Royal Gazette

Part II – Regulations
Volume 50, No. 23
November 13, 2026
Halifax, Nova Scotia

Published Under the Authority of the Attorney General

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In force date of regulations: As of March 5, 2005*, the date that a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date that a regulation is filed and any specified effective dates are important in determining when the regulation is in force.

*Effective November 28, 2023, subsection 3(6) of the *Regulations Act* was replaced. (See subsection 3(5) of Chapter 54 of the Acts of 2022, *An Act to Amend Chapter 393 of the Revised Statutes, 1989, the Regulations Act*.)

N.S. Reg. 253/2026 and 254/2026
Made: October 20, 2026
Filed: October 20, 2026
Regulations Amending the Schedule to the Act Listing Public Bodies–repeal;
Freedom of Information and Protection of Privacy Regulations–replacement

Order in Council 2026-359 dated October 20, 2026
Repeal of regulations and regulations made by the Governor in Council
pursuant to Sections 143 and 148 of the *Freedom of Information and Protection of Privacy Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia dated September 16, 2026, and pursuant to Sections 143 and 148 of Chapter 13 of the Acts of 2025, the *Freedom of Information and Protection of Privacy Act*, is pleased, effective on and after April 1, 2027, to

(a) repeal the *Freedom of Information and Protection of Privacy Regulations*, N.S. Reg. 105/1994, made by the Governor in Council by Order in Council 94-537 dated June 28, 1994;

(b) repeal the *Regulations Amending the Schedule to the Act Listing Public Bodies*, N.S. Reg. 205/2009, made by the Governor in Council by Order in Council 2009-202 dated April 28, 2009; **[N.S. Reg. 253/2026]** and

(c) make new regulations respecting freedom of information and protection of privacy, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

N.S. Reg. 254/2026
Freedom of Information and Protection of Privacy Regulations–replacement

Schedule "A"

Regulations Respecting Freedom of Information and Protection of Privacy made under Sections 143 and 148 of Chapter 13 of the Acts of 2025, the *Freedom of Information and Protection of Privacy Act*

Interpretation

Citation
1 These regulations may be cited as the *Freedom of Information and Protection of Privacy Regulations.*

Definitions
2 In these regulations,

"access", for the purposes of Sections 24 to 42, means the action, process, opportunity or means of finding, using, examining or retrieving, including obtaining from storage;

"Act" means the *Freedom of Information and Protection of Privacy Act*;

"privacy assessment" means an assessment conducted by a public body to identify and review risks associated with collecting, using or disclosing personal information and develop mitigation strategies to respond to those risks;

"service provider" means a person who

(i) is retained under a contract to perform services for a public body, and

(ii) in the course of performing services for the public body, uses, discloses, manages, stores or accesses personal information in the public body's custody or control.

Anthropological and heritage value

3 **(1)** A site has anthropological value, as referred to in clause 45(1)(a) of the Act, if it contains an artifact or other physical evidence of past habitation or use that has research value.

(2) A site has heritage value, as referred to in clause 45(1)(a) of the Act, if it meets any of the following:

(a) it is the location of a traditional societal practice for a living community;

(b) it has historical, cultural, aesthetic, educational, scientific or spiritual meaning or value for the Province or for a community, including an Indigenous People.

Interpretation of terms with respect to universities

4 All of the following terms apply to universities:

"enactment" includes any legal authority pursuant to which a university acts;

"governing body" in subsection 34(1) of the Act includes the faculties and the senate of a university;

"person acting in a judicial or quasi-judicial capacity" in [clause] 4(3)(f) of the Act includes any of the following who are authorized, under an enactment of a university, to act in a judicial or quasi-judicial capacity:

(i) a person,

(ii) a member or a chair of a committee.

Interpretation of terms with respect to academic research

5 In subsection 46(1) of the Act,

"employee of the local public body" includes any of the following:

(i) an employee of the local public body's employee,

(ii) an individual engaged under contract by the local public body's employee, whether as an independent contractor or otherwise,

(iii) an individual engaged under a contractual arrangement by or with the local public body,

(iv) a student attending or providing services to a local public body,

(v) a visiting professor at the local public body.

Definitions of words and expressions for definition of "background information"

6 **(1)** In clause (g) of the definition of "background information" in Section 3 of the Act respecting final reports and audits,

"efficiency" refers to the extent to which the public body achieves maximum productivity with minimum wasted effort or expense;

"performance" refers to the public body's actions, tasks and operations as seen in terms of how

successfully they are performed in relation to expected outcomes;

"programs or policies" refers to the public body's programs or policies as they existed on or before the final report is made or the final audit begins;

"public body" refers to the public body as it existed on or before the final report is made or the final audit begins.

(2) A feasibility study referred to in clause (i) of the definition of "background information" in Section 3 of the Act, means a study with a fundamental purpose of advising a public body on the practicability of a specific proposed project, including an evaluation of whether the project, or specific proposals for that project, are capable of being accomplished with a reasonable assurance of success and in accordance with established standards including specified financial limits.

References to "Review Officer"

7 A reference in any enactment or document to the Privacy Review Officer appointed under the former *Privacy Review Officer Act* is deemed to be a reference to the Commissioner appointed under the Act.

Deemed compliance with time limit by public body

8 A public body is deemed to comply with any requirement under the Act to provide written communication or notice within a time limit if the public body deposits it with the postal service within the time limit.

Notice to third parties

9 (1) For the purposes of subsections 50(1) and 75(2) of the Act, it is deemed to be practicable to notify a third party if the third party can reasonably be located.

(2) For a third party that is a corporation registered to carry on business in the Province, a notice to the third party under subsection 50(1) of the Act must be sent by mail or electronic mail to the corporation's last known address or electronic mail address.

Access Requests

Form and content of access request

10 (1) An access request must state that the application is made under the Act.

(2) An access request may be in Form 1.

Fees

11 (1) The application fee for an access request is $5.00.

(2) Except as provided in subsection (4), and subject to the limits in subsection (3), the fees payable for services under Section 26 of the Act are the actual costs to the public body of providing the services.

(3) Fees for services must not exceed the following amounts:

(a) for locating and retrieving a record, $15.00 for each half-hour of person time after the first 3 hours exempted under subsection 26(2) of the Act, rounded down to the nearest half-hour;

(b) for producing a record manually, $15.00 for each half-hour of person time, rounded down to the nearest half-hour;

(c) for producing a record from a machine readable record, the actual cost incurred for computer usage and for developing a computer program to produce the record;

(d) for preparing a record for disclosure and handling a record, $15.00 for each half-hour of person time, rounded down to the nearest half-hour;

(e) for shipping a record, the actual costs of [the] shipping method chosen by applicant;

(f) for providing a copy of a record that is stored or recorded in printed form and can be copied on conventional photocopying equipment, $0.20 a page;

(g) for providing a copy of a record that is stored or recorded in a manner other than that referred to in clause (f) or cannot be reproduced on conventional photocopying equipment, the actual cost of reproducing the record.

(4) If a search fee or reproduction fee for accessing a record is required by an enactment other than the Act, the head of a public body to whom an application is made must charge the applicant the fees set under the other enactment.

(5) An applicant must pay any outstanding fees for services under Section 26 of the Act before access to a record is given or refused.

(6) If a fee paid for services under Section 26 of the Act is subsequently waived, the head of a public body must refund the applicant any fees paid.

(7) If the actual cost of providing services under Section 26 of the Act is less than an estimated fee paid by an applicant under subsection 26(6) of the Act, the difference must be refunded to the applicant by the head of the public body responding to the application.

Waiver of fees

12 The following are prescribed as additional circumstances in which a head of a public body may waive the payment of all or any part of a prescribed fee:

(a) the applicant is not given access to a record;

(b) the amount of the payment is too small to justify requiring payment.

Third party consent to disclosure of information in response to access request

13 Any of the following consents to a disclosure of information in response to an access request may be in Form 2:

(a) the consent of a third party to a public body disclosing any of the third party's personal information under clause 48(2)(a) of the Act;

(b) the consent of a third party to a public body disclosing information under subsection 49(3) of the Act.

Correction Requests

Form and content of correction request

14 (1) A correction request must meet all of the following criteria:

(a) it must be made in writing;

(b) it must state that the request is made under the Act;

(c) it must provide sufficient detail to enable an individual familiar with the subject matter to identify the personal information and the proposed correction of the personal information, including by identifying the applicant's personal information to be corrected and the factual error or omission on which the correction is based.

(2) A correction request may be in Form 3.

Amending correction request

15 If an individual familiar with the subject matter is unable to identify the personal information an applicant is requesting be corrected, the head of the public body must

(a) inform the applicant; and

(b) allow the applicant to amend the application to provide additional details.

Use of Personal Information

Form and content of consent to use of personal information

16 (1) An individual's consent under clause 70(b) of the Act to a public body using their personal information must meet all of the following criteria:

(a) it must be in writing;

(b) it must identify the personal information;

(c) it must specify how the personal information may be used.

(2) An individual's consent under clause 70(b) of the Act to a public body using their personal information may be in Form 4.

Disclosure of Personal Information

Consent to disclosure of personal information

17 (1) An individual's consent under clause 71(b) of the Act to a public body disclosing their personal information must meet all of the following criteria:

(a) it must be in writing;

(b) it must identify the personal information;

(c) it must specify to whom the personal information may be disclosed and how the personal information may be used.

(2) An individual's consent under clause 71(b) of the Act to a public body disclosing their personal information may be in Form 4.

Disclosure for research purpose

18 (1) For the disclosure of personal information for a research purpose, an agreement to comply with the conditions approved by the head of a public body under clause 72(d) of the Act must include all of the following conditions:

(a) that the person must use the information only for a research purpose set out in the agreement or for which the person has written authorization from the public body;

(b) that the person must name in the agreement any other persons who will be given access to personal information in a form in which the individual to whom it relates can be identified;

(c) that before disclosing personal information to other persons under clause (b), the person must enter into an agreement with those persons to ensure that they will not disclose it to any other person;

(d) that the person must keep the information in a secure location to which access is given only to the person and to the persons given access under clause (b);

(e) that the person must destroy all individual identifiers in the information by the date specified in the agreement;

(f) that the person must not contact any individual to whom personal information relates, directly or indirectly, without the prior written authority of the public body;

(g) that the person must ensure that no personal information will be used or disclosed in a form in which the individual to whom it relates can be identified without the written authority of the public body;

(h) that the person must notify the public body in writing immediately if the person becomes aware that any of the conditions set out in this Section have been breached.

(2) As a condition of entering into a research agreement, the head of a public body may require a person requesting a research agreement to provide the public body with all of the following:

(a) a general description of the research project, including the objectives of the project and the proposed method of analysis;

(b) an explanation of why the research project cannot reasonably be accomplished without access to personal information in individually identifiable form;

(c) an explanation of how the personal information will be used, including a description of any proposed linkages to be made between personal information in the records subject to the research agreement and any other personal information;

(d) the reasonable security arrangements that will be put in place to protect the personal information;

(e) the expected time period for which access to the records is required;

(f) the benefits to be derived from the research.

Public Interest Disclosure

Notice of public interest disclosure

19 A notice of disclosure to a third party under subsection 75(3) of the Act must include all of the following:

(a) a description of the information that was disclosed;

(b) when the information was disclosed;

(c) to whom the information was disclosed;

(d) the reasons for which it was disclosed, in accordance with clauses 75(1)(a) or (b) of the Act, and include details on any specific group of people at risk or any public interest reasons for the disclosure.

Reviews By Commissioner and Appeals to Court

Form of review requests

20 (1) An access review request or correction review request under subsection 80(1) of the Act may be in Form 5.

(2) An access review request by a third party under subsection of 80(3) of the Act may be in Form 6.

(3) A privacy review request under Section 100 or subsection 101(2) of the Act may be in Form 7.

Legal privilege

21 When refusing to produce information to, or allow the inspection of information by, the Commissioner for an access review on the basis that the information is subject to legal privilege as excluded under 86(2) of the Act, a public body must indicate all of the following to the Commissioner:

(a) the page numbers of the records over which legal privilege is claimed;

(b) for each record or group of records, without revealing the information that is privileged,

(i) identify the type or types of record,

(ii) identify the basis for the legal privilege claim,

(iii) provide a general description of the parties.

Time limit for compliance by public body

22 The time limit under subsections 86(4) and 112(4) of the Act for producing a record is 15 business days from the date that the public body received notice of the requirement to produce the record from the Commissioner.

Appeal to Supreme Court

23 (1) An appeal to the Supreme Court under the Act must be commenced in the form and manner prescribed by the *Civil Procedure Rules*.

(2) An appeal must be heard in accordance with the Act, and the *Civil Procedure Rules* apply with the necessary modifications.

Privacy Assessments

Requirement to conduct privacy assessment

24 (1) The requirement in Section 53 of the Act for a privacy assessment for a project, program, system or activity includes for any common or integrated program or activity.

(2) A privacy assessment is required before commencing a data-linking program.

(3) A privacy assessment is required before storing personal information outside of Canada.

Privacy assessments

25 (1) A privacy assessment must meet all of the following requirements:

(a) it must be in writing;

(b) it must describe the following, as applicable:

(i) the project, program, system or other activity that involves collecting using or disclosing personal information,

(ii) the data-linking program,

(iii) the storage of personal information outside of Canada;

(c) it must identify the types of personal information that will be collected, used or disclosed;

(d) it must identify the purpose of, and authority and necessity for, collecting, using or disclosing the personal information;

(e) it must identify any privacy risks associated with the personal information and explain how those risks will be reduced or managed in accordance with subsection (2).

(2) When identifying privacy risks for a privacy assessment, a public body must consider and document all of the following:

(a) any storage or disclosure to personal information outside of Canada, or any access of personal information from outside of Canada;

(b) accuracy, correction and retention procedures for personal information;

(c) positions or roles that will have access to personal information;

(d) governance, responsibilities and accountabilities for personal information;

(e) reasonable security arrangements that will be used to protect personal information.

(3) A privacy assessment must provide a level of detail that is commensurate with the complexity of the practice, program, project or service being assessed.

(4) A privacy assessment must be approved by the head of the public body conducting the assessment.

Joint privacy assessments

26 (1) Two or more public bodies involved in a common or integrated program or service or data-linking program may prepare a joint privacy assessment.

(2) Each public body [that is a party] to a joint privacy assessment must include an addendum to the assessment to address any unique circumstances for collecting, using or disclosing personal information that apply to that public body.

Amended privacy assessments

27 A public body that is conducting a privacy assessment required by clause 53(1)(b) of the Act for a substantial change to a project, program, system or other activity involving collecting, using or disclosing personal information may amend an existing privacy assessment, if that privacy assessment meets the requirements of these regulations.

Common or Integrated Programs or Activities

Common or integrated programs or activities—written documentation

28 (1) For the purpose of the definition of "common or integrated program or activity", confirmation that a program or activity is a common or integrated program or activity must be in the form of a written agreement that includes all of the following:

(a) a description of the common or integrated program or activity to be provided, including its purposes, key objectives and expected benefits or outcomes;

(b) a description of the types of personal information collected, used and disclosed in the course of providing the program or activity;

(c) a description of the respective roles and responsibilities of each party to the agreement;

(d) the date the program or activity will start and, if applicable, the date the program or activity will end;

(e) provisions requiring each party to implement and maintain appropriate security and safeguarding measures to protect the personal information against risks including unauthorized access, collection, use, disclosure or disposal;

(f) provisions that prohibit the subsequent use and disclosure of the personal information for purposes not related to the common or integrated program or activity except

(i) with the consent of the person to whom the information relates, or

(ii) if required or authorized by law;

(g) provisions for the withdrawal of a party, including provisions that

(i) prohibit any further use or disclosure of the personal information received by the withdrawing party except

(A) with the consent of the person to whom the information relates, or

(B) if required or authorized by law, and

(ii) specify the ongoing obligations of the withdrawing party to secure and safeguard the personal information;

(h) provisions for the termination of the agreement, including provisions that

(i) prohibit any further use or disclosure of the personal information received by the parties except

(A) with the consent of the person to whom the information relates, or

(B) if required or authorized by law, and

(ii) specify the ongoing obligations of the parties to secure and safeguard the personal information.

(2) An agreement referred to in subsection (1) must be signed by the head of each public body and by each partner agency through which or on whose behalf, the services of the program or activity are provided.

Common or integrated program or activity with data-linking program

29 For a common or integrated program or activity that includes a data-linking program, the data-linking program requirements set out in Section 30 may be included in an agreement required under Section 28.

Data-linking Programs

Data-linking program requirement for written agreement

30 (1) A public body conducting a data-linking program must enter into a written agreement with the other public bodies or partner agencies with which its data sets are being linked that includes all of the following information:

(a) a description of the data-linking program, including its purposes, key objectives and expected benefits or outcomes;

(b) a description of the data sets;

(c) a description of how the data sets will be

(i) transmitted, and

(ii) matched or linked;

(d) a description of the respective roles and responsibilities of each party to the agreement;

(e) provisions requiring each party to implement and maintain appropriate security and safeguarding measures to protect the data sets against risks including unauthorized access, collection, use, disclosure or disposal;

(f) provisions that prohibit the subsequent use and disclosure of the data sets for purposes not related to the data-linking program, except if required or authorized by law;

(g) provisions for the withdrawal of a party, including provisions that

(i) prohibit any further use or disclosure of the data sets received by the withdrawing party except if required or authorized by law, and

(ii) specify the ongoing obligations of the withdrawing party to secure and safeguard the data sets;

(h) provisions for the termination of the agreement, including provisions that

(i) prohibit any further use or disclosure of the data sets received by the parties except if required or authorized by law, and

(ii) specify the ongoing obligations of the parties to secure and safeguard the personal information;

(i) if data sets have been de-identified as part of the data-linking program, provisions respecting the process for de-identification and for reasonable safeguards to protect against

re-identification,

(j) provisions respecting the retention and destruction of any data sets generated from the data-linking program.

(2) An agreement referred to in subsection (1) must be signed by the head of each public body and by each partner agency participating in the data-linking program.

Access to, Disclosure and Storage of Personal Information Outside Canada

Storage of personal information outside Canada

31 All of the following are the circumstances under Section 76 of the Act in which a public body may store personal information outside of Canada:

(a) the individual the personal information is about has identified the personal information and has consented in writing to its storage outside of Canada;

(b) the personal information is stored outside of Canada for the purpose of disclosure permitted under these regulations;

(c) the head of the public body allows the storage outside of Canada under Section 32.

Risk-based decision by head for personal information storage outside Canada

32 (1) The head of a public body may allow personal information to be stored outside of Canada based on the outcome of a risk assessment made in accordance with subsection (2).

(2) A risk assessment required by subsection (1) must meet all of the following:

(a) it must identify the privacy risks as well as the level of privacy risks associated with the storage by examining relevant factors including all of the following:

(i) the likelihood of an unauthorized collection, use, disclosure or storage of personal information occurring,

(ii) the impact to an individual of an unauthorized collection, use, disclosure or storage of personal information,

(iii) whether the personal information is stored by a service provider,

(iv) whether the service provider has reasonable security arrangements for the storage of the personal information,

(v) whether the storage outside of Canada is to meet the necessary requirements of the public body’s operation,

(vi) the country in which the personal information is stored;

(b) for each privacy risk, it must identify a privacy risk response that is proportionate to the level of risk posed, such as technical, security, administrative or contractual measures.

(3) An assessment under this Section may form part of a privacy assessment under Section 25.

Policy on transporting and accessing personal information outside Canada

33 (1) A public body must have a policy on transporting and accessing personal information outside of Canada by its directors, officers or employees, which must include a process for obtaining approval from the head of the public body.

(2) The head of a public body may allow a director, officer or employee of the public body to transport personal information, or access personal information from, outside of Canada temporarily in accordance with its policy if the head considers that it is reasonable for the performance of the duties of the director, officer or employee to transport the information on, or access the information from, an electronic device.

Access to personal information from outside Canada by service provider

34 All of the following are the circumstances under Section 76 of the Act in which a public body may allow access to personal information in its custody or control from outside of Canada by its service provider:

(a) the access is necessary for doing any of the following regarding an electronic system that is used by the public body or by its service provider for the purposes of providing services to the public body:

(i) installing, implementing, maintaining, repairing, troubleshooting or upgrading the electronic system or equipment that includes the electronic system,

(ii) data recovery that is undertaken following a failure of the electronic system;

(b) the individual the personal information is about has identified the personal information and consented in writing to its access outside of Canada;

(c) the personal information is accessed outside of Canada for the purpose of a disclosure permitted under these regulations;

(d) the head of the public body allows access under Section 35.

Risk-based decision by head for access by service providers outside Canada

35 (1) The head of a public body may allow access to personal information outside of Canada by a service provider based on the outcome of a risk assessment made in accordance with subsection (2).

(2) A risk assessment required by subsection (1) must meet all of the following:

(a) it must identify the privacy risks as well as the level of privacy risk associated with the access by examining relevant factors including all of the following:

(i) the likelihood of an unauthorized collection, use, disclosure or storage of personal information occurring,

(ii) the impact to an individual of an unauthorized collection, use, disclosure or storage of personal information,

(iii) whether the personal information is accessed by a service provider,

(iv) whether the service provider has reasonable security arrangements for its access to the personal information,

(v) whether the access outside of Canada is to meet the necessary requirements of the

public body's operation,

(vi) the country from which the personal information is accessed;

(b) for each privacy risk, it must identify a privacy risk response that is proportionate to the level of risk posed, such as technical, security, administrative or contractual measures.

(3) A risk assessment under this Section may form part of a privacy assessment under Section 25.

Accessing own personal information from outside Canada

36 A public body may allow an individual access under Section 76 of the Act to their own personal information from outside of Canada.

Personal information in transit outside Canada

37 A public body may route personal information in its custody or control outside of Canada under Section 76 of the Act as part of internet communications or network optimization under circumstances that meet all of the following:

(a) the transmission is incidental to, and necessary for, internet communications or network optimization;

(b) the transmission is temporary;

(c) the transmission does not involve the intentional accessing of the personal information;

(d) the personal information is protected through reasonable security arrangements.

Disclosure of personal information outside Canada

38 All of the following are the circumstances under Section 76 of the Act in which a public body may disclose personal information outside of Canada:

(a) the disclosure is in accordance with these regulations;

(b) the individual the personal information is about has identified the personal information and has consented, in writing, to its disclosure outside of Canada;

(c) the disclosure is in accordance with an enactment of the Province or of Canada that authorizes or requires its disclosure;

(d) the disclosure is in accordance with a provision of a treaty, arrangement or agreement that

(i) authorizes or requires its disclosure, and

(ii) is made under an enactment of the Province or of Canada;

(e) the disclosure is to the head of the public body and the information is immediately necessary for the performance of their duties;

(f) the disclosure is to a director, officer or employee of the public body or to the head of the public body and the information is immediately necessary for the protection of the health or safety of the director, officer, employee or head;

(g) the disclosure is to the Attorney General or legal counsel for the public body for use in civil

proceedings involving the Government of the Province or the public body;

(h) the disclosure is for any of the following payment purposes:

(i) collecting a debt or fine owing by an individual to the Crown in right of the Province or to a public body,

(ii) making a payment owing by the Crown in right of the Province or by a public body to an individual;

(i) the disclosure is for any of the following purposes involving drivers or motor vehicles:

(i) licensing or registration of motor vehicles or drivers,

(ii) verification of motor vehicle insurance, motor vehicle registration or drivers' licences;

(j) the head of the public body determines that compelling circumstances exist that affect a person's safety or physical or mental health;

(k) the disclosure is for the purpose of reducing the risk of an individual being a victim of intimate-partner violence, if intimate-partner violence has occurred or is reasonably likely to occur;

(l) the disclosure is for the purpose of reducing the risk of an individual being a victim of human trafficking, if human trafficking is reasonably likely to occur;

(m) the disclosure is necessary for the next of kin of an injured, ill or deceased individual to be contacted;

(n) the disclosure is necessary for a person in a close personal relationship with an injured, ill or deceased individual to be contacted;

(o) the disclosure is to either of the following if, in the head of the public body's opinion, the disclosure is not an unreasonable invasion of the deceased's personal privacy:

(i) a deceased individual's surviving spouse or relative,

(ii) a person in a close personal relationship with a deceased individual;

(p) the disclosure is by a public body that is a law enforcement agency in accordance with clause 71(p) of the Act and these regulations;

(q) the disclosure is for research, archival or historical purposes in accordance with Section 39 or 40;

(r) the head of a public body allows the disclosure under Section 41.

Disclosure of personal information outside Canada for research purpose

39 A public body may disclose personal information outside of Canada under Section 76 of the Act for a research purpose, including statistical research, if it is done in accordance with Section 72 of the Act and these regulations.

Disclosure of personal information outside Canada by archives

40 The Public Archives of Nova Scotia, or the archives of a public body, may disclose personal information outside of Canada under Section 76 of the Act for archival or historical purposes if it is done in accordance with Section 74 of the Act and these regulations.

Risk-based decision by head for personal information disclosure outside Canada

41 (1) The head of a public body may allow disclosure of personal information outside of Canada based on the outcome of a risk assessment made in accordance with subsection (2).

(2) A risk assessment required by subsection (1) must meet all of the following:

(a) it must identify the privacy risks as well as the level of privacy risk associated with the disclosure by examining relevant factors including all of the following:

(i) the likelihood of an unauthorized collection, use, disclosure or storage of personal information ~~occuring~~ [occurring],

(ii) the impact to an individual of an unauthorized collection, use, disclosure or storage of personal information,

(iii) whether the personal information will be stored by the recipient,

(iv) whether the recipient has reasonable security arrangements for the storage of the personal information,

(v) whether the disclosure outside of Canada is to meet the necessary requirements of the public body's operation,

(vi) the country where the recipient of the personal information is located;

(b) for each privacy risk, identify a privacy risk response that is proportionate to the level of risk posed, such as technical, security, administrative or contractual measures.

Foreign demand for disclosure

42 (1) In this Section,

"foreign demand for disclosure" means a subpoena, warrant, order, demand or request for the unauthorized disclosure of personal information to which the Act applies that is from any of the following:

(i) a foreign court,

(ii) an agency of a foreign state,

(iii) another authority outside of Canada.

(2) A public body employee or a service provider to a public body who receives a foreign demand for disclosure must immediately notify the head the of the public body.

Privacy Policies

Contents of privacy policy

43 (1) A privacy policy required by subsection 52(1) of the Act may include any protocols, procedures or

guidelines that in the head of the public body's opinion are necessary for handling personal information, but must at a minimum include all of the following:

(a) the position titles of individuals designated by the head of the public body to be responsible for all of the following:

(i) responding to privacy questions or concerns,

(ii) supporting the development, implementation and maintenance of privacy-related policies, processes and procedures,

(iii) supporting the public body's compliance with the Act;

(b) a public-facing privacy statement that addresses how the public body handles an individual's personal information that includes the contact information for how to direct privacy questions or concerns;

(c) a process for ensuring privacy notices are made available in accordance with Section 56 of the Act;

(d) requirements for a protocol or procedure for each of the following:

(i) responding to a privacy complaint in accordance with subsection (2),

(ii) responding to a privacy breach in accordance with subsection (3),

(iii) conducting a privacy assessment in accordance with these regulations;

(e) requirements for privacy training or privacy awareness activities for the public body's employees, which may be scaled to meet the volume and sensitivity of personal information in the public body's custody or control.

(2) A protocol or procedure required by subclause (1)(d)(i) for responding to a privacy complaint must include all of the following:

(a) a requirement for a privacy complaint to be submitted to the head of the public body;

(b) a requirement for a privacy complaint to be made in writing;

(c) the process established by the public body to investigate and respond to a privacy complaint once received;

(d) the means by which a copy of the privacy complaint process will be made available to the public as required by subsection 52(2) of the Act.

(3) A protocol or procedure under subclause (1)(d)(ii) for responding to a privacy breach must include documenting all of the following:

(a) breach containment;

(b) breach evaluation and risk assessment;

(c) breach notification and reporting;

(d) breach investigation and risk mitigation.

Privacy Breach Notifications

Privacy breach notification to affected individual

44 (1) A notification of a privacy breach to an affected individual under subsection 78(2) of the Act must include all of the following information:

(a) the name of the public body;

(b) the date on which the privacy breach came to the attention of the public body;

(c) a description of the privacy breach including all of the following that are known:

(i) the date on which or the period during which the privacy breach occurred,

(ii) a description of the nature of the personal information involved in the privacy breach,

(iii) to the extent possible, the circumstances of the breach;

(d) contact information for a person who can answer, on behalf of the public body, questions about the privacy breach;

(e) a description of any steps that the public body has taken or will take to reduce the risk of harm to the affected individual;

(f) a description of any steps that the affected individual could take to reduce the risk of harm that could result from the privacy breach;

(g) confirmation that the Commissioner has been or will be notified of the privacy breach;

(h) notice that the affected individual may request a privacy review by filing a privacy review request with the Commissioner;

(i) any additional relevant information, as determined by the head of the public body.

(2) Except as provided in subsection (4), a notification of a privacy breach to an affected individual under subsection 78(2) of the Act must be given directly to each affected individual in person, by any of the following methods:

(a) telephone;

(b) mail;

(c) email;

(d) a form of communication that a reasonable person would consider appropriate in the circumstances.

(3) A public body must keep a record of notifications given directly under subsection (2).

(4) A notification may be given to an affected individual in an indirect manner in any of the following circumstances:

(a) the public body does not have accurate contact information for the affected individual;

(b) the head of the public body reasonably believes that providing the notice directly to the affected individual would unreasonably interfere with the operations of the public body;

(c) the head of the public body reasonably believes that the information in the notification will come to the attention of the affected individual more quickly if it is given in an indirect manner.

(5) A notification given in an indirect manner under subsection (4) must meet all of the following requirements:

(a) it must be given by public communication that can reasonably be expected to reach the affected individual;

(b) it must contain the information set out in subsection (1).

(6) A public body must keep a record of notifications given indirectly under subsection (4).

Privacy breach notification to Commissioner

45 (1) A notification of a privacy breach to the Commissioner under subsection 78(2) of the Act must be given to the Commissioner in writing and must include all of the following:

(a) the information required for notification to an affected individual by clauses 44(1)(a) to (e);

(b) an estimate of the number of affected individuals;

(c) a description of steps that the public body has taken or will take to notify affected individuals of the breach in accordance with Section 44.

(2) After providing the Commissioner with notice in accordance with subsection (1), a public body may submit to the Commissioner any new information required by that subsection that the public body becomes aware of.

Forms

Form 1—Access to a Record

(subsection 10(1), *Freedom of Information and Protection of Privacy Act*)
Province of Nova Scotia

TO: _____ *(Address to the Deputy Minister or senior administrative officer of the public body where the record is filed or deposited.)*
_____
_____
_____

1. This is an application under the *Freedom of Information and Protection of Privacy Act* for access to *(check one)*

____ my own personal information
____ other information
____ both my own personal information and other information.

2. I am applying for access to the following record:
(Describe the material you are applying for as precisely and clearly as you can. Include details that will help find it, such as the topic or issue of the record, any specific event or action it relates to, the date of the record or the time period it covers, the type of record (document, report, letter, etc.), and the names of any department staff who may have prepared it or know about it. If you know of any newspaper articles, publications or other sources that refer to the record, include those details too.)

3. I wish to *(check one)*

____ examine the record
____ receive a copy of the record

4. I understand that I may be required to pay a fee before obtaining access to the record.

Date: _____

Signature of applicant: _____

Full name of applicant (print): _____

Mailing address: _____
(Street, Apartment No./R.R. No.)

_____
(Community/County) *(Postal Code)*

Daytime telephone number(s): _____

Email address: _____

Request to Waive Fees

I hereby request to be excused from paying fees related to this application because *(check one)*

____ I cannot afford to pay fees
____ the record related to a matter of public interest (including the environment or public health or safety)
____ *(specify any other reason)*

For office use only

Date received: _____ Application No. _____

Form 2—Consent to Disclosure of Information in Response to Access Request
(clause 48(2)(a) and subsection 49(3), *Freedom of Information and Protection of Privacy Act*)
Province of Nova Scotia

TO: _____ *(Address to the Deputy Minister or senior administrative officer of the public body where the record is filed or deposited.)*
_____
_____
_____

1. This consent arises out of an application for access to records submitted to the _____ _____ *(name of public body)* on _____, 20____, for information relating to _____ _____ *(name of individual or third party)*.
A copy of that application is attached to this consent.

Choose one of the following:

Personal information

2a. I, _____ *(name of person consenting)*, hereby give consent to the _____ *(name of public body)* and the head of that public body to disclose to _____ *(name of applicant)* information in the list attached to this consent.

Confidential information

2b. I, _____ *(name of person consenting and their role as the third party)*, on behalf of _____ *(name of the third party)*, hereby give consent to the _____ _____ *(name of public body)* and the head of that public body to disclose to _____ _____ *(name of applicant)* information in the list attached to this consent, and I confirm that I have authority to bind the third party.

Date: _____
Signature of person consenting: _____
Full name of person consenting (print): _____
Mailing address: _____
(Street, Apartment No./R.R. No.)
_____
(Community/County) *(Postal Code)*
Daytime telephone number(s): _____
Email address: _____

(Attach list that details full particulars of information with respect to which consent to disclose is given.)

Form 3—Request for Correction of Personal Information
(Section 61, *Freedom of Information and Protection of Privacy Act*)
Province of Nova Scotia

TO: _____ *(Address to the Deputy Minister or senior administrative officer of the public body where the record is filed or deposited.)*

1. This is a request under the *Freedom of Information and Protection of Privacy Act* for correction of personal information.

2. The details of the personal information requested to be corrected are as follows:

3. The correction requested is as follows:

Date: _____
Signature of requester: _____
Full name of requester (print): _____
Mailing address: _____
(Street, Apartment No./R.R. No.)

_____
(Community/County) *(Postal Code)*
Daytime telephone number(s): _____
Email address: _____

For office use only

Date received: _____ Request No. _____

Form 4—Consent to Use or Disclosure of Personal Information by Public Body
(Clause 70(b) or 71(b), *Freedom of Information and Protection of Privacy Act*)
Province of Nova Scotia

TO: _____ *(Address to the Deputy Minister or senior administrative officer of the public body where the record is filed or deposited.)*
_____
_____
_____

1. I, _____ *(name of consenting individual)*, of _____ *(address)*, do hereby give consent to the _____ *(name of public body)* and the head of that body to disclose to _____ *(name of person or body)*, of _____ _____ *(address)*, the following information about me:

for the following purpose(s):

(If insufficient space, list additional information on separate page.)

2. I, _____ *(name of consenting individual)*, of _____ *(address)*, do hereby give consent to the _____ *(name of public body)* and the head of that public body to use the following information about me:

for the following purpose(s):

(If insufficient space, list additional information on separate page.)

Date: _____
Signature of individual consenting: _____
Full name of individual consenting (print): _____
Mailing address: _____
(Street, Apartment No./R.R. No.)
_____
(Community/County) *(Postal Code)*
Daytime telephone number(s): _____
Email address: _____

Form 5—Request for Review: Applicant
(subsection 80(1), *Freedom of Information and Protection of Privacy Act*)
Province of Nova Scotia

TO: Office of the Information and Privacy Commissioner

_____ *(Specify name and address of*
_____ *Commissioner)*

_____

1. This request for review arises out of an application for access to a record or request for correction of personal information submitted to _____ *(specify public body)* on _____, 20____.
   A copy of that application or request is attached to this request for review.

2. The applicant requests that the Commissioner review the following decision, act or failure to act of the head of the public body *(check all that apply)*

   ____ decision dated or made on _____, 20____, a copy of which is attached to this request for review

   ____ *(specify act or failure to act)*

3. The public body assigned the following file number to this application (if applicable): _____
   _____

4. The applicant requests that the Commissioner recommend that (check all that apply)

   ____ the head of the public body give access to the record as requested in the attached application for access to a record

   ____ the head of the public body correct the personal information as requested in the attached request for correction of personal information

   ____ *(specify any other recommendation or recommendations you consider appropriate)*

5. The applicant's reason for requesting a review is:

Date: _____
Signature of applicant: _____
Full name of applicant (print): _____
Mailing address: _____
(Street, Apartment No./R.R. No.)

_____
(Community/County) *(Postal Code)*

Daytime telephone number(s): _____
Email address: _____

Form 6—Request for Review: Third Party
(subsection 80(3), *Freedom of Information and Protection of Privacy Act*)
Province of Nova Scotia

TO: Office of the Information and Privacy Commissioner

_____ *(Specify name and address of*
_____ *Commissioner)*
_____

1. This request for review arises out of an application for access to a record submitted to _____ _____ *(name of public body)* on _____, 20____, and a decision of the head of the public body to give access to the record or part of the record, which was contained in a written notice given by the head of the public body under subsection 51(2) of the Act.

2. A copy of the written notice and decision of the head of the public body are attached to this request for review.

3. The public body assigned the following file number to this application (if applicable):
_____

4. The third party requests that the Commissioner recommend that the head of the public body not give access to any part of the records requested that contains information the disclosure of which may affect the interests or invade the personal privacy of the third party.

5. The third party's reason for requesting a review is:

Date: _____
Signature of third party: _____
Full name of third party (print): _____
Mailing address: _____
(Street, Apartment No./R.R. No.)
_____
(Community/County) *(Postal Code)*
Daytime telephone number(s): _____
Email address: _____

Form 7—Request for Review: Privacy Compliance
(Section 100 or subsection 101(2), *Freedom of Information and Protection of Privacy Act*)
Province of Nova Scotia

TO: Office of the Information and Privacy Commissioner

_____ *(Specify name and address of*
_____ *Commissioner)*

_____

1. This request for review arises out of *(check one)*

____ a notification under Section 78 of the Act received by me on _____, 20____, from _____ *(name of public body)*, notifying me that I am an affected individual in a privacy breach

____ a response from _____ *(name of public body)* _____, 20____, to my privacy complaint filed with the public body on _____, 20____, under Section 101 of the Act.

2. A copy of the following is attached to this request for review *(check one)*

____ notification from the public body
____ privacy complaint and public body response from the public body

3. The public body assigned the following file number to this privacy complaint (if applicable):
_____

4. I request that the review officer recommend *(specify any recommendation or recommendations you consider appropriate)*

5. My reason for requesting a review is:

Date: _____
Signature of applicant: _____
Full name of applicant (print): _____
Mailing address: _____
(Street, Apartment No./R.R. No.)

_____
(Community/County) *(Postal Code)*

Daytime telephone number(s): _____
Email address: _____

N.S. Reg. 255/2026
Made: October 22, 2026
Filed: October 22, 2026
Prescribed Petroleum Products Prices

Order dated October 22, 2026
made by the Nova Scotia Energy Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

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

N.S. Reg. 256/2026
Made: October 27, 2026
Filed: October 28, 2026
Minimum Planning Requirements Regulations–amendment

Order dated October 27, 2026
Amendment to regulations made by the Minister of Municipal Affairs
pursuant to subsection 229(4) of the *Halifax Regional Municipality Charter*

In the matter of subsection 229(4) of Chapter 39 of the Acts of 2008,
the *Halifax Regional Municipality Charter*

-and-

In the matter of an amendment to the *Minimum Planning Requirements Regulations*
made by the Minister of Municipal Affairs

Order

I, John A. MacDonald, Minister of Municipal Affairs for the Province of Nova Scotia, pursuant to subsection 229(4) of Chapter 39 of the Acts of 2008, the *Halifax Regional Municipality Charter*, hereby amend the *Minimum Planning Requirements Regulations*, N.S. Reg. 138/2019, made by the Minister of Municipal Affairs and Housing by order dated August 28, 2019, in the manner set forth in the attached Schedule "A".

This order is effective on and after the date it is filed with the Registrar of Regulations.

Dated and made October 27, 2026, at Halifax Regional Municipality, Province of Nova Scotia.

sgd. *John A. MacDonald*
Honourable John A. MacDonald
Minister of Municipal Affairs

Schedule "A"

Amendment to the *Minimum Planning Requirements Regulations*
made by the Minister of Municipal Affairs
under subsection 229(4) of Chapter 39 of the Acts of 2008,
the *Halifax Regional Municipality Charter*

1 Section 2 of the *Minimum Planning Requirements Regulations*, N.S. Reg. 138/2019, made by order of the Minister of Municipal Affairs and Housing dated August 28, 2019, is amended by adding the following definitions where they belong in alphabetical order:

"area of land" means any existing lot or parcel as described by its boundaries;

"habitable commercial or institutional accommodation use" means any use that involves the overnight accommodation of persons within a building, including a hotel or motel and other types of short-term rentals within the meaning of the *Short Term Rentals Registration Act*, shared housing, shared housing with special care, residential use associated with an institutional use or similar use, but does not include any of the following:

(i) a caretaker or security dwelling unit that is accessory to an industrial, utility or infrastructure use,

(ii) a temporary construction camp or similar temporary worker accommodation for use during construction,

(iii) an emergency shelter,

(iv) a hospital or similar acute-care facility;

2 Subsection 4A(2) of the regulations is amended by

(a) in clause (c),

(i) adding "primarily" immediately after "except for areas",

(ii) adding "the following uses:" immediately before "industrial", and

(iii) striking out "industrial, military, park, transportation reserve, utility, water supply, floodplain, Crown land, agriculture and any lands zoned to reflect ownership by a conservation organization;" and substituting the following subclauses:

(i) industrial,

(ii) military,

(iii) park,

(iv) transportation reserve,

(v) utility,

(vi) water supply,

(vii) floodplain,

(viii) Crown land,

(ix) agricultural,

(x) airports,

(xi) any lands zoned to reflect ownership by a conservation organization;

(b) adding the following clauses immediately after clause (c):

(ca) within the urban service boundary, where a habitable commercial or institutional accommodation use is permitted as-of-right in a zone, permit residential uses as-of-right in that zone, except as excluded under clause (c), with a permitted built form envelope that is not less than the envelope available to that habitable commercial or institutional accommodation use;

(cb) within the urban service boundary, not limit residential uses permitted in a zone to only shared housing or shared housing with special care;

(cc) where a parcel zoned for institutional or community facility uses abuts a residential zone and a development will not result in new public streets, permit on that parcel all residential uses permitted in the abutting residential zone without requiring a plan amendment, development agreement or rezoning;

(c) in clause (f), striking out "that begin construction before April 1, 2028,";

(d) adding the following clause immediately after clause (f):

(fa) provide that the Municipality's Conservation Design Development policies must not restrict eligibility based on the date an area of land was created;

(e) striking out the period at the end of clause (l) and adding the following clauses immediately after that clause:

(m) where emergency egress can be improved by creating a new public street that provides a second access to an existing residential subdivision as identified in the 2026 Regional Subdivision Connectivity Study, enable residential development and subdivision resulting in new public streets;

(n) for residential buildings that use mass timber as the primary structural system, provide that no stepback requirement applies and that a tall mid-rise building may be up to 12 storeys in height.

3 (1) Subsection 4A(3) of the regulations is amended by striking out "The" and substituting "Unless otherwise specified in these regulations, the".

(2) Section 4A of the regulations is further amended by adding the following subsections immediately after subsection (3):

(4) The requirements outlined in clauses (2)(c), (ca), (cb), (cc) and (n) must be implemented no later than January 15, 2027.

(5) The requirements outlined in clauses (2)(f), (fa) and (m) must be implemented no later than June 30, 2027.

N.S. Reg. 257/2026
Made: October 29, 2026
Filed: October 29, 2026
Prescribed Petroleum Products Prices

Order dated October 29, 2026
made by the Nova Scotia Energy Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

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

N.S. Reg. 258/2026
Made: September 29, 2026
Approved: October 26, 2026
Filed: October 30, 2026
Bulk Haulage Regulations–amendment

Order dated October 30, 2026
Amendment to regulations made by the Dairy Farmers of Nova Scotia
and approved by the Natural Products Marketing Council
pursuant to clause 15(1)(b) of the *Dairy Industry Act*

Dairy Farmers of Nova Scotia

Amendment to the *Bulk Haulage Regulations*
made under the *Dairy Industry Act*

I certify that on September 29, 2026, the Dairy Farmers of Nova Scotia, pursuant to clause 15(1)(b) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, carried a motion to amend the *Bulk Haulage Regulations*, N.S. Reg. 23/2003, made by the Dairy Farmers of Nova Scotia on July 17, 2002, and approved by the Natural Products Marketing Council on August 13, 2002, in the manner set forth in the attached Schedule "A", effective on and after November 1, 2026.

Signed at Shortts Lake, in the County of Colchester, Nova Scotia, on October 30, 2026.

Dairy Farmers of Nova Scotia

per: sgd. *Jo Ann Fewer*
Jo Ann Fewer
General Manager

Approved by the Natural Products Marketing Council at Bible Hill, in the County of Colchester, Nova Scotia, on October 26, 2026.

Natural Products Marketing Council

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

Schedule "A"

Amendment to the *Bulk Haulage Regulations*
made by the Dairy Farmers of Nova Scotia
pursuant to clause 15(1)(b) of Chapter 24 of the Acts of 2000,
the *Dairy Industry Act*

Section 7 of the *Bulk Haulage Regulations*, N.S. Reg. 23/2003, made by the Dairy Farmers of Nova Scotia on July 17, 2002, and approved by the Natural Products Marketing Council on August 13, 2002, is amended by repealing clause (a) and substituting the following clause:

(a) for farm milk pick-up that occurs on a set schedule of every second day:

Transporter	Maximum Rate/100 L
Fisher Transport Limited	$3.20
Burghardt Transport Limited	$4.31

N.S. Reg. 259/2026
Made: November 3, 2026
Filed: November 3, 2026
Prescribed Petroleum Products Prices

Order dated November 3, 2026
made by the Nova Scotia Energy Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

[Please note: *Prescribed Petroleum Products Prices* filed with the Office of the Registrar of Regulations on and after January 23, 2023, will no longer be published in the *Royal Gazette Part II*. Publication of the *Prescribed Petroleum Products Prices* has been dispensed with by order of the Attorney General dated January 23, 2023,

and published on page 63 of the February 10, 2023, issue of the *Royal Gazette Part II*. Current and historical *Prescribed Petroleum Products Prices* are available for inspection in person at the Office of the Registrar of Regulations and can be viewed on the Nova Scotia Energy Board's website at the following address: https://nserbt.ca/nseb/mandates/gasoline-diesel-pricing.]

N.S. Reg. 260/2026
Made: November 3, 2026
Filed: November 3, 2026

Fertility and Surrogacy Tax Credit Regulations

Order in Council 2026-373 dated November 3, 2026
Regulations made by the Governor in Council
pursuant to Section 38B of the *Income Tax Act*

The Governor in Council on the report and recommendation of the Minister of Finance and Treasury Board dated October 7, 2026, and pursuant to Section 38B of Chapter 217 of the Revised Statutes of Nova Scotia, 1989, the *Income Tax Act*, is pleased to make new regulations respecting the fertility and surrogacy tax credit, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after January 1, 2027.

Schedule "A"

Regulations Respecting a Tax Credit for Fertility and Surrogacy made by the Governor in Council under Section 38B of Chapter 217 of the Revised Statutes of Nova Scotia, 1989, the *Income Tax Act*

Interpretation

Citation
1 These regulations may be cited as the *Fertility and Surrogacy Tax Credit Regulations*.

Definitions
2 In these regulations,

"Act" means [the] *Income Tax Act*;

"fertility or surrogacy medical expense" means a medical expense that meets the criteria in Section 6;

"Minister of Finance and Treasury Board" means the Minister of Finance and Treasury Board for the Province;

"tax credit" means the tax credit for a fertility or surrogacy medical expense determined in accordance with Section 38B of the Act;

"tax return" means an individual income tax and benefit return filed with the Canada Revenue Agency for the taxation year.

Designated persons

3 Anything required to be done by the Minister of Finance and Treasury Board under these regulations may also be done by a person or persons in the public service designated by the Minister of Finance and Treasury Board.

Payment of Tax Credit

Deemed overpayment of tax

4 **(1)** An individual who is eligible for and approved for the tax credit is deemed to have made an overpayment of tax under the Act in an amount equal to the tax credit determined under Section 38B of the Act and these regulations, and the Minister must pay the tax credit to the individual in accordance with this Section.

(2) The Minister of Finance and Treasury Board must not pay a tax credit if, in the Minister's opinion, any of the following apply:

(a) information provided by an individual is false, misleading or fails to disclose a material fact;

(b) an individual has not complied with a provision of the Act or these regulations or the spirit and intent of the Act or these regulations.

(3) If both an individual and their spouse or common-law partner submit an application for a tax credit, the total maximum amount of fertility or surrogacy medical expenses that may be claimed in a taxation year is $20,000.

(4) A tax credit may be paid by cheque, direct deposit or another method approved by the Minister of Finance and Treasury Board.

(5) If an individual's application for a tax credit results in an amount that is less than $2.00, a tax credit payment will not be made.

Determining Eligibility

Eligibility for tax credit

5 All of the following are prescribed as the criteria an individual must meet to be eligible for the tax credit for a taxation year:

(a) the individual filed a tax return for the taxation year as a resident of the Province;

(b) the individual has fertility or surrogacy medical expenses that meet the criteria in Section 6.

Criteria for fertility or surrogacy medical expense

6 A medical expense must meet all of the following criteria to be considered a fertility or surrogacy medical expense for a taxation year under Section 38B of the Act:

(a) it is a medical expense as defined under any of the following provisions of the Federal Act:

(i) 118.2(2)(v),

(ii) 118.2(2.2),

(iii) 118.2(2.21);

(b) it was in respect of goods or services provided entirely in Canada;

(c) it is reasonable in the circumstances;

(d) if it relates to services rendered by a medical practitioner in another jurisdiction, the medical practitioner who provided the services would be considered a medical practitioner under paragraph 118.4(2)(a) of the Federal Act if they practised in the Province;

(e) it does not form part of another application for the tax credit by the applicant's spouse or common-law partner for the taxation year;

(f) it is incurred by the applicant or their spouse or common-law partner, donor or surrogate;

(g) it is paid by the applicant or their spouse or common-law partner in the taxation year;

(h) it was not claimed as a fertility or surrogacy medical expense by the applicant or their spouse or common-law partner for a prior taxation year;

(i) it is not considered a reverse procedure, including a reverse vasectomy or reverse tubal ligation, or an expense related to a reverse procedure.

Applications

Application for tax credit

7 (1) An application for a tax credit must be made no later than the following applicable date:

(a) 18 months after the end of the taxation year, for taxation years after December 31, 2024;

(b) December 31, 2026, for taxation years after December 31, 2021 and before January 1, 2025.

(2) An application for a tax credit must be in a form acceptable to the Minister of Finance and Treasury Board and must include all of the following information:

(a) the applicant's social insurance number;

(b) the applicant's birth date;

(c) a copy of the applicant's tax return for the taxation year, including the T1 General Form and Form NS428;

(d) a copy of the applicant's most recent notice of assessment or reassessment for the taxation year issued by the Canada Revenue Agency;

(e) details on all fertility or surrogacy medical expenses including all of the following:

(i) service provider name,

(ii) location of the service provider,

(iii) description of the expense or service provided,

(iv) amount paid during the taxation year for the fertility or surrogacy medical expense by the applicant or their spouse or common-law partner,

(v) amount of the fertility or surrogacy medical expense reimbursed by a third party,

(vi) copies of all invoices or receipts detailing the services and amounts paid;

(f) a list from the service provider detailing all appointment dates, if any travel expenses are being claimed;

(g) if the applicant had a spouse or common-law partner during the taxation year,

(i) the name, birth date and social insurance number of the spouse or common-law partner, and

(ii) a copy, in a form acceptable to the Minister of Finance and Treasury Board, of the spouse's or common-law partner's completed consent statement, consenting to the use of their personal information on their application form;

(h) if the applicant used a donor or surrogate during the taxation year,

(i) the name, birth date and social insurance number of the donor or surrogate,

(ii) a copy, in a form acceptable to the Minister of Finance and Treasury Board, of the donor's or surrogate's completed consent statement, consenting to the use of their personal information on their application form, and

(iii) a copy, in a form acceptable to the Minister of Finance and Treasury Board, of the executed donor or surrogate contract;

(i) any additional information the Minister of Finance and Treasury Board may require to ensure the requirements of the Act and these regulations and the spirit and intent of the Act and these regulations are met.

Reassessment of application

8 (1) If an applicant's eligibility circumstances change after submitting an application, the applicant may request that their previously submitted application be reassessed no later than the earlier of the following:

(a) 6 months after the date the notice of reassessment was issued;

(b) 24 months after the end of the taxation year.

(2) If an applicant has additional fertility or surrogacy medical expenses to claim for a taxation year, the applicant may request that their previously submitted application be reassessed no later than 24 months after the end of the taxation year.

Lapsed application for tax credit

9 (1) In this Section,

"lapsed", in relation to an application for a tax credit, means that the Minister of Finance and Treasury Board has not issued a tax credit within 6 months of the date that the individual applied for the tax credit because of a lack of communication or information from the applicant.

(2) A tax credit application that has lapsed is deemed to have been withdrawn by the applicant.

(3) An individual whose application has lapsed may request that their application be reactivated no later than 18 months after the end of the taxation year.

Recovering tax credit payment

10 **(1)** Subject to subsection (2), an individual who receives a tax credit to which they are not entitled or in an amount greater than the amount to which they were entitled must immediately repay the amount or the excess amount to the Minister of Finance and Treasury Board.

(2) If the Minister of Finance and Treasury Board determines that recovering an amount owed by an individual under subsection (1) would cause hardship to the individual, the Minister of Finance and Treasury Board may accept a lesser amount that they consider reasonable in the circumstances and must notify the individual of that determination.

Tax credit is assignable and not exempt from seizure

11 A tax credit is assignable to the Province and subject to seizure or garnishment by the Province.

Effect of death of individual

12 If an individual who is eligible for a tax credit dies before the tax credit for a taxation year is paid, the Minister of Finance and Treasury Board must pay the tax credit to the individual's estate.

Debt due to Crown

13 Any amount required to be paid to the Minister of Finance and Treasury Board under these regulations is a debt due to the Crown in right of the Province and may be recovered in a court.

Information and Records

Sharing of information

14 **(1)** The Minister of Finance and Treasury Board may enter into an information-sharing agreement with any of the following for the purpose of administering the Act and these regulations:

(a) the Government of Canada or a department or agency of that government;

(b) a public body, as defined in the *Freedom of Information and Protection of Privacy Act*;

(c) any additional persons or groups of persons the Minister of Finance and Treasury Board considers necessary.

(2) The Minister of Finance and Treasury Board may use any personal information shared under subsection (1) to assess the individual's eligibility for the tax credit.

Audit and retention of records

15 **(1)** To assess eligibility and compliance with these regulations,

(a) at the discretion of the Minister of Finance and Treasury Board, an audit of information provided by an individual may be performed; or

(b) a person who previously provided information or documents in respect of these regulations must provide any additional information requested by the Minister of Finance and Treasury Board.

(2) A person who provides information in respect of these regulations must retain the information for at least 7 years after the end of the taxation year to which the information relates.

Use of information by Minister of Finance and Treasury Board

16 The Minister of Finance and Treasury Board may use the information collected under the Act and these regulations to ~~analyse~~ [analyze] and review the tax credit for policy purposes.

N.S. Reg. 261/2026

Made: November 3, 2026
Filed: November 3, 2026

Proclamation, S. 241, S.N.S. 2023, c. 15–S. 195, 212(b), 221(c) and 222(p) (re repeal of the *Optometry Act* and amendments to the *Insured Health Services Act* and the *Patient Access to Care Act*)

Order in Council 2026-376 dated November 3, 2026
Proclamation made by the Governor in Council
pursuant to Section 241 of the
Regulated Health Professions Act

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated September 9, 2026, pursuant to Section 241 of Chapter 15 of the Acts of 2023, the *Regulated Health Professions Act*, and subsection 3(7) of Chapter 235 of the Revised Statutes of Nova Scotia, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Section 195 and clauses 212(b), 221(c) and 222(p) of Chapter 15 of the Acts of 2023, the *Regulated Health Professions Act*, do come into force on and not before January 5, 2027.

L.S.

Canada
Province of Nova Scotia

Charles the Third, by the Grace of God King of Canada and His Other Realms and Territories, Head of the Commonwealth.

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 241 of Chapter 15 of the Acts of 2023, the *Regulated Health Professions Act*, it is enacted as follows:

> **241** Sections 178 to 240 come into force on such day as the Governor in Council orders and declares by proclamation.

And Whereas it is deemed expedient that Section 195 and clauses 212(b), 221(c) and 222(p) of Chapter 15 of the Acts of 2023, the *Regulated Health Professions Act*, do come into force on and not before January 5, 2027;

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 Section 195 and clauses 212(b), 221(c) and 222(p) of Chapter 15 of the Acts of 2023, the *Regulated Health Professions Act*, do come into force on and not before January 5, 2027, 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, Michael John Savage, Chancellor of Our Order of Nova Scotia, Lieutenant Governor in and of Our Province of Nova Scotia.

Given at Our Government House in the Halifax Regional Municipality, this 3rd day of November in the year of Our Lord two thousand and twenty-six and in the Fifth year of Our Reign.

By Command:

PROVINCIAL SECRETARY
ATTORNEY GENERAL AND MINISTER OF JUSTICE

N.S. Reg. 262/2026
Made: November 3, 2026
Filed: November 3, 2026
Proclamation of Act, S. 14, S.N.S. 2024, c. 7, Sch. B

Order in Council 2026-377 dated November 3, 2026
Proclamation made by the Governor in Council
pursuant to Section 14 of the
Optometrists Association Act

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated September 9, 2026, pursuant to Section 14 of Schedule B to Chapter 7 of the Acts of 2024, the *Health Professional Associations Continuation Act*, is pleased to order and declare by proclamation that Schedule B of Chapter 7 of the Acts of 2024, the *Health Professional Associations Continuation Act*, being the *Optometrists Association Act*, do come into force on and not before January 5, 2027.

L.S.

Canada
Province of Nova Scotia

Charles the Third, by the Grace of God King of Canada and His Other Realms and Territories, Head of the Commonwealth.

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 14 of Schedule B to Chapter 7 of the Acts of 2024, the *Health Professional Associations Continuation Act*, it is enacted as follows:

14 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 Schedule B to Chapter 7 of the Acts of 2024, the *Health Professional Associations Continuation Act*, do come into force on and not before January 5, 2027;

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 Schedule B to Chapter 7 of the Acts of 2024, the *Health Professional Associations Continuation Act*, do come into force on and not before January 5, 2027, 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, Michael John Savage, Chancellor of Our Order of Nova Scotia, Lieutenant Governor in and of Our Province of Nova Scotia.

Given at Our Government House in the Halifax Regional Municipality, this 3rd day of November in the year of Our Lord two thousand and twenty-six and in the Fifth year of Our Reign.

By Command:

PROVINCIAL SECRETARY
ATTORNEY GENERAL AND MINISTER OF JUSTICE

N.S. Reg. 263/2026
Made: November 3, 2026
Filed: November 3, 2026
Optometry Regulations

Order in Council 2026-378 dated November 3, 2026
Regulations made by the Governor in Council
pursuant to Sections 4, 13, 14 and 177 of the *Regulated Health Professions Act*

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated September 4, 2026, and pursuant to Sections 4, 13, 14 and 177 of Chapter 15 of the Acts of 2023, the *Regulated Health Professions Act*, is pleased to make new regulations respecting optometry, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after January 5, 2027.

Schedule "A"

Regulations Respecting Optometry
made by the Governor in Council under Sections 4, 13, 14 and 177
of Chapter 15 of the Acts of 2023,
the *Regulated Health Professions Act*

Interpretation

Citation
1 These regulations may be cited as the *Optometry Regulations*.

Definitions
2 In these regulations,

"Act" means the *Regulated Health Professions Act*;

"Board" is further defined to mean the board of the Regulator;

"competency framework" means a framework approved by the Board establishing the competencies that registrants are required to possess to practise safely and ethically within the scope of practice of their designation or licensing category;

"former Act" is further defined to mean Chapter 43 of the Acts of 2005, the *Optometry Act*;

"General Regulations" means the *Regulated Health Professions General Regulations* made under the Act;

"inspector" means an inspector appointed under these regulations;

"Nova Scotia College of Optometrists" means the college established under Section 12 of the former Act;

"registration and licensing decision maker" means the registrar, the registration and licensing committee or the registration and licensing review committee, as applicable;

"Regulator" means the Nova Scotia Regulator of Optometry;

"title protection" means the restriction on the use of a title associated with a particular designation or category of licence to persons who are authorized to practise within the scope of that designation or registered and licensed in that category of licence.

Regulator

Nova Scotia College of Optometrists continued

3 The Nova Scotia College of Optometrists is continued as a regulatory body under the name Nova Scotia Regulator of Optometry with the purpose of regulating the profession of optometry in accordance with the objects set out in Section 6 of the Act.

Bylaw authorization

4 The Regulator is authorized to make bylaws under clauses 12(2)(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l) and (m) of the Act, in accordance with the Act and these regulations.

Public representatives on Board

5 In addition to the requirement of subsection 7(2) of the Act, the number of public representatives on the Board must be no fewer than 3 and no more than 4.

Scope of Practice

Scope of practice of optometry

6 **(1)** The scope of practice of optometry is the application of specialized and evidence-based optometry knowledge, skills and judgment that have been taught in an approved education program or are set out in 1 or more of the following approved by the Board:

(a) competency frameworks;

(b) standards of practice;

(c) practice guidelines.

(2) The scope of practice of optometry as described in subsection (1) includes the performance of any or all of the following activities:

(a) assessing, diagnosing, treating, managing and preventing any of the following that affect the human eye or its adnexa:

(i) diseases,

(ii) conditions;

(b) performing any other services, roles, functions and activities included in the scope of practice of the designations and licensing categories set out in the bylaws.

(3) The scope of practice of optometry also includes health promotion, research, education, inter-professional collaboration, consultation, management, administration, advocacy, regulation or system development that is related to the activities and application of specialized and evidence-based optometry knowledge, skills and judgment described in subsections (1) and (2).

Scope of practice of designations and licensing categories

7 Under clauses 12(2)(k) and (l) of the Act, the Regulator may make bylaws setting out all of the following:

(a) the scope of practice of each designation and licensing category established

(i) in these regulations, and

(ii) in the bylaws;

(b) the title protection authorized for each designation and licensing category established in the bylaws.

Registration and Licensing

Practising licence categories

8 The following are the practising licence categories for optometry:

(a) optometrist practising licence;

(b) any other category of practising licence established in the bylaws.

Conditional licence categories

9 The following are the conditional licence categories for optometry:

(a) optometrist conditional licence;

(b) any other category of conditional licence established in the bylaws.

Application and criteria for registration in practising register

10 **(1)** An application required by Section 34 of the Act must be completed in the form required by the registrar.

(2) In addition to the completed application, an applicant for registration in a practising register must

submit all of the following to the registrar:

(a) proof satisfactory to the registration and licensing decision maker that the applicant meets all of the following criteria, except if any or all of the criteria are waived under Section 59 of the Act:

(i) they are a graduate of 1 of the following:

(A) an education program approved for registration in the practising register in which they seek to be registered,

(B) an education program that, in the opinion of the registration and licensing decision maker, is equivalent to an education program approved for registration in the practising register in which they seek to be registered,

(C) an education program that, together with the applicant's additional education and experience and in the opinion of the registration and licensing decision maker, provides the applicant with the competencies to practise in the scope of practice of registrants in the practising register in which they seek to be registered,

(ii) they have successfully completed any examinations required by the Board for registration in the practising register in which they seek to be registered,

(iii) they have completed a competence assessment, if directed to do so by the registration and licensing decision maker,

(iv) they have successfully completed any bridging education required for registration that was determined to be necessary by a competence assessment,

(v) they have demonstrated proficiency in the English language, in the manner prescribed by the registrar,

(vi) they are a Canadian citizen or legally entitled to live and work in Canada,

(vii) they have the capacity, competence and character to safely and ethically engage in the practice of the profession in which they seek to be registered without conditions or restrictions,

(viii) they have no outstanding complaints, prohibitions, conditions, agreements or restrictions originating from the Regulator or any other registration or licensing authority that would preclude registration in a register other than a conditional register,

(ix) they are the person named in the documentation submitted in support of the application,

(x) under the requirements of the Act, these regulations and the bylaws, they are eligible for a practising licence that corresponds with the practising register in which they seek to be registered,

(xi) they meet any additional criteria for registration in a practising register set out in the bylaws;

(b) the applicable fee, within the time determined by the registrar and using a method acceptable to the registrar.

(3) The processing under Section 36 of the Act of an application and its associated information, documents and fee described in subsections (1) and (2) must be completed by the registrar as soon as practicable.

(4) A review and decision under Sections 37 and 38 of the Act regarding an application must be completed by the registration and licensing committee as soon as practicable.

Criteria for practising licence

11 (1) In addition to the completed application in a form approved by the registrar required by Section 35 of the Act, an applicant for a practising licence must submit all of the following to the registrar:

(a) proof satisfactory to the registration and licensing decision maker that the applicant meets all of the following criteria, except if any or all of the criteria are waived under Section 59 of the Act:

(i) they meet the registration criteria in subclauses 10(2)(a)(iii), (iv), (v), (vi), (vii) and (ix),

(ii) they are registered in the practising register that corresponds with the licensing category for which they are seeking a practising licence,

(iii) they have professional liability insurance or another form of malpractice coverage or liability protection in the form and amount set by the Board,

(iv) they meet the requirements of the continuing competence program for the licensing category for which they are seeking a practising licence,

(v) they meet the currency of practice requirements for the licensing category for which they are seeking a practising licence,

(vi) they have no outstanding complaints, prohibitions, conditions, agreements or restrictions originating from the Regulator or any other registration or licensing authority that limit their ability to practise,

(vii) they have completed any assessments or education required by the Board for the licensing category for which they are seeking a practising licence,

(viii) they meet any additional criteria for issuing a practising licence set out in the bylaws;

(b) the applicable fee, within the time determined by the registrar and using a method acceptable to the registrar.

(2) The processing under Section 36 of the Act of an application and associated information, documents and fee described in subsection (1) must be completed by the registrar as soon as practicable.

(3) A review and decision under Sections 37 and 38 of the Act regarding an application must be completed by the registration and licensing committee as soon as practicable.

Criteria for registration in conditional register

12 (1) The registrar must enter the name of a person who meets all of the following in a conditional register:

(a) for an existing registrant in a practising register, they have

(i) agreed to conditions or restrictions that limit their ability to practise, or

(ii) had conditions or restrictions that limit their ability to practise imposed on them as a result of a regulatory process;

(b) for an applicant for registration in a register, they meet all of the following requirements:

(i) all of the criteria for registration in a practising register, other than the criteria in subclauses 10(2)(a)(vii), (viii), (x) and (xi), and except as provided in subsection (4),

(ii) they have the capacity, competence and character to safely and ethically engage in the practice of the profession in which they seek to be registered with conditions or restrictions,

(iii) they have either

(A) agreed to conditions or restrictions that limit their ability to practise, or

(B) had conditions or restrictions that limit their ability to practise imposed on them as a result of a regulatory process,

(iv) under the requirements of the Act, these regulations and the bylaws, they are eligible for a conditional licence that corresponds with the conditional register in which they seek to be registered,

(v) any other requirements for registration in a conditional register set out in the bylaws,

(vi) they have paid the applicable fee, within the time determined by the registrar and using a method acceptable to the registrar.

(2) The processing of an application under Section 36 of the Act for an applicant described in clause (1)(b) must be completed by the registrar as soon as practicable.

(3) A review and decision under Sections 37 and 38 of the Act regarding an application made by an applicant described in clause (1)(b) must be completed by the registration and licensing committee as soon as practicable.

(4) An applicant who has not passed the examinations required for registration, but who otherwise meets the requirements of subsection 13(1), may be granted conditional registration by the registration and licensing decision maker pending the passing of the registration examinations.

Criteria for conditional licence

13 (1) The requirements to be met for issuing a conditional licence under Section 43 of the Act are as follows:

(a) for a person who is an existing registrant holding a practising licence, they have

(i) agreed to conditions or restrictions that limit their ability to practise, or

(ii) had conditions or restrictions that limit their ability to practise imposed on them as a result of a regulatory process;

(b) for an applicant for a licence, they meet all of the following requirements:

(i) all of the criteria for registration in a practising register, other than the criteria in subclauses 10(2)(a)(vii), (viii), (x) and (xi), and except as provided in subsection (4),

(ii) they are registered in a conditional register that corresponds with the licensing category for which they are seeking a conditional licence,

(iii) the requirements for a practising licence in subclauses 11(1)(a)(iii) and (vii),

(iv) they have the capacity, competence and character to safely and ethically engage in the practice of the profession in which they seek to be licensed with conditions or restrictions,

(v) any additional criteria for issuing a conditional licence set out in the bylaws,

(vi) they have either

(A) agreed to the registration and licensing decision maker's imposition of conditions or restrictions that limit their ability to practise, or

(B) had conditions or restrictions that limit their ability to practise imposed by the registration and licensing decision maker or a statutory committee;

(c) for all applicants, they have paid the applicable fee, within the time determined by the registrar and using a method acceptable to the registrar.

(2) The processing of an application under Section 36 of the Act for an applicant described in clause (1)(b) must be completed by the registrar as soon as practicable.

(3) A review and decision under Sections 37 and 38 of the Act regarding an application made by an applicant described in clause (1)(b) must be completed by the registration and licensing committee as soon as practicable.

(4) An applicant who has not passed the examinations required for registration, but who otherwise meets the requirements of subsection (1), may be issued a conditional licence by the registration and licensing decision maker pending the passing of the registration examinations.

Practice and Title Use Restrictions, Services Not Prohibited and Publication Restrictions

Restriction on practice of optometry

14 No person may engage or offer to engage in the practice of optometry or describe their activities as "optometry" unless they are 1 of the following:

(a) a registrant holding an optometrist practising licence or an optometrist conditional licence;

(b) otherwise authorized to practise optometry, in accordance with the Act, these regulations, the General Regulations or the bylaws;

(c) exempt from the application of the Act, these regulations, the General Regulations or the bylaws.

Restriction on use of "optometrist" title, description or designation

15 (1) Except as provided in subsection (2), no person may take or use the title, description or designation of "optometrist" or any derivation or abbreviation of ~~them~~ [it] either alone or in combination with

other words, letters or descriptions unless the person is 1 of the following:

(a) a registrant holding 1 of the following under these regulations or the bylaws:

(i) an optometrist practising licence, as permitted by clause 40(a) of the Act,

(ii) an optometrist conditional licence;

(b) otherwise authorized to practise as an optometrist or to use the relevant title, description or designation in accordance with the Act, these regulations, the General Regulations or the bylaws.

(2) A person who meets all of the requirements for registration in the optometrist practising register except for passing the registration examinations approved by the Board, and who has been issued an optometrist conditional licence pending the passing of the examinations, may use the title "provisional optometrist" only.

Restriction on use of bylaw licensing category title, description or designation

16 No person may take or use the title, description or designation of a licensing category established in the bylaws under clause 12(2)(l) of the Act, unless the person is 1 of the following:

(a) a registrant holding a licence in the category that authorizes the use of that title, description or designation;

(b) otherwise authorized to practise within the scope of the designation or to use the title, description or designation of that licensing category, in accordance with the Act, these regulations, the General Regulations or the bylaws.

Services not prohibited by Act, regulations or bylaws

17 In addition to the services set out in Section 164 of the Act, nothing in the Act, these regulations or the bylaws prohibits the practice of optometry by a non-registrant through delegation or assignment of tasks by a registrant, if the practising and delegation or assignment are done in accordance with the requirements approved by the Board.

Restriction on use of title or designation in advertisement or publication

18 In any advertisement or publication, including business cards, websites and signage, that refers to activities that fall within the scope of practice of optometry, the following restrictions apply:

(a) only a person who is authorized to do so by these regulations may use the following alone or in combination with other words, letters or descriptions:

(i) the title of "optometrist" or any other title or designation protected by these regulations or the bylaws,

(ii) any derivation or abbreviation of the titles or designations described in subclause (i);

(b) only a person who is authorized to do so under Section 14 may describe their activities as "optometry".

Inspections

Inspector

19 The registrar

(a) may appoint an inspector; and

(b) is an inspector.

Authority of inspector

20 (1) An inspector may do all of the following without notice, at any reasonable time and without a court order:

(a) inspect private health facility premises where optometry is practised;

(b) inspect equipment, materials and anything else with which a person practises optometry or carries out duties and procedures delegated by a registrant;

(c) inspect any of the following types of records:

(i) records of an optometry practice, including client records,

(ii) records of a registrant concerning the registrant's practice of optometry,

(iii) records located at private health facility premises where optometry is practised,

(iv) records of a registrant relating to any of the following reimbursers of the cost of optometry services:

(A) a federal or Provincial government payment agency,

(B) an insurer;

(d) observe, inspect or audit the practice of optometry or the carrying out of duties and procedures in an optometry practice, including the carrying out of duties and procedures by or on behalf of a registrant.

(2) If a registrant or a person who is delegated duties and procedures by a registrant misleads, obstructs or does not co-operate with an inspector while the inspector is exercising the powers conferred upon them by these regulations, the registrar may suspend the licence of the registrant until the misleading behaviour, obstruction or lack of co-operation ceases.

Report by inspector

21 (1) The inspector must make a report setting out

(a) the findings of an inspection conducted under Section 20; and

(b) any recommendations.

(2) The registrar must provide a copy of the report described in subsection (1) to each registrant whose private health facility premises, equipment or records are inspected.

Power of inspector to remove items

22 (1) An inspector may do all of the following at any reasonable time and without a court order:

(a) remove a client record or other record from private health facility premises where optometry is practised for the purpose of copying or photographing the record if it is impractical to make the copy or take the photograph on the private health facility premises;

(b) remove any of the following from private health facility premises where optometry is practised:

(i) a sample of a drug or other thing, for the purpose of analyzing its composition,

(ii) drugs or devices for which the expiry date has passed,

(iii) instruments, apparatuses and materials used in the practice of optometry,

(iv) anything that, in the opinion of the inspector, is evidence of professional misconduct, conduct unbecoming the profession, incompetence, incapacity or a violation of the Act, these regulations, the General Regulations or the bylaws.

(2) If an item is removed from private health facility premises where optometry is practised under clause (1)(b), it may be disposed of as directed by the registrar, complaints committee or professional conduct committee unless the Court orders otherwise.

(3) An inspector must provide a registrant at private health facility premises where optometry is practised with a receipt listing all items removed from the private health facility premises where optometry is practised under subsection (1).

Fines

Professional conduct fine maximum for registrant

23 A fine imposed on a registrant by the professional conduct committee under clause 110(1)(m) of the Act must not exceed a maximum amount of $100 000.

Criminal Offences and Withdrawal or Suspension of Privileges

Criminal offence or suspension or withdrawal of privilege of applicant or registrant

24 In addition to the requirements of Section 61 of the Act and Section 60 of the General Regulations, an applicant or registrant who is charged with, pleads guilty to or is convicted of any offence under the *Food and Drugs Act* (Canada) or its regulations or who has privileges under the *Controlled Drugs and Substances Act* (Canada) suspended or withdrawn must immediately report the offence, suspension or withdrawal to the registrar.

Transition from Former Act to Act

Board membership requirement for first 12 months

25 The registrar of the Nova Scotia College of Optometrists must not be a member of the initial Board described in Section 9 of the Act.