



Part II
Regulations under the Regulations Act

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

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

N.S. Reg. 226/2022

Made: September 29, 2022

Filed: September 29, 2022

House of Assembly Management Commission Regulations—amendment

Order dated September 29, 2022

Amendment to regulations made by the House of Assembly Management Commission pursuant to subsection 27(1) of the *House of Assembly Management Commission Act***House of Assembly Management Commission****Amendment to the *House of Assembly Management Commission Regulations***

I certify that the House of Assembly Management Commission, pursuant to subsection 27(1) of Chapter 5 of the Acts of 2010, the *House of Assembly Management Commission Act*, at a meeting held on September 29, 2022, amended the *House of Assembly Management Commission Regulations*, N.S. Reg. 43/2013, in the manner set forth in the attached Schedule “A”, effective on October 1, 2022.

Signed at Halifax, in Halifax Regional Municipality, Nova Scotia on September 29, 2022.

per: sgd. *James Charlton*
James Charlton
Chief Clerk, House of Assembly

Schedule “A”**Amendment to the *House of Assembly Management Commission Regulations*
made by the House of Assembly Management Commission
pursuant to subsection 27(1) of Chapter 5 of the Acts of 2010,
the *House of Assembly Management Commission Act***

- 1 Subsections 31(10) and (11) of the regulations are repealed.
- 2 Section 32 of the regulations is repealed and the following Section substituted:
 - 32 (1) A payment respecting a position referred to in Section 31 must be paid in twenty-six equal instalments, each instalment being paid at equally spaced intervals throughout the year.
 - (2) Payments made under subsection (1) commence upon the Office of the Speaker being advised by the caucus chair that a member is the holder of the position and cease upon the earlier of the day on which the holder of the position dies or the caucus chair of the holder of the position advises the Office of the Speaker that the member has ceased to be the holder of the position.

N.S. Reg. 227/2022

Made: September 29, 2022

Filed: October 5, 2022

Prescribed Petroleum Products Prices

Order dated September 29, 2022
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*

Decision and Order**M10765**

Nova Scotia Utility and Review Board
In the matter of the *Petroleum Products Pricing Act*
- and -
In the matter of prescribing prices for petroleum products
under Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Before: Julia E. Clark, LL.B., Member**Decision and Order**

Under S. 16 of the *Petroleum Products Pricing Regulations*, the Board must prescribe a benchmark price for specified petroleum products every Friday.

The benchmark price prescribed by the Board is the average of the average of the daily high and low reported product prices (in Canadian cents) since the last benchmark price adjustment for the petroleum product.

The Board must also prescribe retail mark-ups and calculate wholesale margins considering any factors the Board finds relevant, including transportation adjustments. The Board last set wholesale margins in its decision, 2021 NSUARB 146; retail mark-ups in its decision, 2021 NSUARB 50; and transportation adjustments in its decision, 2016 NSUARB 168.

Following the Board's recent retail mark-up decision (2021 NSUARB 50), it approved a monthly retail mark-up adjustment mechanism to address reduced sales volumes from the ongoing COVID-19 pandemic. The adjustment mechanism was implemented by the Board for gasoline and diesel oil adjustments in an order dated June 2, 2021, but discontinued for diesel oil in an order dated November 26, 2021.

The Board also issued an Order on September 12, 2022 (2022 NSUARB 140), approving an adjustment mechanism to retail mark-ups for gasoline and diesel oil to account for the impact of credit card fees charged to retailers.

At each price setting, the Board may apply a forward-averaging correction, based on historical prices, to achieve revenue neutrality.

At appropriate times of the year, the Board may also require an additional margin for winter blending of ultra-low-sulfur diesel oil.

Based on the foregoing and other requirements in the *Petroleum Products Pricing Act* and regulations, the Board finds it appropriate to prescribe the benchmark prices and adjustments in Table "A," the COVID-19 related retail mark-up adjustment for gasoline in Table "B," the credit card fee retail mark-up adjustments in Table "C," and the prices for petroleum products in Schedule "A" effective on and after 12:01 A.M. September 30, 2022:

Table "A"
(cents per litre)

Petroleum Product	Benchmark Price	Forward Averaging (+/-)	Winter Blending
Gasoline (Grade 1)	93.07	Nil	
Gasoline (Grade 2)	96.07		
Gasoline (Grade 3)	99.07		
Ultra-Low-Sulfur Diesel Oil	119.21	+1.4	+2.04

Table "B"
(cents per litre)

COVID-19 Retail Mark-up Adjustment (Gasoline only)	
Minimum Self-Service and Full-Service	+0.2
Maximum Self-Service	+0.3

Table "C"
(cents per litre)

Credit Card Fee Retail Mark-up Adjustment	
Gasoline Minimum Self-Service and Full-Service	+0.3
Gasoline Maximum Self-Service	+0.3
Ultra-Low-Sulfur Diesel Minimum Self-Service and Full-Service	+0.5
Ultra-Low-Sulfur Diesel Maximum Self-Service	+0.5

Dated at Halifax, Nova Scotia, this 29th day of September, 2022.

sgd. *Lisa Wallace*
Clerk of the Board

Schedule "A"

Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the *Petroleum Products Pricing Regulations*
effective on and after 12:01 a.m. on September 30, 2022

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					<small>(Pump Prices includes 15% HST)</small>			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	105.32	10.0	15.5	130.82	157.2	159.6	157.2	999.9
Mid-Grade Unleaded	108.32	10.0	15.5	133.82	160.7	163.1	160.7	999.9
Premium Unleaded	111.32	10.0	15.5	136.82	164.1	166.5	164.1	999.9
Ultra-Low-Sulfur Diesel	136.45	4.0	15.4	155.85	186.0	188.3	186.0	999.9

Zone 2								
Regular Unleaded	105.82	10.0	15.5	131.32	157.8	160.2	157.8	999.9
Mid-Grade Unleaded	108.82	10.0	15.5	134.32	161.3	163.7	161.3	999.9
Premium Unleaded	111.82	10.0	15.5	137.32	164.7	167.1	164.7	999.9
Ultra-Low-Sulfur Diesel	136.95	4.0	15.4	156.35	186.6	188.9	186.6	999.9
Zone 3								
Regular Unleaded	106.22	10.0	15.5	131.72	158.3	160.7	158.3	999.9
Mid-Grade Unleaded	109.22	10.0	15.5	134.72	161.7	164.1	161.7	999.9
Premium Unleaded	112.22	10.0	15.5	137.72	165.2	167.6	165.2	999.9
Ultra-Low-Sulfur Diesel	137.35	4.0	15.4	156.75	187.0	189.3	187.0	999.9
Zone 4								
Regular Unleaded	106.32	10.0	15.5	131.82	158.4	160.8	158.4	999.9
Mid-Grade Unleaded	109.32	10.0	15.5	134.82	161.8	164.2	161.8	999.9
Premium Unleaded	112.32	10.0	15.5	137.82	165.3	167.7	165.3	999.9
Ultra-Low-Sulfur Diesel	137.45	4.0	15.4	156.85	187.2	189.5	187.2	999.9
Zone 5								
Regular Unleaded	106.32	10.0	15.5	131.82	158.4	160.8	158.4	999.9
Mid-Grade Unleaded	109.32	10.0	15.5	134.82	161.8	164.2	161.8	999.9
Premium Unleaded	112.32	10.0	15.5	137.82	165.3	167.7	165.3	999.9
Ultra-Low-Sulfur Diesel	137.45	4.0	15.4	156.85	187.2	189.5	187.2	999.9
Zone 6								
Regular Unleaded	107.02	10.0	15.5	132.52	159.2	161.6	159.2	999.9
Mid-Grade Unleaded	110.02	10.0	15.5	135.52	162.6	165.0	162.6	999.9
Premium Unleaded	113.02	10.0	15.5	138.52	166.1	168.5	166.1	999.9
Ultra-Low-Sulfur Diesel	138.15	4.0	15.4	157.55	188.0	190.3	188.0	999.9

N.S. Reg. 228/2022

Made: October 4, 2022

Filed: October 5, 2022

Prescribed Petroleum Products Prices

Order dated October 4, 2022
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*

Decision and Order**M10785**

Nova Scotia Utility and Review Board
In the matter of the *Petroleum Products Pricing Act*
- and -
In the matter of prescribing prices for petroleum products
under Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Before: Julia E. Clark, LL.B., Member**Decision and Order**

Under S. 16 of the *Petroleum Products Pricing Regulations*, the Board must prescribe a benchmark price for specified petroleum products every Friday. However, the Board may prescribe a benchmark price any time, and due to significant changes in the price of petroleum products, the Board has determined that it is appropriate to adjust its most recently prescribed weekly prices.

The benchmark price prescribed by the Board is the average of the average of the daily high and low reported product prices (in Canadian cents) since the last benchmark price adjustment for the petroleum product.

The Board must also prescribe retail mark-ups and calculate wholesale margins considering any factors the Board finds relevant, including transportation adjustments. The Board last set wholesale margins in its decision, 2021 NSUARB 146; retail mark-ups in its decision, 2021 NSUARB 50; and transportation adjustments in its decision, 2016 NSUARB 168.

The Board also issued an Order on September 12, 2022 (2022 NSUARB 140), approving an adjustment mechanism to retail mark-ups for gasoline and diesel oil to account for the impact of credit card fees charged to retailers.

At each price setting, the Board may apply a forward-averaging correction, based on historical prices, to achieve revenue neutrality.

At appropriate times of the year, the Board may also require an additional margin for winter blending of ultra-low-sulfur diesel oil.

Based on the foregoing and other requirements in the *Petroleum Products Pricing Act* and regulations, the Board finds it appropriate to prescribe the benchmark prices and adjustments in Table "A," the credit card fee retail mark-up adjustments in Table "B," and the prices for petroleum products in Schedule "A" effective on and after 12:01 A.M. October 5, 2022:

Table "A"
(cents per litre)

Petroleum Product	Benchmark Price	Forward Averaging (+/-)	Winter Blending
Ultra-Low-Sulfur Diesel Oil	124.58	+1.1	+7.20

Table "B"
(cents per litre)

Credit Card Fee Retail Mark-up Adjustment	
Ultra-Low-Sulfur Diesel Minimum Self-Service and Full-Service	+0.6
Ultra-Low-Sulfur Diesel Maximum Self-Service	+0.6

Dated at Halifax, Nova Scotia, this 4th day of October, 2022.

sgd. *Lisa Wallace*
Clerk of the Board

Schedule "A"

Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the *Petroleum Products Pricing Regulations*
effective on and after 12:01 a.m. on October 5, 2022

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	105.32	10.0	15.5	130.82	157.2	159.6	157.2	999.9
Mid-Grade Unleaded	108.32	10.0	15.5	133.82	160.7	163.1	160.7	999.9
Premium Unleaded	111.32	10.0	15.5	136.82	164.1	166.5	164.1	999.9
Ultra-Low-Sulfur Diesel	146.68	4.0	15.4	166.08	197.9	200.2	197.9	999.9
Zone 2								
Regular Unleaded	105.82	10.0	15.5	131.32	157.8	160.2	157.8	999.9
Mid-Grade Unleaded	108.82	10.0	15.5	134.32	161.3	163.7	161.3	999.9
Premium Unleaded	111.82	10.0	15.5	137.32	164.7	167.1	164.7	999.9
Ultra-Low-Sulfur Diesel	147.18	4.0	15.4	166.58	198.5	200.8	198.5	999.9
Zone 3								
Regular Unleaded	106.22	10.0	15.5	131.72	158.3	160.7	158.3	999.9
Mid-Grade Unleaded	109.22	10.0	15.5	134.72	161.7	164.1	161.7	999.9
Premium Unleaded	112.22	10.0	15.5	137.72	165.2	167.6	165.2	999.9
Ultra-Low-Sulfur Diesel	147.58	4.0	15.4	166.98	198.9	201.2	198.9	999.9
Zone 4								
Regular Unleaded	106.32	10.0	15.5	131.82	158.4	160.8	158.4	999.9
Mid-Grade Unleaded	109.32	10.0	15.5	134.82	161.8	164.2	161.8	999.9
Premium Unleaded	112.32	10.0	15.5	137.82	165.3	167.7	165.3	999.9
Ultra-Low-Sulfur Diesel	147.68	4.0	15.4	167.08	199.0	201.3	199.0	999.9

Zone 5								
Regular Unleaded	106.32	10.0	15.5	131.82	158.4	160.8	158.4	999.9
Mid-Grade Unleaded	109.32	10.0	15.5	134.82	161.8	164.2	161.8	999.9
Premium Unleaded	112.32	10.0	15.5	137.82	165.3	167.7	165.3	999.9
Ultra-Low-Sulfur Diesel	147.68	4.0	15.4	167.08	199.0	201.3	199.0	999.9
Zone 6								
Regular Unleaded	107.02	10.0	15.5	132.52	159.2	161.6	159.2	999.9
Mid-Grade Unleaded	110.02	10.0	15.5	135.32	162.6	165.0	162.6	999.9
Premium Unleaded	113.02	10.0	15.5	138.52	166.1	168.5	166.1	999.9
Ultra-Low-Sulfur Diesel	148.38	4.0	15.4	167.78	199.8	202.1	199.8	999.9

N.S. Reg. 229/2022

Made: October 6, 2022

Filed: October 7, 2022

Prescribed Petroleum Products Prices

Order dated October 6, 2022
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*

Decision and Order**M10780**

Nova Scotia Utility and Review Board
In the matter of the *Petroleum Products Pricing Act*
- and -
In the matter of prescribing prices for petroleum products
under Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Before: Jennifer L. Nicholson, CPA, CA, Member**Decision and Order**

Under S. 16 of the *Petroleum Products Pricing Regulations*, the Board must prescribe a benchmark price for specified petroleum products every Friday.

The benchmark price prescribed by the Board is the average of the average of the daily high and low reported product prices (in Canadian cents) since the last benchmark price adjustment for the petroleum product.

The Board must also prescribe retail mark-ups and calculate wholesale margins considering any factors the Board finds relevant, including transportation adjustments. The Board last set wholesale margins in its decision, 2021 NSUARB 146; retail mark-ups in its decision, 2021 NSUARB 50; and transportation adjustments in its decision, 2016 NSUARB 168.

The Board also issued an Order on September 12, 2022 (2022 NSUARB 140), approving an adjustment mechanism to retail mark-ups for gasoline and diesel oil to account for the impact of credit card fees charged to retailers.

At each price setting, the Board may apply a forward-averaging correction, based on historical prices, to achieve revenue neutrality.

At appropriate times of the year, the Board may also require an additional margin for winter blending of ultra-low-sulfur diesel oil.

Based on the foregoing and other requirements in the *Petroleum Products Pricing Act* and regulations, the Board finds it appropriate to prescribe the benchmark prices and adjustments in Table “A,” the credit card fee retail mark-up adjustments in Table “B,” and the prices for petroleum products in Schedule “A” effective on and after 12:01 A.M. Friday, October 7, 2022:

Table “A”
(cents per litre)

Petroleum Product	Benchmark Price	Forward Averaging (+/-)	Winter Blending
Gasoline (Grade 1)	98.97	+1.10	
Gasoline (Grade 2)	101.97		
Gasoline (Grade 3)	104.97		
Ultra-Low-Sulfur Diesel Oil	137.87	+1.20	+6.75

Table “B”
(cents per litre)

Credit Card Fee Retail Mark-up Adjustment	
Gasoline Minimum Self-Service and Full-Service	+0.4
Gasoline Maximum Self-Service	+0.4
Ultra-Low-Sulfur Diesel Minimum Self-Service and Full-Service	+0.7
Ultra-Low-Sulfur Diesel Maximum Self-Service	+0.7

Dated at Halifax, Nova Scotia, this 6th day of October, 2022.

sgd. *Lisa Wallace*
Clerk of the Board

Schedule “A”

Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the *Petroleum Products Pricing Regulations*
effective on and after 12:01 a.m. on October 7, 2022

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	112.32	10.0	15.5	137.82	165.2	167.5	165.2	999.9
Mid-Grade Unleaded	115.32	10.0	15.5	140.82	168.6	170.9	168.6	999.9
Premium Unleaded	118.32	10.0	15.5	143.82	172.1	174.4	172.1	999.9
Ultra-Low-Sulfur Diesel	159.62	4.0	15.4	179.02	212.9	215.2	212.9	999.9

Zone 2								
Regular Unleaded	112.82	10.0	15.5	138.32	165.7	168.0	165.7	999.9
Mid-Grade Unleaded	115.82	10.0	15.5	141.32	169.2	171.5	169.2	999.9
Premium Unleaded	118.82	10.0	15.5	144.32	172.6	174.9	172.6	999.9
Ultra-Low-Sulfur Diesel	160.12	4.0	15.4	179.52	213.5	215.8	213.5	999.9
Zone 3								
Regular Unleaded	113.22	10.0	15.5	138.72	166.2	168.5	166.2	999.9
Mid-Grade Unleaded	116.22	10.0	15.5	141.72	169.6	171.9	169.6	999.9
Premium Unleaded	119.22	10.0	15.5	144.72	173.1	175.4	173.1	999.9
Ultra-Low-Sulfur Diesel	160.52	4.0	15.4	179.92	213.9	216.2	213.9	999.9
Zone 4								
Regular Unleaded	113.32	10.0	15.5	138.82	166.3	168.6	166.3	999.9
Mid-Grade Unleaded	116.32	10.0	15.5	141.82	169.8	172.1	169.8	999.9
Premium Unleaded	119.32	10.0	15.5	144.82	173.2	175.5	173.2	999.9
Ultra-Low-Sulfur Diesel	160.62	4.0	15.4	180.02	214.0	216.3	214.0	999.9
Zone 5								
Regular Unleaded	113.32	10.0	15.5	138.82	166.3	168.6	166.3	999.9
Mid-Grade Unleaded	116.32	10.0	15.5	141.82	169.8	172.1	169.8	999.9
Premium Unleaded	119.32	10.0	15.5	144.82	173.2	175.5	173.2	999.9
Ultra-Low-Sulfur Diesel	160.62	4.0	15.4	180.02	214.0	216.3	214.0	999.9
Zone 6								
Regular Unleaded	114.02	10.0	15.5	139.52	167.1	169.4	167.1	999.9
Mid-Grade Unleaded	117.02	10.0	15.5	142.52	170.6	172.9	170.6	999.9
Premium Unleaded	120.02	10.0	15.5	145.52	174.0	176.3	174.0	999.9
Ultra-Low-Sulfur Diesel	161.32	4.0	15.4	180.72	214.8	217.1	214.8	999.9

N.S. Reg. 230/2022

Made: August 24, 2022

Approved: September 15, 2022

Filed: October 7, 2022

Chicken Farmers of Nova Scotia Regulations—amendment

Order dated September 22, 2022

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 August 24, 2022, 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, approved by the Natural Products Marketing Council on August 20, 2020, in the manner set forth in the attached Schedule “A”.

Signed at Kentville, in the County of Kings, Nova Scotia on September 22, 2022.

Chicken Farmers of Nova Scotia

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

Approved, effective on and after October 15, 2022, by the Natural Products Marketing Council at Truro, in the County of Colchester, Nova Scotia on September 15, 2022.

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 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*, are amended as set out below.
- 2 Section 2 of the regulations, the definition of “base quota” is repealed and the following substituted:

“base quota” means the number of kilograms of chicken registered by the Commodity Board to a producer or to the New Producer Quota Fund in accordance with these regulations, expressed as an annual figure in kilograms of live weight and as adjusted by the Commodity Board;
- 3 Section 2 of the regulations, the definition of “base quota period” is amended by striking out “9F” and substituting “9G”.
- 4 Section 2 of the regulations is amended by repealing the definition of “eligible new entrant” and substituting the following:

“Eligible New Farmer” means a person whose name is entered in the register of Eligible New Farmers kept by the Commodity Board under subsection 9D[(4)];
- 5 Section 2 of the regulations, the definition of “initial acquisition” is amended by adding “base” immediately after “registers”.
- 6 Section 2 of the regulations is further amended by adding the following definitions immediately after the definition of “maximum barn capacity”:

“New Producer” means a person who has acquired the minimum base quota while registered as an Eligible New Farmer, and who remains a New Producer for 30 marketing periods, including the marketing period

in which the initial acquisition was made;

“New Producer Quota Fund” means a pool of base quota, expressed in kilograms of chicken, set aside by the Commodity Board for the purpose of issuing one or more Production Loans under Section 9F;

- 7 Section 2 of the regulations is further amended by adding the following definition immediately after the definition of “production and marketing agreement”:

“Production Loan” means a share of the total production loaned to a New Producer for one or more marketing periods via special licence, in accordance with Section 9F.

- 8 Section 2, the definition of “total production” is amended by inserting “allotted” immediately after “chicken”.

- 9 Subsection 7(1) of the regulations is amended by

- (a) striking out the word “annual”; and
- (b) striking out “235,000” and substituting “117,500”.

- 10 Subsection 7(2) of the regulations is amended by striking out “9F(3)” and substituting “9G(3)”.

- 11 Clause 9C(c) of the regulations is amended by inserting the word “subsection” immediately before “8(8)”.

- 12 Section 9C of the regulations is further amended by adding the following clause immediately after clause (f):

- (g) the proposed transfer involves quota that was transferred to a New Producer or Eligible New Farmer within the preceding 18 marketing periods, in accordance with subsection 9H(7).

- 13 Sections 9D to 9I of the regulations are repealed and the following Sections substituted:

Applying for registration as Eligible New Farmer

9D (1) A natural person who meets all of the following criteria may apply to the Commodity Board at any time to be registered as an Eligible New Farmer:

- (a) the person is at least 19 years old;
- (b) the person does not have, and has never had, any direct interest in any type of quota under the Act, the *Dairy Industry Act*, or similar legislation in other provinces of Canada;
- (c) the person is a resident of the Province.

(2) A corporation, partnership or trust, in which all natural persons who would acquire an interest, as set out in Section 9, in any base quota acquired by the corporation, partnership or trust, meet the criteria in subsection (1), may apply to the Commodity Board to be registered as an Eligible New Farmer.

(3) An application for registration as an Eligible New Farmer must be in a form approved by the Commodity Board.

- (4) Within 30 days of receiving the application, the Commodity Board must notify an applicant of its decision to add the applicant's name to the register of Eligible New Farmers.
- (5) An Eligible New Farmer will remain on the register of Eligible New Farmers until the Eligible New Farmer no longer meets the criteria set out in subsection (1) or the Eligible New Farmer requests to be removed.
- (6) Once registered on the list of Eligible New Farmers, an Eligible New Farmer may
 - (a) acquire base quota, if available, in an initial acquisition that is subject to the minimum base quota requirement in subsection 7(1) and to the Commodity Board's approval of a quota transfer, at which time the Eligible New Farmer will become a New Producer;
 - (b) subject to clause 9F(1)(a), apply for a Production Loan when the Commodity Board calls for applications under subsection 9E(4).

New Producer Quota Fund

- 9E** (1) At the end of each base quota period, the Commodity Board must determine each of the following:
- (a) whether to register base quota to the New Producer Quota Fund;
 - (b) whether to issue a call for applications for one or more Production Loans from the New Producer Quota Fund, in accordance with subsection (4).
- (2) The total base quota registered to the New Producer Quota Fund must not exceed 117,500 kilograms.
- (3) If the Commodity Board decides to register base quota to the New Producer Quota Fund under clause (1)(a), it must provide written notice to all producer licensees, New Producers, and Eligible New Farmers.
- (4) If the Commodity Board decides to issue a call for applications for one or more Production Loans available under clause 1(b), the Commodity Board must provide written notice to all producer licensees, New Producers, and Eligible New Farmers.
- (5) Any Production Loan under subsection (4) will be issued on special licences for a period of 30 marketing periods, and the base quota remains registered to the New Producer Quota Fund for the duration of the loan.
- (6) Each marketing period, any share of the total production based on base quota registered to the New Producer Quota Fund that is not being used as a Production Loan must be redistributed by the Commodity Board on a pro rata basis among all producer licensees, based on each producer licensee's share of the total base quota registered to producers by the Commodity Board, by way of special licences in accordance with Section 35.

Production Loans

- 9F** (1) Only the following persons are eligible to apply for a Production Loan:
- (a) Eligible New Farmers who do not have any direct or associated interest in base quota, as defined in Section 9; and

- (b) New Producers who do not have any direct or associated interest in base quota, as defined in Section 9, other than their own direct interest.
- (2) Any Production Loan must
 - (a) be issued as a special licence based on 58,750 live kilograms of base quota;
 - (b) have no impact on any base quota registered to the recipient; and
 - (c) only be loaned after the recipient becomes a New Producer, if the recipient is an Eligible New Farmer.
- (3) Applications under subsection 9E(4) must be submitted in a form approved by the Commodity Board and must include confirmation that the applicant has acquired, or can acquire within 12 months of the Commodity Board's approval of their application, the minimum base quota specified in subsection 7(1) through a quota transfer under Section 9A.
- (4) After the Commodity Board issues a call for applications under subsection 9E(4), 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 one or more applicants as candidates for a Production Loan.
- (6) If the number of candidates recommended by the independent adjudicators under subsection (5) exceeds the Production Loans available, the recommended candidates will be entered in a random draw, to be administered by the Commodity Board, to determine one or more successful candidates.
- (7) The candidate(s) recommended by the independent adjudicators under subsection (5) or determined by random draw under subsection (6), as the case may be, must be approved by the Commodity Board.
- (8) Any Production Loan will be issued as a special licence
 - (a) if the successful candidate is a New Producer, in the first marketing period after the Production Loan is granted;
 - (b) if the successful candidate is an Eligible New Farmer, in the first marketing period after the Eligible New Farmer becomes a New Producer, subject to subsection (10).
- (9) Any Production Loan under subsection (8) will terminate automatically 30 marketing periods after the marketing period in which the Production Loan is first issued.
- (10) The Commodity Board may cancel a Production Loan to an Eligible New Farmer if they fail to acquire the minimum base quota required under subsection 7(1) within 12 months of being notified that they are the successful applicant to receive a Production Loan.
- (11) The Commodity Board may cancel the Production Loan to a New Producer for any of the following reasons:
 - (a) the recipient of the Production Loan transfers any part of their base quota while still producing licensed kilograms from the Production Loan;

- (b) the recipient of the Production Loan dies and their base quota is transferred under Section 9A to a beneficiary who does not meet the criteria for registering as an Eligible New Farmer under subsection 9D(1);
 - (c) the recipient of the Production Loan fails to comply with the Act, these regulations, or any other applicable legislation.
- (12) If a New Producer dies while receiving a Production Loan, the Production Loan may be reassigned to any beneficiary to whom the loan recipient's base quota is transferred, provided the transferee meets the criteria for registering as an Eligible New Farmer under subsection 9D(1).

Adjusting base quota after base quota period

- 9G (1)** The Commodity Board must adjust each producer's base quota after each base quota period to reflect increases or decreases in the quota allocation and to reflect the total kilogram increase or decrease in the Province for the base quota period then ended.
- (2) Subject to Sections 9H and 9I, if there is an increase as described in subsection (1), the Commodity Board must apportion base quota adjustments in the following manner:
- (a) first, if the Commodity Board has decided to register base quota to the New Producer Quota Fund under subsection 9E(1), the Commodity Board must allot some or all of the amount of the increase to the New Producer Quota Fund;
 - (b) second, the Commodity Board must apportion any remaining amount of the increase on a pro rata basis among all producers, based on each producer's share of the total base quota registered by the Commodity Board.
- (3) Subject to Sections 9H and 9I, if there is a decrease as described in subsection (1), the Commodity Board must apportion the amount of the decrease on a pro rata basis among all producers, based on each producer's share of the total base quota registered by the Commodity Board.

Impact of transfer on base quota adjustment

- 9H (1)** When base quota is transferred the increase or decrease with respect to the amount of the transferred quota applies to the transferee on a pro rata basis from the date of the transfer.
- (2) Subject to subsection (4), a producer who transfers all of their base quota does not retain any part of any adjustment to base quota.
- (3) A producer who transfers part of their base quota is not eligible for increases to base quota under subsection 9G(2) if the increase results in the producer having more base quota than they had immediately after the transfer.
- (4) Subsection (3) applies from the beginning of the marketing period for which the transfer was effective until the beginning of the first marketing period of the third full base quota period after the effective date of the transfer.
- (5) Subsection (2) will not apply when a producer who is a natural person applies to and obtains approval from the Commodity Board to transfer all of their base quota and any adjustment to base quota to a corporation, partnership or trust in which the natural person is a beneficial shareholder, partner or beneficiary.

- (6) Subsection (3) does not apply when a producer is transferring part of their base quota to a New Producer or Eligible New Farmer, provided the producer has not done so in the last 18 marketing periods.
- (7) A New Producer or Eligible New Farmer acquiring base quota under a transfer where subsection (6) applies may not transfer their base quota for 18 marketing periods.

Impact of maximum and minimum base quota on base quota adjustment

- 9I**
- (1) The Commodity Board may modify the amount of an adjustment to increase base quota apportioned to a producer under subsection 9G(2) if necessary to maintain compliance with the maximum base quota and maximum aggregate base quota requirements in Section 8.
 - (2) The Commodity Board may modify the amount of an adjustment to decrease base quota apportioned to a producer under subsection 9G(3).
 - (3) Any amount of a base quota adjustment that would be apportioned to a producer except that the producer is not eligible for an adjustment under subsection 9H(3) must be apportioned to all remaining producers on a pro rata basis, except to those producers to whom subsection 8(6) or subsection 8(8) applies.

Cancelling base quota or adjustment to base quota

- 9J**
- (1) The Commodity Board may cancel all or part of a producer's base quota or the amount of any adjustment to increase the producer's base quota, or both, in any of the following circumstances:
 - (a) the producer fails to provide the Commodity Board with any report required under Sections 55 to 65 with respect to the production and marketing of chicken;
 - (b) the producer fails to comply with a condition imposed on an approval to transfer quota issued under Section 9B;
 - (c) the producer raises a flock in facilities not owned by the producer without the prior written approval of the Commodity Board;
 - (d) the producer fails to allow an inspector to inspect the books and records related to and the premises used by the producer in producing chicken;
 - (e) the producer violates the Act, the Plan or these regulations other than as described in clauses (a) to (d).
 - (2) Any base quota or amount of an adjustment to base quota cancelled in whole or in part under subsection (1) is transferred to the Commodity Board and may be
 - (a) retired; or
 - (b) reissued by the Commodity Board to any other person or persons, subject to any conditions the Commodity Board considers appropriate.
 - (3) A producer whose base quota is transferred to the Commodity Board under this Section is not entitled to compensation from the Commodity Board.

14 Section 15 of the regulations is amended by striking out "the following Sections".

- 15 Clause 15(b) of the regulations is amended by striking out the “.” and substituting “;”
- 16 Section 15 of the regulations is further amended by adding the following clause immediately after clause (b):
- (c) ~~Section~~ [subsection] 9F(12), for a special licence for a Production Loan.
- 17 Subclause 21(b)(i) of the regulations is amended by striking out “Sections 9F, 9G, and 9H” and substituting “Sections 9G, 9H, and 9I”.
- 18 Section 35 of the regulations is repealed and replaced with the following:

Special licences

- 35** The Commodity Board may issue a special licence to a producer licensee for any marketing period for any of the following:
- (a) production requested by a processor for market development fulfillment under Section 88;
 - (b) redistribution of any excess kilograms live weight of chicken determined under subsection 43(2);
 - (c) allotment of any portion of the quota allocation established for specialty production under Section 41 that is not issued through a specialty licence;
 - (d) allotment of a Production Loan for a period not exceeding 30 marketing periods;
 - (e) redistribution of production associated with any base quota registered to the New Producer Quota Fund that is not being produced through a Production Loan under subsection 9E(6);
 - (f) any other circumstance that requires licensing of kilograms live weight of chicken from the quota allocation not otherwise licensed.

N.S. Reg. 231/2022

Made: October 7, 2022

Filed: October 11, 2022

Prescribed Petroleum Products Prices

Order dated October 7, 2022
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*

Decision and Order**M10794**

Nova Scotia Utility and Review Board
In the matter of the *Petroleum Products Pricing Act*
- and -
In the matter of prescribing prices for petroleum products
under Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Before: Jennifer L. Nicholson, CPA, CA, Member**Decision and Order**

Under S. 16 of the *Petroleum Products Pricing Regulations*, the Board must prescribe a benchmark price for specified petroleum products every Friday. However, the Board may prescribe a benchmark price any time, and due to significant changes in the price of petroleum products, the Board has determined that it is appropriate to adjust its most recently prescribed weekly prices.

The benchmark price prescribed by the Board is the average of the average of the daily high and low reported product prices (in Canadian cents) since the last benchmark price adjustment for the petroleum product.

The Board must also prescribe retail mark-ups and calculate wholesale margins considering any factors the Board finds relevant, including transportation adjustments. The Board last set wholesale margins in its decision, 2021 NSUARB 146; retail mark-ups in its decision, 2021 NSUARB 50; and transportation adjustments in its decision, 2016 NSUARB 168.

The Board also issued an Order on September 12, 2022 (2022 NSUARB 140), approving an adjustment mechanism to retail mark-ups for gasoline and diesel oil to account for the impact of credit card fees charged to retailers.

At each price setting, the Board may apply a forward-averaging correction, based on historical prices, to achieve revenue neutrality.

At appropriate times of the year, the Board may also require an additional margin for winter blending of ultra-low-sulfur diesel oil.

Based on the foregoing and other requirements in the *Petroleum Products Pricing Act* and regulations, the Board finds it appropriate to prescribe the benchmark prices and adjustments in Table “A,” the credit card fee retail mark-up adjustments in Table “B,” and the prices for petroleum products in Schedule “A” effective on and after 12:01 A.M. October 8, 2022:

Table "A"
(cents per litre)

Petroleum Product	Benchmark Price	Forward Averaging (+/-)	Winter Blending
Ultra-Low-Sulfur Diesel Oil	150.04	+1.20	+6.40

Table "B"
(cents per litre)

Credit Card Fee Retail Mark-up Adjustment	
Ultra-Low-Sulfur Diesel Minimum Self-Service and Full-Service	+0.8
Ultra-Low-Sulfur Diesel Maximum Self-Service	+0.8

Dated at Halifax, Nova Scotia, this 7th day of October, 2022.

sgd. *Lisa Wallace*
Clerk of the Board

Schedule "A"

Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the *Petroleum Products Pricing Regulations*
effective on and after 12:01 a.m. on October 8, 2022

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	112.32	10.0	15.5	137.82	165.2	167.5	165.2	999.9
Mid-Grade Unleaded	115.32	10.0	15.5	140.82	168.6	170.9	168.6	999.9
Premium Unleaded	118.32	10.0	15.5	143.82	172.1	174.4	172.1	999.9
Ultra-Low-Sulfur Diesel	171.44	4.0	15.4	190.84	226.6	228.9	226.6	999.9
Zone 2								
Regular Unleaded	112.82	10.0	15.5	138.32	165.7	168.0	165.7	999.9
Mid-Grade Unleaded	115.82	10.0	15.5	141.32	169.2	171.5	169.2	999.9
Premium Unleaded	118.82	10.0	15.5	144.32	172.6	174.9	172.6	999.9
Ultra-Low-Sulfur Diesel	171.94	4.0	15.4	191.34	227.2	229.5	227.2	999.9
Zone 3								
Regular Unleaded	113.22	10.0	15.5	138.72	166.2	168.5	166.2	999.9
Mid-Grade Unleaded	116.22	10.0	15.5	141.72	169.6	171.9	169.6	999.9
Premium Unleaded	119.22	10.0	15.5	144.72	173.1	175.4	173.1	999.9
Ultra-Low-Sulfur Diesel	172.34	4.0	15.4	191.74	227.6	229.9	227.6	999.9
Zone 4								
Regular Unleaded	113.32	10.0	15.5	138.82	166.3	168.6	166.3	999.9
Mid-Grade Unleaded	116.32	10.0	15.5	141.82	169.8	172.1	169.8	999.9
Premium Unleaded	119.32	10.0	15.5	144.82	173.2	175.5	173.2	999.9
Ultra-Low-Sulfur Diesel	172.44	4.0	15.4	191.84	227.7	230.0	227.7	999.9

Zone 5								
Regular Unleaded	113.32	10.0	15.5	138.82	166.3	168.6	166.3	999.9
Mid-Grade Unleaded	116.32	10.0	15.5	141.82	169.8	172.1	169.8	999.9
Premium Unleaded	119.32	10.0	15.5	144.82	173.2	175.5	173.2	999.9
Ultra-Low-Sulfur Diesel	172.44	4.0	15.4	191.84	227.7	230.0	227.7	999.9
Zone 6								
Regular Unleaded	114.02	10.0	15.5	139.52	167.1	169.4	167.1	999.9
Mid-Grade Unleaded	117.02	10.0	15.5	142.52	170.6	172.9	170.6	999.9
Premium Unleaded	120.02	10.0	15.5	145.52	174.0	176.3	174.0	999.9
Ultra-Low-Sulfur Diesel	173.14	4.0	15.4	192.54	228.6	230.9	228.6	999.9