

# Royal



# Gazette

## Part II Regulations under the Regulations Act

---

Printed by the Queen's Printer

Halifax, Nova Scotia

Vol. 35, No. 26

December 30, 2011

### Contents

Act	Reg. No.	Page
<b>Dairy Industry Act</b>		
Distributor Licensing Regulations .....	320/2011	910
Milk Pricing Regulations—amendment .....	321/2011	913
<b>Liquor Control Act</b>		
Proclamation of amendments to Act, S. 12, S.N.S. 2011, c. 21 .....	316/2011	889
Liquor Licensing Regulations—amendment .....	317/2011	891
<b>Natural Products Act</b>		
Nova Scotia Egg Producers Levy Order—amendment .....	319/2011	909
<b>Petroleum Products Pricing Act</b>		
Prescribed Petroleum Products Prices .....	315/2011	887
Prescribed Petroleum Products Prices .....	318/2011	907
<b>Summary Proceedings Act</b>		
Summary Offence Tickets Regulations—amendment .....	314/2011	886

**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. 314/2011**

Made: December 8, 2011

Filed: December 9, 2011

Summary Offence Tickets Regulations

Order dated December 8, 2011  
made by the Minister of Justice and Attorney General  
pursuant to Section 8 of the *Summary Proceedings Act*

**Order**

**Made under Sections 8 and 8A of Chapter 450  
of the Revised Statutes of Nova Scotia, 1989,  
the *Summary Proceedings Act***

I, Ross Landry, Minister of Justice and Attorney General of Nova Scotia, pursuant to Sections 8 and 8A of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, hereby

- (a) amend the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Minister of Justice dated October 4, 2011, to designate certain offences under the *Motor Vehicle Act* as parking infraction ticket offences and summary offence tickets, in the manner set forth in the attached Schedule "A"; and
- (b) order and direct that the penalty to be entered on a summons in respect of an offence set out in amendments to the schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, as set forth in the attached Schedule "A", is the amount of the out-of-court settlement set out opposite the description for the offence, and includes the charge provided for in, and in accordance with, Sections 8, 8A and 9 of the Act.

This Order is effective on and after the date of this order.

Dated and made December 8, 2011, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd.: *Ross Landry*

Honourable Ross Landry

Minister of Justice and Attorney General

**Schedule "A"**

**Amendment to the *Summary Offence Tickets Regulations*  
made by the Minister of Justice pursuant to Section 8 of Chapter 450  
of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act***

- 1 Schedule PT to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Minister of Justice dated October 4, 2011, is amended by
  - (a) adding the following item immediately after item 42 in Schedule PT under the heading ["Motor Vehicle Act"]:

43 Parking vehicle contrary to temporary regulations to cover emergency or special conditions 202 B

- (b) striking out “1(a)” in the Section column for item 1 under the heading “Halifax Regional Municipality Winter Parking Regulations” and substituting “4(a)”; and
- (c) striking out the heading “Provincial Winter Parking Regulations” and items 1 to 3 under that heading and substituting the following heading and items:

**Winter Parking Ban Regulations**

1	Parking during winter ban	3(a)	B
2	Hindering snow removal	3(b)	B
3	Parking on highway during snowstorm	3(c)	B

- 2 Schedule 4 to the regulations is amended by striking out “B” in the Offence Category column for item 380 and substituting “B (parking)”.

**N.S. Reg. 315/2011**

Made: December 8, 2011

Filed: December 12, 2011

Prescribed Petroleum Products Prices

Order dated December 8, 2011

made by the Nova Scotia Utility and Review Board  
pursuant to Section 14 of the *Petroleum Products Pricing Act*  
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

**Order**

**NSUARB-GAS-W-11-51**

**In the Matter of the *Petroleum Products Pricing Act***

**- and -**

**In the Matter of Prescribing Prices for Petroleum Products  
pursuant to Section 14 of the *Petroleum Products Pricing Act* and  
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

**Before:** Murray E. Doehler, CA, P. Eng., Member

**Order**

**Whereas** the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

**And whereas** the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

**And whereas** the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended December 7, 2011, are:

Grade 1 Regular gasoline	71.1¢ per litre
Ultra-low-sulfur diesel oil	80.3¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	71.1¢ per litre
Grade 2	74.1¢ per litre
Grade 3	77.1¢ per litre
Ultra-low-sulfur diesel oil	80.3¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	nil
Ultra-low-sulfur diesel oil:	minus 0.5¢ per litre

And whereas a winter blending adjustment of plus 2.5¢ per litre is required for ultra-low-sulfur diesel oil;

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule "A" effective on and after 12:01 a.m., December 9, 2011.

Dated at Halifax, Nova Scotia, this 8th day of December, 2011.

Sgd: *Elaine Wagner*  
Clerk of the Board

#### 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 December 9, 2011**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
<b>Zone 1</b>								
Regular Unleaded	77.4	10.0	15.5	102.9	122.9	124.7	122.9	999.9
Mid-Grade Unleaded	80.4	10.0	15.5	105.9	126.4	128.1	126.4	999.9
Premium Unleaded	83.4	10.0	15.5	108.9	129.8	131.6	129.8	999.9
Ultra-Low-Sulfur Diesel	88.6	4.0	15.4	108.0	128.8	130.5	128.8	999.9
<b>Zone 2</b>								
Regular Unleaded	77.8	10.0	15.5	103.3	123.4	125.1	123.4	999.9
Mid-Grade Unleaded	80.8	10.0	15.5	106.3	126.8	128.6	126.8	999.9
Premium Unleaded	83.8	10.0	15.5	109.3	130.3	132.0	130.3	999.9
Ultra-Low-Sulfur Diesel	89.0	4.0	15.4	108.4	129.3	131.0	129.3	999.9

<b>Zone 3</b>								
Regular Unleaded	78.3	10.0	15.5	103.8	124.0	125.7	124.0	999.9
Mid-Grade Unleaded	81.3	10.0	15.5	106.8	127.4	129.1	127.4	999.9
Premium Unleaded	84.3	10.0	15.5	109.8	130.9	132.6	130.9	999.9
Ultra-Low-Sulfur Diesel	89.5	4.0	15.4	108.9	129.8	131.6	129.8	999.9
<b>Zone 4</b>								
Regular Unleaded	78.3	10.0	15.5	103.8	124.0	125.7	124.0	999.9
Mid-Grade Unleaded	81.3	10.0	15.5	106.8	127.4	129.1	127.4	999.9
Premium Unleaded	84.3	10.0	15.5	109.8	130.9	132.6	130.9	999.9
Ultra-Low-Sulfur Diesel	89.5	4.0	15.4	108.9	129.8	131.6	129.8	999.9
<b>Zone 5</b>								
Regular Unleaded	78.3	10.0	15.5	103.8	124.0	125.7	124.0	999.9
Mid-Grade Unleaded	81.3	10.0	15.5	106.8	127.4	129.1	127.4	999.9
Premium Unleaded	84.3	10.0	15.5	109.8	130.9	132.6	130.9	999.9
Ultra-Low-Sulfur Diesel	89.5	4.0	15.4	108.9	129.8	131.6	129.8	999.9
<b>Zone 6</b>								
Regular Unleaded	79.1	10.0	15.5	104.6	124.9	126.6	124.9	999.9
Mid-Grade Unleaded	82.1	10.0	15.5	107.6	128.3	130.1	128.3	999.9
Premium Unleaded	85.1	10.0	15.5	110.6	131.8	133.5	131.8	999.9
Ultra-Low-Sulfur Diesel	90.3	4.0	15.4	109.7	130.8	132.5	130.8	999.9

**N.S. Reg. 316/2011**

Made: December 13, 2011

Filed: December 13, 2011

Proclamation, S. 12, S.N.S. 2011, c. 21

Order in Council 2011-418 dated December 13, 2011

Proclamation made by the Governor in Council

pursuant to Section 12 of

*An Act to Amend Chapter 260 of the Revised Statutes, 1989, the Liquor Control Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated November 21, 2011, and pursuant to Section 12 of Chapter 21 of the Acts of 2011, *An Act to Amend Chapter 260 of the Revised Statutes, 1989, the Liquor Control Act*, is pleased to order and declare by proclamation that Chapter 21 of the Acts of 2011, *An Act to Amend Chapter 260 of the Revised Statutes, 1989, the Liquor Control Act*, do come into force on and not before January 4, 2012.

PROVINCE OF NOVA SCOTIA

sgd: **J. Michael MacDonald**

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 12 of Chapter 21 of the Acts of 2011, *An Act to Amend Chapter 260 of the Revised Statutes, 1989, the Liquor Control Act*, it is enacted as follows:

- 12** 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 21 of the Acts of 2011, *An Act to Amend Chapter 260 of the Revised Statutes, 1989, the Liquor Control Act*, do come into force on and not before January 4, 2012;

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 21 of the Acts of 2011, *An Act to Amend Chapter 260 of the Revised Statutes, 1989, the Liquor Control Act*, do come into force on and not before January 4, 2012, 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 His Honour the Honourable J. Michael MacDonald, Administrator of the Government of the Province of Nova Scotia.

AT Our Law Courts in the Halifax Regional Municipality, this 13th day of December in the year of Our Lord two thousand and eleven and in the sixtieth year of Our Reign.

BY COMMAND:

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

**N.S. Reg. 317/2011**

Made: December 13, 2011

Filed: December 13, 2011

Liquor Licensing Regulations

Order in Council 2011-419 dated December 13, 2011  
Amendment to regulations made by the Governor in Council  
pursuant to Section 50 of the *Liquor Control Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated November 21, 2011, and pursuant to Section 50 of Chapter 260 of the Revised Statutes of Nova Scotia, 1989, the *Liquor Control Act*, is pleased to amend the *Liquor Licensing Regulations*, N.S. Reg. 365/2007, made by the Governor in Council by Order in Council 2007-445 dated August 17, 2007, to provide for changes consequential to Chapter 21 of the Acts of 2011, *An Act to Amend Chapter 260 of the Revised Statutes, 1989, the Liquor Control Act*, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after January 4, 2012.

**Schedule "A"**

**Amendment to the *Liquor Licensing Regulations*  
made by the Governor in Council pursuant to Section 50 of  
Chapter 260 of the Revised Statutes of Nova Scotia, 1989,  
the *Liquor Control Act***

- 1 (1) Clause 2(e) of the *Liquor Licensing Regulations*, N.S. Reg. 365/2007, made by the Governor in Council by Order in Council 2007-445 dated August 17, 2007, is amended by
  - (a) striking out "Minister" and substituting "Executive Director"; and
  - (b) striking out "by the Review Board".
- (2) Clause 2(g) of the regulations is amended by striking out "Labour and Workforce Development" and substituting "Service Nova Scotia and Municipal Relations".
- 2 The regulations are further amended by adding the following Section immediately after Section 2:
 

**Substituted reference and referrals to Review Board**

**2A (1)** A reference in these regulations to the Executive Director must be read as a reference to the Review Board, as necessary, for the purposes of the determination by the Review Board of any matter that the Executive Director refers to it under the Act and these regulations and the carrying out of the Review Board's decision on the referred matter.

**(2)** A reference in these regulations to the authority of the Executive Director to refer a matter to the Review Board is for the sake of clarity and is not intended to limit the Executive Director's authority to refer a matter to the Review Board under subsection 47(3) of the Act.
- 3 Section 3 of the regulations is amended by striking out "Minister" and substituting "Executive Director".
- 4 (1) Clause 4(2)(b) of the regulations is amended by
  - (a) striking out "Minister or the Review Board" and substituting "Executive Director"; and
  - (b) adding ", in a jurisdiction other than the Province," immediately after "or applied for".

- (2) Subsection 4(2) of the regulations is further amended by
  - (a) striking out “Review Board” wherever it appears in clause (d) and substituting “Executive Director”;
  - (b) striking out “Review Board” wherever it appears in clause (e) and substituting “Executive Director”;
  - (c) striking out “and director” immediately after “officer” in subclause (e)(iii) and substituting “, director and shareholder”; and
  - (d) striking out “Review Board” in subclause (f)(vii) and substituting “Executive Director”.
- (3) Subsection 4(4) of the regulations is amended by
  - (a) striking out “Minister or the Review Board” in clause (h) and substituting “Executive Director”; and
  - (b) striking out “Minister or the Review Board” in clause (l) and substituting “Executive Director”.
- 5 Subsection 6(3) of the regulations is amended by striking out “Review Board” and substituting “Executive Director”.
- 6
  - (1) The regulations are amended by striking out the heading to Section 7 and substituting “Application and information reviewed by Executive Director”.
  - (2) Subsection 7(1) of the regulations is amended by striking out all of the text after “Except as provided in subsection (2),” and substituting “an application must not be reviewed by the Executive Director until all the information required from an applicant under Section 3 is received by the Executive Director”.
  - (3) Subsection 7(2) of the regulations is amended by striking out “Minister may forward an application to the Review Board” and substituting “Executive Director may review an application”.
  - (4) Subsection 7(3) of the regulations is repealed.
- 7 Section 8 of the regulations is amended by
  - (a) striking out “(9)” and substituting “(8)”;
  - (b) striking out “Review Board” wherever it appears and substituting “Executive Director”; and
  - (c) striking out “in any way” in clauses (b) and (c).
- 8 Section 9 of the regulations is amended by
  - (a) striking out “Review Board” wherever it appears and substituting “Executive Director”; and
  - (b) striking out “pro-forma” in clause (1)(c) and substituting “1-year”.
- 9 Section 11 of the regulations is amended by



- (a) striking out “Review Board” wherever it appears and substituting “Executive Director”; and
  - (b) striking out “3 years” in subsection (1) and substituting “1 year”.
- 10 Subsection 11A of the regulations is amended by
- (a) adding “or the Executive Director” immediately after “Review Board”; and
  - (b) adding “or the Executive Director” immediately after “because the member”.
- 11 Section 12 of the regulations is amended by striking out “Review Board” wherever it appears and substituting “Executive Director”.
- 12 Section 13 of the regulations is amended by striking out “Review Board” wherever it appears and substituting “Executive Director”.
- 13 Section 14 of the regulations is amended by striking out “Review Board” and substituting “Executive Director”.
- 14 (1) Subsection 16(1) of the regulations is amended by striking out “Minister” and substituting “Executive Director”.
- (2) Subsection 16(2) of the regulations is amended by striking out “Minister” and substituting “Executive Director”.
- (3) Subsections 16(3) and (4) of the regulations are repealed.
- (4) Subsection 16(5) of the regulations is amended by
- (a) striking out “Review Board” and substituting “Executive Director”; and
  - (b) striking out “add or amend” in clause (b) and substituting “impose, rescind or amend”; and
  - (c) striking out the period at the end of clause (d) and substituting a semicolon, and adding the following clause immediately after clause (d):
    - (e) refer the matter to the Review Board in accordance with subsection 47(3) of the Act.
- 15 Section 17 of the regulations is amended by striking out “Minister” and substituting “Executive Director”.
- 16 Section 18 of the regulations is amended by striking out “Review Board” and substituting “Executive Director”.
- 17 (1) Section 19 of the regulations is amended by striking out “Review Board” and substituting “Executive Director”.
- (2) The regulations are further amended by renumbering Section 19 as subsection 19(1) and adding the following subsection immediately after subsection (1):
- (2) The Executive Director may cancel a permanent license that has not been reinstated in accordance with subsection (1).

- 18 Subsection 20(1) of the regulations is amended by striking out “Review Board” and substituting “Executive Director”.
- 19 (1) Subsection 21(1) of the regulations is amended by striking out “Minister” and substituting “Executive Director”.
- (2) Subsection 21(2) of the regulations is amended by striking out “Review Board” and substituting “Executive Director”.
- (3) Subsection 21(3) of the regulations is amended by striking out “Review Board” and substituting “Executive Director”.
- 20 The regulations are further amended by repealing Section 22 and its heading and substituting the following heading and Section:

**Determining maximum number of persons permitted in licensed premises**

- 22** (1) Before granting a permanent license, the Executive Director must determine an approximate maximum number of persons that the proposed licensed premises may hold, in accordance with Section 22A, and must include that information in any notice of public consultation provided in accordance with subsection 49(8) or 49(12) of the Act.
- (2) At the time of granting a permanent license, the Executive Director must confirm the actual maximum number of persons the proposed licensed premises may hold, as determined in accordance with Section 22A, which may be lower than the occupant load determined by a fire official.
- (3) If the maximum number of persons determined by the Executive Director for a proposed licensed premises is more than the occupant load for the premises as determined by a fire official, the Executive Director must, before the license certificate is issued, reduce the number to be specified on the license so that it equals the occupant load.
- (4) If the occupant load for a licensed premises is subsequently changed by a fire official, the licensee who holds the permanent license for the premises must notify the Executive Director.
- (5) On being notified that the occupant load for a licensed premises has been
- (a) reduced, the Executive Director must reduce the maximum number of persons the licensed premises may hold, as specified on the license, to a number equivalent to the occupant load;
- (b) increased, and at the request of the licensee, the Executive Director may review the maximum number of persons the premises may hold and may increase the number specified on the license to a number that does not exceed
- (i) the number determined in accordance with Section 22A; or
- (ii) the occupant load.

- 21 The regulations are further amended by adding the following Section immediately after Section 22:

**Maximum number of persons based on size of customer accommodation area**

- 22A** (1) A licensed premises may hold no more than 1 person for every 1.1148 m<sup>2</sup> (12 ft.<sup>2</sup>) of the licensed premises' customer accommodation area.

- (2) The Executive Director may issue a policy establishing the method of determining the size of a customer accommodation area.

22 The regulations are further amended by repealing Section 23 and substituting the following Section:

**Issuance of license certificate**

**23** On granting a license, the Executive Director must issue a license certificate to the licensee, and any conditions placed on the license must be set out in an attachment to the license certificate.

23 Section 24 of the regulations is amended by striking out “permanent”.

24 Section 25 of the regulations is amended by striking out “permanent license it grants, the Review Board” and substituting “license granted, the Executive Director”.

25 Section 26 of the regulations is amended by

- (a) striking out “Review Board” immediately before “may grant a permanent license” in the text before clause (a) and substituting “Executive Director”;
- (b) striking out “Review Board must advise the Minister not to issue a license certificate until the Minister” in clause (a) and substituting “Executive Director must not issue a license certificate until the Executive Director”; and
- (c) striking out “Minister” in clause (b) and substituting “Executive Director”.

26 (1) Section 27 of the regulations and its heading are amended by

- (a) striking out “Review Board” wherever it occurs and substituting “Executive Director”; and
- (b) striking out “alter or remove” and substituting “rescind or amend”.

(2) The regulations are further amended by renumbering Section 27 as subsection 27(1) and adding the following subsection immediately after subsection 27(1):

- (2) The Executive Director may hold a public consultation before determining whether to add conditions to or rescind or amend conditions on a permanent license.

27 Section 28 of the regulations is amended by striking out “Review Board” and substituting “Executive Director”.

28 (1) Subsection 29(1) of the regulations is amended by striking out “Review Board” and substituting “Executive Director”.

(2) Subsection 29(2) of the regulations is amended by striking out “Review Board may hold a hearing to determine” and substituting “Executive Director may make inquiries of, or request documentation from, the licensee or any other person for the purpose of determining”.

(3) Subsections 29(3) and (4) of the regulations are repealed.

(4) Subsection 29(5) of the regulations is amended by striking out everything before clause (a) and substituting “If the Executive Director is satisfied that the operation of a licensed premises is interfering with the quiet enjoyment of neighbouring properties, the Executive Director may do any of the following:”.

- (5) Section 29 of the regulations is further amended by adding the following subsection immediately after subsection (5):
- (6) The Executive Director may refer a matter under this Section to the Review Board in accordance with subsection 47(3) of the Act.
- 29 Subsection 30(1) of the regulations is amended by striking out “Minister” and substituting “Executive Director”.
- 30 (1) Subsection 32(1) of the regulations and the heading to Section 32 are amended by striking out “Review Board” wherever it appears and substituting “Executive Director”.
- (2) Subsection 32(2) of the regulations is repealed and the following subsection substituted:
- (2) Except as provided in subsection (2A), a permanent licensee may change the location of their licensed premises only if the permanent licensee submits all of the information required by subsection 4(4) to the Executive Director for the new location and the Executive Director approves the new location.
- (3) Section 32 of the regulations is further amended by adding the following subsection immediately after subsection (2):
- (2A) The Executive Director may waive some or all of the requirements of subsection 4(4), as the Executive Director considers appropriate, for a licensee seeking approval for a change of location.
- (4) Subsection 32(3) of the regulations is amended by striking out “Review Board may hold a public hearing” and substituting “Executive Director may hold a public consultation”.
- (5) Subsection 32(4) of the regulations is amended by striking out “Minister” and substituting “Executive Director”.
- (6) Subsection 32(5) of the regulations is repealed.
- 31 Section 32A of the regulations and its heading are amended by
- (a) striking out “Minister” wherever it appears and substituting “Executive Director”; and
- (b) striking out “floorplan” wherever it appears and substituting “floor plan”.
- 32 (1) Subsection 33(1) of the regulations is amended by striking out “Minister or the Review Board” and substituting “Executive Director”.
- (2) Subsection 33(2) of the regulations is amended by striking out “Minister” and substituting “Executive Director”.
- (3) Subsection 33(3) of the regulations is amended by striking out “Minister” and substituting “Executive Director”.
- (4) Clause 33(3)(b) of the regulations is repealed and the following clauses substituted:
- (b) refuse to approve the change in manager;

- (c) refer the matter to the Review Board in accordance with subsection 47(3) of the Act.
- (5) Subsection 33(4) of the regulations is repealed.
- (6) Subsection 33(5) of the regulations is amended by striking out “Minister or the Review Board” and substituting “Executive Director”.
- 33 Section 34 of the regulations and its heading are amended by striking out “Review Board” wherever it appears and substituting “Executive Director”.
- 34 Section 35 of the regulations is amended by striking out “Minister” wherever it appears and substituting “Executive Director”.
- 35 Section 35A of the regulations is amended by re-lettering the second clause (a) as clause (b).
- 36 (1) The regulations are further amended by striking out the heading to Section 35B and substituting “Executive Director, Minister and Review Board may issue policies”.
- (2) Section 35B of the regulations is amended by adding “Executive Director, the Minister and the” immediately before “Review Board”.
- 37 (1) Subsection 37(1) of the regulations is amended by
- (a) striking out “Minister” wherever it appears and substituting “Executive Director”; and
- (b) adding “and any documentation requested in the application form” after “a completed application form” in clause (a).
- (2) Subsection 37(2) of the regulations is amended by striking out “Minister” and substituting “Executive Director”.
- 38 Section 37A of the regulations is amended by striking out “Minister” and substituting “Executive Director”.
- 39 The regulations are further amended by adding the following Section immediately after Section 37A:
- Conditions set by Executive Director on special occasion license**
- 37B** The Executive Director may impose conditions on a special occasion license and may rescind or amend existing conditions on a special occasion license.
- 40 Section 42 of the regulations is amended by striking out “Minister” wherever it appears and substituting “Executive Director”.
- 41 (1) Subsection 43(1) of the regulations is amended by striking out “Minister” and substituting “Executive Director”.
- (2) Subsection 43(1) is further amended by striking out “suspend or revoke a special occasion license” and substituting “immediately suspend a special occasion license and revoke a special occasion license granted to the licensee for a future event”.
- (3) Subsection 43(2) is amended by adding “immediately” after “An inspector may”.

- 42 Subsection 46(1) of the regulations is amended by striking out “Minister” wherever it appears and substituting “Executive Director”.
- 43 Section 53 of the regulations is amended by striking out “Minister” wherever it appears and substituting “Executive Director”.
- 44 Section 54 of the regulations is amended by striking out “Minister” wherever it appears and substituting “Executive Director”.
- 45 Subsection 62(2) of the regulations is amended by striking out “Minister” and substituting “Executive Director”.
- 46 Subsection 64(6) of the regulations is amended by striking out “licensed premises that are” and substituting “a licensed premises that is”.
- 47 Clause 65(d) of the regulations is amended by striking out “Minister” and substituting “Executive Director”.
- 48 Section 67 of the regulations is amended by striking out “determined as safe for the premises by the Review Board” and substituting “specified on their license”.
- 49 (1) Subsection 68(1) and the heading to Section 68 of the regulations are amended by striking out “Minister” wherever it appears and substituting “Executive Director”.
- (2) Subsection 68(2) of the regulations is amended by striking out “Review Board” and substituting “Executive Director”.
- (3) Subsection 68(3) of the regulations is amended by striking out “Board” and substituting “Executive Director”.
- (4) Subsection 68(4) of the regulations is amended by
- (a) striking out “Review Board” wherever it appears and substituting “Executive Director”; and
  - (b) striking out the period at the end of clause (d) and substituting a semicolon, and adding the following clause immediately after clause (d):
    - (e) the permanent licensee appeals the suspension in accordance with Section 81C and
      - (i) the Review Board lifts the suspension, or
      - (ii) at the end of the 12-month period, a decision in the appeal has not yet been made.
- 50 Subsection 70(3) of the regulations is amended by striking out “Minister” wherever it appears and substituting “Executive Director”.
- 51 Section 71 of the regulations is amended by striking out “Minister” wherever it appears and substituting “Executive Director”.
- 52 Section 73 of the regulations and its heading are amended by striking out “Minister” wherever it appears and substituting “Executive Director”.

- 53 Subsection 78(3) of the regulations is amended by striking out “Minister” and substituting “Executive Director”.
- 54 The regulations are further amended by striking out the centred heading “Disciplinary Action” immediately after Section 81 and substituting “Disciplinary Action and Referrals to Review Board”.
- 55 The regulations are further amended by adding the following headings and Sections immediately after the heading “Disciplinary Action and Referrals to Review Board” that follows Section 81:

**Disciplinary action against permanent licensee**

- 81A (1)** If the Executive Director proposes to take action under clause 47B(1)(a) of the Act the Executive Director must serve a notice of proposed action on the permanent licensee.
- (2) A notice of proposed action may be in any form, but it must be in writing and include all of the following:
- (a) a description of the proposed action, as set out in clause 47(1)(b), (c) or (d) of the Act, as applicable;
  - (b) written reasons supporting the proposed action, including how the permanent licensee has failed to comply with the conditions of a permanent license, has contravened the Act or these regulations or has been convicted of an offence under the *Criminal Code* or a quasi-criminal statute, as applicable, as set out in subsection 47B(1) of the Act;
  - (c) a statement that the permanent licensee may object in writing to the proposed action in accordance with subsection (3) and (4);
  - (d) a description of the actions available to the Executive Director under subsection (5).
- (3) To object to a proposed action, the permanent licensee on whom the notice of proposed action was served must file a written notice of objection with the Executive Director no later than 14 days after the date the notice of proposed action was served on the permanent licensee.
- (4) A notice of objection may be in any form, but it must be in writing and include all of the following:
- (a) the name, address and phone number of the permanent licensee;
  - (b) a copy of the notice of proposed action;
  - (c) the reason the permanent licensee objects to the proposed action.
- (5) After considering any objection to a notice of proposed action, the Executive Director must do one of the following:
- (a) take the proposed action;
  - (b) rescind the notice of proposed action;
  - (c) vary the proposed action, but only if the action taken is permitted by clause 47(1)(b), (c) or (d) of the Act;

- (d) refer the matter to the Review Board in accordance with subsection 47B(1)(b) of the Act.
- (6) The Executive Director must serve notice of the decision made under subsection (5) on the permanent licensee who is the subject of the decision.

**Immediate action against permanent licensee**

- 81B (1)** The Executive Director may take immediate action against a permanent licensee under clause 47B(1)(a) of the Act if, in the opinion of the Executive Director, the permanent licensee is providing liquor to patrons in an irresponsible manner, is unable to ensure the care and control of the licensed premises or is otherwise acting in a manner that may threaten public safety.
- (2) For immediate action taken under subsection (1) the notice and objection provisions in Section 81A do not apply.
  - (3) The Executive Director must serve notice of the immediate action taken, including reasons supporting the action, on the permanent licensee against whom the action is taken, and the action is effective immediately on the notice being served.
  - (4) A permanent licensee may appeal an immediate action to the Review Board in accordance with Section 81C if the action
    - (a) imposes or amends conditions on their permanent license on an ongoing basis;
    - (b) suspends their permanent license on an ongoing basis; or
    - (c) cancels all or any part of their permanent license.
  - (5) In addressing an appeal of an immediate action, the Review Board must only confirm, vary or revoke the immediate action from the date of the Review Board's decision forward, and must not determine the correctness of the action taken by the Executive Director.

**Appeal of licensing decision or disciplinary action**

- 81C (1)** To appeal a decision of the Executive Director on licensing under Section 47A of the Act or a disciplinary action taken by the Executive Director under subsection 47B(2) of the Act, the permanent licensee or applicant for a permanent license must file a notice of appeal with the Review Board no later than 14 days after the date of the Executive Director's decision or action.
- (2) A notice of appeal may be in any form, but it must be in writing and include all of the following:
    - (a) the name, address and phone number of the permanent licensee or applicant for a permanent license;
    - (b) a copy of the Executive Director's decision that is being appealed;
    - (c) the remedy the permanent licensee or applicant for a permanent license is seeking on appeal.
  - (3) On receipt of a notice of appeal, the Review Board must provide a copy of it to the Executive Director.



- (4) A hearing by the Review Board to determine a matter in an appeal may be held as an oral hearing or through written submissions, as the Review Board considers appropriate.
- (5) The Review Board may determine its own rules respecting practice and procedure for an appeal.
- (6) A permanent licensee or applicant for a permanent license may be represented by counsel in an appeal.
- (7) The following are parties to an appeal:
  - (a) the permanent licensee or applicant for a permanent license;
  - (b) the Executive Director;
  - (c) any person that the Review Board specifies.
- (8) The Executive Director may choose a designate to participate in an appeal on behalf of the Executive Director.
- (9) Unless it is rescinded under Section 47C of the Act, a decision of the Executive Director that is not appealed is final and binding.

**Rescinding decision**

- 81D** (1) Subject to subsection (2), the Executive Director may rescind a decision in accordance with Section 47C of the Act no later than 28 days after the date of the decision.
- (2) A decision that is appealed to the Review Board is not rescindable once the Review Board has rendered a decision in the appeal.
  - (3) On rescinding a decision, the Executive Director must serve notice of the rescission
    - (a) on the permanent licensee or applicant for a permanent license who is the subject of the decision; and
    - (b) if the decision has been appealed to the Review Board, on the Review Board.
  - (4) On receipt of a notice that the Executive Director has rescinded a decision that has been appealed to the Review Board, the Review Board must serve notice of the rescission on any person that the Review Board has specified as a party to the appeal.

56 Section 82 of the regulations and its heading are repealed and the following headings and Sections substituted:

**Notice of referral to Review Board**

- 82** (1) If the Executive Director refers a licensing matter to the Review Board under subsection 47(3) of the Act or refers a disciplinary action to the Review Board under clause 47B(1)(b) of the Act, a notice of the referral must be
- (a) filed with the Review Board; and
  - (b) served on the permanent licensee or applicant for a permanent license who is the subject of the referral.

- (2) A notice of referral may be in any form, but it must be in writing and include all of the following:
  - (a) whether the referral is made under subsection 47(3) or clause 47B(1)(b) of the Act;
  - (b) the matter to be determined by the Review Board;
  - (c) a statement that the permanent licensee or applicant for a permanent license has a right to participate in the referral process.

**Referral of licensing matter**

- 82A** (1) The Review Board may determine its own rules respecting practice and procedure for a licensing matter that has been referred to it by the Executive Director under subsection 47(3) of the Act.
- (2) A permanent licensee or applicant for a permanent license may be represented by counsel in a licensing matter.
  - (3) Once a permanent licensee or applicant for a permanent license is notified that a licensing matter has been referred to the Review Board and given an opportunity to participate, the Review Board may proceed without the participation of the licensee or applicant without further notice to the licensee or applicant.
  - (4) A hearing by the Review Board to determine a licensing matter may be held as an oral hearing or through written submissions, as the Review Board considers appropriate.
  - (5) The Executive Director must give the Review Board a copy of any documentation submitted under these regulations by a permanent licensee or applicant for a permanent license with respect to whom a licensing matter has been referred to the Review Board.
  - (6) As set out in subsections 47(1) and (3) of the Act, in determining a licensing matter, the Review Board may, subject to the Act, but otherwise in the Review Board's discretion, do any of the following:
    - (a) grant, renew and transfer licenses to sell liquor in accordance with the conditions of the licenses and of the Act and these regulations;
    - (b) impose conditions on any license or rescind or amend existing conditions on a license in accordance with the Act and these regulations;
    - (c) suspend all or any part of a license for such time that the Review Board considers appropriate;
    - (d) cancel all or any part of a license.

**Referral of disciplinary matter**

- 82B** (1) The Review Board may determine its own rules respecting practice and procedure for a disciplinary matter that has been referred to it by the Executive Director under 47B(1)(b) of the Act.
- (2) A permanent licensee may be represented by counsel in a disciplinary matter.

- (3) Once a permanent licensee is notified that a disciplinary matter has been referred to the Review Board and given an opportunity to participate, the Review Board may proceed without the permanent licensee's participation without further notice to the licensee.
  - (4) A hearing by the Review Board to determine a disciplinary matter may be held as an oral hearing or through written submissions, as the Review Board considers appropriate.
  - (5) As set out in clauses 47E(2)(a) to (e) and subsection 47E(3) of the Act, in determining a disciplinary matter, the Review Board may, subject to the Act, but otherwise in the Review Board's discretion, do any of the following:
    - (a) impose conditions on a license;
    - (b) rescind or amend existing conditions on a license;
    - (c) suspend all or any part of a license for any period of time that the Review Board considers appropriate;
    - (d) cancel all or any part of a license;
    - (e) order, in accordance with the Act and these regulations, another remedy that the Review Board considers appropriate.
- 57 (1) Subsection 83(1) of the regulations is repealed and the following subsection substituted:
- (1) On suspending a license, the Executive Director must set the date that the suspension begins.
- (2) Subsection 83(2) of the regulations is amended by
- (a) striking out "Review Board" wherever it appears and substituting "Executive Director"; and
  - (b) striking out "order" and substituting "require".
- 58 Clause 84(2)(c) of the regulations is amended by striking out "Minister" wherever it appears and substituting "Executive Director".
- 59 Subsection 85(2) of the regulations is amended by striking out "Review Board" and substituting "Executive Director".
- 60 The regulations are further amended by adding the following headings and Sections immediately after Section 85:

### Public Consultations

#### Form and manner of public consultation

- 85A (1)** The Executive Director must provide public notice of a public consultation using at least 1 of the following methods:
- (a) newspaper;
  - (b) mail distribution;

- (c) a method that provides reasonable notice to the public, as determined by the Executive Director.
- (2) Public notice of a public consultation must be
- (a) publicly available for at least 5 business days; and
  - (b) provided in
    - (i) the licensing area where the licensed premises is located, if a permanent license has already been granted, or
    - (ii) the licensing area where the proposed licensed premises is to be located, if a permanent license is being sought.
- (3) Public notice of a public consultation must be in writing and include all of the following:
- (a) the reason for the public consultation;
  - (b) the name of the permanent licensee or applicant for a permanent license whose licensed or proposed licensed premises is the subject of the public consultation;
  - (c) the location of the licensed or proposed licensed premises that is the subject of the public consultation;
  - (d) for a public consultation on an application for a permanent license, as required under subsections 49(8) and 49(12) of the Act, the approximate maximum number of persons that the proposed licensed premises may hold, in accordance with subsection 22(1);
  - (e) a statement that any person may, by filing a notice with the Executive Director by the deadline set in the public notice,
    - (i) object to the application, if an application for a permanent license is the subject of the public consultation, or
    - (ii) comment on a matter that is the subject of the public consultation.

#### **Notice of comment or objection**

- 85B (1)** A notice of comment or objection filed as part of a public consultation must be in writing and include all of the following:
- (a) the name, address and phone number of the person providing the comment or objection;
  - (b) the name of the permanent licensee or applicant for a permanent license or the location of the licensed premises or proposed licensed premises that is the subject of the comment or objection;
  - (c) the comment or objection.
- (2) On receiving a comment or objection about a matter that is the subject of a public consultation, the Executive Director
- (a) must consider the comment or objection; and

- (b) may make inquiries, request documentation or hold a meeting for the purpose of determining the matter.

#### **Information from previous public consultation held in municipality**

**85C** If a licensing matter on which the Executive Director is holding a public consultation has already undergone a public consultation or hearing in the municipality where the licensed premises or proposed licensed premises is located, the Executive Director may consider any information from that previous consultation or hearing in determining the matter under ~~this~~ Section [85E].

#### **Referring matter to Review Board before or after public consultation**

- 85D (1)** The Executive Director may refer a matter to the Review Board for determination either before or after any public consultation has taken place.
- (2) If the matter is referred to the Review Board before any public consultation has taken place, in addition to determining the matter, the Review Board is responsible for any public consultation held respecting the matter.
  - (3) The Executive Director may assist in a public consultation held by the Review Board, as directed by the Review Board.

#### **Determination after public consultation**

- 85E (1)** After holding a public consultation for the purpose of determining whether to grant a license, in accordance with subsection 49(8) or 49(12) of the Act, the Executive Director must do one of the following:
- (a) grant the application for a permanent license, and impose any conditions on the license that the Executive Director determines, in accordance with the Act and these regulations;
  - (b) refuse to grant the application for a permanent license;
  - (c) refer the matter to the Review Board in accordance with subsection 47(3) of the Act.
- (2) After holding a public consultation for the purpose of determining whether to impose, rescind or amend conditions on a permanent license in accordance with subsection 27(2) of these regulations, the Executive Director may
- (a) impose conditions on the license;
  - (b) rescind or amend existing conditions on the license; or
  - (c) refer the matter to the Review Board in accordance with subsection 47(3) of the Act.

### **Documents**

#### **Service of documents and deemed receipt**

- 85F (1)** A document that is served under these regulations must be served
- (a) in the case of an individual,
    - (i) personally,

- (ii) by registered mail to the individual's most recent address known to the person sending the document, or
  - (iii) by facsimile or other electronic transmission that allows proof of successful transmission; or
- (b) in the case of a corporation,
- (i) personally on the recognized agent or a director, manager or officer of the corporation,
  - (ii) by registered mail to the registered office of the corporation or, for an extra-provincial corporation, to the office of its legal counsel in the Province, or
  - (iii) by facsimile or other electronic transmission that allows proof of successful transmission.
- (2) Service under these regulations to a licensee who cannot be found in the Province may be effected by posting a copy of the document being served in a conspicuous place on the premises for which the license is held.
- (3) Any document that is served by registered mail is deemed to have been received by the addressee 3 days after the date of the first attempt by the postal service to deliver the document, unless the addressee establishes that they did not, acting in good faith, through absence, incident, illness or other cause beyond their control, receive a copy of the document until a later date than the deemed date of receipt.
- (4) Service by facsimile or other electronic transmission is deemed to have been received the day after it was sent or, if that deemed date of receipt is a Saturday or a holiday, on the next day that is not a Saturday or a holiday, unless the person being served establishes that they did not, acting in good faith, through absence, incident, illness or other cause beyond their control, receive a copy until a later date than the deemed date of receipt.

**Certified copy admissible in evidence**

**85G** A copy of a document that purports to be certified by the Executive Director or an inspector as being a true copy of the original is admissible in evidence in any proceeding under the Act or these regulations.

61 Section 87 of the regulations is amended by striking out "Minister" and substituting "Executive Director".

**N.S. Reg. 318/2011**

Made: December 15, 2011

Filed: December 19, 2011

Prescribed Petroleum Products Prices

Order dated December 15, 2011  
 made by the Nova Scotia Utility and Review Board  
 pursuant to Section 14 of the *Petroleum Products Pricing Act*  
 and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

**Order****NSUARB-GAS-W-11-52****In the Matter of the *Petroleum Products Pricing Act*****- and -**

**In the Matter of Prescribing Prices for Petroleum Products  
 pursuant to Section 14 of the *Petroleum Products Pricing Act* and  
 Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

**Before:** Peter W. Gurnham, Q.C., Chair**Order**

**Whereas** the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

**And whereas** the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

**And whereas** the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended December 14, 2011, are:

Grade 1 Regular gasoline	71.0¢ per litre
Ultra-low-sulfur diesel oil	78.8¢ per litre

**Now therefore** the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	71.0¢ per litre
Grade 2	74.0¢ per litre
Grade 3	77.0¢ per litre
Ultra-low-sulfur diesel oil	78.8¢ per litre

**And now therefore** the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	plus 0.1¢ per litre
Ultra-low-sulfur diesel oil:	minus 1.0¢ per litre

**And whereas** a winter blending adjustment of plus 3.4¢ per litre is required for ultra-low-sulfur diesel oil;

**And now therefore** the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., December 16, 2011.

**Dated** at Halifax, Nova Scotia, this 15th day of December, 2011.

Sgd: *Elaine Wagner*  
 Clerk of the Board

## 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 December 16, 2011**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
<b>Zone 1</b>								
Regular Unleaded	77.4	10.0	15.5	102.9	122.9	124.7	122.9	999.9
Mid-Grade Unleaded	80.4	10.0	15.5	105.9	126.4	128.1	126.4	999.9
Premium Unleaded	83.4	10.0	15.5	108.9	129.8	131.6	129.8	999.9
Ultra-Low-Sulfur Diesel	87.5	4.0	15.4	106.9	127.5	129.3	127.5	999.9
<b>Zone 2</b>								
Regular Unleaded	77.8	10.0	15.5	103.3	123.4	125.1	123.4	999.9
Mid-Grade Unleaded	80.8	10.0	15.5	106.3	126.8	128.6	126.8	999.9
Premium Unleaded	83.8	10.0	15.5	109.3	130.3	132.0	130.3	999.9
Ultra-Low-Sulfur Diesel	87.9	4.0	15.4	107.3	128.0	129.7	128.0	999.9
<b>Zone 3</b>								
Regular Unleaded	78.3	10.0	15.5	103.8	124.0	125.7	124.0	999.9
Mid-Grade Unleaded	81.3	10.0	15.5	106.8	127.4	129.1	127.4	999.9
Premium Unleaded	84.3	10.0	15.5	109.8	130.9	132.6	130.9	999.9
Ultra-Low-Sulfur Diesel	88.4	4.0	15.4	107.8	128.6	130.3	128.6	999.9
<b>Zone 4</b>								
Regular Unleaded	78.3	10.0	15.5	103.8	124.0	125.7	124.0	999.9
Mid-Grade Unleaded	81.3	10.0	15.5	106.8	127.4	129.1	127.4	999.9
Premium Unleaded	84.3	10.0	15.5	109.8	130.9	132.6	130.9	999.9
Ultra-Low-Sulfur Diesel	88.4	4.0	15.4	107.8	128.6	130.3	128.6	999.9
<b>Zone 5</b>								
Regular Unleaded	78.3	10.0	15.5	103.8	124.0	125.7	124.0	999.9
Mid-Grade Unleaded	81.3	10.0	15.5	106.8	127.4	129.1	127.4	999.9
Premium Unleaded	84.3	10.0	15.5	109.8	130.9	132.6	130.9	999.9
Ultra-Low-Sulfur Diesel	88.4	4.0	15.4	107.8	128.6	130.3	128.6	999.9
<b>Zone 6</b>								
Regular Unleaded	79.1	10.0	15.5	104.6	124.9	126.6	124.9	999.9
Mid-Grade Unleaded	82.1	10.0	15.5	107.6	128.3	130.1	128.3	999.9
Premium Unleaded	85.1	10.0	15.5	110.6	131.8	133.5	131.8	999.9
Ultra-Low-Sulfur Diesel	89.2	4.0	15.4	108.6	129.5	131.2	129.5	999.9



**N.S. Reg. 319/2011**

Made: December 7, 2011

Approved: December 14, 2011

Filed: December 20, 2011

Nova Scotia Egg Producers Levy Order

Order dated December 14, 2011  
made by the Egg Producers of Nova Scotia and  
approved by the Natural Products Marketing Council  
pursuant to clause 9(1)(hb) of the *Natural Products Act*

**Egg Producers of Nova Scotia**

**I certify that** the Egg Producers of Nova Scotia at their Board meeting on December 7, 2011, pursuant to ~~subsection~~ [clause] 6(g) of the Nova Scotia Egg Producers' Marketing Plan, carried a motion amending the *Egg Producers Levy Order* [N.S. Reg. 170/2006,] in the manner set forth in the attached Schedule "A" effective on January 1, 2012.

**Dated and signed** at Truro, Nova Scotia, on December 14, 2011.

Sgd.: *Patti Wyllie*  
Patti Wyllie  
Manager

-----

**I certify that** the Natural Products Marketing Council at its meeting of December 14, 2011 approved the request of the Egg Producers of Nova Scotia for the change of levy reflected in Schedule "A" attached.

**Dated and signed** at Truro, Nova Scotia, on December 15, 2011.

Sgd.: *E. A. Crouse*  
Elizabeth Crouse, P. Ag.  
General Manager  
Natural Products Marketing Council

**Schedule "A"**

**Amendment to the  
Nova Scotia Egg Producers Levy Order  
made under Section 11 of the  
*Natural Products Act* and ~~subsection~~ [clause] 6(g) of the  
Nova Scotia Egg Producers' Marketing Plan**

† Subsection 3(1) of the *Nova Scotia Egg Producers Levy Order* [N.S. Reg. 170/2006,] is amended by striking out "\$0.3725" and substituting "\$0.3875".

**N.S. Reg. 320/2011**

Made: December 14, 2011

Filed: December 20, 2011

Distributor Licensing Regulations

Order dated December 14, 2011  
made by the Natural Products Marketing Council  
pursuant to Section 9 of the *Dairy Industry Act*

I certify that the Natural Products Marketing Council, pursuant to Section 9 of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, at its meeting on December 14, 2011, carried a motion to

- (a) repeal the *Distributor Licence Fees Regulations*, N.S. Reg. 227/2009, made by the Natural Products Marketing Council on May 12, 2009; and
- (b) make new regulations respecting distributor licensing in the form attached as Schedule “A”,  
effective on and after Dec. 14, 2011.

Signed at Truro, in Colchester County, Nova Scotia, on Dec. 16, 2011.

Natural Products Marketing Council

Sgd.: *E. A. Crouse*  
per: Elizabeth A. Crouse  
General Manager

**Schedule “A”**

**Regulations Respecting Distributor Licensing  
made under Section 9 of Chapter 24 of the Acts of 2000,  
the *Dairy Industry Act***

**Citation**

1 These regulations may be cited as the *Distributor Licensing Regulations*.

**Definitions**

2 In these regulations,

“distributor licence” means a licence to carry on the business of distributing fluid milk products issued to a distributor by the Council as a licensing authority appointed under Section 19 of the Act;

“registered labels” means labels on fluid milk product containers that are approved and registered by the Canadian Food Inspection Agency;

“total litres of Class 1 milk sold in the Province” means the total litres of Class 1 milk sold by a distributor in the Province, including Class 1 products imported into the Province, but excluding Class 1 products processed in the Province and sold outside the Province;

**Fluid milk products to be obtained from licensed distributor**

**3** A person or entity must not obtain fluid milk products for resale or distribution from any distributor who does not hold a valid distributor licence.

**Applying for distributor licence**

- 4** (1) A person may apply to the Council for an initial distributor licence by submitting a completed licence application on a form provided by the Council.
- (2) An application under subsection (1) must be signed by the applicant and contain at least all of the following information:
- (a) the application date;
  - (b) the following information about the applicant:
    - (i) any business name and Nova Scotia ~~Joint Registry of Stocks~~ [Registry of Joint Stock Companies] number,
    - (ii) mail and civic addresses for all distribution locations,
    - (iii) telephone, fax and email address;
  - (c) an outline of the applicant's proposed distribution plan including:
    - (i) the areas in which the applicant will distribute fluid milk products,
    - (ii) the categories and volumes of fluid milk products the applicant will distribute,
    - (iii) any other provinces in which the applicant will distribute fluid milk products, and
    - (iv) any information the Council considers necessary to assess ~~your~~ [the applicant's] plan.

**Renewing distributor licence**

- 5** (1) A distributor may apply to the Council to renew their distributor licence by submitting a completed licence renewal application form provided by the Council.
- (2) If a distributor does not request changes to the terms and conditions of their distributor licence, the Council may decide an application to renew a licence without recommendations from the Board.
- (3) If a distributor requests changes to the terms and conditions of their distributor licence, the Council must forward the licence renewal application to the Board for its recommendation.
- (4) The Board must make a recommendation on any application forwarded to it by the Council.

**Distributor licence term**

**6** A distributor licence is valid for a term of 3 years.

**Distributor licence not transferable**

**7** A distributor licence is not transferable.

**Distributor fees for Council services**

- 8** (1) A distributor must pay the Council a fee of \$0.016/hL for Council services based on the total litres of Class 1 milk sold in the Province during each calendar month.
- (2) A distributor must pay the fees required by subsection (1) no later than
- (a) 25 days after the end of the month, for a distributor with more than 500 000 total litres of Class 1 milk sold in the Province during a calendar year;
  - (b) 60 days after the end of the calendar year, for a distributor with less than 500 000 total litres of Class 1 milk sold in the Province during a calendar year.

**Conditions of distributor licence**

- 9** In addition to any conditions imposed by Council under subsection 7(2) of the Act, it is a condition of every distributor's licence that the holder must:
- (a) observe, perform and carry out the provisions of the Act, the regulations, all plans, agreements and orders of the Council and the Board;
  - (b) comply with the *Health Protection Act* and regulations under the [that] Act that apply to the dairy industry;
  - (c) comply with the Nova Scotia Milk Packaging Stewardship Agreement.
  - (d) notify the Council in writing and obtain the approval of Council for any changes proposed for the distributor's operation;
  - (e) notify the Council in writing and obtain the approval of Council for all registered labels that the distributor distributes;
  - (f) ensure that fluid milk products are segregated from any other products carried by the distributor's delivery vehicles;
  - (g) for a corporation, ensure no officer, director, employee or person under their control or direction contravenes the Act or its regulations or any law applying to the carrying on of a business distributing fluid milk products.

**Distributor licence suspended or cancelled**

- 10** The Council may suspend or cancel a distributor licence if the holder fails to comply with any applicable law, the Code or any policy adopted by Council.

**Distributor licence surrendered to Council**

- 11** A distributor who ceases to carry on business as a distributor must promptly surrender their distributor licence to the Council.

**N.S. Reg. 321/2011**

Made: December 13, 2011

Approved: December 14, 2011

Filed: December 20, 2011

Milk Pricing Regulations

Order dated December 14, 2011  
Amendment to regulations made by the Dairy Farmers of Nova Scotia  
and approved by the Natural Products Marketing Council  
pursuant to clauses 14(1)(c) and 15(1)(g) of the *Dairy Industry Act*

**Dairy Farmers of Nova Scotia**

I certify that the Dairy Farmers of Nova Scotia, pursuant to clause 14(1)(c) Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, as delegated by clause 2(1)(b) of the *Delegation of Powers to Dairy Farmers of Nova Scotia Regulations*, N.S. Reg. 136/2001, and pursuant to clause 15(1)(g) of the *Dairy Industry Act*, at a meeting held on December 13, 2011, voted to amend the *Milk Pricing Regulations*, N.S. Reg. 84/2008, made by the Dairy Farmers of Nova Scotia on September 21, 2007, and approved by the Natural Products Marketing Council on February 12, 2008, to repeal and replace subsection 3(1) in the manner set out in Schedule A, effective on and after February 1, 2012.

**Signed** at Truro, Colchester County, Nova Scotia, on Dec. 15, 2011.

Dairy Farmers of Nova Scotia

per: sgd.: *B. Cameron*  
Brian Cameron  
General Manager

**Approved by** the Natural Products Marketing Council at Truro, Nova Scotia on December 14, 2011.

Natural Products Marketing Council

Per: sgd.: *E. A. Crouse*  
Elizabeth A. Crouse  
General Manager

**Schedule "A"**

**Amendment to the *Milk Pricing Regulations*  
made by the Dairy Farmers of Nova Scotia under clauses 14(1)(c)  
and 15(1)(g) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act***

The *Milk Pricing Regulations*, N.S. Reg. 84/2008, made by the Dairy Farmers of Nova Scotia on September 21, 2007, and approved by the Natural Products Marketing Council on ~~November 17, 2009~~ [February 12, 2008], are amended by repealing subsection 3(1) and substituting the following subsection:

- 3 (1) The price of milk components paid by processors in Nova Scotia, effective February 1, 2012, shall be the following on an (FOB) plant basis:

<b>Component Prices - Per Kilogram for Classes 1, 2, 3 and 4</b>				
<b>Class of Milk</b>	<b>\$ Per Kg of Butterfat</b>	<b>\$ Per kg of Protein</b>	<b>\$ Per kg of Other Solids</b>	<b>\$ Per hl Solids-Non Fat</b>
1(a)	7.1503			72.2000
1(b)	7.1503			59.0100
1(c)	85% of the Class 1(a) or Class 1(b) BF and SNF values			
2	7.7651	5.9258	5.9258	
3(a)	7.7651	13.8335	0.8688	
3(b)	7.7651	13.3792	0.8688	
4(a)	7.7651	5.3694	5.3694	
4(b)	7.7651	5.4780	5.4780	
4(c)	85% of the Class 4(a) component prices			
4(d)	7.7651	5.3694	5.3694	