsible for the *Securities Act* dated September 9, 2009, and pursuant to Section 22 of Chapter 32 of the Acts of 2008, *An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act*, and subsection (7) of Section 3 of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Sections 1, 6 to 12 and 14 of Chapter 32 of the Acts of 2008, *An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act*, do come into force on and not before September 28, 2009.

PROVINCE OF NOVA SCOTIA

sgd: Mayann Francis

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 22 of Chapter 32 of the Acts of 2008, *An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act*, it is enacted as follows:

- 22** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Sections 1, 6 to 12 and 14 of Chapter 32 of the Acts of 2008, *An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act*, do come into force on and not before September 28, 2009;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Sections 1, 6 to 12 and 14 of Chapter 32 of the Acts of 2008, *An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act*, do come into force on and not before September 28, 2009, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour
the Honourable Mayann E. Francis, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 22nd day of September in the year of Our Lord two thousand and nine and in the fifty-eighth year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 285/2009

Made: September 22, 2009

Filed: September 29, 2009

Proclamation, S. 65, S.N.S. 2006, c. 46

Order in Council 2009-397 dated September 22, 2009

Proclamation made by the Governor in Council
pursuant to Section 65 of

An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act

The Governor in Council on the report and recommendation of the Minister responsible for the *Securities Act* dated September 9, 2009, and pursuant to Section 65 of Chapter 46 of the Acts of 2006, *An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act*, and subsection (7) of Section 3 of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Sections 18, 19 and 31 of Chapter 46 of the Acts of 2006, *An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act*, do come into force on and not before September 28, 2009.

PROVINCE OF NOVA SCOTIA

sgd: Mayann Francis

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 65 of Chapter 46 of the Acts of 2006, *An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act*, it is enacted as follows:

65 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Sections 18, 19 and 31 of Chapter 46 of the Acts of 2006, *An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act*, do come into force on and not before September 28, 2009;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Sections 18, 19 and 31 of Chapter 46 of the Acts of 2006, *An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act*, do come into force on and not before September 28, 2009, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent and the Great Seal of Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour the Honourable Mayann E. Francis, Lieutenant Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 22nd day of September in the year of Our Lord two thousand and nine and in the fifty-eighth year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 286/2009

Made: September 24, 2009

Filed: September 29, 2009

Petroleum Products Pricing Regulations

Order in Council 2009-399 dated September 24, 2009
Regulations made by the Governor in Council
pursuant to Section 14 of the *Petroleum Products Pricing Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated September 9, 2009, and pursuant to Section 14 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, is pleased, effective on and after October 1, 2009, to

- (a) repeal the *Petroleum Products Pricing Regulations*, N.S. Reg. 97/2006, made by the Governor in Council by Order in Council 2006-290 dated June 22, 2006; and
- (b) make new regulations respecting petroleum products pricing in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**Regulations Respecting the Price of Petroleum Products made under
Section 14 of Chapter 11 of Acts of 2005,
the *Petroleum Products Pricing Act***

Citation

1 These regulations may be cited as the *Petroleum Products Pricing Regulations*.

Purpose of regulations

2 The purpose of these regulations is to ensure just and reasonable prices for specified petroleum products, taking into consideration all of the following objectives:

- (a) preserving availability of specified petroleum products in rural areas;
- (b) stabilizing prices of specified petroleum products;
- (c) minimizing the variances in prices of specified petroleum products across the Province.

Definitions

3 In these regulations,

“Act” means the *Petroleum Products Pricing Act*;

“agent” means an agent as defined in clause 5(a) of the *Revenue Act Regulations* made under the *Revenue Act*;

“benchmark price” means the price prescribed by the Board under Section 17;

“Bloombergs Guide” means the *Bloombergs Oil Buyers’ Guide* produced by Bloomberg L.P.;

“Board” means the Nova Scotia Utility and Review Board established under the *Utility and Review Board Act*;

“gasoline” means any of the following grades of gasoline, as differentiated by the antiknock index and set out in the Canadian General Standards Board standard CAN/CGSB-3.5-2004, *Unleaded Automotive Gasoline*, as amended:

- (i) Grade 1—Regular,
- (ii) Grade 2—Mid-grade,
- (iii) Grade 3—Premium;

“Platts Report” means the *Platts Oilgram Price Report/US Marketscan* produced by Platts, a division of The McGraw-Hill Companies;

“point of sale” means

- (i) with respect to the sale of petroleum products by a wholesaler or wholesaler-retailer to a retailer, the location where the delivery of the product to the retailer takes place, and

- (ii) with respect to the sale of petroleum products by a retailer to a consumer, the location where the product is delivered to the consumer;

“reported product price” for a type of petroleum product is the daily price reported for that type of product in the Platts Report under the heading “Product Price Assessments, New York Cargo”, or in the Bloomberg Guide if the relevant data is not available from the Platts Report;

“wholesaler-retailer” means a wholesaler who also sells or keeps a petroleum product for sale directly to consumers;

“winter blending” means the process used to ensure satisfactory fuel operability in cold temperature environments.

Application of Act and regulations

- 4 (1) Except as otherwise provided in this Section, the following types of petroleum products are subject to these regulations:
- (a) gasoline;
 - (b) ultra-low-sulfur diesel oil.
- (2) A petroleum product of a type that is not listed in subsection (1) is exempt from these regulations and from Sections 4 to 7 of the Act.
- (3) All of the following petroleum products are exempt from these regulations and from Sections 4 to 7 of the Act:
- (a) aviation gasoline;
 - (b) except as provided in subsection (4), any petroleum product sold or purchased for use as fuel in a watercraft or an aircraft equipped to float on water;
 - (c) except as provided in subsection (4), any petroleum product sold or purchased for use as fuel in an off-highway vehicle as defined in clause 2(d) of the *Off-highway Vehicles Act*;
 - (d) gasoline and ultra-low-sulfur diesel oil bought by a consumer through a commercial bulk volume contract for 5000 L or more;
 - (e) gasoline and ultra-low-sulfur diesel oil sold or purchased at a restricted access outlet as defined in clause 2(p) of the *Motive Fuel and Fuel Oil Approval Regulations* made under the *Environment Act* for use as fuel in a vehicle being operated for the carriage of persons or property for commercial gain;
 - (f) any petroleum product that is exempt from tax under Section 22 of the *Revenue Act Regulations* made under the *Revenue Act*.
- (4) These regulations apply to any petroleum product listed in clause (3)(b) or (c) if the product is sold or purchased from a retailer, wholesaler or wholesaler-retailer who also sells a petroleum product for other purposes.
- (5) These regulations do not apply to a retailer or wholesaler-retailer if the only petroleum products they sell or purchase are any of the products listed in clause (3)(b) or (c).

- (6) These regulations apply to a retailer, wholesaler or wholesaler-retailer if they sell or purchase any petroleum product listed in clause (3)(b) or (c) in addition to selling or purchasing a petroleum product for other purposes.

Regulations prevail over contract

- 5 These regulations prevail over a contract between a wholesaler or wholesaler-retailer and a retailer with respect to the wholesale price and retail mark-up of a petroleum product.

Retailer may opt out of regulations

- 6 Despite the Act and these regulations, a retailer who is a party to a contract with a wholesaler or wholesaler-retailer may opt out of these regulations with respect to the wholesale price and retail mark-up of a petroleum product.

Retailer opting out

- 7 (1) A retailer who decides to opt out of these regulations must notify the Minister by providing the Minister with all of the following:
- (a) a statement in the form required by the Minister and signed by the retailer, indicating that the retailer has decided to opt out of these regulations;
 - (b) a copy of their contract with their wholesaler or wholesaler-retailer.
- (2) The documents required by subsection (1) must be provided to the Minister no later than the following:
- (a) for a retailer who holds an existing contract with a wholesaler or wholesaler-retailer, 30 days after the contract expires;
 - (b) for a retailer who does not hold an existing contract with a wholesaler or wholesaler-retailer, 30 days after the retailer is issued a motive fuel retailer's approval under the *Environment Act*.
- (3) Before the applicable deadline in subsection (2) for sending the statement to the Minister, a retailer must send a copy of the statement required by clause (1)(a) to their wholesaler or wholesaler-retailer, and the wholesaler or wholesaler-retailer must sign the copy and return it to the Minister no later than 15 days after the date they receive it.
- (4) A contract between a retailer who opts out of these regulations and a wholesaler or wholesaler-retailer prevails over these regulations with respect to the wholesale price and retail mark-up of a petroleum product.

Retailer not opting out

- 8 (1) A retailer who decides not to opt out of these regulations with respect to the wholesale price and retail mark-up of a petroleum product must notify the Minister by providing the Minister with a statement in the form required by the Minister and signed by the retailer, indicating the retailer has decided not to opt out of these regulations.
- (2) The statement required by subsection (1) must be provided to the Minister no later than the following:
- (a) for a retailer who holds an existing contract with a wholesaler or wholesaler-retailer, 30 days after the contract expires;

- (b) for a retailer who does not hold an existing contract with a wholesaler or wholesaler-retailer, 30 days after the retailer is issued a motive fuel retailer's approval under the *Environment Act*.
- (3) Before the applicable deadline in subsection (2) for sending the statement to the Minister, a retailer must send a copy of the statement required under subsection (1) to their wholesaler or wholesaler-retailer and the wholesaler or wholesaler-retailer must sign the copy and return it to the Minister no later than 15 days after the date they received it.
- (4) Any contractual provision respecting compensation, including cross leases, dealer incentive payments, volume-associated payments, bonus incentives or any other type of compensation determined by the Minister, in a contract between a retailer who decides not to opt out of these regulations and a wholesaler or wholesaler-retailer is null and void, but nothing in these regulations prevents a retailer and a wholesaler or wholesaler-retailer from entering a new agreement respecting compensation other than the retail mark-up.

Retailer remains responsible for debts owed under contract

- 9 A retailer remains responsible, in accordance with the terms of any contract with a wholesaler or wholesaler-retailer, for repayment of any debt owed to the wholesaler or wholesaler-retailer regardless of whether or not the retailer opts out of these regulations with respect to the wholesale price and retail mark-up of a petroleum product.

Prescribed minimum and maximum retail price[s] still apply

- 10 A retailer must comply with Section 14, respecting the price to be charged to a consumer for a petroleum product, regardless of whether the retailer and the wholesaler or wholesaler-retailer have opted out of these regulations with respect to the wholesale price and retail mark-up of a petroleum product as permitted by Section 6.

Monthly assessment fee

- 11 (1) A wholesaler or wholesaler-retailer who sells a petroleum product in the Province must pay monthly assessment fees based upon the sales volume of the petroleum product sold by the person in the Province at rates determined by the Minister and the Board.
- (2) The monthly assessment fees must be paid at the same time as the tax required to be remitted to the Minister of Finance under Section 12 of the *Revenue Act Regulations* made under the *Revenue Act* and a wholesaler or wholesaler-retailer must file an addendum to the agent's return as required by the Minister.
- (3) The Board may recover all or part of its direct and indirect costs for administering any powers or duties delegated to it under the Act or regulations from the monthly assessment fees set by the Board as costs of administering the Act or regulations.

Delegation of authority

- 12 (1) Effective immediately after these regulations come into force, and subject to these regulations, all of the following powers under the Act are delegated to the Board:
- (a) the power to divide the Province into 1 or more zones in the Province as set out in clause 14(1)(c) of the Act, and in accordance with subsection 13(2);
 - (b) the power to prescribe the fixed wholesale price as set out in subclause 14(1)(c)(i) of the Act;
 - (c) the power to prescribe a maximum retail price as set out in subclause 14(1)(c)(ii) of the Act;

- (d) the power to prescribe minimum and maximum retail mark-ups as set out in subclause 14(1)(c)(iii) of the Act;
 - (e) the power to appoint a consumer advocate and determine the powers and duties of the advocate as set out in subclause 14(1)(h) of the Act, and in accordance with Sections 26 to 28;
 - (f) the power to set fees to be charged to wholesalers to cover the Board's costs of administering the Act and its regulations, as set out in clause 14(1)(d) of the Act.
- (2) The power to set fees to be charged to wholesalers to cover the Minister's costs of administering the Act and its regulations as set out in clause 14(1)(d) of the Act is delegated to the Minister.

Zones

- 13 (1)** Until the Board exercises the power delegated under clause 12(1)(a), the Province is divided into the following zones for the purpose of prescribing prices for each zone:
- (a) Zone 1 consists of all of the following:
 - (i) Halifax County,
 - (ii) Hants County,
 - (iii) the southern portion of Colchester County, as divided by a straight line running from Clifton in Colchester County to the intersection of the county lines of Colchester, Pictou, Guysborough and Halifax Counties;
 - (b) Zone 2 consists of all of the following:
 - (i) Kings County,
 - (ii) Lunenburg County,
 - (iii) the eastern portion of Annapolis County, as divided by a straight line running northwest from the top section of the Queens-Lunenburg county line and extending to the Bay of Fundy;
 - (c) Zone 3 consists of all of the following:
 - (i) Queens County,
 - (ii) Shelburne County,
 - (iii) Yarmouth County,
 - (iv) Digby County,
 - (v) the western portion of Annapolis County as divided in clause (b);
 - (d) Zone 4 consists of Cumberland County;
 - (e) Zone 5 consists of all of the following:
 - (i) Guysborough County,

- (ii) Antigonish County,
 - (iii) Pictou County,
 - (iv) the northern portion of Colchester County as divided in clause (a),
 - (v) the Town of Port Hawkesbury in Inverness County,
 - (vi) an area of land bounded by a straight line extending along the prolongation of the eastern boundary of the Town of Port Hawkesbury to the Trans-Canada Highway (Highway 105) and then southwesterly along the Trans-Canada Highway to the Strait of Canso.
- (f) Zone 6 consists of all of the following:
- (i) Cape Breton County,
 - (ii) Victoria County,
 - (iii) Richmond County,
 - (iv) Inverness County, except the Town of Port Hawkesbury and an area of land bounded by a straight line extending along the prolongation of the eastern boundary of the Town of Port Hawkesbury to the Trans-Canada Highway (Highway 105) and then southwesterly along the Trans-Canada Highway to the Strait of Canso.
- (2) In exercising the power delegated under clause 12(1)(a), the Board may consider any factors the Board considers relevant, including the following factors:
- (a) the retail prices that have been charged to retailers and consumers for petroleum products throughout the Province, over a period of time that the Board considers appropriate;
 - (b) any factors that could explain the differences, if any, between the retail prices across the Province for the period of time established in clause (a), including any of the following:
 - (i) the distance from a refinery gate to the proposed boundaries for a zone,
 - (ii) the volume of petroleum product sold to retailers during the period,
 - (iii) innovations within the industry;
 - (c) whether new zones are required in order to preserve the viability of markets affected by their proximity to the provincial border;
 - (d) whether price differences between zones are just and reasonable.

Must charge prices for zone where point of sale located

- 14 (1) A wholesaler or wholesaler-retailer must charge a retailer the fixed wholesale price for a type of petroleum product for the zone where the point of sale is located or as prescribed by the Board under subsection (3).
- (2) A retailer must not charge a consumer a price for a type of petroleum product that is

- (a) higher than the maximum retail price for the zone where the point of sale is located or as prescribed by the Board under subsection (3); or
 - (b) except as permitted by subsection 15(1), lower than the minimum retail price for the zone where the point of sale is located or as prescribed by the Board under subsection (3).
- (3) On application by a wholesaler, wholesaler-retailer or retailer, and in order to preserve availability of a petroleum product in rural areas, to preserve the viability of markets in the provincial border areas or for another reason the Board considers appropriate, the Board may prescribe a different fixed wholesale price, a different retail mark-up or different minimum and maximum retail prices that the wholesaler, wholesaler-retailer or retailer may charge for a type of petroleum product at a particular point of sale.

Promotions to reduce price at time of sale

- 15 (1) A type of coupon, promotion, discount, loyalty program or any other promotional consideration in existence for a petroleum product between May 1, 2005, and June 1, 2006, that has the effect of reducing the price for a petroleum product below the minimum retail price at the time of sale is permitted.
- (2) On and after July 1, 2006, any enhancement of a promotional consideration described in subsection (1) or any new type of coupon, promotion, discount, loyalty program or other type of promotional consideration that would have the effect of reducing the price for a petroleum product at the time of sale is prohibited.

Benchmark price

- 16 (1) Every Friday, at a time the Board considers appropriate, the Board must prescribe a benchmark price for each type of petroleum product.
- (2) A benchmark price prescribed by the Board is the average of the average of the daily high and low reported product prices for the petroleum product during the period since the last benchmark price adjustment for that petroleum product.
- (3) In prescribing a benchmark price, the daily noon exchange rates published by the Bank of Canada shall be used to convert United States currency to Canadian currency.
- (4) A prescribed benchmark price must be expressed in Canadian cents per litre to the nearest one-tenth of a cent or in another unit of measurement appropriate to the petroleum product.
- (5) If the Board considers it appropriate, the Board may prescribe a benchmark price at any time.

Fixed wholesale price

- 17 (1) For each type of petroleum product, the fixed wholesale price in a zone is the sum of all of the following:
- (a) the current benchmark price as prescribed by the Board under Section 16;
 - (b) the wholesale margin as calculated by the Board in accordance with subsection (4);
 - (c) all taxes, excluding the taxes imposed under subsections 165(1) and 165(2) of the *Excise Tax Act* (Canada);
 - (d) if the Board considers it appropriate, transportation adjustments and forward averaging corrections.

- (2) In clause (1)(d), “forward averaging correction” means the difference between the benchmark price and the actual reported product price for a petroleum product since the last benchmark price adjustment for that petroleum product, and the forward averaging correction may be adjusted for variations in the volume sold during that period.
- (3) In this Section, “wholesale margin” for a petroleum product means the difference between the benchmark price for that petroleum product and the price at which a wholesaler sells that petroleum product to a retailer, excluding taxes imposed under subsections 165(1) and 165(2) of the *Excise Tax Act* (Canada).
- (4) In calculating the wholesale margin for a type of petroleum product in a zone, the Board may consider any factors the Board considers relevant, including any of the following:
 - (a) the wholesale margin for the type of petroleum product for the Province or for a zone, excluding taxes imposed under subsection[s] 165(1) and 165(2) of the *Excise Tax Act* (Canada), over a period of time the Board considers appropriate;
 - (b) whether the wholesale margins identified under clause (a) are just and reasonable, taking into account any of the following:
 - (i) the distance from the refinery gate to the boundaries of a zone,
 - (ii) the volume of petroleum product sold to retailers during the period, or
 - (iii) innovations within the industry;
 - (c) whether additional margin is required for winter blending of ultra-low-sulfur diesel oil;
 - (d) the factors set out in subsection 14(3).
- (5) The fixed wholesale price must be expressed in Canadian cents per litre to the nearest one-tenth of a cent or another unit of measurement appropriate to the petroleum product.

Maximum and minimum retail mark-up

- 18 (1)** When prescribing the minimum and maximum retail mark-ups for a type of petroleum product in a zone, the Board may consider any factors the Board considers relevant, including any of the following:
- (a) the retail mark-ups within the Province or a zone for the type of petroleum product, excluding taxes imposed under subsections 165(1) and 165(2) of the *Excise Tax Act* (Canada), over a period of time the Board considers appropriate;
 - (b) whether the retail mark-ups identified under clause (a) are just and reasonable, taking into account any of the following:
 - (i) the distance from a refinery gate to the boundaries of the zone,
 - (ii) the volume of petroleum product sold to consumers during the period,
 - (iii) innovations within the industry;
 - (c) whether the petroleum product is sold or purchased at a full-service retail outlet or a self-service retail outlet;

- (d) whether the minimum retail mark-up will preserve the viability of markets affected by their proximity to the provincial border.
- (2) The minimum and maximum retail mark-ups must be expressed in Canadian cents per litre to the nearest one-tenth of a cent or another unit of measurement appropriate to the petroleum product.

Maximum and minimum retail price[s]

- 19 (1) For each type of petroleum product, the maximum retail price in a zone is the sum of all of the following:
- (a) the fixed wholesale price;
 - (b) the maximum retail mark-up prescribed by the Board under Section 18;
 - (c) all taxes.
- (2) For each type of petroleum product, the minimum retail price in a zone is the sum of all of the following:
- (a) the fixed wholesale price;
 - (b) the minimum retail mark-up prescribed by the Board under Section 18;
 - (c) all taxes.

Informing wholesalers, wholesaler-retailers and retailers of prices

- 20 (1) The Board must ensure that all wholesalers and wholesaler-retailers are informed of the fixed wholesale prices and maximum and minimum retail prices before they are to take effect.
- (2) A wholesaler or wholesaler-retailer must ensure that any retailer to whom it sells a petroleum product is informed of any price change before it takes effect.

No disclosure of price before in effect

- 21 Unless authorized by the Board or under the Act or regulations, a wholesaler, wholesaler-retailer or retailer must not disclose to any person a price set under these regulations before the date on which the price comes into effect.

Public hearings by Board

- 22 (1) The Board is hereby designated under ~~subsection~~ [clause] 14(1)(g) of the Act to conduct public hearings respecting any matter within its jurisdiction under these regulations, including any of the following:
- (a) dividing the Province into zones;
 - (b) fixing wholesale prices, maximum retail prices and minimum and maximum retail mark-ups set under these regulations;
 - (c) the effect of promotions on the regulatory scheme established by the Act and regulations, and has the power to make recommendations to the Minister about promotions.
- (2) The Board may order that some or all of its direct and indirect costs of a hearing be paid by a participant at the hearing.

- (3) If the Board allows applications for funding to intervenors under its hearing processes and procedures, the funding is an expense of the Board.

Powers and duties of Board

23 The Board has all the powers set out in the *Utility and Review Board Act*, including the power to establish its own processes and procedures for fulfilling its functions and duties under the Act and regulations.

Investigations by Board to ensure matters just and reasonable

- 24 (1)** With or without notice, the Board may on its own motion investigate whether any matter within its jurisdiction under these regulations is just and reasonable, including any of the following matters:
- (a) the boundaries of the zones;
 - (b) the fixed wholesale prices;
 - (c) the maximum retail prices;
 - (d) the minimum and maximum retail mark-ups.
- (2) On application by any of the following, the Board must carry out an investigation under subsection (1):
- (a) a retailer, wholesaler or wholesaler-retailer;
 - (b) any 5 persons, firms or corporations;
 - (c) the Minister.
- (3) Following an investigation, the Board may make any order it considers necessary to ensure any matter within its jurisdiction under these regulations is just and reasonable, but no order may be made by the Board until a public hearing or inquiry is held in respect of the matter.

Policies, directives and bulletins of Board

25 The Board may issue general policies, directives, and bulletins consistent with the Act and these regulations about any matter within the Board's jurisdiction under these regulations, including any of the following:

- (a) forward averaging corrections,
- (b) additional margin that may be required for winter blending of the ultra-low-sulphur diesel oil;
- (c) circumstances when it is appropriate for the Board to prescribe a benchmark price under subsection 16(5).

When consumer advocate appointed

26 If the Board considers it appropriate, or on direction from the Minister, the Board must appoint a person to act as a consumer advocate in a hearing before the Board under these regulations.

Powers and duties of consumer advocate

- 27 (1)** A consumer advocate must do all of the following:
- (a) participate in all aspects of a hearing before the Board;

- (b) represent the interests of consumers as a full intervenor.
- (2) A consumer advocate has all the powers and authority necessary to carry out their duties under subsection (1) or any other duties assigned by the Board.

Fees and expenses of consumer advocate

- 28 (1) The Board may fix fees and expenses of a consumer advocate in performing their functions and duties.
- (2) The fees and expenses referred to in subsection (1)
- (a) are expenses of the Board;
 - (b) may include the cost of retaining experts and legal counsel to provide the consumer advocate with advice, including testimony, on technical and legal matters.

Information provided to Board

- 29 (1) A party to a proceeding before the Board, a wholesaler, wholesaler-retailer or retailer must give the Board all information required by it to carry out its duties under the Act and regulations and must give specific answers to all specific questions asked by the Board.
- (2) A wholesaler, wholesaler-retailer or retailer who receives a blank form from the Board with directions to fill in the form must answer each question on the form fully and correctly, and if a question is not fully and correctly answered must give a good and sufficient reason for failing to do so.
- (3) The responses given under subsection (2) must be certified by an authorized representative of the wholesaler, wholesaler-retailer or retailer and returned to the Board at its office no later than the deadline set by the Board.
- (4) If required by the Board, a wholesaler, wholesaler-retailer or retailer must deliver to the Board any documents, books, accounts, papers, records or memoranda, or copies of them, in whatever form the Board directs.

Inspection of records by Board

- 30 (1) The Board, a member of the Board or a person employed by the Board for that purpose, has, on demand, the right to inspect the documents, books, accounts, papers, records and memoranda of a wholesaler, wholesaler-retailer or retailer.
- (2) A person other than a Board member who makes a demand under subsection (1) must produce their authority to make the inspection or examination.

Examination under oath

- 31 The Board or a member of the Board has the power to examine, under oath, an officer, agent or employee of a wholesaler, wholesaler-retailer or retailer in relation to its business and affairs.

Transitional—retailers remain opted out of regulations or not opted out of regulations

- 32 (1) A retailer who opted out of the regulations with respect to the wholesale price and retail mark-up of a petroleum product under any previous regulations respecting petroleum pricing made under the Act and who remained opted out of the regulations on September 30, 2009, continues to be opted out under these regulations until the retailer notifies the Minister under Section 7 or 8.

- (2) A retailer who decided not to opt out of the regulations with respect to the wholesale price and retail mark-up of a petroleum product under any previous regulations respecting petroleum pricing made under the Act and who remained not opted out of the regulations on September 30, 2009, continues to be not opted out under these regulations until the retailer notifies the Minister under Section 7 or 8.

N.S. Reg. 287/2009

Made: September 24, 2009

Filed: September 29, 2009

Proclamation, S. 8, S.N.S. 2008, c. 42

Order in Council 2009-400 dated September 24, 2009

Proclamation made by the Governor in Council

pursuant to Section 8 of the

Privacy Review Officer Act

The Governor in Council on the report and recommendation of the Minister of Justice dated August 7, 2009, and pursuant to Section 8 of Chapter 42 of the Acts of 2008, the *Privacy Review Officer Act*, is pleased to order and declare by proclamation that Chapter 42 of the Acts of 2008, the *Privacy Review Officer Act*, do come into force on and not before September 25, 2009.

PROVINCE OF NOVA SCOTIA

sgd: **Mayann Francis**

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 8 of Chapter 42 of the Acts of 2008, the *Privacy Review Officer Act*, it is enacted as follows:

- 8** This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 42 of the Acts of 2008, the *Privacy Review Officer Act*, do come into force on and not before September 25, 2009;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 42 of the Acts of 2008, the *Privacy Review Officer Act*, do come into force on and not before September 25, 2009, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour
the Honourable Mayann E. Francis, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 24th day of September in the
year of Our Lord two thousand and nine and in
the fifty-eighth year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General