

# Royal Gazette

## Part II Regulations under the Regulations Act

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**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. 18/2016**

Made: December 15, 2015

Approved: January 23, 2016

Filed: January 29, 2016

Martock Marsh Body Land Use Regulations

Order dated January 23, 2016

Regulations made by the Martock Marsh Body  
and approved by the Agricultural Marshlands Conservation Commission  
pursuant to clause 14(e) of the *Agricultural Marshland Conservation Act*

I certify that the Martock Marsh Body, pursuant to clause 14(e) [of] Chapter 22 of the Acts of 2000, the *Agricultural Marshland Conservation Act*, at a meeting held on December 15, 2015, adopted regulations respecting land use in the form set out in Schedule “A”, effective upon the approval by the Agricultural Marshlands Conservation Commission.

**Signed** at Windsor, Hants County, Nova Scotia, on Jan. 23, 2016.

Martock Marsh Body

per: Chair Martock Marsh Body

sgd: *Keith Coffill*

**Approved by** the Agricultural Marshlands Conservation Commission at Windsor, Hants County, Nova Scotia on Jan. 23, 2016.

Agricultural Marshlands Conservation Commission

per: sgd: *Bill Biggs*

Chairman

**Schedule “A”**

**Martock Marsh Body Land Use Regulations**  
**made under clause 14(e) of [Chapter 22 of the Acts of 2000,]**  
**the *Agricultural Marshland Conservation Act***

**Title**

These regulations may be cited as the *Martock Marsh Body Land Use Regulations*.

**Uses and activities**

- (1) No person shall construct works or use or develop lands within, on, or affecting the NS Martock marshland sections in any way that is not conducive to and in conformity with sound agricultural purposes and practices.
- (2) For the purposes of subsection (1), uses and activities deemed to be conducive to and in conformity with sound agricultural purposes and practices include all of the following:
  - (a) the tilling of soil;
  - (b) the planting and harvesting of crops;

- (c) the growing of grains and forage crops for livestock feed;
  - (d) the growing of grass and legume crops;
  - (e) the growing of food crops for human consumption;
  - (f) the spreading of manure;
  - (g) the spreading of commercial (chemical) and natural fertilizer;
  - (h) the spreading of limestone;
  - (i) pest and weed control;
  - (j) pre-existing exemptions, uses and active variances.
- (3) For the purposes of subsection (1), non-permitted works, uses or developments include all of the following:
- (a) land-fill sites or dumps of any kind;
  - (b) recreational activities of any kind;
  - (c) residential or commercial structures;
  - (d) drilled wells;
  - (e) sewage treatment plants or lagoons;
  - (f) industrial structures or uses;
  - (h) ponds for non-agricultural uses;
  - (h) hunting without permission.

[Note: clause lettering as in original text.]

**N.S. Reg. 19/2016**

Made: January 28, 2016

Filed: January 29, 2016

Petroleum Products Prices

Order dated January 28, 2016  
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-16-05****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:** Roland A. Deveau, Q.C., Vice-chair

**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 product prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

**And whereas** the Board revised the retail margin and transportation allowance effective January 6, 2012, in its decision, 2011 NSUARB 181, issued on November 23, 2011;

**And whereas** the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

**And whereas** the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended January 27, 2016, are:

Grade 1 Regular gasoline	40.4¢ per litre
Ultra-low-sulfur diesel oil	35.3¢ per litre

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

Gasoline:	
Grade 1	40.4¢ per litre
Grade 2	43.4¢ per litre
Grade 3	46.4¢ per litre
Ultra-low-sulfur diesel oil	35.3¢ 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:	minus 1.0¢ per litre
Ultra-low-sulfur diesel oil:	minus 0.6¢ per litre

**And whereas** a winter blending adjustment of plus 8.1¢ 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., January 29, 2016.

Dated at Halifax, Nova Scotia, this 28th day of January, 2016.

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 January 29, 2016**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices (Pump Prices includes 15% HST)		Full-Service Pump Prices	
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
<b>Zone 1</b>								
Regular Unleaded	46.5	10.0	15.5	72.0	88.3	90.4	88.3	999.9
Mid-Grade Unleaded	49.5	10.0	15.5	75.0	91.8	93.8	91.8	999.9
Premium Unleaded	52.5	10.0	15.5	78.0	95.2	97.3	95.2	999.9
Ultra-Low-Sulfur Diesel	50.0	4.0	15.4	69.4	85.3	87.4	85.3	999.9
<b>Zone 2</b>								
Regular Unleaded	47.0	10.0	15.5	72.5	88.9	91.0	88.9	999.9
Mid-Grade Unleaded	50.0	10.0	15.5	75.5	92.3	94.4	92.3	999.9
Premium Unleaded	53.0	10.0	15.5	78.5	95.8	97.9	95.8	999.9
Ultra-Low-Sulfur Diesel	50.5	4.0	15.4	69.9	85.9	88.0	85.9	999.9
<b>Zone 3</b>								
Regular Unleaded	47.4	10.0	15.5	72.9	89.4	91.4	89.4	999.9
Mid-Grade Unleaded	50.4	10.0	15.5	75.9	92.8	94.9	92.8	999.9
Premium Unleaded	53.4	10.0	15.5	78.9	96.3	98.3	96.3	999.9
Ultra-Low-Sulfur Diesel	50.9	4.0	15.4	70.3	86.4	88.4	86.4	999.9
<b>Zone 4</b>								
Regular Unleaded	47.5	10.0	15.5	73.0	89.5	91.5	89.5	999.9
Mid-Grade Unleaded	50.5	10.0	15.5	76.0	92.9	95.0	92.9	999.9
Premium Unleaded	53.5	10.0	15.5	79.0	96.4	98.4	96.4	999.9
Ultra-Low-Sulfur Diesel	51.0	4.0	15.4	70.4	86.5	88.6	86.5	999.9
<b>Zone 5</b>								
Regular Unleaded	47.5	10.0	15.5	73.0	89.5	91.5	89.5	999.9
Mid-Grade Unleaded	50.5	10.0	15.5	76.0	92.9	95.0	92.9	999.9
Premium Unleaded	53.5	10.0	15.5	79.0	96.4	98.4	96.4	999.9
Ultra-Low-Sulfur Diesel	51.0	4.0	15.4	70.4	86.5	88.6	86.5	999.9
<b>Zone 6</b>								
Regular Unleaded	48.2	10.0	15.5	73.7	90.3	92.3	90.3	999.9
Mid-Grade Unleaded	51.2	10.0	15.5	76.7	93.7	95.8	93.7	999.9
Premium Unleaded	54.2	10.0	15.5	79.7	97.2	99.2	97.2	999.9
Ultra-Low-Sulfur Diesel	51.7	4.0	15.4	71.1	87.3	89.4	87.3	999.9

**N.S. Reg. 20/2016**

Made: January 25, 2016

Approved: January 27, 2016

Filed: February 3, 2016

Chicken Farmers of Nova Scotia Regulations—amendment

Order dated January 27, 2016

Amendment to regulations made by the Chicken Farmers of Nova Scotia  
and approved by the Natural Products Marketing Council  
pursuant to Section 9 of the *Natural Products Act*

**Chicken Farmers of Nova Scotia**

**Amendment to the *Chicken Farmers of Nova Scotia Regulations*  
made under the *Natural Products Act***

I certify that on January 25, 2016, the Chicken Farmers of Nova Scotia, pursuant to Section 9 of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*, as delegated by Section 7 of the *Nova Scotia Chicken Marketing Plan*, N.S. Reg. 241/82, carried a motion to amend the *Chicken Farmers of Nova Scotia Regulations*, N.S. Reg. 11/2005, made by the Natural Products Marketing Council on December 8, 2004, in the manner set forth in the attached Schedule “A”, effective on and after September 4, 2016.

Signed at Kentville, in the County of Kings, Nova Scotia on January 25, 2016.

**Chicken Farmers of Nova Scotia**

per: sgd: *Shelley Acker*  
Shelley Acker  
General Manager

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Approved by the Natural Products Marketing Council at Truro, in the County of Colchester, Nova Scotia on January 27, 2016.

**Natural Products Marketing Council**

per: sgd: *E. A. Crouse*  
Elizabeth A. Crouse, P.Ag.  
General Manager

**Schedule “A”**

**Amendment to the *Chicken Farmers of Nova Scotia Regulations*  
made by the Chicken Farmers of Nova Scotia pursuant to  
Section 9 of Chapter 308 of the Revised Statutes of Nova Scotia, 1989,  
the *Natural Products Act***

1 Section 2 of the *Chicken Farmers of Nova Scotia Regulations*, N.S. Reg. 11/2005, made by the Natural Products Marketing Council on December 8, 2004, is repealed and the following Section substituted:

2 (1) In these regulations, unless the context otherwise specifies,

“A-06” means the 8-week marketing period from April 14, 1996, to June 8, 1996, inclusive;

“A-07” means the 8-week marketing period immediately following A-06;

“aggregate base quota” means the aggregate of the base quota registered to a producer and the total base quota registered to all other persons with whom the producer is associated, determined in accordance with Section 5;

“base quota” means the number of kilograms of chicken registered by the Commodity Board to a producer in accordance with these regulations, expressed as an annual figure in kilograms of live weight and as adjusted by the Commodity Board;

“base quota period” means the 48-week period used to calculate adjustments to base quota in accordance with Section 8F, beginning with the 48-week period from December 24, 1995, to November 23, 1996, and from then on each consecutive 48 weeks;

“beneficial shareholder” means a person who owns 1 or more shares issued by a corporation, whether or not that person is listed as the registered owner of any such share in the register of members of the corporation;

“eligible new entrant” means a person whose name is entered in the register of eligible new entrants kept by the Commodity Board under subsection 8D(4);

“extra-provincial amount” means the number of kilograms of chicken that the Commodity Board determines a producer has been authorized or is otherwise eligible to produce or market under the laws of another province in a base quota period;

“facilities” means the building, lands, fixtures and equipment that are used for producing chicken;

“flock” means any group of chicken[s] housed in a producer’s facilities that are being raised by the producer for marketing at the same or approximately the same live weight at the same or approximately the same time;

“free range chicken” means any variety of chicken that

- (i) is raised on a feed ration consisting solely of grains, vegetable oil and necessary vitamins and minerals and containing no traces of rendered meat products, fish meal, antibiotics or other medication of any kind, including growth promoters,
- (ii) has regular access to fresh air, sun, soil and green forage, and
- (iii) will be processed by a federally or Provincially inspected processor;

“immediate family” of an individual means the individual’s spouse, parent, child and grandchild and the spouse of any parent, child or grandchild of the individual;

“interest in base quota” means a legal or beneficial interest in base quota as described in Section 8;

“licence” means a licence issued by the Commodity Board in accordance with Section 9 to authorize a person to produce and market chicken in the regulated area;

“licensing period” means the period from April 1 to November 30 in a calendar year, during

which a specialty chicken producer is licensed to market the type of specialty chicken specified in their licence;

“live weight” means the weight of live chicken as measured by a processor on delivery by a producer;

“marketing period” means any period established by the Commodity Board during which producers, other than producers with specialty licences, are licensed to market chicken;

“organic chicken” means any variety of chicken raised under an organic production system that meets all of the following criteria:

- (i) it is based on the Canadian Organic Standards published by the Canadian General Standards Board,
- (ii) it is certified by a certification body accredited under the *Organic Products Regulations, 2009* made under the *Canada Agricultural Products Act (Canada)*,
- (iii) it is recognized by the Commodity Board and the Council;

“overmarketing assessment levy” means the levy payable by a producer to the Commodity Board for marketing more kilograms live weight than specified in their producer licence for an overmarketing assessment period;

“overmarketing assessment period” means 2 consecutive marketing periods, beginning with periods A-06 and A-07, and every subsequent consecutive 2 marketing periods after that;

“partnership” includes a limited partnership;

“person” means any of the following:

- (i) a natural person,
- (ii) a corporation,
- (iii) a partnership,
- (iv) a trust or estate;

“Plan” means the *Nova Scotia Chicken Marketing Plan* made under the Act;

“plant” means any permanent building or structure containing machinery or equipment used for processing chicken;

“producer-vendor” means a person who produces and markets, offers for sale, sells or stores all or any part[s] of chicken in the regulated area;

“production and marketing agreement” means an agreement for each marketing period entered into by a producer and a processor under subsection 12(1);

“quota allocation” means the total number of kilograms of chicken allocated by the Chicken Farmers of Canada to the Commodity Board for a marketing period, expressed in kilograms of live weight;



“special licence” means a licence issued in accordance with Section 16 that authorizes a producer to produce and market chicken for a specified purpose and time period to meet market requirements and that does not entitle the producer to receive base quota;

“specialty chicken” means chicken that is not produced under a producer licence and that is designated by the Commodity Board as specialty chicken, and includes free range chicken and organic chicken;

“specialty licence” means a licence in accordance with Section 17 that authorizes a producer to produce and market the type of specialty chicken specified on the licence and that does not entitle the producer to receive base quota;

“trust” includes a testamentary trust and an *inter vivos* trust;

“vendor” means a person who markets, offers for sale, sells or stores whole chickens or any parts of chicken in the regulated area.

- (2) For the purpose of these regulations, persons are associated with one another if any of the following apply:
- (a) they are members of the same immediate family;
  - (b) they are trustees, personal representatives or beneficiaries of the same trust or estate;
  - (c) 1 of them is a donor of a power of attorney and the other is the attorney;
  - (d) 1 of them is a corporation and the other is an officer, director or shareholder of the corporation;
  - (e) 1 of them is a partnership and the other is a partner in the partnership;
  - (f) 1 of them is a trust or corporation that owns shares of a corporation or has an interest in a partnership and the other is that corporation or partnership;
  - (g) each of them is a corporation, partnership or trust and they are all controlled directly or indirectly by the same person.
- (3) For the purpose of these regulations, a person owns facilities if any of the following apply:
- (a) the person holds any of the following, whether or not subject to a mortgage or other encumbrance:
    - (i) legal title to the facilities evidenced by a deed registered at the relevant land registration office,
    - (ii) a certificate of title for the facilities issued by the Supreme Court of Nova Scotia,
    - (iii) a certificate of registered ownership for the facilities issued by the registrar of land registration [*sic*];
  - (b) the person is a borrower under an agreement of sale with the Nova Scotia Farm Loan Board that applies to the facilities.
- (4) Unless a different definition for the same term is set out in subsection (1), definitions in the Plan

apply to these regulations.

- 2 The regulations are further amended by repealing Sections 3 to 8 and substituting the following Sections:

**Requirement to hold base quota**

- 3 (1) Except as provided in subsection (2), a person is not eligible for a producer licence, a special licence or a producer-vendor licence unless that person has been issued base quota.
- (2) Dalhousie University is exempt from the requirement in subsection (1) for base quota, but it must obtain a producer licence for each flock housed in its research facilities and must pay the applicable fee.

**Total production allotted**

- 4 The total production allotted among all licences must be equal to the quota allocation.

**Associated producers**

- 5 (1) If 2 or more producers are associated, the Commodity Board must determine their aggregate base quota by treating the base quota allotted to each of them as having been allotted to all of them.
- (2) If 2 or more producers become associated, the Commodity Board may reduce the base quota of any of the associated producers so that the aggregate base quota held by the associated producers does not exceed the maximum set out in Section 7.
- (3) To determine if producers are associated, the Commodity Board may use all information available that it considers relevant, including a certificate provided by a producer under subsections 18(11) or 18(12).

**Minimum base quota**

- 6 The minimum base quota that may be registered to a producer is 235 000 kg live weight.

**Maximum base quota**

- 7 (1) Subject to subsections ~~(6)~~ [(7)] and ~~(7)~~ [(8)], the maximum base quota that may be registered to an individual producer is 5% of the total base quota registered by the Commodity Board.
- (2) Except as provided in subsections (3) and ~~(4)~~ [(5)] and subject to subsections ~~(5)~~ [(6)] to ~~(7)~~ [(8)], the maximum aggregate base quota that may be registered to 2 or more associated producers is 5% of the total base quota registered by the Commodity Board.
- (3) If 2 or more associated producers have a parent-child relationship, the maximum aggregate base quota that may be registered among the parent or parents and all of the children is 10% of the total base quota registered by the Commodity Board. ~~and~~
- (4) A “parent-child relationship” includes a natural person, as well as any corporation, partnership or trust that holds base quota, and in which one or more of the parents or children are the only holders of a legal or beneficial interest.
- (5) The maximum specified in subsection (2) for aggregate base quota does not apply to a producer who, on the date this subsection comes into force, is in an association with 1 or more other producers with an aggregate base quota greater than the maximum specified in that subsection.
- (6) A producer referred to in subsection ~~(4)~~ [(5)] is not entitled to have additional base quota

transferred to them as long as the aggregate base quota held by the producer and their associated producers exceeds the maximum specified in subsection (2) or (3).

- (7) If a producer has been permitted to produce or market an extra-provincial amount, the extra-provincial amount is included in the calculation of base quota and aggregate base quota for determining compliance with subsection (1) or (2).
- (8) A producer who exceeds the maximum specified in subsection (1) or (2) for base quota because of an extra-provincial amount is not eligible to receive a transfer of base quota.
- (9) No transfer of base quota is effective unless the Commodity Board is satisfied that the requirements of this Section have been met.

#### **Interest in base quota**

**8 (1)** A person has an interest in base quota if that person is any of the following:

- (a) a person that has a direct interest in base quota;
  - (b) a shareholder of a corporation that has an interest in base quota;
  - (c) a partner in a partnership that has an interest in base quota;
  - (d) a trustee or beneficiary of a trust that has an interest in base quota;
  - (e) the personal representative or a beneficiary of an estate that has an interest in base quota.
- (2)** Either of the following is considered to be an interest in base quota:
- (a) a direct interest in the base quota;
  - (b) an interest in the base quota through a series of associated persons with direct or indirect ownership interests in one another.

#### **Applying for approval to transfer base quota**

**8A (1)** In this Section, “application” means an application under subsection (2) for approval to transfer base quota.

- (2) A person must apply to the Commodity Board for approval to transfer base quota to another person.
- (3) Each of the following is considered a transfer of base quota for the purposes of subsection (2):
  - (a) any transfer of all or part of the base quota held by a person to another person;
  - (b) any change in the shareholders or beneficial shareholders of a corporation that has been issued base quota;
  - (c) any change in the partners of a partnership that has been issued base quota;
  - (d) any change in the income beneficiaries or capital beneficiaries of a trust that has been issued base quota, whether the change occurred before or after the final distribution of that trust;

- (e) any change other than those listed in clauses (a) to (d) that results in a person acquiring or disposing of an interest in base quota or that otherwise affects a person's interest in base quota.
- (4) An application must include all of the following:
- (a) the name of the applicant;
  - (b) the proposed transferee's name and contact information;
  - (c) the amount of base quota to be transferred;
  - (d) a certificate as described in subsections 18(11) and (12) for each of
    - (i) the transferor of base quota after the transfer, if only a part of the transferor's base quota is being transferred, and
    - (ii) the transferee of base quota after the transfer;
  - (e) the facilities to be transferred, if any;
  - (f) written evidence of a binding agreement satisfactory to the Commodity Board, including a specified transfer date;
  - (g) the signatures of the applicant and the proposed transferee;
  - (h) if the proposed transfer is without facilities, details about the facilities where chicken will be produced;
  - (i) if chicken are to be produced in a leased facility, an application under subsection 10(8) from the transferee for approval to produce chicken in a leased facility;
  - (j) any information or documentation in addition to that specified in clauses (a) to (i) that the Commodity Board considers relevant to the application.
- (5) An application for approval must be in the form approved by the Commodity Board and must be submitted to the Commodity Board at least 18 weeks before the beginning of the marketing period on the first day of which the transfer of base quota is intended to take place.
- (6) The Commodity Board may consider any of the following additional information in considering an application:
- (a) information contained in a certificate provided by the applicant or the proposed transferee under subsection 18(11) or (12);
  - (b) information provided to the Commodity Board by a broiler chicken commodity board that is created under the laws of a province other than the Province and has authority over quota for broiler chicken in that other province;
  - (c) Commodity Board records pertaining to the applicant or the proposed transferee;
  - (d) information obtained by the Commodity Board at any time as a result of an inspection under the Plan or the Act;

- (e) any information in addition to that specified in clauses (a) to (d) that it considers relevant to the application.
- (7) Nothing in these regulations affects the ability of the parties to a transfer to establish terms and conditions in a contract of purchase and sale that are consistent with the Act, the Plan and these regulations.

#### **Commodity Board approval of application to transfer base quota**

- 8B (1)** If the Commodity Board is satisfied that an application under Section 8A for approval to transfer base quota is complete, the Commodity Board may approve the transfer.
- (2) A transfer of base quota takes effect on the first day of the next marketing period for which licences have not yet been issued by the Commodity Board.
  - (3) Approval of a transfer of base quota may include any condition that the Commodity Board considers appropriate.

#### **When application for transfer of base quota not approved**

**8C** The Commodity Board must refuse an application under Section 8A for approval to transfer base quota in any of the following circumstances:

- (a) as a result of the proposed transfer, any producer's base quota would fall below the minimum base quota specified in Section 6;
- (b) as a result of the proposed transfer, the base quota of any producer or the aggregate base quota of any associated producers would exceed the maximum base quota specified in Section 7;
- (c) subsection 7(4) or 7(7) applies to the proposed transferee; [*sic*]
- (d) if a transfer of base quota without facilities is proposed, the transferee has not complied with subsections 10(7) to 10(13);
- (e) the applicant or proposed transferee owes any licence fees, levies, or other money to the Commodity Board;
- (f) the proposed transfer would violate the Act, these or any other regulations made by the Commodity Board, or any policy, order or direction of the Commodity Board.

#### **Applying for registration as eligible new entrant**

- 8D (1)** A natural person who meets all of the following criteria may apply to the Commodity Board to be registered as an eligible new entrant:
- (a) the person is at least 19 years old;
  - (b) the person does not currently hold and has never held base quota;
  - (c) the person is a resident of the Province.
- (2) An application for registration as an eligible new entrant must be in the form approved by the Commodity Board and must include the applicant's name and signature.
  - (3) An application for registration as an eligible new entrant must be submitted to the Commodity

Board no later than noon on the last business day of the Commodity Board in December.

- (4) The Commodity Board must keep a register of eligible new entrants and, on determining that an applicant is eligible to be registered, must add the applicant's name to the register in the order that their eligibility was determined.

**Decision to issue base quota to eligible new entrant**

- 8E** (1) At the end of a base quota period, the Commodity Board must decide whether to issue base quota to 1 or more eligible new entrants.
- (2) The Commodity Board must not issue base quota to an eligible new entrant unless the quota allocation is at least equal to the quota allocation for the base quota period beginning with marketing period A-39 and ending with marketing period A-45.
  - (3) If the Commodity Board decides to issue base quota to an eligible new entrant, it must notify the eligible new entrant whose name is the next one listed in the register kept under subsection 8D(4).
  - (4) A notice under subsection (3) must include all the following terms and conditions:
    - (a) the eligible new entrant must own facilities that meet the production standard determined under subsections 10(3) and 10(4) by a date specified in the notice;
    - (b) the eligible new entrant's facilities must pass an inspection by the Commodity Board;
    - (c) base quota will be registered in the name of the eligible new entrant in at least the minimum amount specified in Section 6;
    - (d) the eligible new entrant is prohibited from transferring base quota for at least 3 years following the date the Commodity Board registers base quota in their name;
    - (e) to be issued base quota, the eligible new entrant must accept the terms and conditions in the notice by the date specified in the notice.
  - (5) The Commodity Board may withdraw or amend a notice issued under subsection (3) at any time if the eligible new entrant fails to comply with any term or condition listed in subsection (4).
  - (6) If an eligible new entrant dies after base quota is registered in their name, the base quota is registered in the name of the deceased's estate and may be transferred to a beneficiary of the estate only if the beneficiary meets the criteria in subsection 8D(1) for an applicant for registration as an eligible new entrant.
  - (7) If the estate of a deceased eligible new entrant becomes a base quota holder referred to in subsection (6) and the estate has no beneficiary who meets the criteria described in subsection (6), the Commodity Board may allow the estate to transfer the base quota in accordance with Section 8A.

**Adjusting base quota after base quota period**

- 8F** (1) The Commodity Board must adjust each producer's base quota after each base quota period to reflect increases or decreases in the quota allocation and to reflect the total kilogram increase or decrease in the Province for the base quota period then ended.

- (2) Subject to Sections 8G and 8H, if there is an increase as described in subsection (1), the Commodity Board must apportion base quota adjustments in the following manner:
  - (a) first, if the Commodity Board has decided to allot base quota to an eligible new entrant under subsection 8E(1), the Commodity Board must allot some or all of the amount of the increase to an eligible new entrant;
  - (b) second, the Commodity Board must apportion any remaining amount of the increase on a *pro rata* basis among all producers, based on each producer's share of the total base quota registered by the Commodity Board.
- (3) Subject to Sections 8G and 8H, if there is a decrease as described in subsection (1), the Commodity Board must apportion the amount of the decrease on a *pro rata* basis among all producers, based on each producer's share of the total base quota registered by the Commodity Board.

#### **Impact of transfer on base quota adjustment**

- 8G** (1) When base quota is transferred the increase or decrease with respect to the amount of the transferred quota applies to the transferee on a *pro rata* basis from the date of the transfer.
- (2) A producer who transfers all of their base quota does not retain any part of any adjustment to base quota.
  - (3) A producer who transfers part of their base quota is not eligible for any adjustments to base quota under subsection 8F(2) from the beginning of the marketing period for which the transfer was effective until the beginning of the first marketing period of the third full base quota period after the effective date of the transfer.

#### **Impact of maximum and minimum base quota on base quota adjustment**

- 8H** (1) The Commodity Board may modify the amount of an adjustment to increase base quota apportioned to a producer under subsection 8F(2) if necessary to maintain compliance with the maximum base quota and maximum aggregate base quota requirements in Section 7.
- (2) The Commodity Board may modify the amount of an adjustment to decrease base quota apportioned to a producer under subsection 8F(3) if necessary to maintain compliance with the minimum base quota requirements in Section 6.
  - (3) Any amount of a base quota adjustment that would be apportioned to a producer except that the producer is not eligible for an adjustment under subsection 8G(3) must be apportioned to all remaining producers on a *pro rata* basis, except to those producers to whom subsection 7(5) or 7(7) applies.

#### **Cancelling base quota or adjustment to base quota**

- 8I** (1) The Commodity Board may cancel all or part of a producer's base quota or the amount of any adjustment to increase the producer's base quota, or both, in any of the following circumstances:
- (a) the producer fails to provide the Commodity Board with any report required under Section 18 with respect to the production and marketing of chicken;
  - (b) the producer fails to comply with a condition imposed on an approval to transfer quota issued under Section 8B;



- (c) the producer raises a flock in facilities not owned by the producer without the prior written approval of the Commodity Board;
  - (d) the producer fails to allow an inspector to inspect the books and records related to and the premises used by the producer in producing chicken;
  - (e) the producer violates the Act, the Plan or these regulations other than as described in clauses (a) to (d).
- (2) Any base quota or amount of an adjustment to base quota cancelled in whole or in part under subsection (1) is transferred to the Commodity Board and may be
- (a) retired; or
  - (b) reissued by the Commodity Board to any other person or persons, subject to any conditions the Commodity Board considers appropriate.
- (3) A producer whose base quota is transferred to the Commodity Board under this Section is not entitled to compensation from the Commodity Board.

#### **Transition**

**8J** The Commodity Board, in its sole discretion, may recognize as valid any transfer of base quota made under any agreement, will or other instrument executed before the date this Section comes into force.

3 Subsection 11(2) of the regulations is repealed and the following subsection substituted:

- (2) If the Commodity Board adjusts the total quantity of chicken allocated among all producer licences, the quantity of chicken on each producer licence referred to in subsection (1) must be adjusted based on the producer's share of the total base quota registered by the Commodity Board.

4 Subsection 12(1) of the regulations is amended by striking out "a production and marketing agreement must specify the following" and substituting "which must be in the form approved by the Commodity Board and must specify all of the following:".

5 Section 18 of the regulations is amended by

- (a) adding the heading "Forms" immediately before subsection (11) and striking out the heading "Forms" immediately before subsection (13);
- (b) striking out everything following the clause "in a form approved by the Commodity Board" in subsection (11) and substituting "identifying each person who has an interest in that base quota as of January 1 of the calendar year in which the certificate is provided and all persons who are associated with that person and any creditors with a security interest in an interest in base quota held by that person";
- (c) striking out everything following the clause "in a form approved by the Commodity Board" in subsection (12) and substituting "identifying each person who has an interest in that base quota and all persons who are associated with that person and any creditors with a security interest in an interest in base quota held by that person".

6 Subsection 21(1) of the regulations is amended by striking out "premises" and substituting "facilities".



**N.S. Reg. 21/2016**

Made: February 4, 2016

Filed: February 5, 2016

Petroleum Products Prices

Order dated February 4, 2016  
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****M07282****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

**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 product prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

**And whereas** the Board revised the retail margin and transportation allowance effective January 6, 2012, in its decision, 2011 NSUARB 181, issued on November 23, 2011;

**And whereas** the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

**And whereas** the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended February 3, 2016, are:

Grade 1 Regular gasoline	41.0¢ per litre
Ultra-low-sulfur diesel oil	38.4¢ per litre

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

Gasoline:	
Grade 1	41.0¢ per litre
Grade 2	44.0¢ per litre
Grade 3	47.0¢ per litre
Ultra-low-sulfur diesel oil	38.4¢ 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:	minus 1.6¢ per litre
Ultra-low-sulfur diesel oil:	plus 0.2¢ per litre

**And whereas** a winter blending adjustment of plus 7.7¢ 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., February 5, 2016.

Dated at Halifax, Nova Scotia, this 4th day of February, 2016.

sgd: Doreen Friis  
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 February 5, 2016**

<b>Nova Scotia Petroleum Price Schedule</b>								
<b>Petroleum Prices in Cents/Litre</b>					<b>Self-Service Pump Prices</b>		<b>Full-Service Pump Prices</b>	
					<b>(Pump Prices includes 15% HST)</b>			
	<b>Base Wholesale Price</b>	<b>Fed. Excise Tax</b>	<b>Prov. Tax</b>	<b>Wholesale Selling Price</b>	<b>Min</b>	<b>Max</b>	<b>Min</b>	<b>Max</b>
<b>Zone 1</b>								
Regular Unleaded	46.5	10.0	15.5	72.0	88.3	90.4	88.3	999.9
Mid-Grade Unleaded	49.5	10.0	15.5	75.0	91.8	93.8	91.8	999.9
Premium Unleaded	52.5	10.0	15.5	78.0	95.2	97.3	95.2	999.9
Ultra-Low-Sulfur Diesel	53.4	4.0	15.4	72.8	89.2	91.3	89.2	999.9
<b>Zone 2</b>								
Regular Unleaded	47.0	10.0	15.5	72.5	88.9	91.0	88.9	999.9
Mid-Grade Unleaded	50.0	10.0	15.5	75.5	92.3	94.4	92.3	999.9
Premium Unleaded	53.0	10.0	15.5	78.5	95.8	97.9	95.8	999.9
Ultra-Low-Sulfur Diesel	53.9	4.0	15.4	73.3	89.8	91.9	89.8	999.9
<b>Zone 3</b>								
Regular Unleaded	47.4	10.0	15.5	72.9	89.4	91.4	89.4	999.9
Mid-Grade Unleaded	50.4	10.0	15.5	75.9	92.8	94.9	92.8	999.9
Premium Unleaded	53.4	10.0	15.5	78.9	96.3	98.3	96.3	999.9
Ultra-Low-Sulfur Diesel	54.3	4.0	15.4	73.7	90.3	92.3	90.3	999.9
<b>Zone 4</b>								
Regular Unleaded	47.5	10.0	15.5	73.0	89.5	91.5	89.5	999.9
Mid-Grade Unleaded	50.5	10.0	15.5	76.0	92.9	95.0	92.9	999.9
Premium Unleaded	53.5	10.0	15.5	79.0	96.4	98.4	96.4	999.9
Ultra-Low-Sulfur Diesel	54.4	4.0	15.4	73.8	90.4	92.5	90.4	999.9
<b>Zone 5</b>								
Regular Unleaded	47.5	10.0	15.5	73.0	89.5	91.5	89.5	999.9
Mid-Grade Unleaded	50.5	10.0	15.5	76.0	92.9	95.0	92.9	999.9
Premium Unleaded	53.5	10.0	15.5	79.0	96.4	98.4	96.4	999.9
Ultra-Low-Sulfur Diesel	54.4	4.0	15.4	73.8	90.4	92.5	90.4	999.9
<b>Zone 6</b>								
Regular Unleaded	48.2	10.0	15.5	73.7	90.3	92.3	90.3	999.9
Mid-Grade Unleaded	51.2	10.0	15.5	76.7	93.7	95.8	93.7	999.9
Premium Unleaded	54.2	10.0	15.5	79.7	97.2	99.2	97.2	999.9
Ultra-Low-Sulfur Diesel	55.1	4.0	15.4	74.5	91.2	93.3	91.2	999.9

**N.S. Reg. 22/2016**

Made: February 5, 2016

Filed: February 5, 2016

Polling Districts Order: Municipality of the District of East Hants

Order dated February 5, 2016  
made by the Nova Scotia Utility and Review Board  
pursuant to Section 369 of the *Municipal Government Act*

**Order****M06632****Nova Scotia Utility and Review Board****In the matter of the *Municipal Government Act***

- and -

**In the matter of an application** by the **Municipality of the District of East Hants** to alter the boundaries of polling districts

**Before:** Roberta J. Clarke, Q.C., Member

**Whereas** [the] Board heard an Application by the Municipality of the District of East Hants pursuant to s. 369 of the *Municipal Government Act* and issued its written decision and order on June 8, 2015, approving 11 polling districts each electing one councillor; and referred the matter back to the Municipality to determine the appropriate polling district boundaries after due public consultation;

**And whereas** on September 29, 2015, the Municipality filed a Supplemental Application with revised polling district boundaries;

**And whereas** the Board heard the Supplemental Application on November 10, 2015 at the Municipal Council Chambers at Elmsdale, Nova Scotia;

**And whereas** by written decision on December 15, 2015, the Board ordered that the boundaries be further adjusted to ensure that neither Indian Brook First Nation nor Shubenacadie were divided;

**And whereas** on January 25, 2016, the Municipality filed revised polling district boundaries for 11 polling districts that placed both Indian Brook and Shubenacadie in District 4 and moved Rines Creek to District 5;

**And whereas** the Board approves the proposed revised polling district boundaries for the eleven polling districts;

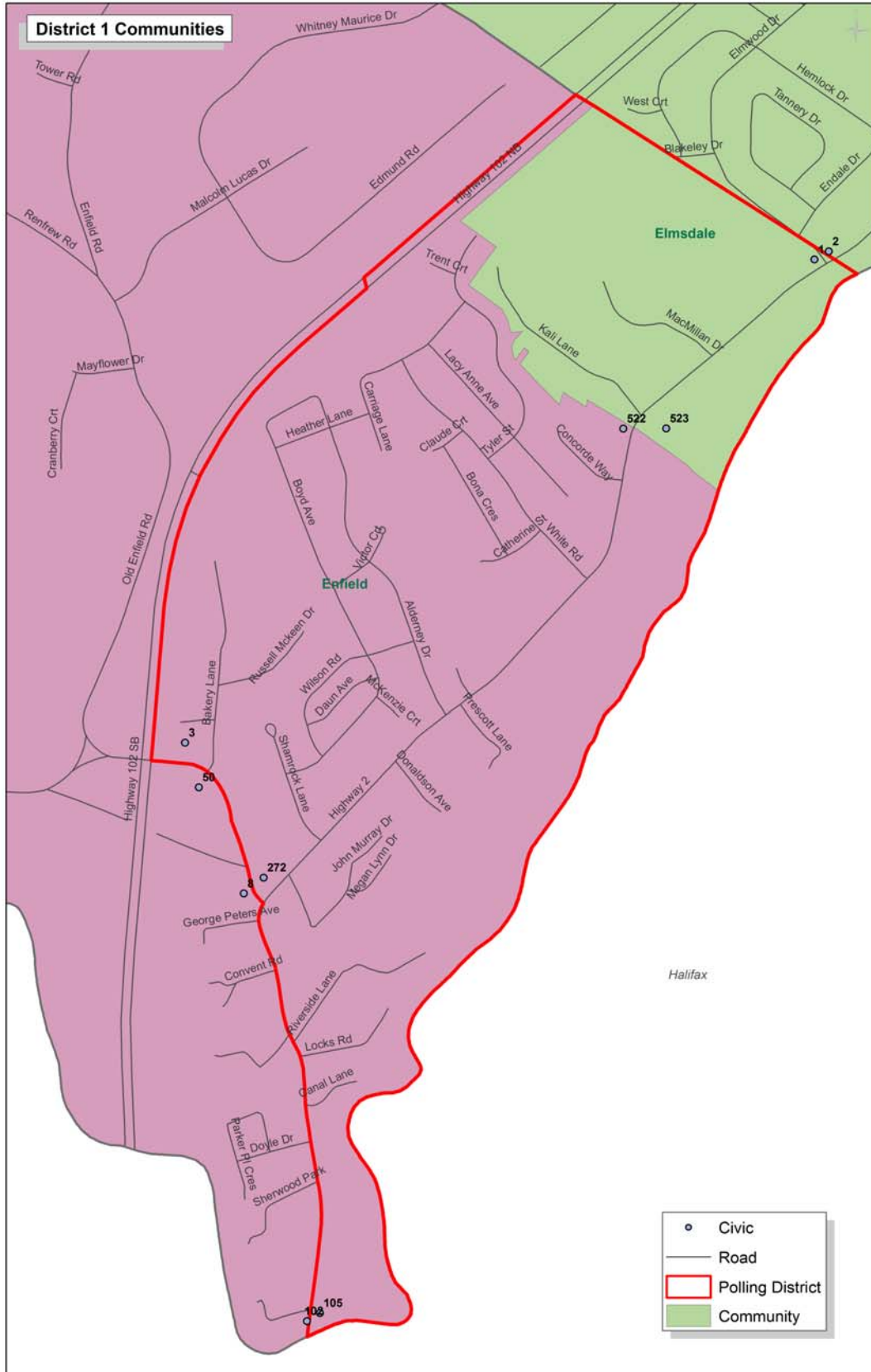
**It is hereby ordered** that [t]he maps of all 11 polling districts are set out in Schedule "A", attached to and forming part of this Order;

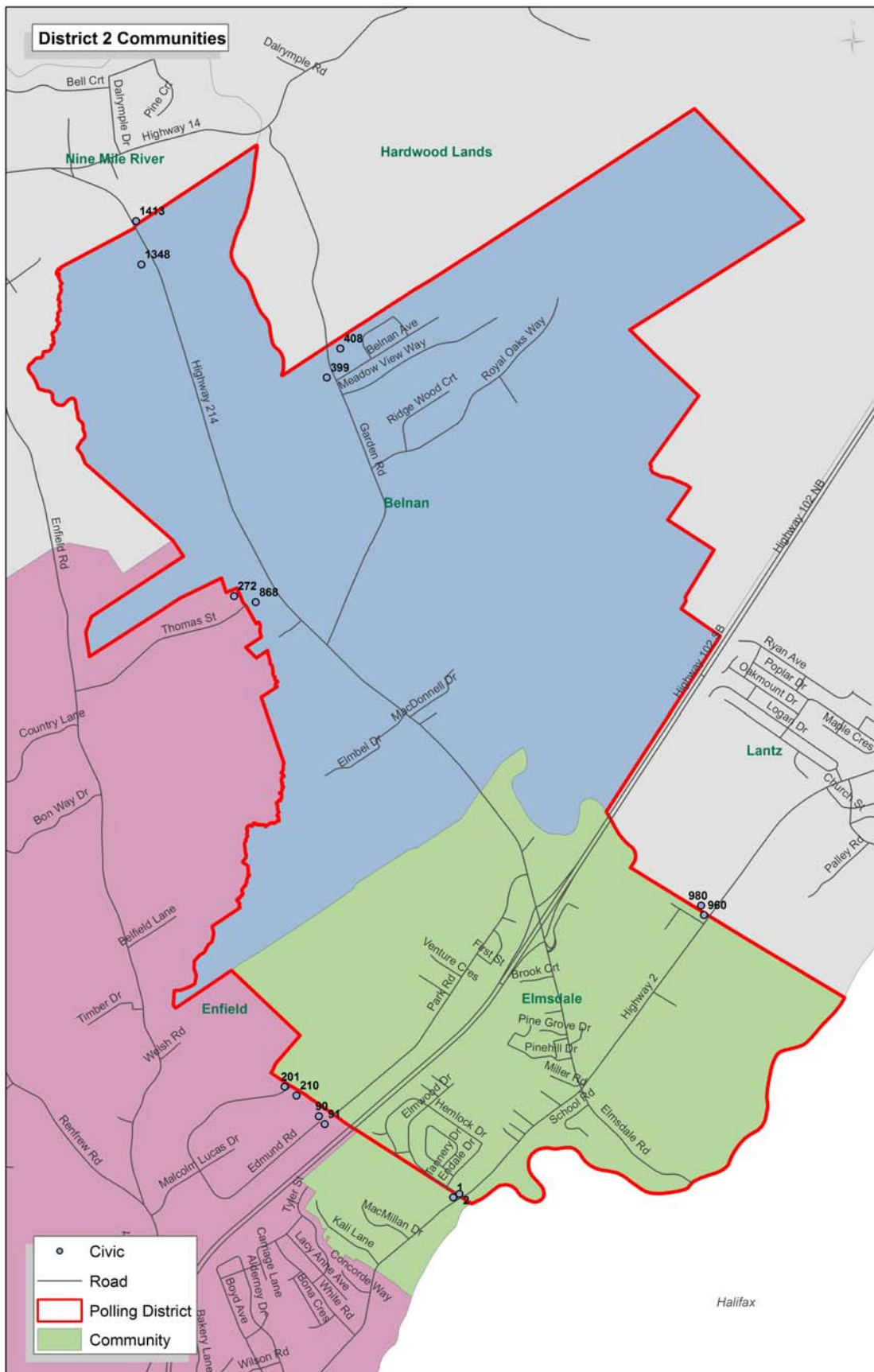
**And it is further ordered** that all provisions of the *Municipal Government Act* and the *Municipal Elections Act* and any other Acts of the Province of Nova Scotia applying to the preparation for and holding of the regular election of councillors of the Municipality in the year 2016 will be complied with as if the above-noted changes had been made on the first day of March, 2016, but for all other purposes, such changes shall take effect on the first day of the first meeting of the Council after the election of councillors for the year 2016.

**Dated** at Halifax, Nova Scotia this 5th day of February, 2016.

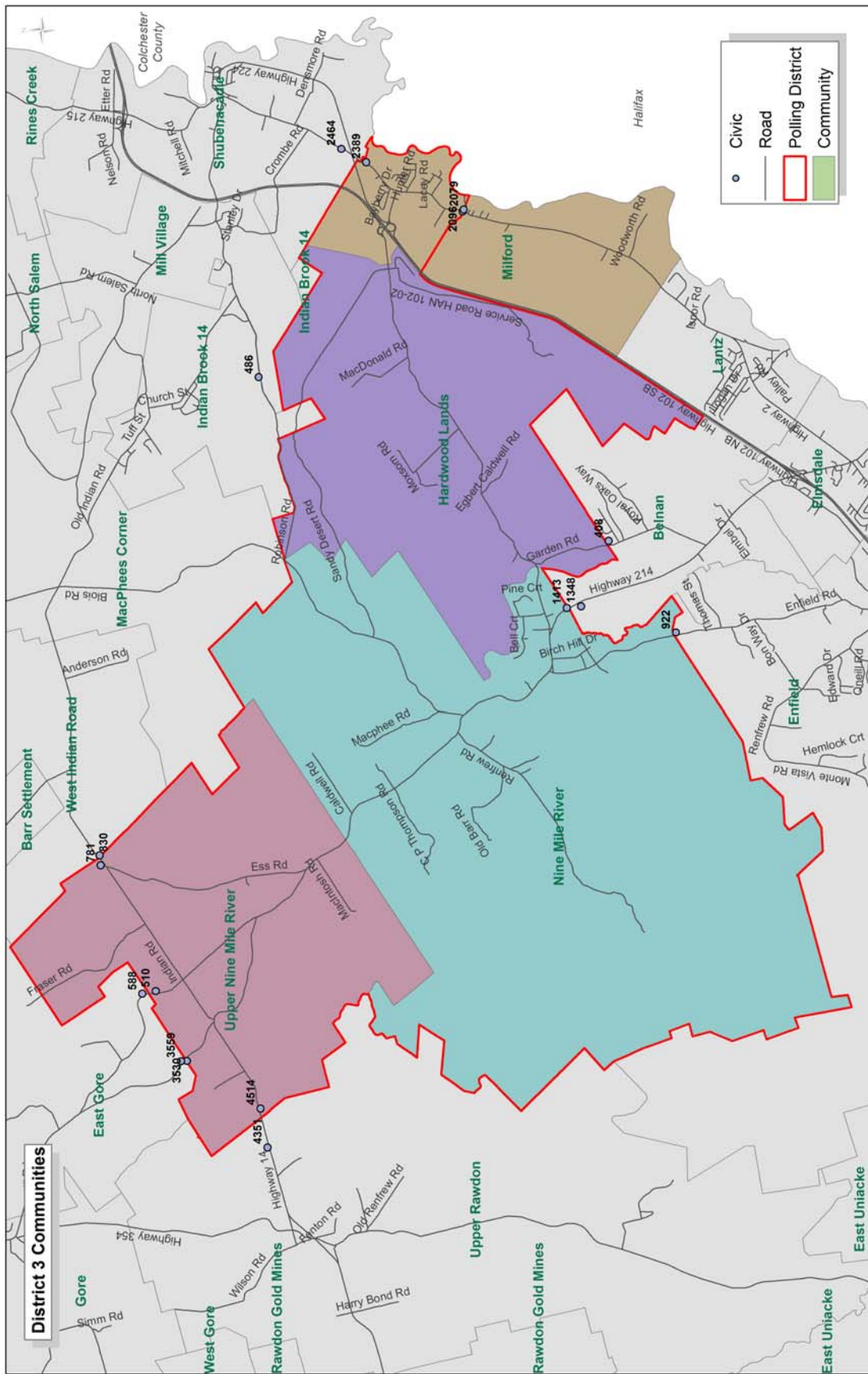
Elaine Wagner  
Clerk of the Board

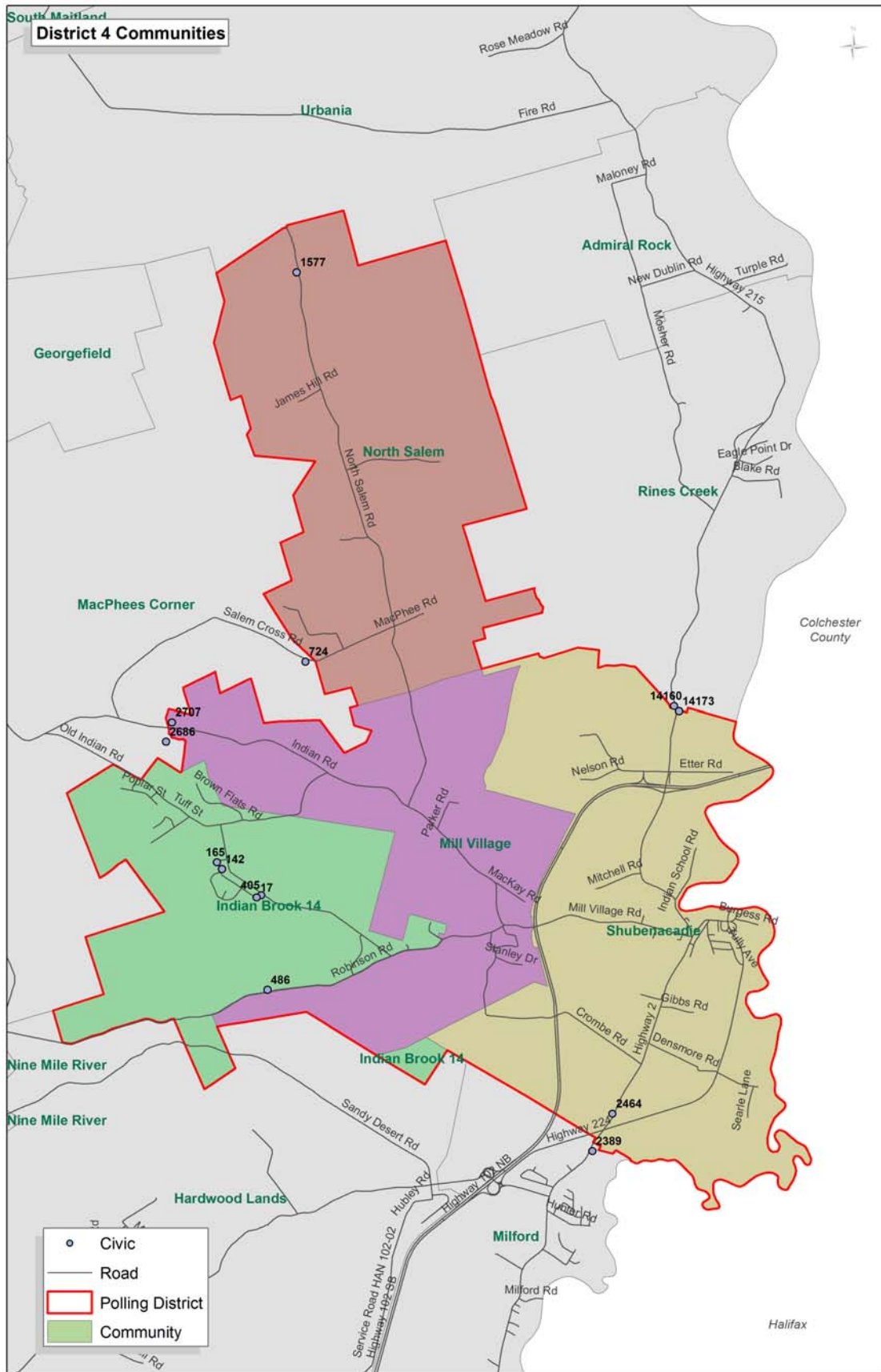
Schedule "A"

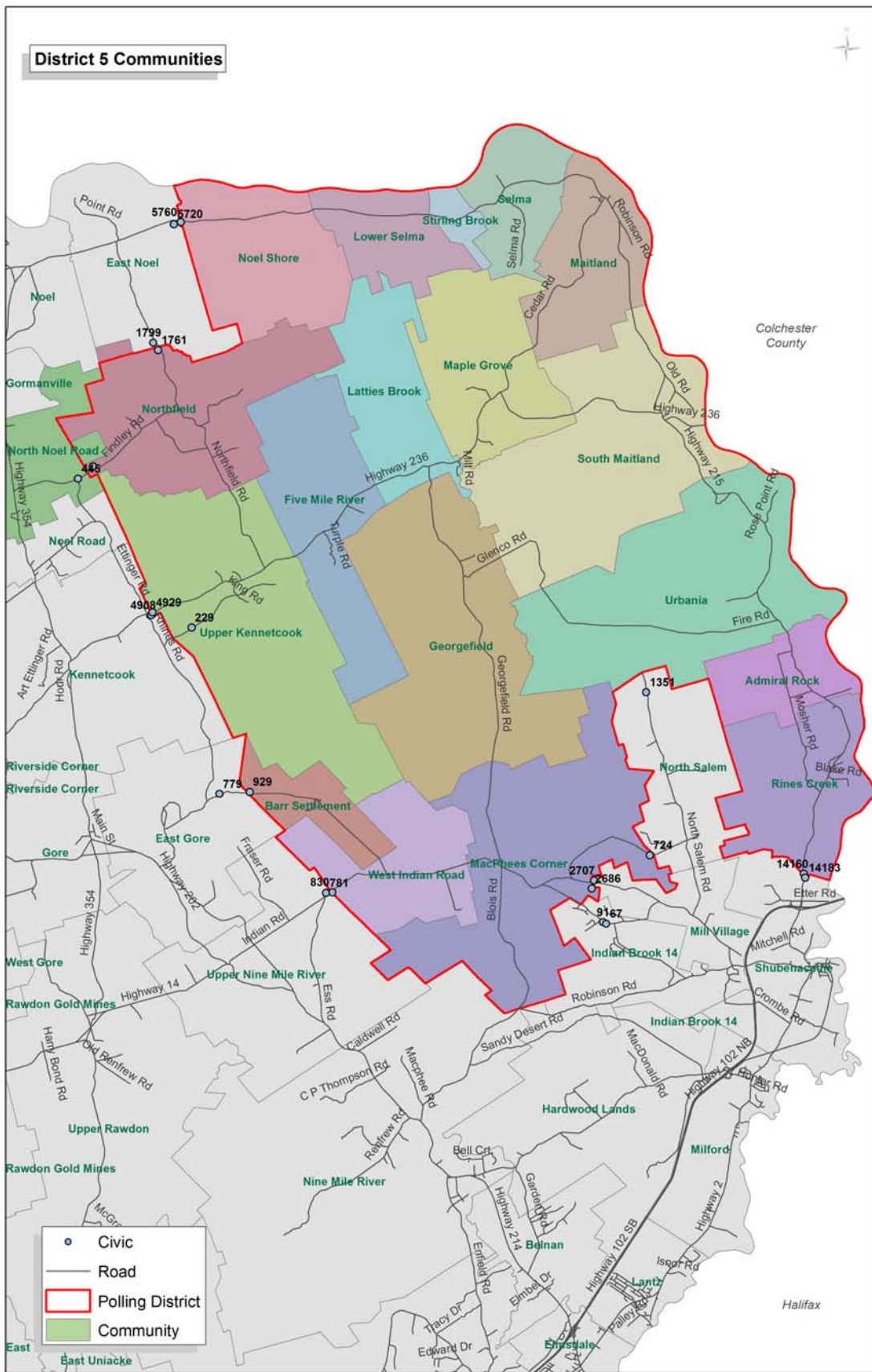




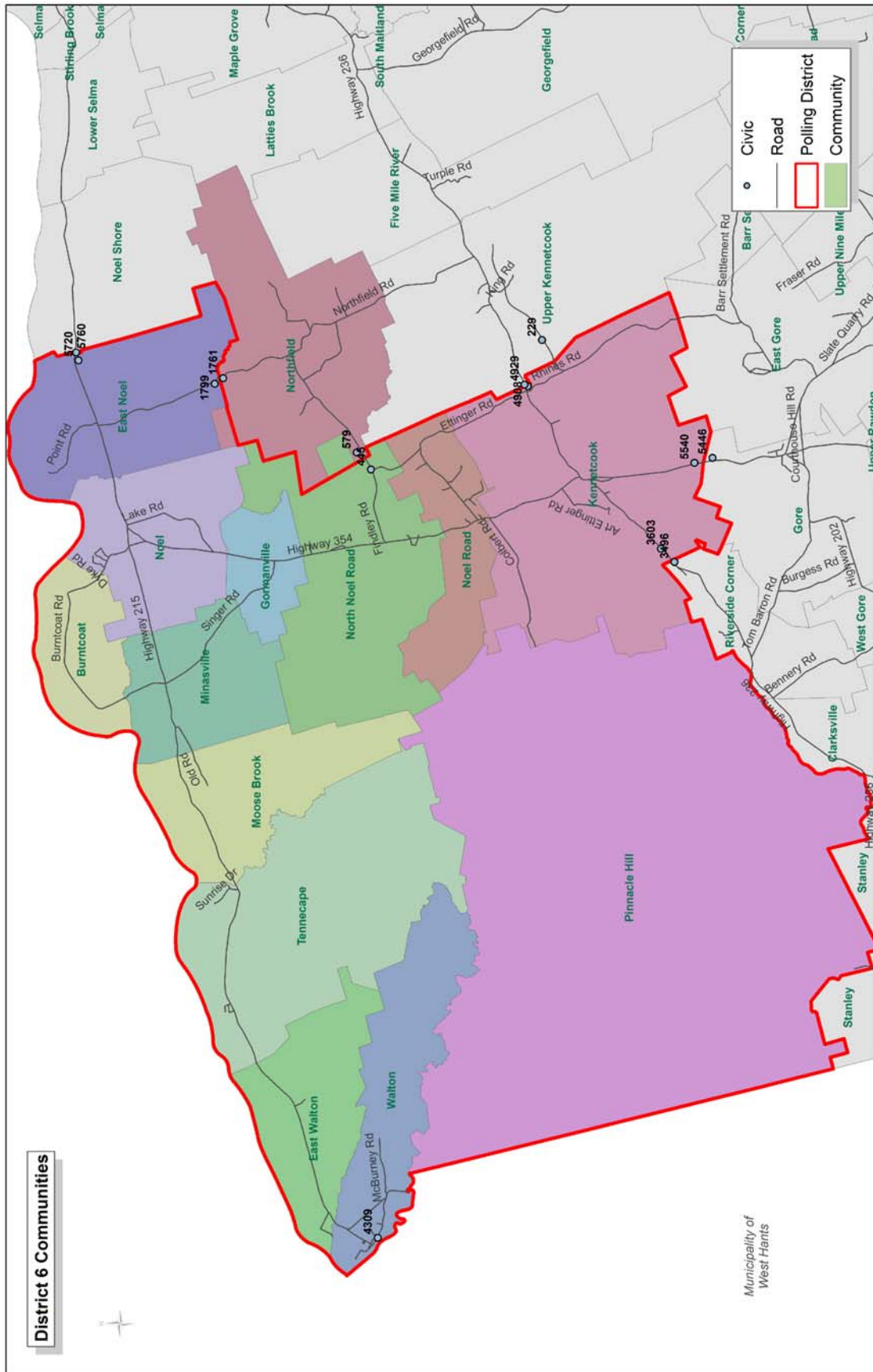


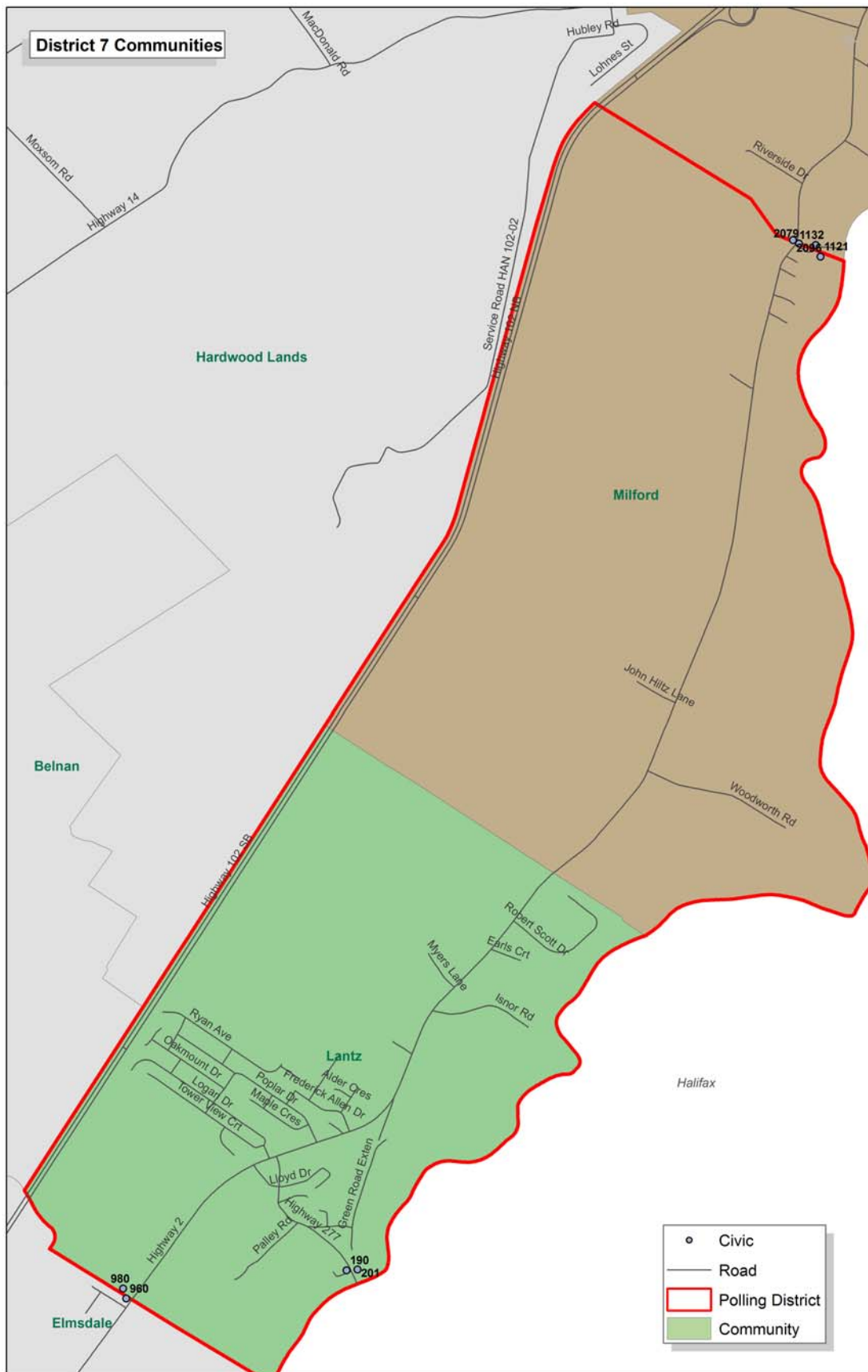


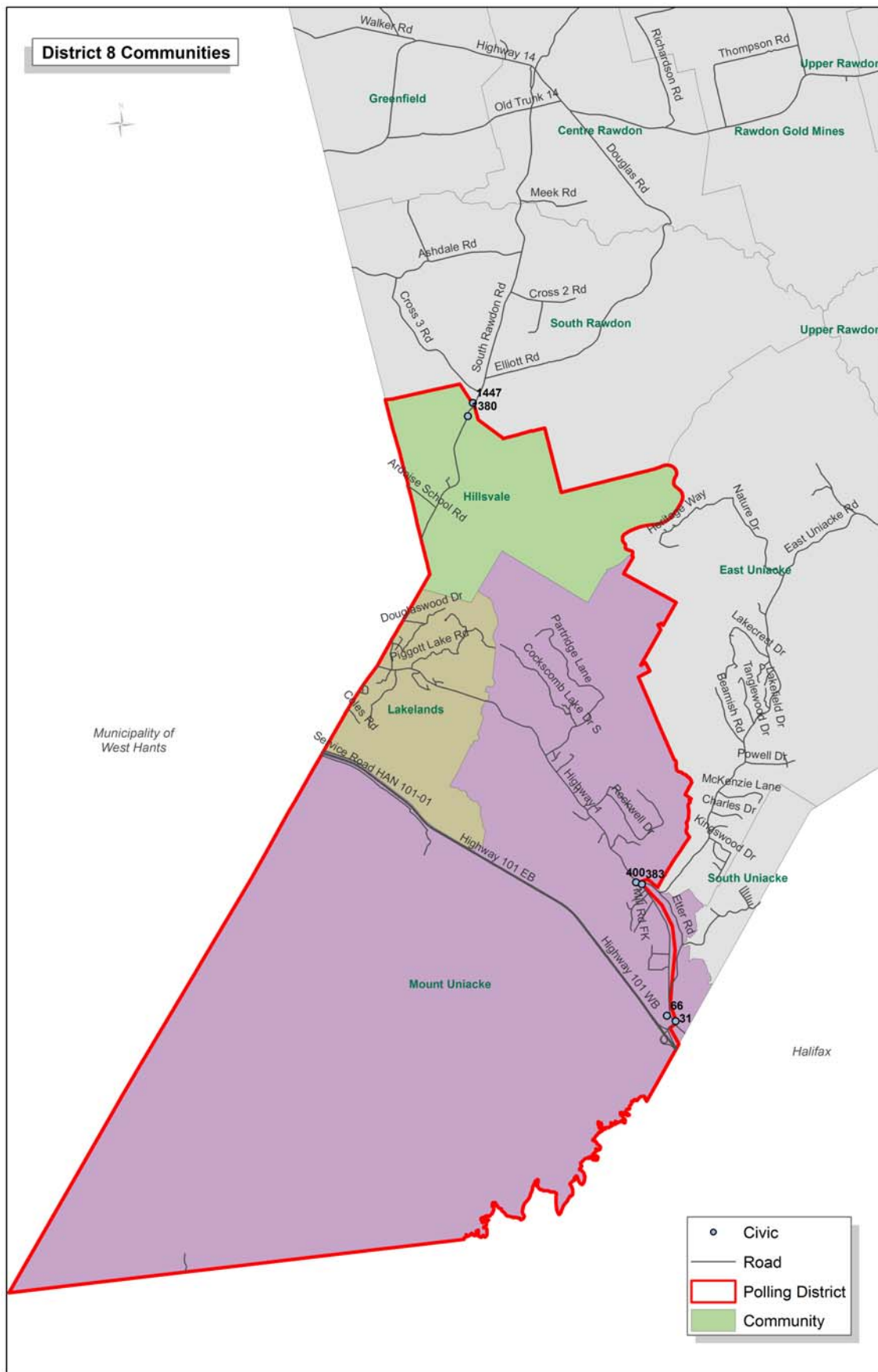


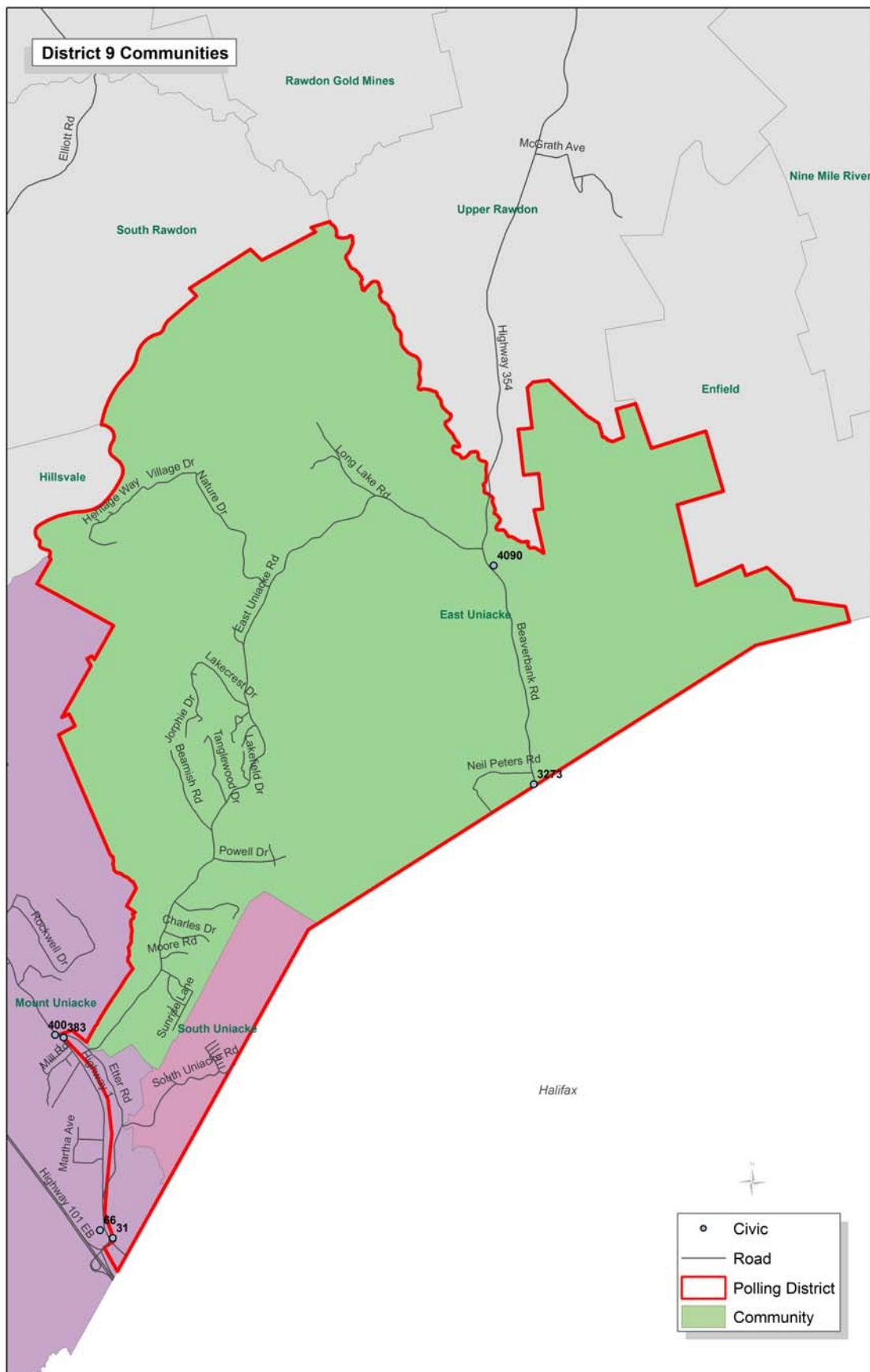




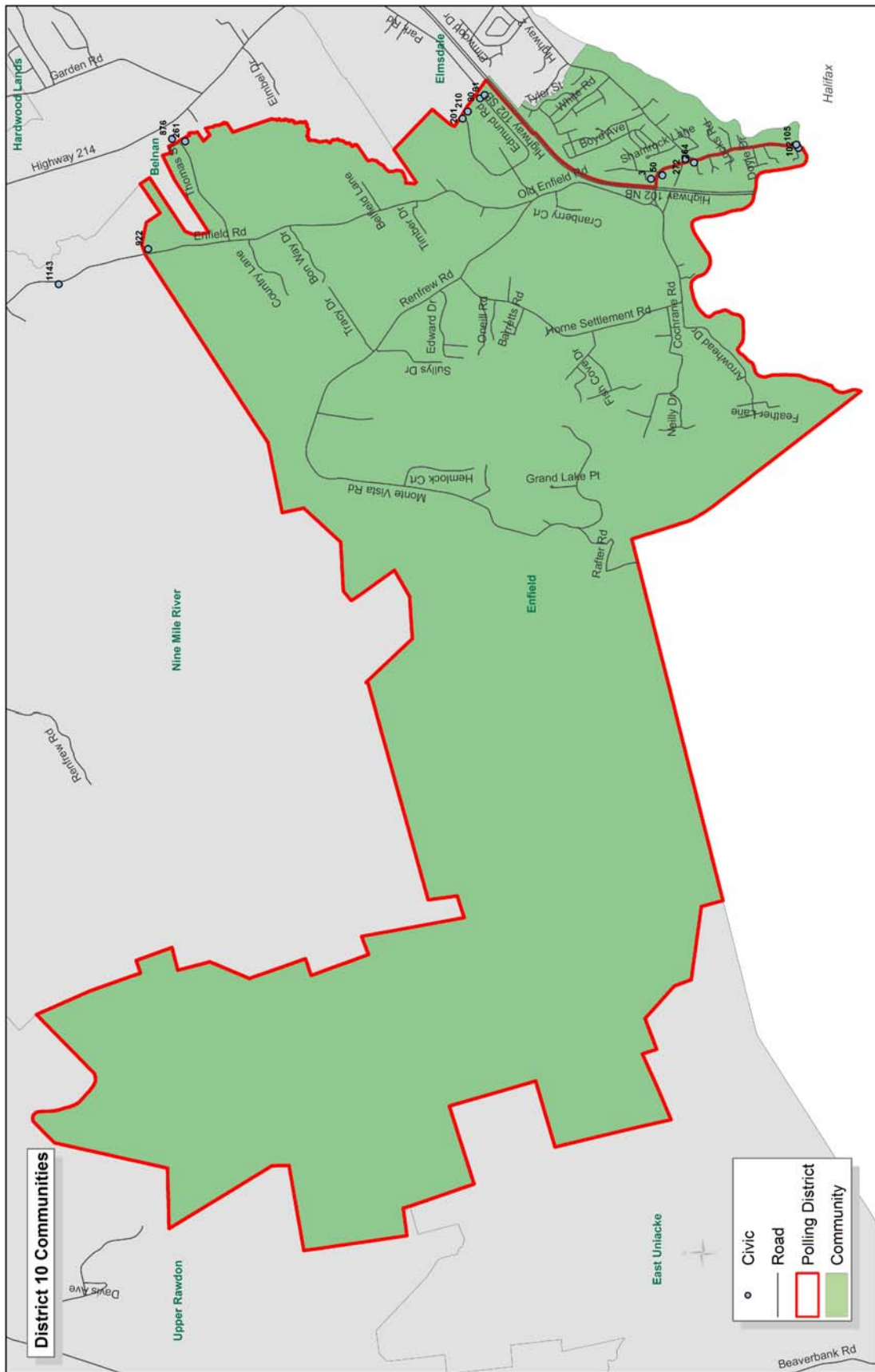


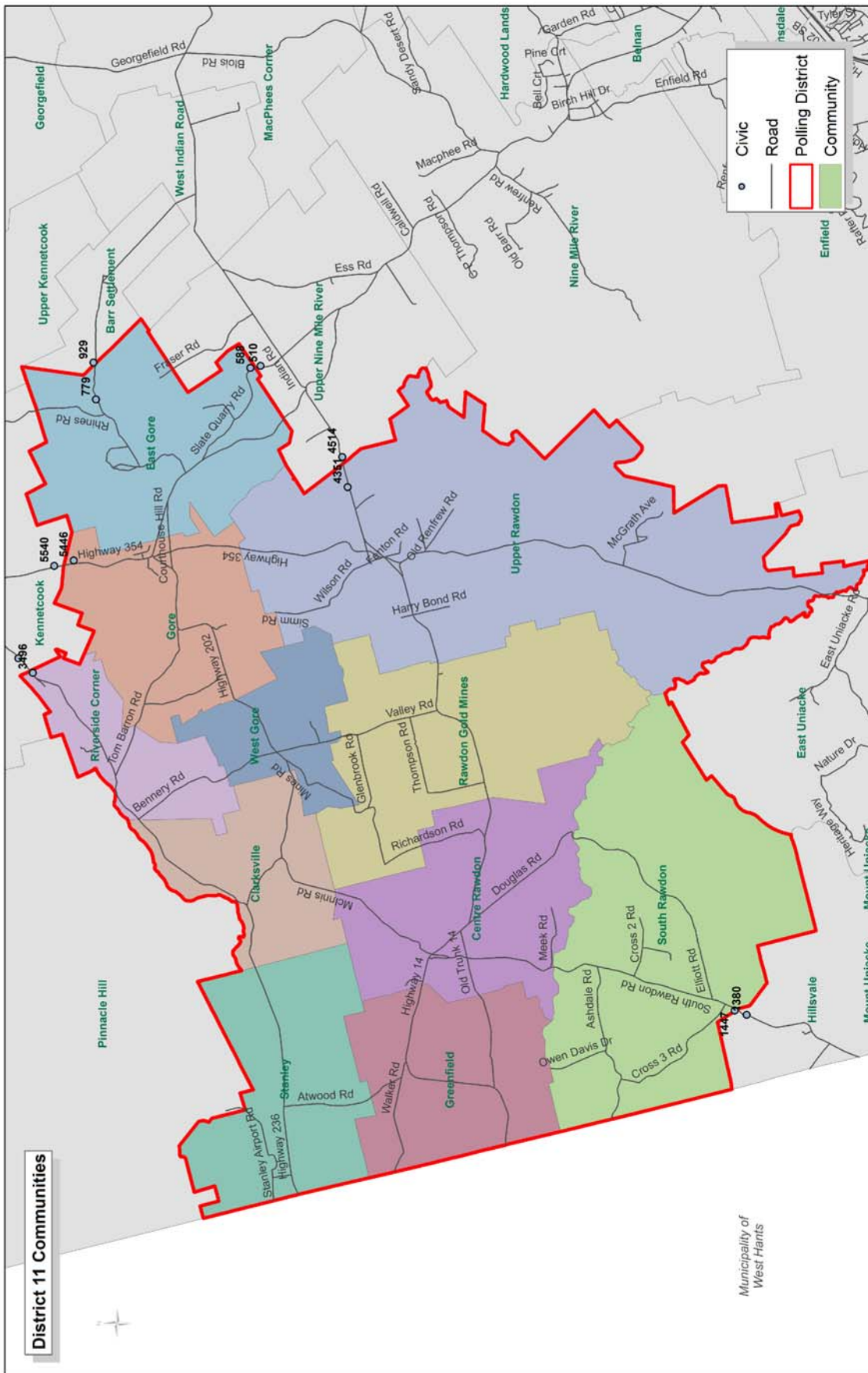












**N.S. Reg. 23/2016**

Made: June 16, 2015

Filed: February 5, 2016

Management and Operation of Penal Institutions Regulations—repeal

Order in Council 2015-173 dated June 16, 2015

Repeal of regulations made by the Governor in Council  
pursuant to Section 15 of the *Court Houses and Lockup Houses Act*

The Governor in Council on the report and recommendation of the Attorney General and Minister of Justice dated May 21, 2015, and pursuant to Section 15 of Chapter 109 of the Revised Statutes of Nova Scotia, 1989, the *Court Houses and Lockup Houses Act*, is pleased to repeal the regulations respecting the management and operation of penal institutions, N.S. Reg. 32/79, made by the Governor in Council by Order in Council 79-197 dated February 20, 1979, effective on and after June 16, 2015.