



Part II
Regulations under the Regulations Act

Contents

Act	Reg. No.	Page
Dairy Industry Act		
Advisory Committee Regulations—replacement	247/2023	9
Milk Pricing Regulations—amendment	248/2023	17
Electricity Act		
Prescribed Energy-Storage Projects Regulations	250/2023	18
Natural Products Act		
Chicken Farmers of Nova Scotia Regulations—amendment	246/2023	2
Petroleum Products Pricing Act		
Prescribed Petroleum Products Prices (dispensed from publication).	249/2023	18
Prescribed Petroleum Products Prices (dispensed from publication).	251/2023	19

In force date of regulations: As of November 28, 2023*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*.

A regulation comes into force on the date it is filed unless the regulation states that it comes into force on a later date, or the Act that the regulation is made under authorizes the regulation to come into force on a date earlier than the date it was filed or authorizes another method of coming into force.

*Date that subsections 3(4) and (5) of Chapter 54 of the Acts of 2022, *An Act to Amend Chapter 393 of the Revised Statutes, 1989, the Regulations Act*, were proclaimed in force.

N.S. Reg. 246/2023

Made: November 8, 2023

Approved: December 13, 2023

Filed: December 21, 2023

Chicken Farmers of Nova Scotia Regulations—amendment

Order dated December 14, 2023

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 November 8, 2023, 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. 109/2020, made by the Chicken Farmers of Nova Scotia on August 19, 2020, and approved by the Natural Products Marketing Council on August 20, 2020, in the manner set forth in the attached Schedule “A”, effective on and after January 1, 2024.

Signed at Kentville, in the County of Kings, Nova Scotia, on December 14, 2023.

Chicken Farmers of Nova Scotia

per: sgd. *Christine Bell*
Christine Bell
Executive Director

Approved by the Natural Products Marketing Council at Fall River, in the Halifax Regional Municipality, Nova Scotia, on December 13, 2023.

Natural Products Marketing Council

per: sgd. *Danielle Dorn Kouwenberg*
Danielle Dorn Kouwenberg
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. 109/2020, made by the Chicken Farmers of Nova Scotia, and approved by the Natural Products Marketing Council on August 20, 2020, pursuant to Section 9 of the *Natural Products Act* is amended by

- (a) adding the following definition immediately after the definition of “beneficial shareholder”:
“Code of Practice for the Care and Handling of Hatching Eggs, Breeders, Chicken and Turkeys” means the Code of Practice for the Care and Handling of Hatching Eggs, Breeders, Chicken and Turkeys made by the National Farm Animal Care Council, as amended from time to time;
 - (b) repealing the definition for “free range chicken”;
 - (c) deleting the word “specialty” in the definition of “licensing period” and substituting the words “small flock”;
 - (d) deleting the word “specialty” in the definition of “marketing period” and substituting the words “small flock”;
 - (e) adding the following definition immediately after the definition of “maximum barn capacity”:
“National Avian On-Farm Biosecurity Standard” means the National Avian On-Farm Biosecurity Standard made by the Canadian Food Inspection Agency, as amended from time to time;
 - (f) repealing the definition for “organic chicken”;
 - (g) repealing the definition for “specialty chicken” and replacing it with the following definition:
“small flock chicken” means chicken produced by a small flock producer;
 - (h) repealing the definition for “specialty producer licensee” and replacing it with the following definition:
“small flock producer licensee” means a producer who holds a small flock producer licence;
 - (i) repealing the definition for “Specialty Production Committee” and replacing it with the following definition:
“Small Flock Production Committee” means the committee established under Section 40 to provide recommendations to the Commodity Board regarding small flock production;
- 2 Subsection 10(2) of the regulations is amended by deleting “200” substituting “100”.
 - 3 Clause 11(e) of the regulations is repealed and replaced with the following:
[(e)] small flock licence: authorizes a producer to produce and market small flock chicken during a licensing period in accordance with Section 35.
 - 4 Clause 15(b) of the regulations is amended by deleting the word “specialty” and substituting the words “small flock”.
 - 5 Clause 15(c) of the regulations is amended by deleting the word “Section” and substituting the word “subsection”.
 - 6 Subsection 30(2) of the regulations is amended by deleting the word “specialty” and substituting “small flock”.
 - 7 Clause 35(c) of the regulations is amended by deleting the word “specialty” and replacing it with the

words “small flock” wherever it appears.

- 8 The heading immediately following Section 35 is amended by deleting the word “Specialty” and substituting “Small Flock”.
- 9 Section 36 is amended by deleting the word “Specialty” from its Section heading and substituting the words “Small flock”.
- 10 Subsection 36(1) of the regulations is amended by
 - (a) deleting the word “specialty” and substituting “small flock”; and
 - (b) repealing clause (d).
- 11 Subsections 36(2) and (3) of the regulations are amended by deleting the word “specialty” and substituting the words “small flock” wherever it appears.
- 12 Sections 37 to 48 of the regulations are repealed and replaced with the following:

Small flock chicken labelling

- 37 (1)** Small flock chicken must be clearly identified using a “Licensed by Chicken Farmers of Nova Scotia” chicken label to indicate that the chicken is chicken produced under the authority of the Commodity Board.
- (2)** A small flock producer licensee may apply to the Commodity Board for approval of a licence holder-generated chicken identification label by submitting the proposed identification label with their application.

Leasing of facilities for small flock production

- 38 (1)** A small flock producer licensee may only produce chicken in facilities owned by the small flock producer licensee except as authorized under this Section.
- (2)** A small flock producer licensee may apply to produce small flock chicken in facilities leased by the small flock licence holder.
- (3)** An application to the Commodity Board to produce small flock chicken in a leased facility must include all of the following:
- (a) a copy of the written permission from the owner of the facilities for the small flock producer licensee to produce small flock chicken in the facilities;
 - (b) written confirmation that the small flock producer licensee currently lives on the land in question, or has a plan satisfactory to the Commodity Board for attending to the chickens;
 - (c) written confirmation that only one licensed producer will be using the facilities.

Renewal of small flock licence

- 39 (1)** A small flock producer licensee who is in compliance with these regulations may make a request to the Commodity Board to renew their small flock licence, instead of re-applying under Section 12.

- (2) The Commodity Board must renew a small flock licence if the conditions in subsection (1) are met.
- (3) A request to renew a small flock licence under subsection (1) must be made in a form approved by the Commodity Board.

Small Flock Production Committee

40 The Commodity Board must appoint a Small Flock Production Committee annually made up of all of the following:

- (a) 2 members appointed by the Commodity Board;
- (b) 2 small flock producer licensees selected through an application process open to all registered small flock licensees.

Selection of small flock producers for Small Flock Production Committee

- 40A (1)** Each year, the Commodity Board must issue a call for applications for small flock producers to sit on the Small Flock Production Committee.
- (2) Only the following persons are eligible to sit on the Small Flock Production Committee:
 - (a) a small flock producer ~~licencee~~ [licensee] who has been issued a small flock licence for the current calendar year; or
 - (b) a small flock producer ~~licencee~~ [licensee] who is eligible to renew their small flock licence for the current calendar year.
 - (3) Applications under subsection (1) must be submitted in a form approved by the Commodity Board and must include all of the following:
 - (a) name of applicant;
 - (b) name and address of small flock producer ~~licencee~~ [licensee] represented by the applicant;
 - (c) statement of applicant qualifications.
 - (4) After the Commodity Board issues a call for applications under subsection (1), the Commodity Board must appoint a panel of three independent adjudicators who are familiar with the agricultural industry in Nova Scotia and who do not have any interest in base quota.
 - (5) The independent adjudicators appointed under subsection (4) must review all applications and recommend two applicants as candidates for the Small Flock Production Committee.
 - (6) The candidate(s) recommended by the independent adjudicators under subsection (5) must be appointed to the Small Flock Production Committee by the Commodity Board.

Small flock production allotment established for licensing period

- 41 (1)** The Small Flock Production Committee must recommend to the Commodity Board the number of kilograms live weight of chicken to be allotted for small flock production in each licensing period.
- (2) After considering the recommendations received under subsection (1), the Commodity Board

must establish the number of kilograms live weight of chicken to be allotted for small flock production in each licensing period.

Distribution of small flock production allotment

- 42 (1)** The number of kilograms live weight of chicken to be allotted for small flock production in a licensing period established by the Commodity Board under subsection 41(2) must be fully distributed to applicants for small flock licences as follows:
- (a) first, to small flock producer licensees who held a small flock licence in the preceding licensing period and whose renewal requests were received by the Commodity Board on or before January 15, on a pro rata basis based on the licensee's share of the total renewal requests received by January 15, up to an amount equal to the licensee's licensed production in the preceding licensing period;
 - (b) second, to small flock producer licensees who have received a small flock production allotment under clause (a) and who have requested an increase, on a pro rata basis, based on the licensee's share of the total increases requested;
 - (c) third, to small flock producer licensees who held a small flock licence in the preceding licensing period, who applied after January 15 but on or before February 15, on a first-come, first-served basis;
 - (d) fourth, to first-time small flock licence applicants who have applied to the Commodity Board on or before February 15, on a first-come, first-served basis;
 - (e) fifth, to small flock producer licensees who held a small flock licence in the preceding licensing period, and first-time applicants who have applied to the Commodity Board after February 15 and on or before June 1, on a first-come, first-served basis.
- (2)** The Commodity Board will only consider applications to increase, decrease or cancel small flock licences approved for the current licensing period between April 1 and July 1.

Review of small flock production allotment

- 43 (1)** After June 1 of each year, the Commodity Board must review the number of kilograms live weight of chicken authorized to be produced under small flock licences for the current licensing period.
- (2)** If the review under subsection (1) determines that the kilograms live weight of chicken licensed for the current licensing period is less than the small flock production allotment established under Section 37, the Commodity Board may make adjustments before producer licences are issued for the last marketing period during which small flock production will take place in the licensing period in the following manner until the excess small flock production allotment is completely allocated:
- (a) first, any producers with small flock licences who have applied for, and are eligible for, an increase of more than 1000 chickens under their licence, but who have not yet received that increase, must be offered the opportunity to increase their licence by a maximum of 1000 chickens;
 - (b) second, if any chickens remain unassigned to a small flock producer licence, producers with small flock licences other than those under clause (a) must be offered an opportunity to increase their licence by a maximum of 1000 chickens, except for the following producers:

- (i) a producer whose production is restricted under Section 47 as a result of underproduction,
- (ii) a producer who is already licensed to produce the maximum number of chickens that may be produced under a small flock licence under subsection 44(2);
- (c) third, despite subsection 44(2), producers with small flock licences who are already licensed to produce the maximum number of chickens that may be produced under a small flock licence under subsection 44(2) must be offered an opportunity to request up to an additional 500 chickens;
- (d) fourth, any remaining allotment must be allocated by special licence to eligible registered quota holders.

Maximum number of chickens for small flock licence

- 44** (1) After consulting with the Small Flock Production Committee, the Commodity Board must establish the maximum number of chickens that may be produced under a small flock licence.
- (2) In accordance with subsection (1), the maximum number of chickens established by the Board that may be produced under a small flock licence in a licensing period is 11 000 chickens.
- (3) Despite subsections (1) and (2), for a first-time applicant for a small flock licence, the maximum number of chickens in subsection 44(2) that may be produced under the licence in the licensing period is 1000 chickens.
- (3A) An applicant who held a specialty licence expiring on December 31, 2023, is not a first time applicant for the purposes of this Section.
- (4) The maximum increase to a small flock licence from one licensing period to the next is 1000 chickens.

Small flock licence fees

- 45** Before a small flock licence is issued by the Commodity Board, the applicant must pay all of the following fees to the Commodity Board:
- (a) a licensing fee of \$0.09 per chicken applied for, plus any applicable taxes;
 - (b) a non-refundable licence application fee of \$25;
 - (c) a fee covering the cost of any small flock labels issued by the Commodity Board.

Requirement for small flock producer licensees to comply with national standards for biosecurity and animal care

- 45A** A small flock producer licensee must comply with the most current published version of the Code of Practice for the Care and Handling of Hatching Eggs, Breeders, Chicken and Turkey and the National Avian On-Farm Biosecurity Standard.

Facilities inspection for small flock licence

- 46** (1) The Commodity Board may visit, examine, measure and photograph a producer's facilities at any time to ensure that they comply with the Code of Practice for the Care and Handling of Hatching Eggs, Breeders, Chickens and Turkeys and the National Avian On-Farm Biosecurity Standard.

- (2) The Commodity Board must conduct an inspection of the facilities of a first-time applicant for a small flock licence before July 1.

Underproduction of small flock producer licensee

- 47 If a small flock producer licensee markets less than 92% of the chicken that they are authorized to produce under their small flock licence during a licensing period, then they are eligible for only their actual amount produced plus 10% as the maximum amount that may be produced under a licence in the following licensing period.

Overmarketing assessment levy under small flock licence

- 48 (1) A small flock producer licensee who markets more chicken for a licensing period than is authorized by their small flock licence must pay the following overmarketing assessment levy to the Commodity Board:
- (a) \$1.40 for every chicken marketed that is over 102% and up to and including 104% of the total number of chickens authorized to be produced under the licence; and
 - (b) \$2.80 for every chicken marketed that is over 104% of the total number of chickens authorized to be produced under the licence.
- (2) The Commodity Board must send written notice of the amount of any overmarketing assessment levy due under subsection (1) to the small flock producer licensee.
- (3) A person required to pay an overmarketing assessment levy under subsection (1) must send the payment to the Commodity Board no later than 30 days after the date that the written notice under subsection (2) was received.

- 13 Section 49 of the regulations is amended by deleting the word “specialty” wherever it appears and substituting the words “small flock”.

- 14 Section 50 of the regulations is repealed and replaced with the following:

Requirements to sell or market small flock chicken for human consumption

- 50 A person must not sell or market small flock chicken for human consumption unless the chicken meets all of the following:
- (a) the chicken is produced under an annual licence issued by the Commodity Board for no more than the maximum as set out in subsection 44(2);
 - (b) the chicken is processed in a provincially-inspected processing plant between April 1 and November 30; and
 - (c) the chicken is grown and marketed directly in Nova Scotia to retail or the consumer by the licensee.

- 15 Sections 51 and 52 of the regulations are repealed and replaced with the following:

Production of small flock chicken by holder of producer licence

- 51 (1) Except as provided in subsection (2), a person is not eligible to hold a producer licence and a small flock licence at the same time.
- (2) A producer may produce small flock chicken under their producer licence if they meet all of the following conditions:

- (a) they produce all or a portion of their licensed quantity of chicken as small flock chicken;
- (b) they report the kilograms live weight of chicken marketed to the Commodity Board in the marketing period for which they were licensed;
- (c) they pay the fee as stipulated in clause 45(a) for all chicken marketed;
- (d) they comply with all requirements for chicken marketed as small flock chicken, including the labelling requirements in Section 37.

Transferring small flock licence

52 (1) Subject to subsection (2), the Commodity Board may approve a transfer of a small flock licence if the transfer meets either of the following criteria:

- (a) it is part of a sale of a complete farm business;
 - (b) it is done for the purposes of succession planning.
- (2)** The Commodity Board may approve a transfer of a small flock licence under subsection (1) only if the small flock licence proposed to be transferred was issued in the farm business name.
- (3)** A small flock licence transferred under subsection (1) must continue to be produced in the original production facility location for a period of 12 months after the transfer.
- (4)** If a small flock licence is transferred in accordance with this Section, the transferee is not considered a first-time applicant.

16 Section 59 of the regulations is repealed and replaced with the following:

Small flock licence holder reports

59 A small flock producer licensee must send the Commodity Board a properly completed small flock chicken production report no later than 10 days after the shipment of each flock.

N.S. Reg. 247/2023

Made: November 30, 2023

Approved: December 13, 2023

Filed: December 21, 2023

Advisory Committee Regulations—replacement

Order dated December 19, 2023

Repeal of regulations and regulations made by the Dairy Farmers of Nova Scotia
and approved by the Natural Products Marketing Council
pursuant to clause 15(1)(c) of the *Dairy Industry Act*

Dairy Farmers of Nova Scotia

Regulations made under the *Dairy Industry Act*

I certify that on November 30, 2023, the Dairy Farmers of Nova Scotia, pursuant to clause 15(1)(c) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, carried a motion to repeal the *Advisory Committee Regulations*,

N.S. Reg. 65/2001, and make new regulations respecting advisory committees to Dairy Farmers of Nova Scotia in the form set out in Schedule “A”, effective on and after January 1, 2024.

Signed at Masstown, in the County of Colchester, Nova Scotia, on December 19, 2023.

Dairy Farmers of Nova Scotia

per: sgd. *Kimberly Harrison*
Kimberly Harrison
General Manager

Approved by the Natural Products Marketing Council at Fall River, in the Halifax Regional Municipality, Nova Scotia, on December 13, 2023.

Natural Products Marketing Council

per: sgd. *Danielle Dorn Kouwenberg*
Danielle Dorn Kouwenberg
Manager

Schedule “A”

**Regulations Respecting Advisory Committees
made by the Dairy Farmers of Nova Scotia under clause 15(1)(c) of
Chapter 24 of the Acts of 2000,
the *Dairy Industry Act***

Citation

1 These regulations may be cited as the *Advisory Committee Regulations*.

Interpretation

2 (H) In these regulations,

“ACM” means the Advisory Committee for Milk established by Section 3;

“ACT” means the Advisory Committee for Transportation established by Section 13;

“Board representative” means a member of the ACM appointed under ~~subsection~~ [clause] 4(1)(a) or a member of the ACT appointed under ~~subsection~~ [clause] 15(1)(a), as the case may be;

“processor representative” means a representative of a processor appointed under ~~subsection~~ [clause] 4(1)(b);

“Transporters” means all persons licensed by the Board to transport milk in Nova Scotia under Section 3 of the *Bulk Haulage Regulations*; and

“transporter representative” means a representative of a transporter appointed under ~~subsection~~ [clause] 15(1)(b).

Advisory Committee for Milk established

- 3 The Advisory Committee for Milk is established to advise and make recommendations to the Board on
- (a) promoting harmonious relationships between persons engaged in the producing and marketing of milk;
 - (b) promoting greater efficiency in the marketing of milk;
 - (c) preventing and correcting irregularities and inequities in the marketing of milk;
 - (d) improving circulation of market information respecting milk; and
 - (e) any matter with respect to which the Board may make regulations under the Act.

Constitution of Committee

- 4 (1) The ACM consists of 5 members as follows:
- (a) two members appointed annually by the Board, each to serve a 1-year term;
 - (b) two members appointed annually by the Processor Association, each to serve a 1-year term subject to Section 5;
 - (c) the chair of the ACM appointed by the ACM, to serve a 3-year term, subject to annual review, who is
 - (i) approved by the Board representatives and processor representatives, and
 - (ii) not a producer, processor, or distributor of dairy products.
- (2) The Board must appoint a secretary of the ACM.
- (3) If a member of the ACM dies, resigns, or becomes unavailable to act before the expiration of their term as an ACM member, the Board or the Processor Association appointing such person, as the case may be, must appoint a member to serve for the remainder of that term.
- (4) Any Committee member may be reappointed.

Processor representatives

- 5 (1) At least 60 days prior to the appointments of the processor representatives expiring, the Board must contact the Processor Association requesting the names of appointees for the coming year.
- (2) If no appointments are made within the 60 days referenced in subsection (1), the Board must send a second request to the Processor Association by registered mail.
- (3) If no appointments are made within 30 days of the request in subsection (2) being mailed, the Board may appoint processor representatives to the ACM.
- (4) Processor representatives appointed under Section 4 must represent different processors.
- (5) If there is a reorganization, merger, or consolidation of processors during any term of processor representatives, the Processor Association may appoint new processor representatives for the remainder of that term.

- (6) The ACM must identify and implement ways of including the input of all processors in the representation of processors on the Committee.

Observers

- 6 (1) The Board may appoint 1 observer to sit on the ACM in a non-voting capacity.
- (2) Each processor representative may appoint 1 observer to sit on the Committee in a non-voting capacity.
- (3) The Council must appoint 1 observer to sit on the ACM in a non-voting capacity.
- (4) At the beginning of each meeting, the secretary must record who is present as voting members and who is present as observers for the purpose of voting in accordance with Section 9.

Costs

- 7 (1) The Board is responsible for the costs of the secretary, Board representatives, and any observer appointed by the Board.
- (2) Each processor representative is responsible for their own costs and for the costs of any observer appointed by the processor representative.
- (3) The remuneration paid to the chair of the ACM and the terms of any contract for services with the chair must be mutually agreeable between the Board representatives and the processor representatives.
- (4) All chair remuneration and Committee meeting costs must be shared between the Board and the processor representatives, with the Board paying 50% of the costs and the processor representatives each paying 25% of the costs.

Quorum

- 8 A quorum for voting is 4 Committee members, consisting of 2 Board representatives and 2 processor representatives.

Voting

- 9 (1) All decisions of the ACM must be unanimous.
- (2) The Board representatives collectively have 1 vote, and the processor representatives collectively have 1 vote.
- (3) The chair does not have a vote.
- (4) The collective vote of the Board representatives and the collective vote of the processor representatives is determined in accordance with the following chart:

		Vote of Board/processor representative 1		
		Yes	No	Abstain
Vote of Board/processor representative 2	Yes	Yes	No consensus	Yes
	No	No consensus	No	No
	Abstain	Yes	No	Abstain

(5) The outcome of a vote at the ACM is determined in accordance with the following chart:

		Collective vote of Board representatives			
		Yes	No	Abstain	No consensus
Collective vote of processor representatives	Yes	Yes	No decision	Yes	No decision
	No	No decision	No	No	No decision
	Abstain	Yes	No	Abstain	No decision
	No consensus	No decision	No decision	No decision	No decision

- (6) Where one or more ACM members abstain from voting and all other votes are unanimous, the abstained vote will not be counted and the decision will be unanimous.
- (7) The secretary must record the votes of all 4 of the voting members, including any abstentions from voting.

Voting when member absent

- 10 (1) If a Board representative is absent from a meeting, an observer appointed by the Board under subsection 6(1) is considered a Board representative for the purpose of Section 9 and has the same voting rights as a Board representative.
- (2) If a processor representative is absent from a meeting, an observer appointed by that processor representative under subsection 6(2) is considered a processor representative for the purpose of Section 9 and has the same voting rights as the processor representative.

Decision making

- 11 (1) If the ACM is unable to reach a decision after an issue has been discussed at a minimum of 4 meetings, over a maximum of 3 months, the chair may propose a 30-day cooling-off period.
- (2) If a decision has not been reached under subsection (1), including after a cooling-off period, the chair may refer the matter to mediation, provided that at least 3 out of 4 voting Committee members agree.
- (3) If a decision has not been reached under subsections (1) or (2), the chair, or the secretary if the chair is unavailable, must refer the matter to the Council for arbitration in accordance with Section 12.

Arbitration

- 12 (1) The ACM must send a request for arbitration to the Council in writing, and the request must demonstrate why the ACM was unable to reach a decision under Section 11.
- (2) The Council has the discretion to determine whether to arbitrate an issue referred to it under this Section.

- (3) The Council must determine whether to hear the matter within 14 days of receiving the request.
- (4) If the Council determines it will not hear the matter, the Committee must refer the matter to an arbitrator on a panel of arbitrators maintained for this purpose.
- (5) Unless otherwise agreed to by both parties, or the Council determines otherwise, a matter arbitrated under this regulation must be heard:
 - (a) if Council determines to hear the matter, within 21 days of the decision to hear it;
 - (b) if an arbitrator is appointed to hear the matter, within 21 days of the appointment.
- (6) A decision of an arbitrator, including the Council, must be delivered within 14 days following the conclusion of the hearing, unless the Council determines otherwise.
- (7) The decision of an arbitrator, including the Council, is final and binding on the processors and the Board.
- (8) All costs of the arbitration and the mediation must be equally shared by the Board and the processors.

Advisory Committee for Transportation established

13 The Advisory Committee for Transportation is established to advise and make recommendations to the Board on

- (a) promoting harmonious relationships between producers and persons transporting milk;
- (b) promoting greater efficiency in the transporting of milk;
- (c) any aspect of bulk milk transportation with respect to which the Board may make regulations under the Act.

Decision of Advisory Committee for Milk supersedes decision of Advisory Committee for Transportation

14 Where a decision of the ACT and the ACM conflict, the decision of the ACM shall supersede the decision of the ACT.

Constitution of the Committee

15 (1) The ACT consists of 5 members as follows:

- (a) two members appointed annually by the Board, each to serve a 1-year term;
- (b) two members appointed annually by the Transporters, each to serve a 1-year term subject to Section 16;
- (c) the chair of the ACT appointed by the ACT, to serve a 3-year term, subject to annual review, who is
 - (i) a non-voting member,
 - (ii) approved by the board representatives and transporter representatives, and
 - (iii) not a producer, processor, or distributor of dairy products.

- (2) The Board shall appoint a secretary for the ACT.
- (3) If a member of the ACT dies, resigns, or becomes unavailable to act before the expiration of their term as an ACT member, the Board or transporters appointing such person, as the case may be, must appoint a member to serve for the remainder of that term.
- (4) Any ACT member may be reappointed.
- (5) Transporter representatives appointed under clause 15(1)(b) must represent different transporters.

Transporter representatives

- 16**
- (1) At least 60 days prior to the appointments of the transporter representatives expiring, the Board must contact the Transporters requesting the names of appointees for the coming year.
 - (2) If no appointments are made within the 60 days referenced in subsection (1), the Board must send a second request to the Transporters by registered mail.
 - (3) If no appointments are made within 30 days of the request in subsection (2) being mailed, the Board may appoint transporter representatives to the ACT.
 - (4) The transporter representatives must be representative of different transporters carrying on business in the Province.
 - (5) If there is a reorganization, merger, or consolidation of transporters during any term of transporter representatives, the Transporters may appoint new members for the remainder of that term.
 - (6) If the Transporters do not make an appointment under subsection (5) within 30 days of the reorganization, merger, or consolidation, the Board must send a request to the Transporters by registered mail, and if no appointment is made within 30 days of the registered mail being mailed the Board may appoint a transporter representative who has not been appointed in order to increase the number of transporter representatives to 3.
 - (7) The transporter representatives shall identify and implement ways of including the input of the other transporters who are not on the ACT.

Costs

- 17**
- (1) The Board is responsible for the costs of the secretary and Board representatives.
 - (2) The transporter representatives are responsible for their own costs.
 - (3) All chair remuneration and ACT meeting costs must be shared equally between the Board and the Transporters, with the Board paying 50% of the costs and the transporter representatives each paying 25% of the costs.
 - (4) The remuneration or compensation paid to the chair of the ACT, and the terms of any contract for services with the chair, must be mutually agreeable between the Board and the Transporters.

Voting

- 18**
- (1) Each member of the ACT has one vote, with the exception of the chair, who does not have a vote.

- (2) All decisions of the ACT must be unanimous among the voting members.

Arbitration

- 19 (1) If, at any time, the ACT is unable to reach a unanimous decision and the chair is of the opinion that all avenues that might lead to unanimity have been exhausted, or at least two-thirds of the voting members concur that the matter must be referred to arbitration, the chair, or failing the chair the secretary, must refer the matter to arbitration.
- (2) A matter referred to arbitration must be referred to one of the arbitrators on the panel of arbitrators maintained for this purpose.
- (3) The panel of arbitrators must only contain the names of those arbitrators who are mutually agreeable to both the Board and the Transporters, and who have agreed to the terms of reference for an arbitration under these regulations.
- (4) Upon the arbitrator being appointed, the hearing of the matter must be within 21 days of the appointment and the decision of the arbitrator must be delivered within 7 days of the conclusion of the hearing, unless both parties agree to extend either or both deadlines.
- (5) The decision of the arbitrator is final and binding on the Transporters and the Board.
- (6) All costs of the arbitration must be equally shared by the Board and the Transporters.

Notification of proposed Regulatory Amendments

- 20 (1) The Board must notify the transporter representatives and processor representatives of any proposed amendments to the regulations that are relevant to processors or transporters, as the case may be.
- (2) The transporter representatives and processor representatives have 30 days to raise concerns with the proposed amendments under subsection (1) by notifying the chair of their respective committee.
- (3) If the transporter representatives or processor representatives raise concerns with the proposed amendments, the chair of their respective committee must immediately convene a meeting to address the concerns.
- (4) The dispute resolution mechanisms in these regulations apply to any issues identified under subsection (2).

Notification to producers

- 21 The Board must notify producers of any proposed amendments to the regulations within a reasonable period of time.

N.S. Reg. 248/2023

Made: November 8, 2023

Approved: December 13, 2023

Filed: December 21, 2023

Milk Pricing Regulations—amendment

Order dated December 19, 2023

Amendment to regulations made by the Dairy Farmers of Nova Scotia
and approved by the Natural Products Marketing Council
pursuant to Sections 9 and 14 of the *Dairy Industry Act*

Dairy Farmers of Nova Scotia

**Amendment to the *Milk Pricing Regulations*
made under the *Dairy Industry Act***

I certify that on November 8, 2023, the Dairy Farmers of Nova Scotia, pursuant to Sections 9 and 14 of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, as delegated by Section 2 of the *Delegation of Powers to Dairy Farmers of Nova Scotia Regulations*, N.S. Reg. 136/2001, carried a motion 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, in the manner set forth in the attached Schedule “A”, effective on and after January 1, 2024.

Signed at Masstown, in the County of Colchester, Nova Scotia, on December 19, 2023.

Dairy Farmers of Nova Scotia

per: sgd. *Kimberly Harrison*
Kimberly Harrison
General Manager

Approved by the Natural Products Marketing Council at Fall River, in the Halifax Regional Municipality, Nova Scotia, on December 13, 2023.

Natural Products Marketing Council

per: sgd. *Danielle Dorn Kouwenberg*
Danielle Dorn Kouwenberg
Manager

Schedule “A”

**Amendment to the *Milk Pricing Regulations*
made by the Dairy Farmers of Nova Scotia
pursuant to Sections 9 and 14 of Chapter 24 of the Acts of 2000,
the *Dairy Industry Act***

Clause 9(1)(a) of 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, is amended by striking out “\$0.16” and substituting “\$0.17”.

N.S. Reg. 249/2023

Made: December 21, 2023

Filed: December 21, 2023

Prescribed Petroleum Products Prices

Order dated December 21, 2023
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*

[Please note: *Prescribed Petroleum Products Prices* filed with the Office of the Registrar of Regulations on and after January 23, 2023, will no longer be published in the *Royal Gazette Part II*. Publication of the *Prescribed Petroleum Products Prices* has been dispensed with by order of the Attorney General dated January 23, 2023, and published on page 63 of the February 10, 2023, issue of the *Royal Gazette Part II*. Current and historical *Prescribed Petroleum Products Prices* are available for inspection in person at the Office of the Registrar of Regulations and can be viewed on the Nova Scotia Utility and Review Board's website at the following address: <https://nsuarb.novascotia.ca/mandates/gasoline-diesel-pricing>.]

N.S. Reg. 250/2023

Made: December 21, 2023

Filed: December 21, 2023

Prescribed Energy-Storage Projects Regulations

Order in Council 2023-365 dated December 21, 2023
Regulations made by the Governor in Council
pursuant to subsection 4D(9) of the *Electricity Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources and Renewables dated December 1, 2023, and pursuant to subsection 4D(9) of Chapter 25 of the Acts of 2004, the *Electricity Act*, is pleased to make regulations respecting prescribed energy-storage projects, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 21, 2023.

Schedule "A"

**Regulations Respecting Prescribed Energy-Storage Projects
made by the Governor in Council under subsection 4D(9)
of Chapter 25 of the Acts of 2004,
the *Electricity Act***

Citation

1 These regulations may be cited as the *Prescribed Energy-Storage Projects Regulations*.

Definitions

2 In these regulations,

"Act" means the *Electricity Act*.

Prescribed energy-storage projects under Section 4D of Act

3 (1) The Nova Scotia Power Incorporated lithium-ion battery storage project is prescribed as an energy-storage project under Section 4D of the Act.

- (2) Nova Scotia Power Incorporated must install three 50 MW 4-hour duration lithium-ion grid-scale batteries with an electricity storage energy rating of 200 MWh each.
 - (3) Each 50 MW battery must be housed in a separate facility.
 - (4) Nova Scotia Power Incorporated must install a facility adjacent to the substation in all of the following locations:
 - (a) Bridgewater, Lunenburg County;
 - (b) Canaan Road substation on White Rock Road, Kings County;
 - (c) Spider Lake, Halifax County.
 - (5) Nova Scotia Power Incorporated must prepare and file with the Board and the Minister an annual report for each year up to and including the year 2030, on the use of each battery project, including details about the services provided.
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N.S. Reg. 251/2023

Made: December 28, 2023

Filed: December 28, 2023

Prescribed Petroleum Products Prices

Order dated December 28, 2023
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*

[Please note: *Prescribed Petroleum Products Prices* filed with the Office of the Registrar of Regulations on and after January 23, 2023, will no longer be published in the *Royal Gazette Part II*. Publication of the *Prescribed Petroleum Products Prices* has been dispensed with by order of the Attorney General dated January 23, 2023, and published on page 63 of the February 10, 2023, issue of the *Royal Gazette Part II*. Current and historical *Prescribed Petroleum Products Prices* are available for inspection in person at the Office of the Registrar of Regulations and can be viewed on the Nova Scotia Utility and Review Board's website at the following address: <https://nsuarb.novascotia.ca/mandates/gasoline-diesel-pricing>.]