

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 *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 proclaimed in force.

Correction: In the Table of Contents for the previous issue, No. 2, N.S. Reg. 5/2005, a proclamation under the *Agriculture Administration Amendment (2004) Act*, was incorrectly listed as N.S. Reg. 5/2004.

N.S. Reg. 6/2005

Made: January 27, 2005

Filed: January 31, 2005

Proclamation, S. 23, S.N.S. 2004, c. 30

Order in Council 2005-22 dated January 27, 2005
Proclamation made by the Governor in Council
pursuant to Section 23
of the *Maritime Provinces Higher Education Commission Act*

The Governor in Council on the report and recommendation of the Minister of Education dated December 22, 2004, pursuant to Section 23 of Chapter 30 of the Acts of 2004, the *Maritime Provinces Higher Education Commission Act*, is pleased to order and declare by proclamation that Chapter 30 of the Acts of 2004, the *Maritime Provinces Higher Education Commission Act*, come into force on and not before January 31, 2005.

PROVINCE OF NOVA SCOTIA

Sgd: Myra A. Freeman

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 23 of Chapter 30 of the Acts of 2004, the *Maritime Provinces Higher Education Commission Act*, it is enacted as follows:

- 23** 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 30 of the Acts of 2004, the *Maritime Provinces Higher Education Commission Act*, come into force on and not before January 31, 2005;

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 30 of the Acts of 2004, the *Maritime Provinces Higher Education Commission Act*, come into force on and not before January 31, 2004, of which all persons concerned are to take notice and govern themselves accordingly.

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

WITNESS, Our Trusty and Well Beloved Her Honour
the Honourable Myra A. Freeman, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 27th day of January, in the year of Our Lord two thousand and five and in the fifty-third year of Our Reign.

BY COMMAND:

Sgd: *Michael G. Baker*
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 7/2005

Made: January 27, 2005

Filed: January 31, 2005

Assistance Appeal Regulations

Order in Council 2005-25 dated January 27, 2005
Amendment to regulations made by the Governor in Council
pursuant to Section 21 of the *Employment Support and Income Assistance Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated December 7, 2004, and pursuant to Section 21 of Chapter 27 of the Acts of 2000, the *Employment Support and Income Assistance Act*, is pleased, effective on and after December 15, 2004, to amend the *Assistance Appeal Regulations* made by the Governor in Council by Order in Council 2001-337, dated July 13, 2001, by renumbering Section 2 as subsection 2(1) and adding the following subsection immediately after subsection 2(1):

- (2) For the purposes of Section 12 of the Act and these regulations, “day” does not include Saturday or a holiday.

N.S. Reg. 8/2005

Made: January 27, 2005

Filed: January 31, 2005

Proclamation, S. 2, S.N.S. 2004, c. 45

Order in Council 2005-26 dated January 27, 2005
Proclamation made by the Governor in Council
pursuant to Section 2 of
*An Act to Amend Chapter 376 of the Revised Statutes, 1989, the Public Service Act,
to Establish the Office of African Nova Scotian Affairs*

The Governor in Council on the report and recommendation of the Minister of African Nova Scotian Affairs dated December 15, 2004, pursuant to Section 2 of Chapter 45 of the Acts of 2004, *An Act to Amend Chapter 376 of the Revised Statutes, 1989, the Public Service Act, to Establish the Office of African Nova Scotian Affairs*, is pleased to order and declare by proclamation that Chapter 45 of the Acts of 2004, *An Act to Amend Chapter 376 of the Revised Statutes, 1989, the Public Service Act, to Establish the Office of African Nova Scotian Affairs*, come into force on and not before January 27, 2005.

PROVINCE OF NOVA SCOTIA

Sgd: *Myra A. Freeman*

G/S

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

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

GREETING:

A PROCLAMATION

WHEREAS in and by Section 2 of Chapter 45 of the Acts of 2004, *An Act to Amend Chapter 376 of the Revised Statutes, 1989, the Public Service Act, to Establish the Office of African Nova Scotian Affairs*, it is enacted as follows:

- 2 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 45 of the Acts of 2004, *An Act to Amend Chapter 376 of the Revised Statutes, 1989, the Public Service Act, to Establish the Office of African Nova Scotian Affairs*, come into force on and not before January 27, 2005;

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 45 of the Acts of 2004, *An Act to Amend Chapter 376 of the Revised Statutes, 1989, the Public Service Act, to Establish the Office of African Nova Scotian Affairs*, come into force on and not before January 27, 2005, of which all persons concerned are to take notice and govern themselves accordingly.

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

WITNESS, Our Trusty and Well Beloved Her Honour
the Honourable Myra A. Freeman, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 27th day of January, in the year
of Our Lord two thousand and five and in the
fifty-third year of Our Reign.

BY COMMAND:

Sgd: *Michael G. Baker*
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 9/2005

Made: January 27, 2005

Filed: January 31, 2005

Nova Scotia Cattle Marketing Plan

Order in Council 2005-36 dated January 27, 2005
Amendment to regulations made by the Governor in Council
pursuant to Section 11 of the *Natural Products Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated December 3, 2004, and pursuant to Section 11 of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*, is pleased to make amendments to the *Nova Scotia Cattle Marketing Plan*, N.S. Reg. 211/2004, to correct an error in the provisions for electoral zones so that zones are more reflective of the industry, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and from January 27, 2005.

Schedule "A"

**Amendment to the *Nova Scotia Cattle Marketing Plan*
made pursuant to Section 11 of Chapter 308 of the Revised Statutes of Nova Scotia,
1989, the *Natural Products Act***

- 1 Subsection 9(1) of the *Nova Scotia Cattle Marketing Plan*, N.S. Reg. 211/2004, made by Governor in Council by Order in Council 2004-385 dated September 23, 2004, is amended by repealing clauses (e) and (f) and substituting the following clauses:
 - (e) Zone 5 - the area designated in subsection (2) as "West Hants" and the counties of Kings and Annapolis;
 - (f) Zone 6 - the counties of Digby, Yarmouth, Shelburne, Queens and Lunenburg.
- 2 Subsection 9(2) of the Plan is amended by repealing clauses (e) and (f).

N.S. Reg. 10/2005

Made: December 1, 2004

Filed: January 31, 2005

Nova Scotia Egg Producers' Levy Order No. 33

Order dated December 1, 2004
made by the Nova Scotia Egg Producers' Board
pursuant to [clauses 6(1)(j) and 9(1)(hb)] of the *Natural Products Marketing Act*

**Nova Scotia Egg Producers Levy Order
Number Thirty-three
December 26, 2004**

Whereas pursuant to an Order in Council P.C. 3655-178 of the 7th day of December, 1978, the Minister of Agriculture for Canada executed an Agreement with the Ministers of Agriculture for each of the Provinces,

ratified by the Egg Producers Marketing Board for each of the Provinces provided for cooperation in developing an integrated system of levies to be imposed by the Commodity Boards of the various Provinces and by the Canadian Egg Marketing Agency upon persons engaged in the marketing of eggs in intraprovincial and interprovincial and export trade;

And whereas the levy to be imposed by the Commodity Board on behalf of the Agency as of December 26, 2004 is \$0.270 per dozen eggs and the levy to be imposed by the Nova Scotia Egg Producers for administration and for the Provincial Industrial Product Removal Program is \$0.030 per dozen eggs, for a total of \$0.30 per dozen eggs;

The Nova Scotia Egg Producers hereby approves and adopts the following Order:

- 1 This Order may be cited as the Nova Scotia Egg Producers Levy Order.
- 2 In this Order,
 - (a) "Agency" means the Canadian Egg Marketing Agency;
 - (b) "Commodity Board" means the Nova Scotia Egg Producers;
 - (c) "egg" means egg of a hen;
 - (d) "grading station operator" means any person who washes, grades, packs, offers for sale, sells, stores, transports or markets eggs and includes a Commodity Board, when applicable, and includes a producer-vendor;
 - (e) "hen" means a hen of any class of the domestic chicken belonging to the species *Gallus domesticus*;
 - (f) "Plan" means the *Nova Scotia Egg and Pullet Producers Marketing Plan*, and amendments thereto;
 - (g) "producer" means any person engaged in the production of eggs in the Province and includes a producer-vendor;
 - (h) "producer-vendor" means a producer who is a grading station operator in respect of all or any portion of eggs produced by that producer.
- 3
 - (1) A levy is imposed on every producer of \$0.30 per dozen of eggs marketed by the producer minus the number of dozens of eggs, if any, marketed by the producer in interprovincial and export trade.
 - (2) The levy imposed by subsection (1) shall, where the eggs are sold or otherwise disposed of
 - (a) to a person who is not a grading station operator, be paid by the producer directly to the Commodity Board; or
 - (b) to a grading station operator, be paid to the grading station operator to whom they are delivered, by the grading station operator deducting the amount of the levy from the monies payable by the grading station operator to the producer for the eggs and the grading station operator shall in turn pay the levies so collected to the Commodity Board.

- 4 As with previous levies, it is hereby confirmed that the total levy imposed on the producer with respect to eggs marketed by that producer in interprovincial and export trade shall, through the Levy Order set up and amended from time to time by the Agency, be identical to the total levy imposed hereunder for intraprovincial trade.
- 5 This Order shall come into force as of December 26, 2004.
- 6 Nova Scotia Egg Producers Levy Order Thirty-two is repealed effective upon the coming into force of this Levy Order.

By the Order of the Board, December 1, 2004.

Patricia Wyllie – Manager

Certificate

I hereby certify that the within and foregoing is a true and correct copy of an Order made by the Nova Scotia Egg Producers on December 1, 2004.

Patricia Wyllie – Manager

N.S. Reg. 11/2005

Made: December 8, 2004

Filed: February 8, 2005

Chicken Farmers of Nova Scotia Regulations

Order dated January 27, 2005

made by the Chicken Farmers of Nova Scotia and approved by the Natural Products Marketing Council pursuant to Sections 9 and 11 of the *Natural Products Marketing Act*

I certify that the Natural Products Marketing Council, at its meeting on December 8, 2004, carried a motion to amend the Chicken Farmers of Nova Scotia Regulations made by Council on January 21, 2004, in the manner set out in the form attached to this certificate as Schedule "A".

The amendments referred to in this certificate are effective on and after December 8, 2004.

Signed at Truro, in the County of Colchester, Nova Scotia, on Jan. 7, 2005.

Sgd: *G. Burris*
George D. Burris
General Manager
Natural Products Marketing Council

Schedule "A"

Chicken Farmers of Nova Scotia Regulations
made pursuant to Sections 9 and 11 of Chapter 308
of the Revised Statutes of Nova Scotia, 1989,
the Natural Products Act

Short title

1 These regulations may be cited as the *Chicken Farmers of Nova Scotia Regulations*.

Part I - Interpretation**Interpretation**

2 In these and all other regulations, orders, directions and policies of the Commodity Board, unless the context otherwise specifies,

- (a) "A-06" means an 8-week production period from April 14, 1996, to June 8, 1996 inclusive;
- (b) "A-07" means an 8-week production period immediately following A-06;
- (c) "Act" means the *Natural Products Act*;
- (d) "adjustment unit" means one of the units assigned by the Commodity Board after the end of a base quota period, in accordance with the criteria set out in Section 4;
- (e) "production and marketing agreement" means the agreement, made on the form approved by the Commodity Board, called the Agreement for Producing and Marketing Chicken, entered into between a producer and a processor for each marketing period under Sections 10 and 12;
- (f) "base quota" means the live weight kilograms expressed as an annual figure, registered by the Commodity Board in each producer's name, as adjusted from time to time by the Commodity Board;
- (g) "base quota period" means
 - (i) for 8-week licensed producers, the 48-week period used to calculate adjustments to base quota in accordance with Section 4, beginning with the 48-week period from December 24, 1995, to November 23, 1996, and from then on each consecutive 48 weeks; and
 - (ii) for 10-week licensed producers, the 50-week period used to calculate adjustments to base quota in accordance with Section 4, beginning with the 50-week period from November 26, 1995, to November 9, 1996, and from then on each consecutive 50 weeks;
- (h) "beneficial shareholder" means a person who owns 1 or more shares issued by a body corporate, whether that person is listed as the registered owner of any such share in the register of members of the body corporate;
- (i) "chicken" means a chicken of any class, 6 months of age or less, raised for meat production, whether live, fresh or frozen and includes any part or parts;
- (j) "Commodity Board" means the Chicken Farmers of Nova Scotia;

- (k) “Council” means the Natural Products Marketing Council;
- (l) “facilities” means the building, appurtenant lands, fixtures and equipment that are used for the production of chicken;
- (m) “flock” means any group of chicken 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;
- (n) “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;
- (o) “hatchery” means a facility used for the hatching or supply of chicks in Nova Scotia;
- (p) “licence” means the approval that is required by and issued pursuant to subsection 9(3) by the Commodity Board to a person to produce and market chicken in the Province;
- (q) “licensing period” means April 1 to November 30 in a calendar year during which free range chicken producers are licensed to market fresh free range chicken;
- (r) “live weight” means the weight of live chicken as measured by a processor on delivery by a producer;
- (s) “marketing” includes advertising, buying, selling, storing, packing, transporting, shipping, shipping for sale or storage, and offering for sale, and includes sale by peddlers, hawkers and traders;
- (t) “marketing period” means any marketing period established by the Commodity Board during which producers are licensed to market chicken;
- (u) “ownership” means, with respect to facilities, legal title evidenced by
 - (i) a deed registered at the relevant Registry of Deeds or the Certificate of Registered Ownership issued by the Registrar of Land Registration, whether the title is subject to a mortgage or other encumbrance, or
 - (ii) an agreement of sale with the Nova Scotia Farm Loan Board;
- (v) “person” includes a corporation, a partnership, a trust, and the heirs, executors, administrators or other legal representative of a natural person;
- (w) “Plan” means the *Nova Scotia Chicken Marketing Plan*;
- (x) “processing” means altering the nature, size, quality or condition of chicken by mechanical means or otherwise and includes slaughtering;

- (y) “processor” means a person operating a plant for the processing, distribution or selling of chicken;
- (z) “producer” means a person licensed to produce and market chicken in the Province for the purpose of sale or distribution;
- (aa) “producer-vendor” means a person who produces and markets, offers for sale, sells or stores all or any part of chicken in the regulated area;
- (ab) “quota allocation” means the total kilograms of chicken expressed in live weight, allocated for a marketing period by the Chicken Farmers of Canada to the Commodity Board;
- (ac) “regulated area” means all of the Province of Nova Scotia;
- (ad) “special licence” means a licence issued to a producer to produce and market chicken for a specified purpose and time period under Section 16 to meet market requirements and does not constitute a basis for base quota; ~~and~~
- (ae) “trust” includes a testamentary trust and an *inter vivos* trust; and
- (af) “vendor” means a person who markets, offers for sale, sells or stores all or any part of chicken in the regulated area.

Part II - Base Quota

Requirement to hold base quota

- 3 (1) Except as provided in subsection (4), no person may obtain a producer licence for the production and marketing of chicken unless that person has been issued base quota by the Commodity Board.

Allocation of quota

- (2) Each producer’s share of the quota allocation may be issued by the Commodity Board as an 8- or 10-week producer licence.
- (3) The total production as allocated in all licences shall be equal to the quota allocation.

Exemption

- (4) The Nova Scotia Agricultural College is exempt from subsection (1), but it must obtain licences for each flock housed in its research facilities and must pay the applicable fee.

Base quota adjustments

- 4 (1) The Commodity Board must adjust a 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 Nova Scotia for the base quota period then ended.

Apportionment of adjustments

- (2) After any allocation of base quota under Section 5, the Commodity Board must apportion adjustments to base quota equally among all producers who have an interest in an adjustment unit based on each producer’s share of all adjustment units, subject to subsection (3).

Pro rata adjustments

- (3) When a base quota transfer occurs during a base quota period, the transferee shall benefit from an increase or share in a decrease in base quota for that base quota period on a pro rata basis, based on

the number of marketing periods during which the transferee was licensed during that base quota period.

Adjustment unit

- (4) A person must not have an interest in more than 1 adjustment unit at any given time.
- (5) For the purpose of this Section, a person includes any of the following:
 - (a) a beneficial shareholder of a corporation, regardless of the number of shares held by the beneficial shareholder of the corporation and the total number of beneficial shareholders;
 - (b) a partner of a partnership, regardless of the partner's interest in the partnership and the total number of partners;
 - (c) an income and capital beneficiary of a trust, regardless of the percentage interest of the beneficiary and the total number and kind of beneficiaries.
- (6) Subject to subsection (10), a producer who transfers all or part of their base quota must not retain any part of an adjustment unit and is not be eligible for an adjustment unit as provided for in subsection (7).
- (7) Subject to subsections (4) and (6), if a producer transfers all or part of their base quota, the Commodity Board must issue 1 adjustment unit to each transferee.
- (8) Subject to subsection (4), if an adjustment unit is eliminated as a result of a transfer or otherwise, the Commodity Board may, at the end of a base quota period, issue an adjustment unit to 1 or more producers.
- (9) The Commodity Board must issue 1 adjustment unit to each natural person who accepts an invitation to become a producer under Section 5.

Transfers to certain entities

- (10) Despite subsection (6), a natural person who is a producer may transfer base quota and an adjustment unit to a corporation, partnership or trust in which the natural person is a beneficial shareholder, partner or beneficiary.

Application for base quota

- 5 (1) A natural person of the age of majority who is not and has never been a holder of base quota, is a resident of Nova Scotia, and wishes to be allotted base quota, may apply in writing to the Commodity Board.
- (2) For the purpose of this Section, written confirmation from the natural person who wishes to be allocated base quota must be received at the office of the Commodity Board on or before noon of the last business day of December in a calendar year.

Allocation of base quota

- (3) At the end of a base quota period, the Commodity Board must decide whether it is in the best interests of the industry to invite a person who has applied to the Commodity Board to become a producer and receive an allocation of base quota.

[(4)] (b) An invitation issued under clause 5(2)(a) must include all the following terms and conditions:

- (a) that the invited person has ownership of facilities that meet the minimum growing capacity specified in the invitation by a specified date;
 - (b) that the facilities of the invited person are satisfactorily inspected by a person designated by the Commodity Board;
 - (c) that base quota is issued in the name of the invited person in an amount not less than specified in subsection 6(2);
 - (d) that transfer of base quota by the invited person is prohibited for at least 3 years from the date of issue of base quota by the Commodity Board, except if the invited person dies, in which case the base quota is registered in the name of the invited person's estate and may be transferred to heirs or beneficiaries of the invited person if each transferee has the minimum base quota specified in subsection 6(2);
 - (e) that the invitation must be accepted by the date specified.
- (5) The Commodity Board must not invite a person to become a producer under this Section 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.
- (6) If an invited person does not accept the terms and conditions by the date specified in the invitation or if the invited person fails to comply with any terms or conditions on the invitation, the Commodity Board may withdraw or amend the invitation.

Approval of base quota transfers

- 6 (1) A person to whom base quota has been issued must not transfer base quota unless the Commodity Board approves the transfer before it takes place.

Minimum base quota

- (2) The Commodity Board must not approve an application to transfer a part of a producer's base quota if, after the transfer, the base quota held by each of the producer and the transferee would be less than 235 000 kg live weight.
- (3) (a) An application for transfer of base quota must be made in writing at least 18 weeks before the beginning of the marketing period when the transfer of base quota is anticipated.
- (b) The Commodity Board may give approval in principle to a transfer, subject to the terms and conditions specified by the Commodity Board's policy.
- (4) (a) Except as provided in the transfer of base quota takes effect the first day of the unlicensed marketing period. [*sic*]
- (b) If any terms and conditions of a transfer of base quota are not met after the transfer is approved in principle, the transfer does not take effect until the next unlicensed marketing period after compliance with the terms and conditions.

Application for transfer of base quota

- 7 (1) A producer who wishes to transfer base quota must submit, on a form approved by the Commodity Board, an application to the Commodity Board for approval of the base quota transfer and must include all of the following:

- (a) the name and address of the person or persons to whom the base quota and facilities, if applicable, is proposed to be transferred;
- (b) written evidence of a binding agreement between the producer and the transferee for the transfer of base quota and facilities, if applicable, on a specified transfer date;
- (c) a completed application signed by the producer and the proposed transferee verifying the proposed purchase and sale;
- (d) in the case of a proposed transfer without facilities, details about the facilities where chicken will be produced and, if chicken are to be produced in a leased facility, an application under Section 11 for approval to produce chicken in a leased facility entirely dedicated to the transferee for a maximum of 12 marketing periods;
- (e) any other information or documentation that the Commodity Board considers relevant to the application.

Transfer of base quota without facilities

- (2) The Commodity Board may approve a transfer of base quota without facilities to any person or persons if each transferee has facilities that comply with subsections 10(7), (8), (9), (10), (11), (12), and (13).
- (3) In a transfer of base quota without facilities, the base quota may be withdrawn or the adjustment unit suspended, or both, if the transferee does not, within 12 marketing periods from the effective date of transfer, acquire ownership of facilities that meet the building capacity requirement in subsection 10(3).
- (4) The Commodity Board may specify in its policy other terms and conditions that are appropriate for base quota transfers.

Cancellation of base quota or adjustment unit

- 8** (1) The Commodity Board may cancel all or part of a producer's base quota or any adjustment unit in the producer's name, or both, if any of the following occurs:
- (a) the producer fails to submit to the Commodity Board reports concerning production and marketing of chicken as prescribed by Section 18; **or**
 - (b) the producer fails to produce or market chicken in a volume consistent with the licence issued to the producer within a reasonable time after receiving written notice from the Commodity Board that it is considering cancellation of the base quota or adjustment unit, or both;
 - (c) the producer fails to comply with a condition in an approval of transfer of base quota;
 - (d) the producer raises a flock in facilities not owned by the producer without the prior written approval of the Commodity Board;
 - (e) the producer fails to allow an inspector to inspect the books, records and premises used in the production of chicken;
 - (f) the producer violates the Plan or these regulations.

Effect of cancellation

- (2) If part or all of a producer's base quota or adjustment unit has been cancelled by the Commodity Board, the base quota or adjustment unit is deemed to have been transferred to the Commodity Board and may be retired or reissued by the Commodity Board to any person on any terms and conditions approved by the Commodity Board.

No compensation

- (3) A producer whose base quota is transferred to the Commodity Board under this Section is not entitled to any compensation from the Commodity Board.

Part III - Licensing and Fees**Requirement to hold licence**

- 9 (1) Except as provided in subsection (2), a person must not engage in the production or marketing of chicken unless the person holds a valid licence.

Exception

- (2) A natural person who raises fewer than 50 chickens in a calendar year for personal consumption does not require a licence.
- (3) (a) A producer must pay the Commodity Board the fee prescribed in Section 14 and, if required, the licence fee prescribed in subsection ~~(4)~~ [(5)]; and
- (b) register the facilities, pursuant to subsection 11(1), on a form approved by the Commodity Board.

Categories of licences

- [(4)] ~~(3)~~ The following are the types of licences issued by the Commodity Board:

- (a) producer licence;
- (b) producer-vendor licence;
- (c) vendor licence; and
- (d) special licence.

Licence fee for special licence

- [(5)] ~~(4)~~ The licence fee for a special licence issued to a producer of free range chicken is \$25.00.

Application for licence

- [(6)] ~~(5)~~ A person must submit a completed application to the Commodity Board, on a form approved by the Commodity Board, for each type of licence sought.

Transfer of licences

- [(7)] ~~(6)~~ (a) To transfer a licence a person must apply to the Commodity Board on a form approved by the Commodity Board and within the time limit prescribed by the Commodity Board, together with payment of the licence transfer fee for approval of the licence transfer.
- (b) A special licence is not transferable.

Producer licences

10 (1) A producer licence must state all of the following:

- (a) the name of the licensee;
- (b) the marketing period for which it is issued;
- (c) the quantity in kilograms live weight of chicken.

Effective date of producer licence

- (2) (a) A producer licence does not take effect unless the Commodity Board receives the production and marketing agreement by the deadline date specified in the production and marketing agreement.
- (b) If a person markets chicken after missing the filing deadline for the production and marketing agreement, the person is still liable to pay the fee specified in subsection 14(1), and the overproduction fee specified in subsection 12(5), based on the amount of chicken actually marketed by the person and the amount specified in the producer licence even though the licence is not in effect.

Production standard

- (3) The Commodity Board must determine the standard amount of kilograms live weight for a producer licence by multiplying 31 kg by the producer's building capacity per square metre as recorded with the Commodity Board at the time of issuing the licence.
- (4) A producer must not market more kilograms live weight in a marketing period than the production standard unless the producer and the processor specify their agreement to exceed the standard in the production and marketing agreement filed with the Commodity Board for that marketing period.

Under production of producer licences

- (5) A producer who markets less than 96% of the production standard prescribed by the total producer licences issued to that producer in a base quota period must appear before the Commodity Board to explain why less chicken was marketed than was licensed for.

Refusal to issue producer licence

- (6) If the Commodity Board is not satisfied with the explanation given pursuant to subsection (5), it must suspend, revoke or refuse to issue, in whole or in part, the producer's producer licence for future marketing periods.

Facilities requirement

- (7) A licence confers upon a producer the right to produce chicken in facilities owned by the producer and registered with the Commodity Board under subsection (10).
- (8) A producer who holds a producer licence and who wishes to produce chicken in facilities owned by another person must submit, on a form approved by the Commodity Board, an application to the Commodity Board for approval to produce chicken in leased facilities.
- (9) In considering an application to produce chicken in leased facilities, the Commodity Board must be satisfied that both of the following are complied with:

- (a) the applicant and the owner have signed a written agreement, on a form approved by the Commodity Board, that permits the applicant to produce chicken in the leased facilities for the marketing period of the applicant's producer licence;
- (b) there is a clearly segregated and definable space of a permanent nature allocated to the applicant in the leased facilities that will permit chick placement and marketings to be accurately reported.

Registering producers' facilities

- (10) A producer must register the producer's facilities as required by the Commodity Board.
- (11) Before issuing a producer licence, the Commodity Board may, for the purpose of registering facilities and upon reasonable notice of its intention to do so, examine and measure the interior and exterior dimensions of any buildings in which chicken will be produced.
- (12) A producer must allow a representative of the Commodity Board to enter the producer's owned or leased facilities for the purpose of examining them in accordance with subsection (11) or to ensure that there continues to be a clearly segregated and definable space in accordance with clause (9)(b).
- (13) The building capacity for producing chicken per square meter of a registered facility includes only usable production floor space.

Basis for licence amount

- 11** (1) Subject to subsection (2) and Section 10, the quantity of chicken in kilograms live weight for each producer licence is based on
- (a) the base quota held by each producer;
 - (b) processor market requirements; and
 - (c) the quota allocation.

Adjustments

- (2) Adjustments to licences must be apportioned among all producers who have an interest in an adjustment unit based on each producer's share of all adjustment units.

Agreement with processor

- 12** (1) Before each marketing period, a producer and a processor must enter into a production and marketing agreement for that marketing period, [and] a production and marketing agreement must specify the following:
- (a) the number of chicken to be placed with the producer;
 - (b) the target average weight for each chicken at marketing;
 - (c) the scheduled process week for the chicken to be placed.

Maximum kilograms

- (2) The product obtained by multiplying the number of chicken to be placed minus expected mortality by the target average weight at marketing shall not exceed the quantity of kilograms live weight prescribed by the producer licence for that marketing period.

Overproduction caused by producer

- (3) A producer must pay the overproduction fee specified in subsection (5), if the producer markets more kilograms live weight than prescribed by the producer licences for 2 consecutive marketing periods, beginning with periods A-06 and A-07 and every consecutive 2 marketing periods after that, as a result of the producer doing any one of the following:
- (a) placing more chicken than specified in a production and marketing agreement;
 - (b) producing chicken to a heavier weight than the target average weight;
 - (c) delaying the processing date for the chicken to be placed for either marketing period.

Overproduction caused by processor

- (4) A processor must pay the overproduction fee specified in subsection (5) if a producer markets more kilograms live weight than prescribed by the producer licences for 2 consecutive marketing periods, beginning with periods A-06 and A-07 and every consecutive 2 marketing periods after that, as a result of the processor doing any one of the following:
- (a) placing more chicken than specified in the production and marketing agreement;
 - (b) requesting heavier weight chicken than the target average weight;
 - (c) delaying the marketing date for the chicken to be placed for either marketing period.

Overproduction fee

- (5) The fee for marketing more kilograms live weight than prescribed by the producer licences for 2 consecutive marketing periods is
- (a) \$0.44 for every kilogram marketed in excess of 102% and up to 104% of the total prescribed by the licences; and
 - (b) \$0.88 for every kilogram marketed in excess of 104% of the total prescribed by the licences.

A written notice of the amount of the overproduction fee must be sent to the producer by the Commodity Board.

Payment of fee

- (6) A person required to pay an overproduction fee under this Section must send the fee to the Commodity Board within 14 days of the date that the written notice was mailed by the Commodity Board.

Waiver of fee

- (7) In extenuating circumstances, the Commodity Board may waive all or part of an overproduction fee under this Section.

Notice of objection

- 13 (1) If the recipient of a notice of an overproduction fee disagrees with the fee, the recipient must file a written notice of objection with the Commodity Board no later than 14 days after the date the notice was mailed and request arbitration to decide who is responsible for the marketing of the excess kilograms.

Appointment of arbitrator

- (2) If a notice of objection to an overproduction fee is received, the Commodity Board must request that the chairperson of the Council appoint an arbitrator and must provide to the arbitrator and the affected producer and processor
- (a) a copy of all relevant producer licences;
 - (b) production and marketing agreements together with the reported marketing totals and overproduction fee calculations made by the Commodity Board.

Apportionment of fee

- (3) An arbitrator may divide payment of the overproduction fee between the processor and producer or may require the whole overproduction fee to be paid by either the processor or [or] the producer.

Decision final

- (4) The decision of the arbitrator is final and binding on all parties.

Producer licence fees

- 14 (1) Each producer who holds a producer licence must pay to the Commodity Board, at the time the producer's chicken are marketed, a fee of \$1.29 plus any applicable taxes, per 100 kilograms, based on live weight of the chicken marketed.
- (2) Before a special licence to produce free range chicken is issued an applicant for the special licence must pay to the Commodity Board
- (a) a fee of \$0.08 per chicken, plus any applicable taxes;
 - (b) the fee for the cost of special labels issued by the Commodity Board; and
 - (c) the licence fee for a special licence issued to a producer of free range chicken is [of] \$25.

Deduction by processor

- (3) Despite subsection (1), if a producer is marketing chicken through the processing plant of a processor, the processor must deduct the licence fees referred to in subsection (1) before making any settlement with the producer, and the licence fees collected by the processor must be paid on behalf of the producer to the Commodity Board no later than 15 days after the end of the month in which the fee was deducted.

Producer responsibility

- (4) If a processor fails to pay the licence fees to the Commodity Board on behalf of a producer in accordance with subsection (2), the licence fees must be immediately paid by the producer.

Payment by producer

- (5) If a producer markets chicken without shipping to a processor, the producer must pay the licence fees to the Commodity Board within 7 days of marketing the chicken or the Commodity Board will assess an equivalent per chicken fee for the marketing.

When marketing occurs

- (6) Marketing is deemed to have occurred,

- (a) if a producer is also a processor, whether directly or indirectly as a beneficial shareholder or partner or beneficiary of a trust, or through an associated company, when live chicken[s] are removed from the producer's facilities for the purposes of processing or marketing; or
- (b) in all cases other than as described in clause (a), when chicken are [is] delivered to the plant or other location where the producer is paid.

Condemned chicken

- (7) Despite clause 6(b) [(6)(b)], chicken is not considered to be marketed and no fee is payable for any chicken delivered to a plant and not subsequently resold in any form for human consumption because it is condemned by inspectors acting under the *Health of Animals Act* (Canada) or the *Meat Inspection Act* as unsuitable for resale.

Consequences for non-payment of fee

- (8) If a processor or producer does not pay a fee as prescribed under this Section, the Commodity Board may suspend or revoke the producer's licence and may cancel or reduce the producer's base quota or any adjustment unit, or both.

Vendor licence fee

- 15 Each person who sells chicks in the regulated area shall pay to the Commodity Board a fee of \$0.10 for each chick sold to any person who does not hold a producer licence or a special licence.

Special licences

- 16 (1) A special licence issued by the Commodity Board may be for any marketing period.

Effect of special licence

- (2) A special licence does not entitle a producer to any rights other than those specifically stated in the special licence and does not confer any rights to receive additional licence or base quota.

Breach of regulations

- (3) A special licence may be suspended or revoked by the Commodity Board if the licence holder violates the Act, any regulation or any policy of the Commodity Board, including failing to pay any applicable fee or to comply with the terms of the special licence.

Special licence to produce free range chicken

- 17 (1) A special licence issued to produce free range chicken must state

- (a) the producer's name;
- (b) the licensing period;
- (c) the number of chicken licensed to be produced.

Facility inspection

- (2) Before issuing a special licence to produce free range chicken, the Commodity Board may visit, examine, measure and photograph the producer's facilities to ensure they conform with the definition of free range chicken.

Underproduction

- (3) Free range chicken producers who market less than 92% of the chicken that their special licence permits them to produce during a licensing period are only eligible to receive their proven production plus 10% as a maximum licence amount in the following licensing period.

Extenuating circumstances

- (4) A free range chicken producer who claims that there were extenuating circumstances for underproduction, must provide a detailed explanation to the Commodity Board outlining the circumstances that led to the underproduction of chicken.

Part IV - Records and Reporting**Licence [Licencee] required to maintain records**

- 18 (1) A person licensed by the Commodity Board must maintain complete and accurate records relating to the licensee's production and marketing of chicken.

Requirement to give information

- (2) A person licensed by the Commodity Board must, if requested in writing, give the Commodity Board, or any agent of the Commodity Board authorized for that purpose, any information relating to the licensee's production and marketing of chicken on the appropriate forms approved by the Commodity Board and referred to in this Section.

Processor reports

- (3) A processor must within 3 business days of the end of each week, send to the Commodity Board a properly completed processor marketing report form in relation to all chicken processed by the processor during the previous week.

Producer reports

- (4) On delivery of chicken to a processor, a producer may be required to send to the Commodity Board a copy of the producer's delivery slip, properly completed to show the producer's licence number and the number of chicken delivered to the processor.

Return recap form

- (5) Within 14 days of marketing a producer must send to the Commodity Board a properly completed return recap form in relation to all chicken marketed by the producer.

Hatchery report

- (6) Within 10 days of the end of each month, a hatchery operator must send to the Commodity Board a properly completed hatchery report showing
- (a) the number and variety of chicks delivered to each person; and
 - (b) the name and address of each person to whom chicks were delivered.

Vendor report

- (7) A vendor who sells chicks to any person who is not a holder of a producer licence or a special licence must register with the Commodity Board and must provide all the following information within 10 days of the end of each month:
- (a) the vendor's name and address;
 - (b) the quantity of chicks marketed in the reporting period to each person, if any;
 - (c) the name and address of each person to whom chicks were sold or delivered in the reporting period, if any.

Corporations

- (8) A producer that is a corporation must identify in a form approved by the Commodity Board each beneficial shareholder of the producer and send the completed form to the Commodity Board on an annual basis and within 30 days of any change in the beneficial shareholders.

Partnerships

- (9) A producer that is a partnership must identify in a form approved by the Commodity Board each partner of the producer and send the completed form to the Commodity Board on an annual basis and within 30 days of any change in the partners.

Trusts

- (10) A producer that is a trust must identify in a form approved by the Commodity Board each income and capital beneficiary of the trust and send the completed form to the Commodity Board on an annual basis and within 30 days of any change in the beneficiaries.

Forms

- (11) The Commodity Board must, upon written request, supply any form or report referred to in these regulations to any person.

Failure to provide reports

- (12) The Commodity Board may suspend, revoke or refuse to issue a licence if a licensee or applicant fails to provide a report required by these regulations.

Part V - Pricing**Base price**

- 19 (1) The price that is recommended as the base price by the Price Negotiating Committee under clause 8(1)(b) of the Plan or established by final offer arbitration under these regulations must be immediately sent to the General Manager of the Commodity Board.

Publication

- (2) The General Manager of the Commodity Board must publish the base price and distribute it as soon as is practicable to each producer and processor.

Catching

- (3) The base price includes all costs incurred in catching.

Premium

- 20 (1) In addition to the base price, a processor must pay to a producer a premium per kilogram live weight as determined by resolution of the Commodity Board.
- (2) The premium paid to a producer by a processor must be based on the average live weight of all chicken contained in each truckload shipped by the producer to the processor.

Condemned chicken

- 21 (1) A processor purchasing chicken must pay for all chicken received at the premises of a producer other than chicken that are condemned at the processing plant by inspectors acting under the *Health of Animals Act* (Canada) or the *Meat Inspection Act* because of reasons of disease or emaciation.

Bruised birds

- (2) No parts of or whole bruised chicken are to be charged back to the producer by the processor.

Requirement to pay published price

22 Unless authorized by the Commodity Board in writing, a producer must not sell or offer to sell and a processor must not buy chicken at a price less than the base price established by either the Price Negotiating Committee or the final offer arbitration and published by the Commodity Board.

Part VI - Appeals**Appeal provisions**

- 23 (1) An interested person or class of persons affected by a decision has the right to appeal a decision of the Commodity Board on any of the following:
- (a) cancellation of a licence;
 - (b) refusal to issue a licence;
 - (c) refusal to approve a quota transfer;
 - (d) cancellation of base quota;
 - (e) refusal to issue quota allocation.
- (2) An interested person or class of persons affected by a decision of the Commodity Board may request the Council to hear an appeal on a decision and, except as provided for in subsection (1), the Council may, in its discretion, determine whether to hear an appeal.

Part VII - Final Offer Arbitration Procedure**Time and place of arbitration**

- 24 (1) If the Price Negotiating Committee fails to agree on a recommended base price as provided for in clause 8(1)(b) of the Plan, a final offer arbitration hearing must be held.
- (2) The Price Negotiating Committee must send a written meeting notice to the parties that includes the date for the final offer arbitration hearing.
- (3) A final offer arbitration hearing date must be no later than the Thursday immediately after the beginning of a marketing period.
- (4) A final offer arbitration hearing must take place at the office of the Commodity Board unless the parties and the arbitrator agree on another location.

Parties

25 The Commodity Board and the processors are the only 2 parties to a final offer arbitration hearing.

List of arbitrators

- 26 (1) The Commodity Board must maintain a list of arbitrators that is agreed to by both parties and must update the list at least annually.
- (2) By April 30 of each year, the Commodity Board must mail all of the following to the processors:
- (a) the current approved list of arbitrators;

- (b) the Commodity Board's recommendations for any new names to be added to and existing names to be deleted from the current approved list;
 - (c) a request that the processors make further recommendations for any new names to be added to or existing names to be deleted from the current approved list.
- (3) By May 31 of each year, the processors must respond to the request in clause ~~2(c)~~ [(2)(c)] by providing all of the following to the Commodity Board:
- (a) their approval of any of the Commodity Board's recommendations;
 - (b) their recommendations for any new names to be added to or any existing names to be deleted from the current approved list.
- (4) Despite subsections (1) to (3), if the Commodity Board and processors are unable to agree on a list of arbitrators by June 30 of any year, the Council must provide a list of arbitrators as soon as possible to the Commodity Board and processors.
- (5) A list provided under subsection (4) is deemed to be the approved list and remains in effect until the parties agree on an approved list.

Appointment of arbitrator

- 27 (1) The Commodity Board must appoint an arbitrator from the approved list of arbitrators at least 5 days before the date set for the final offer arbitration hearing.
- (2) The Commodity Board must appoint arbitrators in the order in which their names appear in the list, on a rotational basis throughout the year, subject to their availability.

Representation

- 28 (1) Each party to a final offer arbitration hearing may be represented by counsel or 1 or more agents.
- (2) Except with the consent of the arbitrator, no more than 3 officers or directors of either party may be present during a final offer arbitration hearing.
- (3) Any of the officers or directors present during a final offer arbitration hearing may speak on behalf of the party that the officer or director represents.

Exchange of documents

- 29 (1) At the beginning of a final offer arbitration hearing, each party must provide the arbitrator with a written submission specifying the party's final offer regarding price and outlining the facts supporting the final offer.
- (2) Two copies of each party's written submission required by subsection (1) must be simultaneously provided to the other party.
- (3) Neither party may remove any written submission from the place of the final offer arbitration hearing until both parties have made representations to the arbitrator with respect to their written submissions.

Conduct of arbitration hearing

- 30** (1) An arbitrator may conduct a final offer arbitration hearing in accordance with these regulations in any manner the arbitrator considers appropriate, and each party must be treated fairly and be given full opportunity to present the party's case.
- (2) Unless waived by both parties, there must be a break in the hearing after the parties have made oral representations, the duration of which is determined by the arbitrator, to permit the parties and the arbitrator to review the written submissions and representations.
- (3) Following the break referred in subsection (2), each party has the right to cross-examine the other party's representatives on its written submissions and the oral representations made.
- (4) A person must not, at any time, convey any information to the arbitrator except as part of the final offer arbitration hearing and in the presence of both parties to the arbitration.
- (5) An arbitrator must not meet separately with either of the parties or receive information from a party without full disclosure of the information to the other party.

Confidentiality

- 31** (1) A final offer arbitration hearing must be held in private.
- (2) All documents relevant to a final offer arbitration hearing must be kept confidential by the arbitrator and the parties and must not be disclosed to any other person, except with the written consent of both parties.

Evidence

- 32** (1) Each party must provide a statement of facts and relevant documents in support of its position.
- (2) An arbitrator is the judge of relevancy and materiality of the evidence offered in a final offer arbitration hearing and is not required to apply the legal rules of evidence.

Examination of parties

- 33** Subject to subsection 30(5), an arbitrator may order a party, or a representative of a party, to submit to examination by the arbitrator under oath or affirmation and to submit all documents that the arbitrator requires.

Decision of arbitrator

- 34** (1) An arbitrator must select either party's final offer as set out in the party's written submission as the base price for the purpose of subsection 19(1).
- (2) An arbitrator must give an oral decision to both parties within 24 hours after a final offer arbitration hearing ends and must provide a written decision with reasons to both parties within 7 days after a final offer arbitration hearing ends.
- (3) In making a decision, an arbitrator must consider only the written and oral representations made during a final offer arbitration hearing.
- (4) A decision of an arbitrator is final and binding upon the parties.

Arbitrator's fees

- 35** An arbitrator's fees must be paid by the Commodity Board.

N.S. Reg. 12/2005

Made: February 4, 2005

Filed: February 8, 2005

Designation of Persons Who May Access Records

Order in Council 2005-44 dated February 4, 2005
 Amendment to regulations made by the Governor in Council
 pursuant to Section 8 of the *Youth Criminal Justice Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated November 25, 2004, and pursuant to paragraph 119(1)(r) of Chapter 1 of the Statutes of Canada, 2002, the *Youth Criminal Justice Act*, is pleased to amend Order in Council 2004-134 dated March 25, 2004, N.S. Reg. 40/2004, by

- (a) striking out “Research and Statistics Division, Department of Justice (Canada), engaged for the purpose of the assessment” and substituting “Youth Justice Policy Section, Department of Justice (Canada), engaged for the purpose of the assessment of the *Youth Criminal Justice Act* (Canada)”;
- and
- (b) adding “crown attorney,” immediately after “including”.

N.S. Reg. 13/2005

Made: February 4, 2005

Filed: February 8, 2005

Proclamation, S. 3(8), 11(5) & 13(6), R.S.N.S. 1989, c. 393 and S. 6, S.N.S. 2004, c. 46

Order in Council 2005-45 dated February 4, 2005
 Proclamation made by the Governor in Council
 pursuant to subsections 3(8), 11(5) and 13(6) of the *Regulations Act* and
 Section 6 of *An Act to Amend Chapter 393 of the Revised Statutes, 1989, the Regulations Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated December 1, 2004, pursuant to subsection (8) of Section 3, subsection (5) of Section 11 and subsection (6) of Section 13 of Chapter 393 of the Revised Statutes, 1989, the *Regulations Act*, and Section 6 of Chapter 46 of the Acts of 2004, *An Act to Amend Chapter 393 of the Revised Statutes, 1989, the Regulations Act*, is pleased to order and declare by proclamation that subsections (6) and (7) of Section 3 and Sections 11 and 13 of Chapter 393 of the Revised Statutes, 1989, the *Regulations Act*, and Chapter 46 of the Acts of 2004, *An Act to Amend Chapter 393 of the Revised Statutes, 1989, the Regulations Act*, come into force on and not before March 4, 2005.

PROVINCE OF NOVA SCOTIA

Sgd: C. R. Glube

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 subsection (8) of Section 3, subsection (5) of Section 11 and subsection (6) of Section 13 of Chapter 393 of the Revised Statutes, 1989, the *Regulations Act*, it is enacted as follows:

- 3 (8)** Subsections (6) and (7) come into force on and not before such day as the Governor in Council orders and declares by proclamation.
- 11 (5)** This Section comes into force on and not before such day as the Governor in Council orders and declares by proclamation.
- 13 (6)** This Section comes into force on and not before such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS in and by Section 6 of Chapter 46 of the Acts of 2004, *An Act to Amend Chapter 393 of the Revised Statutes, 1989, the Regulations Act* it is enacted as follows:

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

AND WHEREAS it is deemed expedient that subsections (6) and (7) of Section 3 and Section 11 and 13 of Chapter 393 of the Revised Statutes, 1989, the *Regulations Act*, and Chapter 46 of the Acts of 2004, *An Act to Amend Chapter 393 of the Revised Statutes, 1989, the Regulations Act*, come into force on and not before March 4, 2005;

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 subsections (6) and (7) of Section 3 and Sections 11 and 13 of Chapter 393 of the Revised Statutes, 1989, the *Regulations Act*, and Chapter 46 of the Acts of 2004, *An Act to Amend Chapter 393 of the Revised Statutes, 1989, the Regulations Act*, come into force on and not before March 4, 2005, of which all persons concerned are to take notice and govern themselves accordingly.

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

WITNESS, Our Trusty and Well Beloved Her Honour the Honourable Constance R. Glube, Administrator of the Government of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 4th day of February, in the year of Our Lord two thousand and five and in the fifty-third year of Our Reign.

BY COMMAND:

Sgd: *M. G. Baker*
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 14/2005

Made: February 4, 2005

Filed: February 8, 2005

Revenue Act Regulations

Order in Council 2005-47 dated February 4, 2005
Amendment to regulations made by the Governor in Council
pursuant to Sections 12 and 92 of the *Revenue Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated January 4, 2005, and pursuant to Sections 12 and 92 of Chapter 17 of the Acts of 1995-96, the *Revenue Act*, is pleased to amend the *Revenue Act Regulations*, N.S. Reg 63/96, made by the Governor in Council by Order in Council 96-230 dated March 29, 1996, to clarify provisions about the sale of gasoline and diesel oil for resale and to add provisions for out-of-Province audits and for tax exemptions for school boards, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after February 4, 2005.

Schedule "A"

**Amendment to the *Revenue Act Regulations*
made by the Governor in Council pursuant to Sections 12 and 92 of
Chapter 17 of the Acts of 1995-96, the *Revenue Act***

- 1 Section 15 of the *Revenue Act Regulations*, N.S. Reg 63/96, made by the Governor in Council by Order in Council 96-230 dated March 29, 1996, is amended by adding the following subsection immediately after subsection (5):
 - (6) An agent who has a place of business within the Province may elect to produce the agent's records for inspection, audit and examination at a place outside the Province at the agent's expense, including reimbursement of the Province for all reasonable transportation, accommodation and associated expenses the Province incurs in carrying out the inspection, audit or examination.
- 2 Section 16 of the regulations is amended by adding the following subsection immediately after subsection (3):
 - (4) A vendor who has a place of business within the Province may elect to produce the vendor's records for inspection, audit and examination at a place outside the Province at the vendor's expense, including reimbursement of the Province for all reasonable transportation, accommodation and associated expenses the Province incurs in carrying out the inspection, audit or examination.
- 3 Subsection 22(2) of the regulations is amended by
 - (a) striking out "and" at the end of subclause (j)(iv);
 - (b) striking out the period at the end of clause (k) and substituting "; and"; and
 - (c) adding the following clause immediately after clause (k):

- (l) to operate motor vehicles and equipment owned by a school board, as defined in the *Education Act*.

4 Subsection 23(1) of the regulations is amended by

- (a) striking out “or” at the end of subclause (j)(iv);
- (b) striking out the period at the end of clause (k) and substituting “; or”; and
- (c) adding the following clause immediately after clause (k):

- (l) to operate motor vehicles and equipment owned by a school board, as defined in the *Education Act*.

5 Section 27 is amended by adding the following subsection immediately after subsection (13):

- (14)** No agent shall sell or deliver gasoline or diesel oil to a person for the purpose of resale to purchasers unless the person holds a Vendor Permit.