

Royal



Gazette

Part II Regulations under the Regulations Act

Printed by the Queen's Printer

Halifax, Nova Scotia

Vol. 40, No. 13

June 24, 2016

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

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

N.S. Reg. 106/2016

Made: June 2, 2016

Filed: June 3, 2016

Prescribed Petroleum Products Prices

Order dated June 2, 2016
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**M07491****In the matter of the *Petroleum Products Pricing Act*****- and -****In the matter of prescribing prices for petroleum products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Peter W. Gurnham, Q.C., Chair

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum product prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

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

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

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended June 1, 2016, are:

Grade 1 Regular gasoline	55.1¢ per litre
Ultra-low-sulfur diesel oil	51.3¢ per litre

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

Gasoline:	
Grade 1	55.1¢ per litre
Grade 2	58.1¢ per litre
Grade 3	61.1¢ per litre
Ultra-low-sulfur diesel oil	51.3¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	plus 0.9¢ per litre
Ultra-low-sulfur diesel oil:	plus 1.2¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., June 3, 2016.

Dated at Halifax, Nova Scotia, this 2nd day of June, 2016.

sgd: *Bruce A. Kiley*
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on June 3, 2016**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices (Pump Prices includes 15% HST)		Full-Service Pump Prices (Pump Prices includes 15% HST)	
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	63.1	10.0	15.5	88.6	107.4	109.5	107.4	999.9
Mid-Grade Unleaded	66.1	10.0	15.5	91.6	110.9	112.9	110.9	999.9
Premium Unleaded	69.1	10.0	15.5	94.6	114.3	116.4	114.3	999.9
Ultra-Low-Sulfur Diesel	59.6	4.0	15.4	79.0	96.4	98.4	96.4	999.9
Zone 2								
Regular Unleaded	63.6	10.0	15.5	89.1	108.0	110.1	108.0	999.9
Mid-Grade Unleaded	66.6	10.0	15.5	92.1	111.4	113.5	111.4	999.9
Premium Unleaded	69.6	10.0	15.5	95.1	114.9	117.0	114.9	999.9
Ultra-Low-Sulfur Diesel	60.1	4.0	15.4	79.5	96.9	99.0	96.9	999.9
Zone 3								
Regular Unleaded	64.0	10.0	15.5	89.5	108.4	110.5	108.4	999.9
Mid-Grade Unleaded	67.0	10.0	15.5	92.5	111.9	114.0	111.9	999.9
Premium Unleaded	70.0	10.0	15.5	95.5	115.3	117.4	115.3	999.9
Ultra-Low-Sulfur Diesel	60.5	4.0	15.4	79.9	97.4	99.5	97.4	999.9
Zone 4								
Regular Unleaded	64.1	10.0	15.5	89.6	108.6	110.6	108.6	999.9
Mid-Grade Unleaded	67.1	10.0	15.5	92.6	112.0	114.1	112.0	999.9
Premium Unleaded	70.1	10.0	15.5	95.6	115.5	117.5	115.5	999.9
Ultra-Low-Sulfur Diesel	60.6	4.0	15.4	80.0	97.5	99.6	97.5	999.9
Zone 5								
Regular Unleaded	64.1	10.0	15.5	89.6	108.6	110.6	108.6	999.9
Mid-Grade Unleaded	67.1	10.0	15.5	92.6	112.0	114.1	112.0	999.9
Premium Unleaded	70.1	10.0	15.5	95.6	115.5	117.5	115.5	999.9
Ultra-Low-Sulfur Diesel	60.6	4.0	15.4	80.0	97.5	99.6	97.5	999.9
Zone 6								
Regular Unleaded	64.8	10.0	15.5	90.3	109.4	111.4	109.4	999.9
Mid-Grade Unleaded	67.8	10.0	15.5	93.3	112.8	114.9	112.8	999.9
Premium Unleaded	70.8	10.0	15.5	96.3	116.3	118.3	116.3	999.9
Ultra-Low-Sulfur Diesel	61.3	4.0	15.4	80.7	98.3	100.4	98.3	999.9

N.S. Reg. 107/2016

Made: June 1, 2016

Filed: June 6, 2016

Electoral Districts and Number of Members Order: Tri-County Regional School Board

Order dated June 1, 2016
made by the Nova Scotia Utility and Review Board
pursuant to Section 44 of the *Education Act*

Order**M07219****Nova Scotia Utility and Review Board****In the matter of the Education Act**

- and -

In the matter of an application by the **Tri-county Regional School Board** to confirm the number of school board members and electoral districts and to confirm the boundaries of the electoral districts

Before: Murray E. Doehler, CPA, CA, P.Eng., Member

An application having been made by the Tri-County Regional School Board pursuant to S. 43 of the *Education Act* and the Board having issued its decision on June 1, 2016;

It is hereby ordered that the number of school board members and electoral districts are confirmed at nine and the boundaries of the electoral districts are confirmed.

Dated at Halifax, Nova Scotia this 1st day of June, 2016.

sgd: *Elaine Wagner*
Clerk of the Board

N.S. Reg. 108/2016

Made: June 7, 2016

Filed: June 8, 2016

Summary Offence Tickets Regulations—amendment

Order dated June 7, 2016
Amendment to regulations made by the Attorney General and Minister of Justice
pursuant to Section 8 of the *Summary Proceedings Act*

Order

**Made under Section 8 of Chapter 450
of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

I, Diana Whalen, Attorney General and Minister of Justice for the Province of Nova Scotia, pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, hereby

- (a) amend Schedule 9A to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, to designate certain offences under the *Dangerous Goods Management Regulations*, N.S. Reg. 56/95, made by the Governor in Council by Order in Council 95-295 dated April 11, 1995, as summary offence ticket offences, in the manner set forth in the attached Schedule “A”; and
- (b) order and direct that the penalty to be entered on a summons in respect of an offence set out in amendments to the schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, as set forth in the attached Schedule “A”, is the amount of the out-of-court settlement set out opposite the description for the offence, and includes the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

This order is effective on and after June 7, 2016.

Dated and made June 7, 2015, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

sgd: *Diana Whalen*
Honourable Diana Whalen
Attorney General and Minister of Justice

Schedule “A”

**Amendment to the *Summary Offence Tickets Regulations*
made by the Attorney General and Minister of Justice pursuant to Section 8
of Chapter 450 of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

- 1 Schedule 9A to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, is amended under the heading “Dangerous Goods Management Regulations” by
- (a) repealing item 1 and substituting the following item:
- | | | | |
|---|--|------|----------|
| 1 | Disposing of PCB waste by burying in landfill or in ground | 6(1) | \$697.50 |
|---|--|------|----------|
- (b) repealing items 17 and 18.
- 2 Schedule 9A to the regulations is further amended by repealing the heading “PCB Management Regulations” and all items under that heading.

N.S. Reg. 109/2016

Made: June 7, 2016

Filed: June 8, 2016

Summary Offence Tickets Regulations—amendment

Order dated June 7, 2016

Amendment to regulations made by the Attorney General and Minister of Justice pursuant to Sections 8 and 8A of the *Summary Proceedings Act***Order****Made under Sections 8 and 8A of Chapter 450
of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

I, Diana Whalen, Attorney General and Minister of Justice for the Province of Nova Scotia, pursuant to Sections 8 and 8A of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, effective on and after the date of this order, hereby amend the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, to do the following:

- (a) update the designated parking infraction ticket offences set out in Schedule PT to the regulations in the manner set out in Schedule “A”;
- (b) update the designated offences under the *Motor Vehicle Act* set out in Schedule 4 to the regulations in the manner set out in Schedule “A”;
- (c) update the designated offences under *Motor Vehicle Act* regulations set out in Schedule 4A to the regulations in the manner set out in Schedule “A”;
- (d) order and direct that the penalty to be entered on a summons in respect of an offence set out in amendments to the schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, as set forth in the attached Schedule “A”, is the out-of-court settlement amount listed or indicated by category letter in the out-of-court settlement column set out opposite the description for the offence, and includes the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

Dated and made June 7, 2016, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

sgd: *Diana Whalen*

Honourable Diana Whalen

Attorney General and Minister of Justice

Schedule “A”**Amendment to the *Summary Offence Tickets Regulations*
made by the Attorney General and Minister of Justice pursuant to Section 8
of Chapter 450 of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

- 1 Schedule PT to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, is amended by adding “(parking)” immediately after the offence category indicated in the out of court settlement column in each of the

following items:

- (a) items 1 to ~~44~~ [4] and 21 to 43 under the heading “Motor Vehicle Act”;
- (b) item 1 under the heading “Halifax Regional Municipality Winter Parking Regulations”;
- (c) items 1 to 3 under the heading “Winter Parking Ban Regulations”.

2 Schedule 4 to the regulations is amended by

- (a) adding the following item immediately after item 62A:

62B	Unqualified person occupying front seat holding themself out as supervising driver	69A(2)	C
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- (b) striking out items 67, 68, 118, and 119;
- (c) striking out the description of the offence in item 295 and substituting “Riding on or operating (specify) bicycle or personal transporter without wearing required helmet or with improperly secured helmet (specify)”;
- (d) striking out the words after “bicycle” in the description of the offence in item ~~269~~ [296] and substituting “or personal transporter without wearing required helmet”;
- (e) striking out “172A(1)(d)” in item 305G and substituting “172B(1)(d)”;
- (f) striking out the description of the offence in item 305N and substituting “Operator of personal transporter making left turn on roadway other than at crosswalk”;
- (g) striking out “Failing” in the description of the offence in item 354B and substituting “Operator of personal transporter failing”.

3 Schedule 4A to the regulations is amended by striking out “May” in the description of the offence in item 1 under the heading “Studded Tires Regulations” and substituting “June”.

N.S. Reg. 110/2016

Made: June 9, 2016

Filed: June 10, 2016

Prescribed Petroleum Products Prices

Order dated June 9, 2016
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**M07514****In the matter of the *Petroleum Products Pricing Act*****- and -****In the matter of prescribing prices for petroleum products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Roland A. Deveau, Q.C., Vice-chair

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum product prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

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

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

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended June 8, 2016, are:

Grade 1 Regular gasoline	53.9¢ per litre
Ultra-low-sulfur diesel oil	51.5¢ per litre

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

Gasoline:	
Grade 1	53.9¢ per litre
Grade 2	56.9¢ per litre
Grade 3	59.9¢ per litre
Ultra-low-sulfur diesel oil	51.5¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	plus 0.4¢ per litre
Ultra-low-sulfur diesel oil:	plus 0.9¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., June 10, 2016.

Dated at Halifax, Nova Scotia, this 9th day of June, 2016.

sgd: Doreen Friis
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on June 10, 2016**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	61.5	10.0	15.5	87.0	105.6	107.6	105.6	999.9
Mid-Grade Unleaded	64.5	10.0	15.5	90.0	109.0	111.1	109.0	999.9
Premium Unleaded	67.5	10.0	15.5	93.0	112.5	114.5	112.5	999.9
Ultra-Low-Sulfur Diesel	59.6	4.0	15.4	79.0	96.4	98.4	96.4	999.9
Zone 2								
Regular Unleaded	62.0	10.0	15.5	87.5	106.1	108.2	106.1	999.9
Mid-Grade Unleaded	65.0	10.0	15.5	90.5	109.6	111.7	109.6	999.9
Premium Unleaded	68.0	10.0	15.5	93.5	113.0	115.1	113.0	999.9
Ultra-Low-Sulfur Diesel	60.1	4.0	15.4	79.5	96.9	99.0	96.9	999.9
Zone 3								
Regular Unleaded	62.4	10.0	15.5	87.9	106.6	108.7	106.6	999.9
Mid-Grade Unleaded	65.4	10.0	15.5	90.9	110.1	112.1	110.1	999.9
Premium Unleaded	68.4	10.0	15.5	93.9	113.5	115.6	113.5	999.9
Ultra-Low-Sulfur Diesel	60.5	4.0	15.4	79.9	97.4	99.5	97.4	999.9
Zone 4								
Regular Unleaded	62.5	10.0	15.5	88.0	106.7	108.8	106.7	999.9
Mid-Grade Unleaded	65.5	10.0	15.5	91.0	110.2	112.2	110.2	999.9
Premium Unleaded	68.5	10.0	15.5	94.0	113.6	115.7	113.6	999.9
Ultra-Low-Sulfur Diesel	60.6	4.0	15.4	80.0	97.5	99.6	97.5	999.9
Zone 5								
Regular Unleaded	62.5	10.0	15.5	88.0	106.7	108.8	106.7	999.9
Mid-Grade Unleaded	65.5	10.0	15.5	91.0	110.2	112.2	110.2	999.9
Premium Unleaded	68.5	10.0	15.5	94.0	113.6	115.7	113.6	999.9
Ultra-Low-Sulfur Diesel	60.6	4.0	15.4	80.0	97.5	99.6	97.5	999.9
Zone 6								
Regular Unleaded	63.2	10.0	15.5	88.7	107.5	109.6	107.5	999.9
Mid-Grade Unleaded	66.2	10.0	15.5	91.7	111.0	113.0	111.0	999.9
Premium Unleaded	69.2	10.0	15.5	94.7	114.4	116.5	114.4	999.9
Ultra-Low-Sulfur Diesel	61.3	4.0	15.4	80.7	98.3	100.4	98.3	999.9

N.S. Reg. 111/2016

Made: June 10, 2016

Filed: June 13, 2016

Board Electricity Retailers Regulations (Nova Scotia)

Order dated June 10, 2016
regulations made by the Nova Scotia Utility and Review Board
pursuant to subsection 5(1B) of the *Electricity Act*

Order**M06214****Nova Scotia Utility and Review Board****In the matter of the *Electricity Act***

- and -

In the matter of a hearing concerning the sale of renewable low-impact electricity generated within Nova Scotia by a retail seller to a retail customer pursuant to the *Electricity Act*

BEFORE: Peter W. Gurnham, Q.C., Chair
Roland A. Deveau, Q.C., Vice-Chair
Kulvinder S. Dhillon, P. Eng., Member

Order

Whereas the *Electricity Reform Act*, S.N.S. 2013, c. 34, amended the *Electricity Act* to enable the purchase and sale of renewable low-impact electricity generated in Nova Scotia from licensed “retail suppliers” to “retail customers”, which are terms defined in the Act;

And whereas Section [subsection] 5(1B) of the Act provides [that] the Nova Scotia Utility and Review Board (“Board”) may make regulations: (a) prescribing the form and manner of applying, and the procedure for considering an application, for a retail supplier licence or an amendment to a retail supplier licence; (b) prescribing fees relating to any matter provided for in the Act or the regulations; (c) prescribing the terms and conditions of a retail supplier licence; (d) respecting the amendment, suspension, reinstatement or cancellation of a retail supplier licence; (e) respecting the transfer or assignment of a retail supplier licence;

And whereas a public hearing was held on Monday, January 18, 2016, and Tuesday, January 19, 2016, following a timeline to accommodate information requests and the filing of evidence by the intervenors;

And whereas the Board issued its decision (2016 NSUARB 33) which directed ECI to file revised *Board Electricity Retailers Regulations (Nova Scotia)* to reflect the findings in the Board decision, which ECI filed with the Board on June 1, 2016;

It is hereby ordered that the *Board Electricity Retailers Regulations (Nova Scotia)* made pursuant to Section [subsection] 5(1B) of the *Electricity Act*, S.N.S. 2004, c. 253, are approved as set out in Appendix “A” to this order;

It is further ordered that the Board directs the Clerk of the Board to file the *Board Electricity Retailers Regulations (Nova Scotia)* with the Registry of Regulations;

It is further ordered that the *Board Electricity Retailers Regulations (Nova Scotia)* shall take effect upon filing with the Registry of Regulations.

Dated at Halifax, Nova Scotia, this 10th day of June, 2016.

sgd: *Doreen Friis*
Clerk of the Board

[Note: The style of numbering and letting provisions throughout these regulations has been modified to omit redundant numbers in accordance with Nova Scotia legislative standards.]

Appendix “A”

Board Electricity Retailers Regulations (Nova Scotia) enacted under the *Electricity Act*

Prepared by Energy Consultants International, Inc.
Brady Ryall, P.Eng.

[Citation]

1 These regulations may be cited as the *Board Electricity Retailers Regulations (Nova Scotia)*.

Definitions

2 (1) In these regulations, unless the context indicates otherwise, words and expressions have the same meaning as in the *Electricity Act* and the *Renewable Electricity Regulations (Nova Scotia)* enacted under s. [Section] 5 of the Act.

(2) In these regulations

“account holder”, in relation to a premises, means the person listed on the account of NS Power for the delivery of electricity consumed at the premises, regardless of whether the person is a customer of a licence holder, in respect of the premises;

“Act” means the *Electricity Act*;

“behind-the-meter” means the sale of electricity from a renewable low-impact electricity generation facility which is directly connected to a load without using NS Power’s transmission or distribution facilities, including NS Power’s meter installed at the premises. For greater certainty, the electricity that is sold from a renewable low-impact electricity generation facility to a directly-connected party is behind-the-meter, while electricity that is sold from the same facility to another party through the use of NS Power’s transmission or distribution facilities is not behind-the-meter;

“blended rate” means the amount of money on a ¢/kilowatt-hour basis, inclusive of any fees or charges, to be paid by a customer to the retail supplier, but excluding distribution tariff charges, and is calculated as the total charges excluding distribution tariff charges to a customer over the compliance period divided by the total kilowatt hours of electricity consumed by the customer over the compliance period;

“Board” means the Nova Scotia Utility and Review Board;

“bundled-supply” means the account holder is supplied electricity by NS Power;

“certification” means the electricity standard approval issued by the Minister to a renewable low-impact electricity generation facility under the *Renewable Electricity Regulations*;

“code of conduct” means the code of conduct for the sale of renewable low-impact electricity approved by the Board;

“compliance period” means the twenty-four month period commencing each January 1. The initial compliance period shall commence on the date that a licence is approved and shall end December 31 of the following year;

“compliance plan” means the forecast of renewable low-impact electricity sales to customers, purchases from renewable low-impact electricity generators, and generation from renewable low-impact electricity generation facilities owned or operated by the licence holder;

“contract” means an agreement between a customer and a licence holder for the supply of renewable low-impact electricity to a single or multiple premises;

“customer” means an account holder, other than an account holder served by a behind-the-meter installation, who consumes electricity on its premises that the account holder did not generate and

- (a) with whom a licence holder has entered into a contract, or
- (b) to whom a licence holder is marketing;

“day” means calendar day, unless otherwise specified;

“direct mail transaction” means a paper-based transaction

- (a) initiated by a licence holder mailing or transmitting by facsimile documents to a customer, which mailing or transmitting may be solicited or unsolicited by the customer, or
- (b) initiated by a customer obtaining the form of contract using electronic communication but does not include the completion of the contracting process through electronic communication;

“disclosure statement” means the information document in the form approved from time to time by the Board pursuant to s. [Section] 46 of these regulations;

“door-to-door transaction” means a transaction initiated by the attendance of a salesperson at the premises of a customer, whether or not this attendance was solicited or unsolicited by the customer;

“electronic communication” means communication created, recorded, transmitted, or stored in digital form or in other intangible form by electronic, magnetic, or optical means or by any other means that has capabilities for creation, recording, transmission, or storage similar to those means. Electronic communication is primarily conducted over the Internet and includes e-mail correspondence;

“licence” means a retail supplier licence issued by the Board to a person to sell renewable low-impact electricity;

“licence holder” means a person issued a licence by the Board;

“marketing” means any activity pertaining to the sale of renewable low-impact electricity for the purpose of soliciting or inducing a customer to enter into a contract with a retail supplier, including providing an offer for the customer’s consideration, and includes in-person communication, direct

mail communication, electronic communication, or telephone communication with customers, advertising, and any other means by which a retail supplier or its salespersons interact with a customer for the purpose of solicitation;

“NS Power” means Nova Scotia Power, Inc.;

“point of interconnection” has the same meaning as in the Standard Generator Interconnection Procedures and Generator Interconnection Agreement;

“premises” means the building or portion of a building that is provided with electricity through a single meter;

“rate” means the amount of money on a ¢/kilowatt-hour basis, plus any fees or charges, to be paid by a customer;

“rate comparison” means the electricity rate comparison information in the form approved from time to time by the Board pursuant to s. [Section] 47 of these regulations that shows the rate offered by the retail supplier, the current rate charged by NS Power at the time of marketing, and any other information that the Board may require;

“regulations” means [the] *Board Electricity Retailers Regulations (Nova Scotia)* enacted under the Act;

“renewable low-impact electricity” has the same meaning as in the *Renewable Electricity Regulations*;

“renewable low-impact electricity generation facility” has the same meaning as in the *Renewable Electricity Regulations*;

“renewable low-impact electricity generator” has the same meaning as in the *Renewable Electricity Regulations*;

“retail supplier” has the same meaning as under the Act;

“salesperson” means a person who is employed by or otherwise conducts marketing on behalf of a licence holder, or makes representations to a customer on behalf of a licence holder, for the purpose of effecting sales of renewable low-impact electricity or entering into a contract with a customer;

“small-volume customer” means a customer that qualifies for the domestic service or small general tariffs;

“telemarketing” means marketing conducted by a licence holder using the telephone, but excludes the initiation of a direct mail transaction by a customer using the telephone;

“top-up rate” means the rate charged by NS Power to the licence holder as the energy charge under the energy balancing services tariff for non-renewable electricity supplied by NS Power to a customer.

Interpretation

- 3 (1) Where a word or phrase is defined in these regulations or the Act, other parts of speech and grammatical forms of the word or phrase have a corresponding meaning.
- (2) Headings are for convenience only and do not affect the interpretation of these regulations.

- (3) Words importing the singular include the plural and vice versa. Words importing a gender include any gender.
- (4) Where there is a reference to a number of days between two events in these regulations, the days shall be counted by excluding the day the first event happens and including the day the second event happens.
- (5) The words “include” or “including” are not used, nor are they to be interpreted, as words of limitation.

Requirement for retail supplier licence

4 In accordance with s. [Section] 3D of the Act, any person who acts or purports to act as a retail supplier shall hold a valid licence issued by the Board.

Application for retail supplier licence

- 5 (1) An application for a licence shall be in the form attached (Appendix “A”) and shall be accompanied by the following:
- (a) a cheque in the required amount of \$7,500 payable to the Board;
 - (b) an irrevocable letter of credit from a recognized financial institution in the amount of \$200,000 payable to the Board to secure performance and anticipated financial obligations of the proposed licence holder, or [an] equivalent financial instrument in the same amount payable to the Board if such substitution is approved by the Board;
 - (c) if the applicant is a company, proof of registration under the *Corporations Registration Act*, R.S.N.S. 1989, c. 101;
 - (d) full legal name, address, phone, facsimile, and e-mail contact information of any partner(s) or parent company(s) or organization(s);
 - (e) a listing of any company or organization principals with applicable titles (proprietor, partner, officer, director or controlling shareholder);
 - (f) written consents signed by each proprietor, partner, officer, director, and controlling shareholder authorizing the Board to conduct a credit review, in accordance with standard business practices;
 - (g) written consents signed by each proprietor, partner, officer, director, and controlling shareholder authorizing the Board to consult with all law enforcement agencies and obtain copies of any records pertaining to criminal convictions for which a pardon has not been granted, records of discharge, and records of outstanding criminal charges, such consents to release all such agencies, their members, and employees from any and all actions, claims and demands, loss, or injury which may result from the disclosure of information provided by them;
 - (h) audited financial statements covering the two immediately preceding fiscal years or, if the applicant has been formed within the preceding twelve months and audited financial statements are not available for at least one year, pro forma financial statements signed by the proprietor, partner, officer, director, or controlling shareholder of the applicant may be substituted. If audited financial statements are not available, unaudited financial statements may be accepted at the discretion of the Board;

- (i) the compliance plan including copies of the contractual arrangements with renewable low-impact electricity generators and copies of the certification required in ~~§~~: [Section] 17. If contractual arrangements have not been executed, then a letter of intent from a renewable low-impact electricity generator to enter into a contract for renewable low-impact electricity supply may be accepted at the discretion of the Board;
 - (j) a written description of the applicant's business background and experience relating to electricity retailing;
 - (k) a written description of the applicant's general plans with respect to electricity retailing; and
 - (l) any other information which may be deemed necessary by the Board.
- (2) Any variance from the requirements set out in ~~§~~: [subsection] 5(1) shall be formally requested from and approved by the Board prior to an application being submitted.

Term of licence

6 A licence shall have no expiration date but a licence holder shall be required to file annual statements as specified in ~~§~~: [Section] 22 to confirm the accuracy of information previously filed with the Board regarding that licence holder or provide advice of any changes.

Transfer or assignment of licence

- 7 (1) A licence may not be transferred or assigned without the written consent of the Board.
- (2) A licence holder shall furnish the Board with any information requested by the Board in support of the proposed transfer or assignment of the licence.
- (3) The fee for the transfer or assignment of a licence is \$7,500.
- (4) The Board may waive the fee set out in ~~§~~: [subsection] 7(3) at its discretion.
- (5) A licence holder shall inform NS Power of any application to the Board to transfer or assign a licence.

Fees and costs

- 8 (1) As set out in ~~§~~: [clause] 5(1)(a), the fee for a licence application and first year of operation is \$7,500 with annual filing fees of \$1,500 in each successive year.
- (2) Fees are payable to the Board when the application for [the] licence or annual statement as specified in ~~§~~: [Section] 22 is filed with the Board.
- (3) Costs relating to processing, investigations, infractions, inquiries, or enforcement activities which are incurred by the Board and exceed the fees received from a licence holder shall be reimbursed to the Board by the licence holder involved.

Terms and conditions of licences

- 9 It shall be a term and condition of a licence that a licence holder shall be subject to and comply with
- (a) the market rules, tariffs, and procedures approved by the Board;
 - (b) the Act, the *Renewable Electricity Regulations*, and these regulations;
 - (c) the code of conduct approved by the Board pursuant to ~~§~~: [Section] 27;

- (d) any applicable directives, rules, or orders of the Board; and
- (e) any direction by the Board for payment of any costs reasonably incurred related to hearing complaints or alleged infractions.

Compliance period

- 10** In each compliance period, a licence holder's total purchases or, in the case of a licence holder that is also a generator, total generation of renewable low-impact electricity at the point of interconnection that is not sold behind-the-meter, or combination of purchases and generation, shall equal or exceed the licence holder's total sales of renewable low-impact electricity plus transmission and distribution losses.
- 11** A licence holder shall provide a compliance plan to the Board no later than 60 days prior to the start of each compliance period that details for the coming compliance period
- (a) the sales plan showing the forecasts of the sales of renewable low-impact electricity, including numbers of customers differentiated by NS Power's rate classes and forecasts of sales by customer, but not including any behind-the-meter sales;
 - (b) forecasts of renewable low-impact electricity purchases from renewable low-impact electricity generators at the point of interconnection;
 - (c) copies of any contractual arrangements with renewable low-impact electricity generators demonstrating that the licence holder has secured a sufficient supply to meet its forecasts in (b);
 - (d) copies of the certification required in ~~ss.~~ [subsection] 17(1) from each renewable low-impact electricity generator that the licence holder contracts with;
 - (e) copies of the certification required in ~~ss.~~ [subsection] 17(2) from each renewable low-impact electricity generation facility that the licence holder owns or operates;
 - (f) forecasts of renewable low-impact electricity generation at the point of interconnection if the licence holder owns or operates a renewable low-impact electricity generation facility, net of any behind-the-meter sales; and
 - (g) forecasts of transmission and distribution losses

such that the requirements set out in ~~s.~~ [Section] 10 are met.

- 12** The Board shall review the licence holder's compliance plan in order to be satisfied that the licence holder can reasonably be expected to meet its obligations as set out in ~~s.~~ [Section] 10.
- 13** If a licence holder has not procured or generated sufficient renewable low-impact electricity to meet its obligations as set out in ~~s.~~ [Section] 10, the licence holder shall refund to each of its customers or former customers, on a pro rata basis based on each customer's consumption of renewable low-impact electricity, the difference between the licence holder's blended rate and 90% of the weighted average top-up rate over the compliance period, multiplied by the volume of electricity that the licence holder is deficient in meeting its obligations to each customer as set out in ~~s.~~ [Section] 10. For greater certainty, the refund to each customer is to be calculated as the licence holder's blended rate less 90% of the weighted average top-up rate over the compliance period, multiplied by the net deficit which is the total kilowatt-hour sales less the number of kilowatt hours that the licence holder purchased or generated at the point of interconnection net of behind-the-meter sales, less transmission and distribution losses, during the compliance period, prorated by the number of kilowatt hours used by each customer during the

compliance period.

- 14 The Board may require a licence holder to provide an update of the compliance plan at any time.
- 15 The Board may require a licence holder to amend its compliance plan or provide additional information if the compliance plan is not reasonable in the Board's opinion.
- 16 A licence holder that fails to provide a satisfactory
- (a) compliance plan as set out in ~~§~~ [Section] 10;
 - (b) update to the compliance plan as set out in ~~§~~ [Section] 14; or
 - (c) amended compliance plan as set out in ~~§~~ [Section] 15

may have its licence suspended or cancelled as set out in ~~§~~ [Section] 19.

Certification of renewable low-impact electricity

- 17 (1) A licence holder that purchases renewable low-impact electricity from a renewable low-impact electricity generator shall obtain proof of certification from the renewable low-impact electricity generator.
- (2) A licence holder that generates renewable low-impact electricity at a renewable low-impact electricity generation facility owned or operated by the licence holder shall obtain certification.

Inquiry respecting compliance with regulations

- 18 The Board may appoint or direct any duly qualified person to make an inquiry and report upon a licence holder's compliance with these regulations, and may also direct by whom, and in what proportion, the costs and expenses incurred in making the inquiry and report shall be paid, and may fix the amount of the costs and expenses.

Licence Suspension, Cancellation, and Reinstatement

Suspension or cancellation

- 19 The Board may cancel or suspend a licence if it determines that the licence holder has contravened the Act, these regulations, the code of conduct, or its licence.
- 20 A licence holder whose licence is suspended may no longer conduct marketing to customers.

Reinstatement

- 21 A licence holder may apply for reinstatement of a licence that was suspended as set out in ~~§~~ [Section] 19 if it provides any or all of
- (a) a plan, satisfactory to the Board, to address and correct contraventions of the Act, these regulations, the code of conduct, or its licence and prevent future contraventions;
 - (b) a compliance plan satisfactory to the Board; or
 - (c) any other information requested by the Board,

as directed by the Board.

Reporting

Annual licensing reporting

- 22** A licence holder shall provide the following information, as applicable, to the Board no earlier than 60 days and no later than 30 days prior to the anniversary of the licence:
- (a) proof of registration under the *Corporations Registration Act*, R.S.N.S. 1989, c. 101;
 - (b) any changes to the full legal name, address, phone, facsimile, and e-mail contact information of any partner(s) or parent company(s) or organization(s), or confirmation that no changes have occurred;
 - (c) any changes to the listing of the company or organization principals with applicable titles (proprietor, partner, officer, director, or controlling shareholder) from the previous year's filing, or confirmation that no changes have occurred;
 - (d) audited financial statements for the most recently completed fiscal year. If audited financial statements are not available, unaudited financial statements may be provided at the discretion of the Board; and
 - (e) any other information which may be requested by the Board.

Compliance reporting

- 23 (1)** A licence holder shall demonstrate to the Board that the licence holder's total purchases or, in the case of a licence holder that is also a renewable low-impact electricity generator, total generation of renewable low-impact electricity, or combination of purchases and generation, equals or exceeds the licence holder's obligations as set out in s: [Section] 10 after taking into account transmission and distribution losses.
- (2)** Within 30 days following the end of each compliance period, a licence holder shall provide the following information to the Board for the compliance period most recently completed:
- (a) total, in kilowatt hours, of all renewable low-impact electricity sales to its customers;
 - (b) total number of customers under contract, differentiated by NS Power's rate classes;
 - (c) total purchases of renewable low-impact electricity from renewable low-impact electricity generators at the point of interconnection;
 - (d) copies of the written confirmation from the renewable low-impact electricity generators documenting quantities of renewable low-impact electricity purchased by the ~~license~~ [licence] holder;
 - (e) total generation of renewable low-impact electricity from renewable low-impact electricity generation facilities owned or operated by the licence holder at the point of interconnection;
 - (f) transmission and distribution losses; and
 - (g) a reconciliation of the net surplus or deficit of renewable low-impact electricity sales with respect to renewable low-impact electricity purchases, generation, or combination of purchases and generation, and transmission and distribution losses.
- (3)** Where a licence holder generates and sells renewable low-impact electricity behind-the-meter, the

licence holder shall not include behind-the-meter sales in the required information set out in ~~ss.~~ [subsection] 23(2).

- (4) Where a net deficit exists as set out in ~~ss.~~ [clause] 23(2)(g), the licence holder shall provide confirmation to the Board that it has refunded its customers pursuant to ~~s.~~ [Section] 13 within 30 days of the end of the compliance period.

24 The Board may request additional information from a licence holder at any time.

25 The Board, or its delegate, may, upon notification to a licence holder, enter a licence holder's place of business in order to inspect the accounts of the licence holder and the licence holder shall furnish such assistance as the Board or its delegate may reasonably require.

Transfer Requests

26 A licence holder shall not make a request to NS Power to transfer a customer to the licence holder's supply unless that customer has agreed to a contract with the licence holder and the licence holder has complied with all the provisions of these regulations and the code of conduct when marketing and communicating with that customer.

Sales and Marketing Practices

Code of conduct

27 (1) The Board shall approve a code of conduct that shall apply to the marketing activities of licence holders.

(2) The code of conduct may specify

(a) the fair marketing practices that are to be followed by the licence holder or its salespersons when marketing renewable low-impact electricity to customers;

(b) requirements for Board approval of marketing materials and telemarketing scripts;

(c) requirements for salesperson identification;

(d) requirements for testimonials;

(e) requirements for marketing and execution of contracts;

(f) training and product knowledge requirements for licence holders and their salespersons; and

(g) any other requirements the Board deems necessary.

(3) A licence holder and its salespersons shall adhere to the code of conduct which has been approved by the Board.

Contracts

Contracting parties

28 (1) A contract for the supply of renewable low-impact electricity to a premises may only be made with the account holder for that premises. Where a licence holder enters into a contract to supply more than one premises, the contract must be entered into with the account holder for each affected premises.

- (2) No contract is valid unless it is made in accordance with ~~ss.~~ [subsection] 28(1) herein.

Governing laws

- 29 All contracts shall be governed by the laws of the Province of Nova Scotia and shall contain a statement to that effect.

Contracting requirements

- 30 A contract takes effect and a licence holder is bound by its terms when,
- (a) for door-to-door transactions or direct mail transactions, a copy of the contract, signed by the account holder, is received by the licence holder or its salesperson;
 - (b) for telemarketing sales, the account holder agrees to the terms and conditions of the contract while on the telephone with the licence holder; and
 - (c) for electronic communication sales, the account holder agrees to the terms and conditions of the contract through electronic communication.

Contract assignment

- 31 A licence holder shall not assign, sell, or otherwise transfer the administration of a contract with a customer to another person unless that person holds a licence issued under ~~s.~~ [Section] 3D of the Act.
- 32 Within 60 days after an assignment, sale, or transfer of the administration of a contract, the new licence holder shall send to any affected customers a notice of assignment, which includes the new licence holder's address for service, its e-mail address, and telephone and facsimile numbers.
- 33 A licence holder shall notify the Board of any assignment, sale, or transfer of a contract within 10 days after the assignment, sale or transfer.
- 34 A licence holder shall notify NS Power prior to any assignment, sale, or transfer of a contract taking effect.

Records Retention

Retention of information

- 35 A licence holder shall keep the following information for as long as the licence holder is licensed by the Board plus one additional year:
- (a) a list of salespersons who act or who have acted for the licence holder and the dates of their employment or engagement;
 - (b) a list of all of the licence holder's customers who have entered into contracts; and
 - (c) a log of cancellation requests, including premises to which the cancellation applies, the account holder's name, the date of the notification of cancellation, and the name and identification number of the representative who accepted the request for cancellation.
- 36 For each customer that has entered into a contract with a licence holder, the licence holder shall retain the following information throughout the duration of the contract and for a period of one year after completion or termination of the contract:
- (a) for contracts agreed to in person or as a result of a door-to-door transaction or a direct mail transaction, a copy of the complete contract bearing the customer's signature;

- (b) for contracts agreed to as a result of a telemarketing transaction, a copy of the agreed-to contract and the complete recording of the telephone call between the customer and the licence holder;
- (c) for contracts agreed to through electronic communication, a copy of the agreed-to contract and the electronic record evidencing the customer's agreement to the contract;
- (d) where a customer cancels a contract over the telephone, the complete recording of the telephone call between the customer and the licence holder;
- (e) where a customer cancels a contract using written or electronic communication, written or electronic evidence of the communication from the customer requesting the cancellation; and
- (f) billing records.

37 A licence holder shall, on the request of the Board, provide to the Board any of the information required to be kept under ~~§~~: [Section] 35, ~~§~~: 36, or ~~§~~: 54.

Dispute Resolution Process

38 A customer, NS Power, or any person may make a complaint to the licence holder or the Board in respect of the conduct of the licence holder, the conduct of the licence holder's salespersons, the contract, and any other matter relating to the Act, these regulations, the code of conduct, or the licence.

- 39 (1) If a complaint under ~~§~~: [Section] 38 is first made to the licence holder, the licence holder shall promptly and in good faith investigate the complaint and take all appropriate and necessary steps to resolve the complaint.
- (2) If the complaint is not resolved to the satisfaction of the complainant, the licence holder shall inform the complainant that the complaint may be made to the Board and provide the complainant with the telephone number, mailing address, and e-mail address of the Board.

40 Where the Board receives a complaint pursuant to ~~§~~: [Section] 38 the Board may

- (a) dismiss the complaint if the Board is satisfied that the complaint is trivial or vexatious, or that there is insufficient or no evidence of a contravention of the Act, these regulations, the code of conduct, or the licence;
- (b) further investigate the complaint and assist in the resolution of the complaint between the complainant and the licence holder; or
- (c) require a written or oral hearing of the complaint.

41 (1) Where the Board receives information that a licence holder or its salesperson may have contravened the Act, these regulations, the code of conduct, or its licence, the Board may initiate a written or oral inquiry into the Licence holder's or its salesperson's activities and require the licence holder to provide such information or furnish such documents as the Board may request, and produce such officers, directors, employees, and agents to testify as the Board may request.

(2) The procedure for a written or oral inquiry shall be established by an order of the Board.

42 Following a complaint hearing or inquiry process, the Board shall determine if the licence holder or its salesperson or both have contravened the Act, these regulations, the code of conduct, or its licence.

- 43 If the Board determines that the licence holder or its salespersons have contravened the Act, these regulations, the code of conduct, or its licence, the Board may impose any or all of the following remedies for each contravention
- (a) reprimand the licence holder;
 - (b) cancel a contract, with or without fees, penalties or other charges;
 - (c) require the licence holder to provide a plan, satisfactory to the Board, to address and correct contraventions of the Act, these regulations, the code of conduct, or its licence, and prevent future contraventions;
 - (d) instruct the licence holder to advise the customer or any group of customers affected in a similar manner that they may cancel their contract without fees, penalties or other charges and be returned to NS Power supply;
 - (e) suspend or cancel the licence as set out in ~~s.~~ [Section] 19;
 - (f) publish the Board's findings in respect of the contravention and the nature of the remedies imposed; and
 - (g) such further and other remedies as are available to the Board pursuant to applicable laws.
- 44 (1) The Board may award costs to or against a licence holder or a complainant in connection with the dispute resolution.
- (2) The Board may require a licence holder or the complainant, or both, to pay all or a portion of the Board's costs in connection with the dispute resolution.

Requirements for Small-Volume Customers

Marketing to small-volume customers

45 When marketing to small-volume customers, a licence holder shall

- (a) only use the form of contract which is approved for use by the Board;
- (b) for door-to-door transactions, direct mail transactions, or electronic communication transactions, provide a disclosure statement and rate comparison to the customer as set out in ~~s.~~ [Sections] 46 and ~~s.~~ 47 in advance of the customer agreeing to a contract and shall afford the customer sufficient time to review and understand the disclosure statement and rate comparison prior to the customer signing or agreeing to a contract; or
- (c) for telemarketing transactions, read to the customer the disclosure statement and rate comparison as set out in ~~s.~~ [Sections] 46 and ~~s.~~ 47 and obtain the customer's agreement that the customer understands the disclosure statement and rate comparison.

Disclosure statement

46 The disclosure statement that is provided to a small-volume customer shall be approved by the Board.

Rate comparison

47 The rate comparison that is provided to a small-volume customer shall be in a form approved by the Board.

Small-volume customer contract requirements

- 48** No contract is valid unless the small-volume customer has signed or agreed to the disclosure statement and the rate comparison.
- 49** A licence holder shall not enter into a contract with a small-volume customer that has a term in excess of five (5) years.
- 50** (1) A contract with a small-volume customer shall state that the contract is not valid unless
- (a) the customer signs the disclosure statement and rate comparison or, in the case of a telemarketing transaction or electronic communication transaction, the customer confirms that he understands and confirms the disclosure statement and rate comparison before the customer enters into the contract;
 - (b) the customer signs or agrees to the contract; and
 - (c) the licence holder provides a signed or agreed-to copy of the disclosure statement, rate comparison, and contract to the customer by mail, facsimile, electronic communication, or in person.
- (2) A contract with a small-volume customer shall include a provision that states the contract is valid only if the contract has been verified as required in ~~§~~ [Section] 51.
- (3) A contract with a small-volume customer shall include a provision that the customer may cancel the contract without cost or penalty if a contract presently exists for the same premises, except where the existing contract is to expire on or before the commencement of the new contract.
- (4) A contract with a small-volume customer shall include a provision that the customer may cancel the contract without penalty or charge if the retail supplier was not licensed by the Board or the licence was suspended at the time the contract was entered into.

Contract verification

- 51** A contract with a small-volume customer shall be verified as set out in ~~§~~ [Sections] 52 and ~~§~~ 53 in order for the contract to be valid.

Who may verify a contract

- 52** A contract with a small-volume customer may be verified only by an individual who
- (a) does not receive any remuneration or other compensation or benefit that is determined, directly or indirectly, by reference to the number of contracts verified or the percentage of contracts that are verified; and
 - (b) has successfully completed such training for persons who verify contracts as may be required by the code of conduct, any order, or any rule issued or made by the Board.

Verification process

- 53** (1) A contract with a small-volume customer shall be verified
- (a) only by telephone; and
 - (b) only with the account holder for the premises.
- (2) The script used by the person verifying the contract shall be approved by the Board in advance.

- (3) The person verifying the contract shall comply with the code of conduct, any order, or any rule issued or made by the Board relating to the verification procedure.
- (4) The person verifying the contract shall make a recording of the telephone call and advise the customer that the telephone call is being recorded.
- (5) A contract may be verified no earlier than the 10th day and no later than the 21st day after the day on which the contract takes effect in accordance with s. [Section] 30.
- (6) The person verifying the contract shall not proceed with the verification process and shall advise the customer and the licence holder of the reason for not proceeding if, at any time during the verification process, the person verifying the contract
 - (a) is advised by the customer of an act or omission that appears to be an unfair practice of the licence holder;
 - (b) is advised that the customer did not receive a copy of the contract, the disclosure statement, or the rate comparison; or
 - (c) has reasonable grounds for believing that the licence holder has committed an unfair practice, whether at the time of soliciting, negotiating or entering into the contract or after.

Records retention

54 For each small-volume customer that has entered into a contract with a licence holder, the licence holder shall retain the following information, in addition to the information as set out in s. [Section] 36, throughout the duration of the contract and for a period of one year after completion or termination of the contract:

- (a) in respect of a contract resulting from a door-to-door transaction or a direct mail transaction, copies of the disclosure statement and rate comparison bearing the customer's signature; and
- (b) in respect of a contract resulting from electronic communication,
 - (i) copies of the confirmed disclosure statement and the confirmed rate comparison, and
 - (ii) the electronic record evidencing the customer's confirmation of the disclosure statement and rate comparison.

Cancellation of contracts

55 A small-volume customer may unconditionally, and without any cancellation fees, penalties or charges, cancel the contract at any time from the date of entering into the contract until 30 days after the date of the first bill for renewable low-impact electricity under the contract, provided the customer is obligated to pay the licence holder for all renewable low-impact electricity consumed until the customer is transferred to bundled-supply.

56 A contract with a small-volume customer automatically terminates and the customer is not subject to any cancellation fees, penalties or charges if the customer sells or permanently moves from the premises to which renewable low-impact electricity is supplied under the contract.

57 A small-volume customer may unconditionally, and without any cancellation fees, penalties or charges, cancel the contract if the licence holder is found by the Board to be in violation of the Act, these regulations, the code of conduct, or its licence when marketing to the customer or in the course of fulfilling its obligations under the contract.

- 58 A small-volume customer may cancel the contract at any time in accordance with the cancellation provisions contained within the contract.
- 59 A small-volume customer may give a notice of cancellation of a contract in any of the following ways:
- (a) by telephone;
 - (b) by ordinary or registered mail to the address specified in the contract;
 - (c) in person;
 - (d) by facsimile to the facsimile number specified in the contract; or
 - (e) by electronic communication to the e-mail address provided in the contract.
- 60 (1) A notice of cancellation in respect of a contract with a small-volume customer is deemed to be given to the licence holder on the date of
- (a) receipt by the licence holder of the telephone call from the small-volume customer cancelling the contract;
 - (b) the electronic date stamp of the e-mail from the small-volume customer cancelling the contract;
 - (c) the transmittal of the notice from the small-volume customer cancelling the contract, if the notice is sent by facsimile;
 - (d) the day that is five days after the postmark on the letter from the small-volume customer cancelling the contract, if the notice is sent by ordinary mail; or
 - (e) the delivery to the licence holder of the notice from the small-volume customer cancelling the contract, if the notice is delivered in person or sent by registered mail.
- (2) The cancellation of a contract with a small-volume customer becomes effective when NS Power transfers the customer to bundled-supply.
- 61 A licence holder shall inform NS Power within 2 business days of a small-volume customer cancel[ing] their contract with the licence holder.
- 62 If a small-volume customer cancels a contract, the licence holder shall promptly provide written confirmation of the cancellation to the customer.

Prohibition on contract renewals

- 63 (1) A contract with a small-volume customer may not be renewed or extended. A new contract may be entered into between a small-volume customer and a licence holder.
- (2) A contract with a small-volume customer may be terminated prior to the expiration of its term with the consent of the parties and a new contract may be entered into immediately after the termination. All of the provisions of these regulations, except as provided in s. [Section] 55, apply in respect of the new contract.
- (3) If a contract is terminated early and a new contract is entered into in accordance with ~~ss.~~ [subsection] 63(2), the small-volume customer may cancel the new contract at any time from the

date of entering into the new contract until 30 days after the date of the first bill for renewable low-impact electricity under the new contract. The maximum fee, charge or penalty that a licence holder may charge the small-volume customer is the cancellation fee as determined under the former contract at the time of its cancellation.

- (4) If a contract is terminated early and a new contract is entered into in accordance with ~~ss.~~ [subsection] 63(2), the maximum fee, charge or penalty that a licence holder may charge the small-volume customer who cancels the new contract in accordance with ~~s.~~ [Section] 58 after the 30-day period referred to in ~~ss.~~ [subsection] 63(3) is the cancellation fee as determined under the new contract.

Notice of contract expiry

- 64 No earlier than four (4) months and no later than three (3) months prior to the contract expiry, the licence holder shall notify the small-volume customer of the contract expiry date. At this time, the licence holder may offer a new contract to start after expiry of the current contract.

N.S. Reg. 112/2016

Made: May 12, 2016

Approved: May 20, 2016

Filed: June 13, 2016

Chicken Farmers of Nova Scotia Regulations—amendment

Order dated May 20, 2016

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

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

I certify that on May 12, 2016, the Chicken Farmers of Nova Scotia, pursuant to Section 9 of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*, as delegated by Section 7 of the *Nova Scotia Chicken Marketing Plan*, N.S. Reg. 241/82, carried a motion to repeal N.S. Reg. 20/2016, and to amend the *Chicken Farmers of Nova Scotia Regulations*, N.S. Reg. 11/2005, made by the Natural Products Marketing Council on December 8, 2004, in the manner set forth in the attached Schedule “A”, effective on and after September 4, 2016.

Signed at Kentville, in the County of Kings, Nova Scotia on May 31, 2016.

Chicken Farmers of Nova Scotia

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

Approved by the Natural Products Marketing Council at Truro, in the County of Colchester, Nova Scotia on May 20, 2016.

Natural Products Marketing Council

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

Schedule "A"

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

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

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

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

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

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

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

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

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

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

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

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

"flock" means any group of chickens housed in a producer's facilities that are being raised by the producer for marketing at the same or approximately the same live weight at the same or approximately the same time;

“free range chicken” means any variety of chicken that

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

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

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

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

“licensing period” means the period from April 1 to November 30 in a calendar year, during which a specialty chicken producer is licensed to market the type of specialty chicken specified in their licence;

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

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

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

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

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

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

“partnership” includes a limited partnership;

“person” means any of the following:

- (i) a natural person,

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

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

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

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

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

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

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

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

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

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

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

- (2) For the purpose of these regulations, persons are associated with one another if any of the following apply:
- (a) they are members of the same immediate family;
 - (b) they are trustees, personal representatives or beneficiaries of the same trust or estate;
 - (c) 1 of them is a donor of a power of attorney and the other is the attorney;
 - (d) 1 of them is a corporation and the other is an officer, director or shareholder of the corporation;
 - (e) 1 of them is a partnership and the other is a partner in the partnership;
 - (f) 1 of them is a trust or corporation that owns shares of a corporation or has an interest in a

partnership and the other is that corporation or partnership;

(g) each of them is a corporation, partnership or trust and they are all controlled directly or indirectly by the same person.

(3) For the purpose of these regulations, a person owns facilities if any of the following apply:

(a) the person holds any of the following, whether or not subject to a mortgage or other encumbrance:

(i) legal title to the facilities evidenced by a deed registered at the relevant land registration office,

(ii) a certificate of title for the facilities issued by the Supreme Court of Nova Scotia,

(iii) a Certified Statement of Registered and Recorded Interests for the facilities issued by the Registrar of Deeds under the *Land Registration Act*;

(b) the person is a borrower under an agreement of sale with the Nova Scotia Farm Loan Board that applies to the facilities.

(4) Unless a different definition for the same term is set out in subsection (1), definitions in the Plan apply to these regulations.

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

Requirement to hold base quota

3 (1) Except as provided in subsection (2), a person is not eligible for a producer licence, a special licence or a producer-vendor licence unless that person has been issued base quota.

(2) Dalhousie University is exempt from the requirement in subsection (1) for base quota, but it must obtain a producer licence for each flock housed in its research facilities and must pay the applicable fee.

Total production allotted

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

Associated producers

5 (1) If 2 or more producers are associated, the Commodity Board must determine their aggregate base quota by treating the base quota allotted to each of them as having been allotted to all of them.

(2) If 2 or more producers become associated, the Commodity Board may reduce the base quota of any of the associated producers so that the aggregate base quota held by the associated producers does not exceed the maximum set out in Section 7.

(3) To determine if producers are associated, the Commodity Board may use all information available that it considers relevant, including a certificate provided by a producer under subsections 18(11) or 18(12).

Minimum base quota

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

Maximum base quota

- 7 (1) Subject to subsections (7) and (8), the maximum base quota that may be registered to an individual producer is 5% of the total base quota registered by the Commodity Board.
- (2) Except as provided in subsections (3) and (5) and subject to subsections (6) to (8), the maximum aggregate base quota that may be registered to 2 or more associated producers is 5% of the total base quota registered by the Commodity Board.
- (3) If 2 or more associated producers have a parent-child relationship, the maximum aggregate base quota that may be registered among the parent or parents and all of the children is 10% of the total base quota registered by the Commodity Board.
- (4) A “parent-child relationship” includes a natural person, as well as any corporation, partnership or trust that holds base quota, and in which one or more of the parents or children are the only holders of a legal or beneficial interest.
- (5) The maximum specified in subsection (2) for aggregate base quota does not apply to a producer who, on the date this subsection comes into force, is in an association with 1 or more other producers with an aggregate base quota greater than the maximum specified in that subsection.
- (6) A producer referred to in subsection (5) is not entitled to have additional base quota transferred to them as long as the aggregate base quota held by the producer and their associated producers exceeds the maximum specified in subsection (2) or (3).
- (7) If a producer has been permitted to produce or market an extra-provincial amount, the extra-provincial amount is included in the calculation of base quota and aggregate base quota for determining compliance with subsection (1) or (2).
- (8) A producer who exceeds the maximum specified in subsection (1) or (2) for base quota because of an extra-provincial amount is not eligible to receive a transfer of base quota.
- (9) No transfer of base quota is effective unless the Commodity Board is satisfied that the requirements of this Section have been met.

Interest in base quota

- 8 (1) A person has an interest in base quota if that person is any of the following:
- (a) a person that has a direct interest in base quota;
 - (b) a shareholder of a corporation that has an interest in base quota;
 - (c) a partner in a partnership that has an interest in base quota;
 - (d) a trustee or beneficiary of a trust that has an interest in base quota;
 - (e) the personal representative or a beneficiary of an estate that has an interest in base quota.
- (2) Either of the following is considered to be an interest in base quota:
- (a) a direct interest in the base quota;

- (b) an interest in the base quota through a series of associated persons with direct or indirect ownership interests in one another.

Applying for approval to transfer base quota

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

- (2) A person must apply to the Commodity Board for approval to transfer base quota to another person.
- (3) Each of the following is considered a transfer of base quota for the purposes of subsection (2):
 - (a) any transfer of all or part of the base quota held by a person to another person;
 - (b) any change in the shareholders or beneficial shareholders of a corporation that has been issued base quota;
 - (c) any change in the partners of a partnership that has been issued base quota;
 - (d) any change in the income beneficiaries or capital beneficiaries of a trust that has been issued base quota, whether the change occurred before or after the final distribution of that trust;
 - (e) any change other than those listed in clauses (a) to (d) that results in a person acquiring or disposing of an interest in base quota or that otherwise affects a person’s interest in base quota.
- (4) An application must include all of the following:
 - (a) the name of the applicant;
 - (b) the proposed transferee’s name and contact information;
 - (c) the amount of base quota to be transferred;
 - (d) a certificate as described in subsections 18(11) and (12) for each of
 - (i) the transferor of base quota after the transfer, if only a part of the transferor’s base quota is being transferred, and
 - (ii) the transferee of base quota after the transfer;
 - (e) the facilities to be transferred, if any;
 - (f) written evidence of a binding agreement satisfactory to the Commodity Board, including a specified transfer date;
 - (g) the signatures of the applicant and the proposed transferee;
 - (h) if the proposed transfer is without facilities, details about the facilities where chicken will be produced;
 - (i) if chicken are to be produced in a leased facility, an application under subsection 10(8)

from the transferee for approval to produce chicken in a leased facility;

- (j) any information or documentation in addition to that specified in clauses (a) to (i) that the Commodity Board considers relevant to the application.
- (5) An application for approval must be in the form approved by the Commodity Board and must be submitted to the Commodity Board at least 18 weeks before the beginning of the marketing period on the first day of which the transfer of base quota is intended to take place.
- (6) The Commodity Board may consider any of the following additional information in considering an application:
- (a) information contained in a certificate provided by the applicant or the proposed transferee under subsection 18(11) or (12);
 - (b) information provided to the Commodity Board by a broiler chicken commodity board that is created under the laws of a province other than the Province and has authority over quota for broiler chicken in that other province;
 - (c) Commodity Board records pertaining to the applicant or the proposed transferee;
 - (d) information obtained by the Commodity Board at any time as a result of an inspection under the Plan or the Act;
 - (e) any information in addition to that specified in clauses (a) to (d) that it considers relevant to the application.
- (7) Nothing in these regulations affects the ability of the parties to a transfer to establish terms and conditions in a contract of purchase and sale that are consistent with the Act, the Plan and these regulations.

Commodity Board approval of application to transfer base quota

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

When application for transfer of base quota not approved

- 8C** The Commodity Board must refuse an application under Section 8A for approval to transfer base quota in any of the following circumstances:
- (a) as a result of the proposed transfer, any producer's base quota would fall below the minimum base quota specified in Section 6;
 - (b) as a result of the proposed transfer, the base quota of any producer or the aggregate base quota of any associated producers would exceed the maximum base quota specified in Section 7;
 - (c) subsection 7(5) or 7(8) applies to the proposed transferee;

- (d) if a transfer of base quota without facilities is proposed, the transferee has not complied with subsections 10(7) to 10(13);
- (e) the applicant or proposed transferee owes any licence fees, levies, or other money to the Commodity Board;
- (f) the proposed transfer would violate the Act, these or any other regulations made by the Commodity Board, or any policy, order or direction of the Commodity Board.

Applying for registration as eligible new entrant

8D (1) A natural person who meets all of the following criteria may apply to the Commodity Board to be registered as an eligible new entrant:

- (a) the person is at least 19 years old;
 - (b) the person does not currently hold and has never held base quota;
 - (c) the person is a resident of the Province.
- (2) An application for registration as an eligible new entrant must be in the form approved by the Commodity Board and must include the applicant's name and signature.
- (3) An application for registration as an eligible new entrant must be submitted to the Commodity Board no later than noon on the last business day of the Commodity Board in December.
- (4) The Commodity Board must keep a register of eligible new entrants and, on determining that an applicant is eligible to be registered, must add the applicant's name to the register in the order that their eligibility was determined.

Decision to issue base quota to eligible new entrant

8E (1) At the end of a base quota period, the Commodity Board must decide whether to issue base quota to 1 or more eligible new entrants.

- (2) The Commodity Board must not issue base quota to an eligible new entrant unless the quota allocation is at least equal to the quota allocation for the base quota period beginning with marketing period A-39 and ending with marketing period A-45.
- (3) If the Commodity Board decides to issue base quota to an eligible new entrant, it must notify the eligible new entrant whose name is the next one listed in the register kept under subsection 8D(4).
- (4) A notice under subsection (3) must include all the following terms and conditions:
- (a) the eligible new entrant must own facilities that meet the production standard determined under subsections 10(3) and 10(4) by a date specified in the notice;
 - (b) the eligible new entrant's facilities must pass an inspection by the Commodity Board;
 - (c) base quota will be registered in the name of the eligible new entrant in at least the minimum amount specified in Section 6;
 - (d) the eligible new entrant is prohibited from transferring base quota for at least 3 years following the date the Commodity Board registers base quota in their name;

- (e) to be issued base quota, the eligible new entrant must accept the terms and conditions in the notice by the date specified in the notice.
- (5) The Commodity Board may withdraw or amend a notice issued under subsection (3) at any time if the eligible new entrant fails to comply with any term or condition listed in subsection (4).
- (6) If an eligible new entrant dies after base quota is registered in their name, the base quota is registered in the name of the deceased's estate and may be transferred to a beneficiary of the estate only if the beneficiary meets the criteria in subsection 8D(1) for an applicant for registration as an eligible new entrant.
- (7) If the estate of a deceased eligible new entrant becomes a base quota holder referred to in subsection (6) and the estate has no beneficiary who meets the criteria described in subsection (6), the Commodity Board may allow the estate to transfer the base quota in accordance with Section 8A.

Adjusting base quota after base quota period

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

Impact of transfer on base quota adjustment

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

Impact of maximum and minimum base quota on base quota adjustment

- 8H (1)** The Commodity Board may modify the amount of an adjustment to increase base quota

apportioned to a producer under subsection 8F(2) if necessary to maintain compliance with the maximum base quota and maximum aggregate base quota requirements in Section 7.

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

Cancelling base quota or adjustment to base quota

8I (1) The Commodity Board may cancel all or part of a producer's base quota or the amount of any adjustment to increase the producer's base quota, or both, in any of the following circumstances:

- (a) the producer fails to provide the Commodity Board with any report required under Section 18 with respect to the production and marketing of chicken;
 - (b) the producer fails to comply with a condition imposed on an approval to transfer quota issued under Section 8B;
 - (c) the producer raises a flock in facilities not owned by the producer without the prior written approval of the Commodity Board;
 - (d) the producer fails to allow an inspector to inspect the books and records related to and the premises used by the producer in producing chicken;
 - (e) the producer violates the Act, the Plan or these regulations other than as described in clauses (a) to (d).
- (2) Any base quota or amount of an adjustment to base quota cancelled in whole or in part under subsection (1) is transferred to the Commodity Board and may be
- (a) retired; or
 - (b) reissued by the Commodity Board to any other person or persons, subject to any conditions the Commodity Board considers appropriate.
- (3) A producer whose base quota is transferred to the Commodity Board under this Section is not entitled to compensation from the Commodity Board.

Transition

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

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

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

- 4 Subsection 12(1) of the regulations is amended by striking out “a production and marketing agreement must specify the following” and substituting “which must be in the form approved by the Commodity Board and must specify all of the following:”.
- 5 Section 18 of the regulations is amended by:
- (a) adding the heading “Forms” immediately before subsection (11) and striking out the heading “Forms” immediately before subsection (13);
 - (b) striking out everything following the clause “in a form approved by the Commodity Board” in subsection (11) and substituting “identifying each person who has an interest in that base quota as of January 1 of the calendar year in which the certificate is provided and all persons who are associated with that person and any creditors with a security interest in an interest in base quota held by that person”;
 - (c) striking out everything following the clause “in a form approved by the Commodity Board” in subsection (12) and substituting “identifying each person who has an interest in that base quota and all persons who are associated with that person and any creditors with a security interest in an interest in base quota held by that person”.
- 6 Subsection 21(1) of the regulations is amended by striking out “premises” and substituting “facilities”.

N.S. Reg. 113/2016

Made: June 14, 2016

Filed: June 14, 2016

Proclamation, S. 27, S.N.S. 2014, c. 10

Order in Council 2016-150 dated June 14, 2016

Proclamation made by the Governor in Council

pursuant to Section 27 of

An Act to Amend Chapter 62 of the Revised Statutes, 1989, the Cemetery and Funeral Services Act, and Chapter 144 of the Revised Statutes, 1989, the Embalmers and Funeral Directors Act

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia dated April 14, 2016, and pursuant to Section 27 of Chapter 10 of the Acts of 2014, *An Act to Amend Chapter 62 of the Revised Statutes, 1989, the Cemetery and Funeral Services Act, and Chapter 144 of the Revised Statutes, 1989, the Embalmers and Funeral Directors Act*, is pleased to order and declare by proclamation that said Chapter 10 of the Acts of 2014, *An Act to Amend Chapter 62 of the Revised Statutes, 1989, the Cemetery and Funeral Services Act, and Chapter 144 of the Revised Statutes, 1989, the Embalmers and Funeral Directors Act*, do come into force on and not before September 1, 2016.

PROVINCE OF NOVA SCOTIA

sgd: **J. J. Grant**

G/S

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

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

GREETING:

A PROCLAMATION

WHEREAS in and by Section 27 of Chapter 10 of the Acts of 2014, *An Act to Amend Chapter 62 of the Revised Statutes, 1989, the Cemetery and Funeral Services Act, and Chapter 144 of the Revised Statutes, 1989, the Embalmers and Funeral Directors Act*, it is enacted as follows:

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

AND WHEREAS it is deemed expedient that Chapter 10 of the Acts of 2014, *An Act to Amend Chapter 62 of the Revised Statutes, 1989, the Cemetery and Funeral Services Act, and Chapter 144 of the Revised Statutes, 1989, the Embalmers and Funeral Directors Act*, do come into force on and not before September 1, 2016;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 10 of the Acts of 2014, *An Act to Amend Chapter 62 of the Revised Statutes, 1989, the Cemetery and Funeral Services Act, and Chapter 144 of the Revised Statutes, 1989, the Embalmers and Funeral Directors Act*, do come into force on and not before September 1, 2016, 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 His Honour
Brigadier-General, the Honourable J. J. Grant
(Retired), Lieutenant Governor of the Province of
Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 14th day of June in the year of Our
Lord two thousand and sixteen and in the sixty-fifth
year of Our Reign.

BY COMMAND:

Hon. Diana C. Whalen
Provincial Secretary
Attorney General and Minister of Justice

N.S. Reg. 114/2016

Made: June 14, 2016

Filed: June 14, 2016

Proclamation, S. 11, S.N.S. 2014, c. 47

Order in Council 2016-151 dated June 14, 2016
Proclamation made by the Governor in Council
pursuant to Section 11 of the
An Act to Amend Chapter 144 of the Revised Statutes, 1989,
the Embalmers and Funeral Directors Act

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia dated April 19, 2016, and pursuant to Section 11 of Chapter 47 of the Acts of 2014, *An Act to Amend Chapter 144 of the Revised Statutes, 1989, the Embalmers and Funeral Directors Act*, is pleased to order and declare by proclamation that said Chapter 47 of the Acts of 2014, *An Act to Amend Chapter 144 of the Revised Statutes, 1989, the Embalmers and Funeral Directors Act*, do come into force on and not before September 1, 2016.

PROVINCE OF NOVA SCOTIA

sgd: **J. J. Grant**

G/S

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

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

GREETING:

A PROCLAMATION

WHEREAS in and by Section 11 of Chapter 47 of the Acts of 2014, *An Act to Amend Chapter 144 of the Revised Statutes, 1989, the Embalmers and Funeral Directors Act*, it is enacted as follows:

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

AND WHEREAS it is deemed expedient that Chapter 47 of the Acts of 2014, *An Act to Amend Chapter 144 of the Revised Statutes, 1989, the Embalmers and Funeral Directors Act*, do come into force on and not before September 1, 2016;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 47 of the Acts of 2014, *An Act to Amend Chapter 144 of the Revised Statutes, 1989, the Embalmers and Funeral Directors Act*, do come into force on and not before September 1, 2016, 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 His Honour
Brigadier-General, the Honourable J. J. Grant
(Retired), Lieutenant Governor of the Province of
Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 14th day of June in the year of Our
Lord two thousand and sixteen and in the sixty-fifth
year of Our Reign.

BY COMMAND:

Hon. Diana C. Whalen
Provincial Secretary
Attorney General and Minister of Justice

N.S. Reg. 115/2016 to 117/2016

Made: June 14, 2016

Filed: June 14, 2016

Cemetery and Funeral Services Regulations—amendment;
Operators of Crematoria Regulations—replacement;
Embalmers and Funeral Directors Regulations—amendment

Order in Council 2016-152 dated June 14, 2016
Amendments to regulations and regulations made by the Governor in Council
pursuant to Section 28 of the *Cemetery and Funeral Services Act*
and Section 33 of the *Embalmers and Funeral Directors Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia dated April 14, 2016, is pleased, effective on and after September 1, 2016:

- (a) pursuant to Section 28 of Chapter 62 of the Revised Statutes of Nova Scotia, 1989, the *Cemetery and Funeral Services Act*, to
 - (i) amend the regulations respecting cemetery and funeral services, N.S. Reg. 16/84, made by the Governor in Council by Order in Council 84-156 dated February 7, 1984, to implement amendments to the *Cemetery and Funeral Services Act* made by Chapter 10 of the Acts of 2014 in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation,
 - (ii) repeal the regulations respecting operators of crematoria, N.S. Reg. 243/84, made by the Governor in Council by Order in Council 84-1118 dated September 18, 1984, and
 - (iii) make new regulations respecting operators of crematoria in the form set forth in Schedule “B” attached to and forming part of the report and recommendation; and
- (b) pursuant to Section 33 of Chapter 144 of the Revised Statutes of Nova Scotia, 1989, the *Embalmers*

and *Funeral Directors Act*, amend the regulations respecting embalmers and funeral directors, N.S. Reg. 215/83, made by the Governor in Council by Order in Council 83-1131 dated October 4, 1983, to implement amendments to the *Embalmers and Funeral Directors Act* made by Chapters 10 and 47 of the Acts of 2014 in the manner set forth in Schedule “C” attached to and forming part of the report and recommendation.

N.S. Reg. 115/2016

Cemetery and Funeral Services Regulations—amendment

Schedule “A”

**Amendments to the Regulations Respecting Cemetery and Funeral Services
made by the Governor in Council under Section 28
of Chapter 62 of the Revised Statutes of Nova Scotia, 1989,
the *Cemetery and Funeral Services Act***

- 1 Clause 2(i) of the regulations respecting cemetery and funeral services, N.S. Reg. 16/84, made by the Governor in Council by Order in Council 84-156 dated February 7, 1984, is repealed.
- 2 Subsection 9(2) of the regulations is amended by striking out “salesman” wherever it appears and substituting “salesperson”.
- 3 Subsection 11(4) of the regulations is amended by adding “and Treasury Board” immediately after “Minister of Finance”.
- 4 Subsection 13(1) of the regulations is amended by striking out “salesman” wherever it appears and substituting “salesperson”.
- 5 The regulations are further amended by adding the following Section immediately after Section 14:

Definition of “recipient” in Sections 15, 15A, 16A and 16B

14A In Sections 15, 15A, 16A and 16B of these regulations, “recipient” means an individual who is named in a pre-arranged funeral plan or pre-need cemetery plan as an individual for whom the funeral merchandise and services or cemetery goods and services are to be provided.

- 6 (1) Subsection 15(1) of the regulations is amended by striking out “prearranged funeral plan or preneed cemetery plan” wherever it appears and substituting “trust-funded plan”.
- (2) Subsection 15(2) of the regulations is amended by
 - (a) striking out “pre-arranged funeral plan or pre-need cemetery plan” and substituting “trust-funded plan”;
 - (b) striking out “beneficiaries” wherever it appears and substituting “recipients”; and
 - (c) striking out “installment” wherever it appears in subclause (d)(iv) and substituting “instalment”.
- (3) Clause 15(5)(f) of the regulations is amended by

- (a) striking out “pre-arranged funeral plan and pre-need cemetery plan”; and
 - (b) adding “for trust-funded plans” immediately after “purchase agreements”.
- (4) Subsection 15(6) of the regulations is amended by
- (a) striking out “prearranged funeral plans or preneed cemetery plans” and substituting “trust-funded plans”; and
 - (b) striking out “one week” and substituting “10 business days”.
- (5) Subsection 15(7) of the regulations is amended by striking out “pre-arranged funeral plan or pre-need cemetery plan” and substituting “trust-funded plan”.
- (6) Subsection 15(8) of the regulations is amended by adding the following clause immediately after clause (a):
- (aa) the recipient’s name;
- (7) Subsection 15(9) of the regulations is amended by
- (a) striking out “pre-arranged funeral plan or pre-need cemetery plan” and substituting “trust-funded plan”; and
 - (b) striking out “give the purchaser” and substituting “ensure the purchaser receives”.
- 7 The regulations are further amended by adding the following Section immediately after Section 15:

Ledger for insurance-funded plans

15A A seller shall establish a ledger for all insurance-funded plans sold, and shall update the ledger each month with all of the following for each plan sold:

- (a) the purchaser’s name;
- (b) the recipient’s name;
- (c) the insurer’s name;
- (d) the names of all beneficiaries covered by the insurance policy;
- (e) the sequential purchase agreement number of the plan;
- (f) the number of the insurance policy, when known;
- (g) the total price payable under the purchase agreement;
- (h) the dollar amount of the proceeds to be provided under the insurance policy, as known at the time of purchase.

- 8 (1) The regulations are amended by adding the heading “**Administrative expenses for trust-funded plans**” immediately before Section 16.
- (2) Section 16 of the regulations is amended by
- (a) striking out “section” and substituting “subsection”; and
 - (b) striking out “prearranged funeral plan or a preneed cemetery plan” and substituting “trust-funded plan”.
- 9 (1) Subsection 16A(2) of the regulations is repealed.
- (2) Clauses 16A(5)(a) and (b) of the regulations are repealed and the following clauses substituted:
- (a) all of the following about the seller:
 - (i) name,
 - (ii) licence number,
 - (iii) address,
 - (iv) telephone number,
 - (v) e-mail address, if any;
 - (aa) all of the following about the salesperson:
 - (i) name,
 - (ii) licence number;
 - (b) all of the following about the purchaser:
 - (i) name,
 - (ii) address,
 - (iii) telephone number,
 - (iv) e-mail address, if any;
- (3) Clause 16A(5)(c) of the regulations is amended by striking out “name of the beneficiary” and substituting “name and address of the recipient”.
- (4) Clause 16A(5)(d) of the regulations is repealed and the following clause substituted:
- (d) the date the agreement is entered into, and the civic address of the location where it is signed;

- (5) Clause 16A(5)(e) of the regulations is repealed.
- (6) Subsection 16A(5) of the regulations is further amended by striking out the period at the end of clause (f) and substituting a semicolon, and adding the following clauses immediately after clause (f):
 - (g) an itemized list of prices and detailed descriptions for all funeral merchandise and services or cemetery goods and services, including all fees and charges that are included in the total price payable under the purchase agreement, listed either as individual funeral merchandise, cemetery goods or services or as sold together as part of a package, and sufficiently described so that the purchaser can understand which funeral merchandise, cemetery goods or services are being purchased, as well as the quality of the funeral merchandise, cemetery goods or services that are included in the total price payable under the purchase agreement;
 - (h) in addition to the words required by subsection 11(3) of the Act, a statement in bold type no smaller than 10 points in size setting out the purchaser's rights of cancellation as specified in Sections 11 and 13 of the Act;
 - (i) any fee charged for storing funeral merchandise or cemetery goods purchased in advance of need;
 - (j) the name and address of any person the purchaser requires the seller to send a copy of the purchase agreement to;
 - (k) for a trust-funded plan, the information required by subsection 16AA(1);
 - (l) for an insurance-funded plan, the information required by subsection 16AB(1).
- (7) Subsection 16A(6) of the regulations is amended by striking out "or cancelled" and substituting "cancelled or assigned to or from another seller".
- (8) Clause 16A(6)(a) of the regulations is amended by striking out "all fulfilled and cancelled purchase agreements" and substituting "all purchase agreements fulfilled, cancelled or assigned to or from another seller".
- (9) Clause 16A(6)(c) of the regulations is amended by striking out "and refund".
- (10) Clause 16A(6)(d) of the regulations is repealed and the following clauses substituted:
 - (d) for a pre-arranged funeral plan that has been assigned to another licensed seller under clause 13B(1)(a) of the Act, the written consent of the purchaser required by that clause;
 - (e) for a purchase agreement for a trust-funded plan, the items required by subsection 16AA(2);
 - (f) for a purchase agreement for an insurance-funded plan, the items required by subsection 16AB(2).

10 The regulations are further amended by adding the following Sections immediately after Section 16A:

Purchase agreements for trust-funded plans

- 16AA** (1) In addition to the requirements for all purchase agreements, a seller shall ensure that a purchase agreement for a trust-funded plan contains all of the following:
- (a) the following statement in bold type no smaller than 10 points in size directly under the list of funeral merchandise and services or cemetery goods and services required by clause 16A(5)(g):

The itemized funeral merchandise and services or cemetery goods and services listed above are included in the total price payable under this agreement and are guaranteed to be provided at that price if the purchaser is not in default on the agreed-upon schedule of instalment payments. No other funeral merchandise and services or cemetery goods and services may be added or charged for unless the purchaser has consented in writing.
 - (b) a detailed statement no smaller than 10 points in size setting out the terms of payment, that includes all of the following:
 - (i) the initial payment received by the seller,
 - (ii) whether the balance is paid in full by lump sum or is to be paid by instalment,
 - (iii) if to be paid by instalment, all of the following:
 - (A) the agreed-upon schedule of payments,
 - (B) the amount of each payment,
 - (C) the obligations of the seller and the obligations of the purchaser when a payment is missed, as prescribed by the Act and regulations;
 - (c) the total price payable under the purchase agreement;
 - (d) whether the seller will be retaining a percentage of the total price payable under the plan on account of administrative expenses, and if so the percentage and the dollar value that will be retained;
 - (e) the following statement directly above the purchaser's signature, in bold type and no smaller than 10 points in size:

By law, the seller of a trust-funded plan must deposit all the money you pay them, less any administrative expenses agreed to in this purchase agreement, into a trust account at a financial institution. If payment is by lump sum, the seller must ensure that you are given written proof of the deposit no later than 21 days after they receive the money from you. If the seller has agreed to allow you to pay by instalments, the seller must ensure that you receive written proof of deposit of the first payment no later than 21 days after they receive the payment, and must ensure you receive written proof at least semi-annually confirming deposit of your other payments. If you do not receive the required proof of deposit, please contact the seller. If after contacting the seller, the matter continues to be unresolved, please contact the office of the Registrar of Cemetery

and Funeral Services.

- (2) A seller of a trust-funded plan shall retain copies of all of the following in accordance with subsection 16A(6):
- (a) refund requests;
 - (b) cancelled cheques issued to purchasers for refunds or cancellations;
 - (c) all written notices of default and cancellation sent under Section 13A of the Act.

Purchase agreements for insurance-funded plans

16AB (1) In addition to the requirements for all purchase agreements, a seller shall ensure that a purchase agreement for an insurance-funded plan contains all of the following:

- (a) the following statement in bold type no smaller than 10 points in size, directly under the list of funeral merchandise and services or cemetery goods and services referred to in clause 16A(5)(g):

The itemized funeral merchandise and services or cemetery goods and services listed above are included in the total price payable under this agreement and are guaranteed to be provided at that price, if the insurance contract that funds the pre-arranged funeral plan or pre-need cemetery plan is in good standing.

- (b) all of the following for the insurer:
 - (i) name,
 - (ii) address,
 - (iii) telephone number,
 - (iv) e-mail address, if any;
- (c) all of the following for the insurance agency:
 - (i) name,
 - (ii) address,
 - (iii) telephone number,
 - (iv) e-mail address, if any;
- (d) the name of the beneficiary of the insurance;
- (e) the name of the insured under the insurance policy;
- (f) confirmation of 1 of the following:

- (i) that the holder of the funeral home licence or the operator of the cemetery or crematorium is being designated as the beneficiary of the insurance, or
- (ii) that the proceeds of the insurance are being assigned to the holder of the funeral home licence or to the operator of the cemetery or crematorium;
- (g) the insurance agency's licence number under the *Insurance Act*;
- (h) the insurance policy number, if known;
- (i) the total price payable under the purchase agreement;
- (j) the dollar amount of the proceeds to be provided under the insurance policy, as known at the time of purchase;
- (k) the following statement in bold type no smaller than 10 points in size, directly above the purchaser's signature line:

The cancellation of the pre-arranged funeral plan or the pre-need cemetery plan does not automatically cancel the insurance contract. However, the cancellation of the insurance contract automatically cancels the pre-arranged funeral plan or pre-need cemetery plan.

- (2) In accordance with subsection 16A(6), a seller of an insurance-funded plan shall retain copies of all of the documents required to be attached to the purchase agreement under Section 10A of the Act.

- 11 (1) The regulations are further amended by striking out "purchase agreement" in the heading immediately before Section 16B and substituting "trust-funded plans".
- (2) Section 16B of the regulations is amended by striking out "pre-arranged funeral plan or pre-need cemetery plan" and substituting "trust-funded plan".
- (3) Paragraph 16B(a)(ii)(B) of the regulations is amended by striking out "beneficiaries" and substituting "recipients".
- 12 (1) Section 16C of the regulations is redesignated as subsection 16C(1) and amended by adding "for trust-funded plans" immediately after "following".
- (2) Clause 16C(1)(a) of the regulations is amended by striking out "pre-arranged funeral plans and pre-need cemetery plans" and substituting "the trust-funded plans".
- (3) Clause 16C(1)(e) of the regulations is amended by
 - (a) striking out "pre-arranged funeral plans and pre-need cemetery plans" and substituting "the trust-funded plans";
 - (b) striking out "one week" and substituting "10 business days".
- (4) Clause 16C(1)(g) of the regulations is amended by

- (a) striking out “installment” and substituting “instalment”; and
 - (b) striking out “semi-annual statements” and substituting “semi-annual proof of deposits”.
- (5) Clause 16C(1)(k) of the regulations is amended by striking out “subsection 16A(3)” and substituting “subsection 16A(6)”.
- (6) Section 16C of the regulations is further amended by adding the following subsection immediately after subsection (1):
- (2) The report on records and accounts required by clause 4(a) shall confirm all of the following for insurance-funded plans:
 - (a) that the seller has maintained the required monthly ledgers in accordance with Section 15A;
 - (b) that the seller has retained the documents required under subsection 16A(6);
 - (c) any information required by the Registrar about the seller’s records and accounts.

13 The regulations are further amended by adding the following Sections immediately after Section 16C:

Assignment of a pre-arranged funeral plan

16D (1) The purchaser’s written consent required by clause 13B(1)(a) of the Act, consenting to the assignment of a pre-arranged funeral plan, shall include all of the following:

- (a) the name of the seller who is assigning the plan;
 - (b) the name and signature of the seller to whom the plan is being assigned;
 - (c) the name and signature of the purchaser.
- (2) A seller who is assigning a pre-arranged funeral plan shall do all of the following no later than 15 business days after the date they receive a purchaser’s written consent to assign the plan:
- (a) deliver the assignment and the purchase agreement to the seller to whom the plan is being assigned;
 - (b) if the purchase agreement is for a trust-funded plan, provide written notification to the financial institution holding the funds in trust that all the money held in trust is to be transferred to the trust account of the seller to whom the plan is being assigned.
- (3) A seller who accepts assignment of a pre-arranged funeral plan becomes the licensed seller under the purchase agreement with the purchaser and assumes all the rights and obligations of the assigning licensed seller, subject to any amendments agreed to by the purchaser.

Sale, change in location or intended cessation of operations of funeral home

16E (1) The written notice to a purchaser about the sale, change in location or intended cessation of operations of a funeral home, required by subsections 13C(1) and (2) of the Act, shall include

all of the following:

- (a) the name of the purchaser and, if different from the purchaser, the name of the person for whom the pre-arranged funeral plan was purchased;
 - (b) the sequential purchase agreement number designated by the funeral home;
 - (c) a copy of the purchase agreement;
 - (d) if the plan is a trust-funded plan, the amount of money held in trust, including income earned, that is available to the purchaser;
 - (e) if the plan is a trust-funded plan, the options available to the purchaser for dealing with the money held in trust, in accordance with subsection (2).
- (2)** The options required by clause (1)(e) for a notice are
- (a) for a notice about the intended cessation of operations of a funeral home, all of the following options:
 - (i) the option to cancel the pre-arranged funeral plan and receive a refund, in accordance with Section 13D of the Act,
 - (ii) the option to assign the pre-arranged funeral plan to another licensed seller willing to accept the assignment, in accordance with Section 13B of the Act and these regulations;
 - (b) for a notice about the sale of a funeral home, all of the following options:
 - (i) the options set out in clause (a),
 - (ii) the option to assign the pre-arranged funeral plan to the purchasing funeral home, in accordance with Section 13B of the Act and these regulations;
 - (c) for a notice about the change in location of a funeral home, all of the following options:
 - (i) the options set out in clause (a),
 - (ii) the option to retain the pre-arranged funeral plan with the licensed seller at the new location.
- (3)** An interim report to the Registrar required by clause 13C(4)(a) of the Act in advance of an intended sale or cessation of operations of a funeral home operated by a seller, shall include all of the following:
- (a) the total number and value of all pre-arranged funeral plans held by the seller;
 - (b) the total number and value of all trust-funded plans held by the seller;

- (c) the total number and value of all insurance-funded plans held by the seller;
- (d) a plan for how purchasers will be provided the written notice required by subsections 13C(1) and (2) of the Act.

14 Section 27A of the regulations is amended by striking out “, for subsequent terms of up to 1 year”.

N.S. Reg. 116/2016

Operators of Crematoria Regulations—replacement

Schedule “B”

**Regulations Respecting Operators of Crematoria
made by the Governor in Council under Section 28
of Chapter 62 of the Revised Statutes of Nova Scotia, 1989,
the *Cemetery and Funeral Services Act***

Citation

1 These regulations may be cited as the *Operators of Crematoria Regulations*.

Records to be kept by operators of crematoria

2 An operator of a crematorium must keep all of the following records for each cremation performed for at least 5 years after the date of the cremation:

- (a) the burial permit;
- (b) an authorization to cremate, signed by the deceased’s next of kin or legal representative, that includes all of the following:
 - (i) an acknowledgement that the operator of the crematorium will remove non-combustible ornamentation from the container before cremation,
 - (ii) disclosures of any implants, pacemakers or radioactive devices in the body that the next of kin or legal representative of the deceased is aware of,
 - (iii) an authorization for the operator of the crematorium to arrange for any implants, pacemakers or radioactive devices to be removed from the body by an embalmer licensed under Section 21 of the *Embalmers and Funeral Directors Act*;
- (c) a cremation record sheet that includes all of the following information:
 - (i) the deceased’s name,
 - (ii) the date the deceased died,
 - (iii) the date the deceased was cremated,
 - (iv) the name and address of the deceased’s next of kin or legally authorized person and their relationship to the deceased,

- (v) the name and address of the crematorium.
- (vi) a description of the container used in cremation, including the dimensions and the material it is made of,
- (vii) the name and address of the funeral home that prepared the remains and provided related services,
- (viii) the full name of the funeral director who performed the cremation,
- (ix) a statement of whether or not the remains were embalmed.

Requirements for containers used in cremation

3 (1) In addition to the requirements in Section 25A of the Act, a container used to enclose remains during cremation must meet all of the following requirements:

- (a) it must be constructed so as to prevent leakage;
 - (b) it must be capable of being closed to prevent viewing of the remains;
 - (c) it must be rigid enough to be handled with ease;
 - (d) it must be combustible and, except in incidental amounts or as provided in subsection (2), not constructed of any non-combustible or hazardous materials, including any of the following:
 - (i) plastic,
 - (ii) ~~fiberglass~~ [fibreglass],
 - (iii) fibre-reinforced plastic,
 - (iv) foam or styrofoam,
 - (v) rubber,
 - (vi) polyvinyl chloride,
 - (vii) zinc,
 - (viii) chlorinated plastic,
 - (ix) steel,
 - (x) glass.
- (2)** A container that is a non-porous body bag used for the storage and transportation of corpses is exempt from clause (1)(d).

N.S. Reg. 117/2016

Embalmers and Funeral Directors Regulations—amendment

Schedule “C”

**Amendment to the Regulations Respecting Embalmers and Funeral Directors
made by the Governor in Council under Section 33
of Chapter 144 of the Revised Statutes of Nova Scotia, 1989,
the *Embalmers and Funeral Directors Act***

- 1 Subsection 5(4) of the regulations respecting embalmers and funeral directors, N.S. Reg. 215/83, made by the Governor in Council by Order in Council 83-1131 dated October 4, 1983, is amended by striking out “Registrar” and substituting “Board”.
- 2 Clause 11(1)(3)(c) of the regulations is amended by adding “Protection” immediately after “the Health”.
- 3
 - (1) Clause 18(2)(b) of the regulations is amended by striking out “, within a reasonable distance,”.
 - (2) Clause 18(2)(c) of the regulations is amended by adding “, if the funeral home does not maintain an up-to-date catalogue that meets the requirements of clause 32A(1)(b) of the Act and Section 18B” immediately after “room”.
 - (3) Clause 18(2)(f) of the regulations is amended by striking out the semicolon at the end of the clause and substituting a period.
 - (4) Clauses 18(2)(g), (h) and (i) of the regulations are repealed.
- 4
 - (1) Clause 18(3)(a) of the regulations is amended by adding “and” immediately after the semicolon.
 - (2) Clause 18(3)(b) of the regulations is amended by
 - (a) adding “and 6 urns” immediately after “caskets”;
 - (b) striking out “its lowest priced models” and substituting “the least expensive options on offer”;
and
 - (c) striking out “; and” at the end of the clause and substituting a period.
 - (3) Clause 18(3)(c) of the regulations is repealed.
- 5
 - (1) Clauses 18(5)(a) and (c) of the regulations are repealed.
 - (2) Clause 18(5)(b) of the regulations is amended by adding “and” immediately after the semicolon.
- 6 Subsection 18(6) of the regulations is repealed.
- 7 Subsection 18(8) of the regulations is amended by
 - (a) striking out “and such conveyance shall be of a modest colour”; and

- (b) adding “, business address and contact information” immediately after “name”.
- 8 Subsection 18(9) of the regulations is amended by striking out “and address” and substituting “, business address and contact information” immediately after “type of business”.
- 9 Subsection 18(10) of the regulations is repealed.
- 10 Subsection 18(11) of the regulations is amended by striking out “, (6), (8) and (10)” and substituting “and (8)”.
- 11 The regulations are further amended by adding the following Section immediately after Section 18A:
- 18B (1)** The catalogue descriptions of caskets and urns referred to in Section 32A of the Act must be for a minimum of 6 adult caskets and 6 urns of different grades and prices, including the least expensive options on offer, as required by Section 32A of the Act.
- (2)** The catalogue descriptions of the items in subsection (1) must include all of the following for each item in the catalogue:
- (a) the price;
 - (b) a colour image of the item;
 - (c) sufficient detail to allow a purchaser to identify the size of the item;
 - (d) the brand name, manufacturer’s name and model name and number of the item;
 - (e) for caskets,
 - (i) the material and colour of the interior, and
 - (ii) the material, colour and finish of the exterior;
 - (f) a clear indication of whether the item is suitable for cremation.
- 12 Clause 20(d) of the regulations is amended by adding “Protection” immediately after “the Health”.

N.S. Reg. 118/2016

Made: June 14, 2016

Filed: June 14, 2016

Embalmers and Funeral Directors Regulations—amendment

Order in Council 2106-153 dated June 14, 2016

Amendment to regulations made by the Governor in Council
pursuant to Section 33 of the *Embalmers and Funeral Directors Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia dated April 14, 2016, and pursuant to Section 33 of Chapter 144 of the Revised Statutes of Nova Scotia, 1989, the *Embalmers and Funeral Directors Act*, is pleased to amend the regulations respecting embalmers and funeral directors, N.S. Reg. 215/83, made by the Governor in Council by Order in Council 83-1131 dated October 4, 1983, respecting requirements for the licensing and regulation of apprentice funeral directors by the Nova Scotia Board of Registration of Embalmers and Funeral Directors, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after September 1, 2016.

Schedule “A”**Amendment to the Regulations Respecting Embalmers and Funeral Directors
made by the Governor in Council under Section 33 of
Chapter 144 of the Revised Statutes of Nova Scotia, 1989,
the *Embalmers and Funeral Directors Act***

- 1 Subsection 1(1) of the regulations respecting embalmers and funeral directors, N.S. Reg. 215/83, made by the Governor in Council by Order in Council 83-1131 dated October 4, 1983, is repealed.
- 2
 - (1) Clause 3(2)(a) of the regulations is amended by striking out “twelve (12) months” and substituting “the applicable term of apprenticeship required by Section 3D”.
 - (2) Subsections 3(3), 3(3A) and 3(4) of the regulations are repealed.
 - (3) Clause 3(5)(c) of the regulations is repealed and the following clause substituted:
 - (c) achieve a passing grade of at least 75% on the funeral director’s written examination,
- 3 The regulations are further amended by adding the following Sections immediately after Section 3:
 - 3A (1)** A person is not eligible to be licensed as an apprentice funeral director unless they have attained Grade XII or its equivalent as certified by the Department of Education and Early Childhood Development of the Province of Nova Scotia.
 - (2)** An applicant for an apprentice funeral director’s licence must enter into an apprenticeship agreement, in the form prescribed by the Board, with a licensed funeral director who has been licensed for at least 2 years and who has been approved by the Board to have an apprentice.
 - (3)** A licensed funeral director must not have more than 2 apprentice funeral directors at any one time.

- 3B** An application for an apprentice funeral director's licence must be in writing in the form prescribed by the Board, and must be accompanied by all of the following:
- (a) a copy of the applicant's executed apprenticeship agreement;
 - (b) any additional documentation or information that the Board requires;
 - (c) the prescribed annual fee for an apprentice funeral director's licence.
- 3C** (1) With the prior approval of the Board, a funeral director apprenticeship agreement may be assigned to another licensed funeral director who meets the requirements of subsection 3A(2).
- (2) An assignment of a funeral director apprenticeship agreement must be in writing in the form prescribed by the Board, and the apprentice funeral director must promptly forward a copy of the assignment to the Board and pay the prescribed fee for registration of the assignment.
- 3D** The term of apprenticeship for an apprentice funeral director is
- (a) for a person who has completed the approved course in embalming and funeral services at the Kingstec Campus of the Nova Scotia Community College, a term of 6 months;
 - (b) for a person enrolled in the Funeral and Allied Health Services Program Apprenticeship Model in embalming and funeral services at the Kingstec Campus of the Nova Scotia Community College, a term of at least the time required to complete the course;
 - (c) for a person who has completed a course in funeral directing in another jurisdiction a term of 12 months, less any time recognized and approved by the Board for any apprenticeship time completed in the other jurisdiction;
 - (d) for any person not described in clauses (a) to (c), a term of 12 months.
- 3E** (1) A licensed funeral director who has an apprentice funeral director must explain the provisions of the Act and these regulations to the apprentice funeral director, and during the apprenticeship must instruct the apprentice funeral director in the practice, profession and obligations of a funeral director.
- (2) An apprentice funeral director must serve their term of apprenticeship under the direct supervision of the licensed funeral director to whom the apprentice funeral director is apprenticed, but from time to time may serve under the direct supervision of some other duly qualified licensed funeral director employed in the same establishment or place of business.
- (3) During their term of apprenticeship, an apprentice funeral director must participate in at least 25 of each of the following types of funeral procedures:
- (a) assisted arrangements;
 - (b) arrangements;
 - (c) funerals;

- (d) committals.
- (4)** A licensed funeral director who has an apprentice funeral director must submit a written apprenticeship report to the Board, outlining the apprentice funeral director's participation in the funeral procedures referred to in subsection (3) during the preceding months, as follows:
- (a) for an apprentice funeral director completing an apprenticeship term under clause 3D(a), at the end of the 6 months of apprenticeship;
 - (b) for an apprentice funeral director completing an apprenticeship term under clause 3D(b), every 6 months and at the completion of the apprenticeship;
 - (c) for an apprentice funeral director completing an apprenticeship term under clause 3D(c),
 - (i) if the apprenticeship term is 6 months or less, at the completion of the apprenticeship,
 - (ii) if the apprenticeship term is longer than 6 months, at the end of the first 6 months and at the completion of the apprenticeship;
 - (d) for an apprentice funeral director completing an apprenticeship term under clause 3D(d), at the end of the first 6 months of apprenticeship and at the completion of the apprenticeship.
- (5)** A written apprenticeship report required by subsection (4) must be in the form required by the Board and must include all of the following information for each funeral procedure that the apprentice has participated in as required by subsection (3):
- (a) the type of funeral procedure;
 - (b) the name of the deceased;
 - (c) the date the funeral procedure was performed;
 - (d) the signature of the funeral director supervising the apprentice during the funeral procedure.
- (6)** If, by the end of their term of apprenticeship, an apprentice funeral director has not participated in the minimum number of each type of funeral procedure as required by subsection (3), the apprentice funeral director must apply to the Board for renewal of their apprentice funeral director's licence in accordance with Section 3F.
- 3F (1)** An application for renewal of an apprentice funeral director's licence must be in writing in the form prescribed by the Board, and must be accompanied by all of the following:
- (a) a copy of an executed apprenticeship renewal agreement, in the form prescribed by the Board, with a licensed funeral director who meets the requirements of subsection 3A(2);
 - (b) any additional documentation or information that the Board requires;

- (c) the prescribed annual fee for an apprentice funeral director's licence.
 - (2) The term of renewal of an apprentice funeral director's licence is 12 months, or the time required for the apprentice funeral director to participate in the minimum number of each type of funeral procedure as required by subsection 3E(3), whichever is the shorter period.
 - (3) Subject to subsection (4), the requirements in Section 3E for apprentice funeral directors and licensed funeral directors also apply during a term of renewal of an apprentice funeral director's licence.
 - (4) During a term of renewal of an apprentice funeral director's licence, the licensed funeral director must submit the written apprenticeship reports required by subsection 3E(4)
 - (a) if the term of renewal is 6 months or less, at the completion of the term;
 - (b) if the term of renewal is longer than 6 months, at the end of the first 6 months and at the completion of the term.
- 3G (1)** An apprentice funeral director who has completed the approved course in embalming and funeral services at the Kingstec Campus of the Nova Scotia Community College with a pass mark of at least 75% is permitted to take the examination for admission to practise as a funeral director after
- (a) serving a term of apprenticeship of at least 6 months; and
 - (b) participating in the minimum number of each type of funeral procedure required by subsection 3E(3).
- (2)** An apprentice funeral director who has completed the Funeral and Allied Health Services Program Apprenticeship Model in embalming and funeral services at the Kingstec Campus of the Nova Scotia Community with a pass mark of at least 75% is permitted to take the examination for admission to practise as a funeral director after
- (a) serving a term of apprenticeship of at least the time required to complete the course; and
 - (b) participating in the minimum number of each type of funeral procedure required by subsection 3E(3).
- (3)** An apprentice funeral director who has completed a course in funeral directing in another jurisdiction is permitted to take the examination for admission to practise as a funeral director after
- (a) serving the term of apprenticeship approved by the Board under clause 3D(c); and
 - (b) participating in the minimum number of each type of funeral procedure required by subsection 3E(3).
- (4)** An apprentice funeral director who has not completed any of the courses referred to in subsections (1), (2) or (3) is permitted to take the examination for admission to practise as a

funeral director after

- (a) serving a term of apprenticeship of at least 12 months; and
 - (b) participating in the minimum number of each type of funeral procedure required by subsection 3E(3).
- (5) The examination for admission to practise as a funeral director consists of the following 2 parts:
- (a) the funeral director's written examination;
 - (b) the funeral director's practical examination.
- (6) The funeral director's written examination is set by the Board and must be composed of questions from each of the following subjects:
- (a) religious rites and rituals;
 - (b) funeral arranging and directing protocol and practices;
 - (c) communications;
 - (d) grief and bereavement;
 - (e) funeral services business practices;
 - (f) funeral services law and ethics.
- (7) The funeral director's practical examination is set by the Board and must consist of performing funeral procedures in the presence of a licensed funeral director.
- (8) The pass mark for each of the funeral director's written examination and the funeral director's practical examination is 75%.
- (9) A person who fails to pass the funeral director's written examination or the funeral director's practical examination must complete a supplemental examination no later than 60 days after the date of the first examination.
- (10) A person who fails to pass a supplemental examination must complete a further 6 months of apprenticeship before retaking the funeral director's written examination or funeral director's practical examination, as applicable.
- (11) A person who fails to pass a retaken examination referred to in subsection (10) must wait at least 1 year and then repeat an entire term of apprenticeship of at least 12 months before being permitted to retake the failed exam.

4 Subsection 5(1) of the regulations is amended by adding "and Childhood Development" immediately after "Department of Education".

- 5 Clause 5A(2)(a) of the regulations is amended by adding “and Childhood Development” immediately after “Department of Education”.
- 6 Clause 5A(3)(a) of the regulations is amended by striking out “60” and substituting “75”.
- 7 (1) Section 7 of the regulations is amended by striking out “a fee of \$20.00” and substituting “the prescribed fee”; ~~and~~.
- (2) Section 7 of the regulations is further amended by adding “embalmer” before “Apprenticeship Agreement”.
- 8 (1) Section 11 of the regulations is amended by
- (a) striking out “written examination” in clause 11(2)(a) and subsection 11(3) and substituting “embalmer’s written examination”;
- (b) striking out “clinical examination” in clause 11(2)(b) and subsection 11(4) and substituting in each case “embalmer’s clinical examination”.
- (2) Section 11 of the regulations is further amended by striking out “the written and clinical examination” in subsection (5) and substituting “the embalmer’s written examination and the embalmer’s clinical examination”.
- 9 (1) Subsection 12A(1A) is amended by striking out “60” and substituting “75”.
- (2) Subsection 12A(2) of the regulations is amended by striking out “a written examination” and substituting “an embalmer’s written examination”.
- (3) Subsection 12A(3) of the regulations is amended by striking out “the written and clinical examinations” and substituting “each of the embalmer’s written examination and the embalmer’s clinical examination”.
- (4) Subsection 12A(4) of the regulations is amended by striking out “fails the clinical examination” and substituting “fails the embalmer’s clinical examination”.
- (5) Subsection 12A(5) of the regulations is amended by striking out “clinical examination” and substituting “embalmer’s clinical examination”.
- 10 The table in subsection 13(2) of the regulations is amended by
- (a) striking out “Written examination” and substituting “Embalmer’s written examination”;
- (b) striking out “Clinical examination” and substituting “Embalmer’s clinical examination”; and
- (c) adding the following row immediately after the row beginning “Supplemental examination”:

Funeral director’s written examination	\$60.00	\$80.00	\$100.00
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- 11 The table in Section 14 of the regulations is amended by adding the following row immediately after the row beginning “Apprentice embalmer’s licence”:

Apprentice funeral director’s licence	\$85.00	\$95.00	\$100.00
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- 12 The regulations are further amended by adding the following Section immediately after Section 14:

15 The fee for registration of an assignment of an apprenticeship agreement is \$20.00.

- 13 Subsection 17(3) of the regulations is amended by striking out “and apprentice embalmers” and substituting “, apprentice embalmers and apprentice funeral directors”.

- 14 Clause 20(a) of the regulations is amended by striking out “or funeral director” and substituting “, funeral director or apprentice funeral director”.

- 15 Section 21 of the regulations is amended by adding “, apprentice funeral director” immediately after “funeral director”.

- 16 The regulations are further amended by striking out “admission to practice” wherever it occurs and substituting “admission to practise”.

N.S. Reg. 119/2016

Made: June 14, 2016

Filed: June 14, 2016

Proclamation, S. 29, S.N.S. 2012, c. 38

Order in Council 2016-154 dated June 14, 2016
 Proclamation made by the Governor in Council
 pursuant to Section 29 of the
Community Interest Companies Act

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia dated May 4, 2016, and pursuant to Section 29 of Chapter 38 of the Acts of 2012, the *Community Interest Companies Act*, is pleased to order and declare by proclamation that Chapter 38 of the Acts of 2012, the *Community Interest Companies Act*, do come into force on and not before June 15, 2016.

PROVINCE OF NOVA SCOTIA

sgd: J. J. Grant

G/S

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

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

GREETING:

A PROCLAMATION

WHEREAS in and by Section 29 of Chapter 38 of the Acts of 2012, the *Community Interest Companies Act*, it is enacted as follows:

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

AND WHEREAS it is deemed expedient that Chapter 38 of the Acts of 2012, the *Community Interest Companies Act*, do come into force on and not before June 15, 2016;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 38 of the Acts of 2012, the *Community Interest Companies Act*, do come into force on and not before June 15, 2016, 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 His Honour
Brigadier-General, the Honourable J. J. Grant
(Retired), Lieutenant Governor of the Province of
Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 14th day of June in the year of Our
Lord two thousand and sixteen and in the sixty-fifth
year of Our Reign.

BY COMMAND:

Hon. Diana C. Whalen
Provincial Secretary
Attorney General and Minister of Justice

N.S. Reg. 120/2016

Made: June 14, 2016

Filed: June 14, 2016

Activities Designation Regulations—amendment

Order in Council 2016-155 dated June 14, 2016
Amendment to regulations made by the Governor in Council
pursuant to Section 66 of the *Environment Act*

The Governor in Council on the report and recommendation of the Minister of Environment dated May 17, 2016, and pursuant to Section 66 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, is pleased, effective on and after June 14, 2016, to amend the *Activities Designation Regulations*, N.S. Reg. 47/95, made by the Governor in Council by Order in Council 95-286 dated April 11, 1995, to do the following, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation:

- (a) eliminate the approval requirement for the construction of a new pesticide storage facility or the extension or modification of an existing pesticide storage facility;
- (b) change the approval requirement for municipal water distribution facilities or works to exclude the extension or modification of an existing water distribution facility or works;
- (c) remove the approval requirement for the construction, operation or reclamation of a bio-remediation treatment operation; and
- (d) change the approval requirement for a cemetery to apply to new cemeteries and expansions only and clarify that it does not apply to an individual burial plot on private land.

Schedule “A”

**Amendment to the *Activities Designation Regulations*
made by the Governor in Council under Section 66
of Chapter 1 of the Acts of 1994-95, the *Environment Act***

- 1 Subsection 6(3) of the *Activities Designation Regulations*, N.S. Reg. 47/95, made by the Governor in Council by Order in Council 95-286 dated April 11, 1995, is repealed.
- 2 Section 9 of the regulations is amended by
 - (a) striking out “or” at the end of clause (b) and substituting “and”; and
 - (b) repealing clause (c) and substituting the following clause:
 - (c) water distribution facilities or works, except extensions or modifications to existing water distribution facilities or works.
- 3 Clause 17(2)(g) of the regulations is repealed.
- 4 Section 28 of the regulations is repealed and the following Section substituted:

- 28 (1) The expansion of an existing cemetery or the construction of a new cemetery is designated as an activity.
- (2) Subsection (1) does not apply to the creation of an individual burial plot on privately owned land.
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N.S. Reg. 121/2016

Made: June 1, 2016

Filed: June 14, 2016

Community Interest Companies Regulations

Order dated June 1, 2016
regulations made by the Minister of Service Nova Scotia
pursuant to Section 28 of the *Community Interest Companies Act*

**In the matter of Section 28 of Chapter 38 of the Acts of 2012,
the *Community Interest Companies Act***

-and-

**In the matter of new regulations respecting community interest companies
made by the Minister of Service Nova Scotia
under Section 28 of the *Community Interest Companies Act***

Order

I, Mark Furey, Minister of Service Nova Scotia for the Province of Nova Scotia, pursuant to Section 28 of Chapter 38 of the Acts of 2012, the *Community Interest Companies Act*, hereby make new regulations respecting community interest companies, in the form set forth in the attached Schedule "A".

This order is effective on and after June 15, 2016.

Dated and made June 1, 2016, at Halifax Regional Municipality, Province of Nova Scotia.

sgd: *Mark Furey*

Honourable Mark Furey

Minister of Service Nova Scotia

Schedule "A"

**Regulations Respecting Community Interest Companies
made by the Minister of Service Nova Scotia under Section 28
of Chapter 38 of the Acts of 2012,
the *Community Interest Companies Act***

Citation

1 These regulations may be cited as the *Community Interest Companies Regulations*.

Definition

2 In these regulations,

“Act” means the *Community Interest Companies Act*.

Designation documents prescribed

3 (1) In this Section,

“community interest plan” means a written plan that contains all of the following for a company or company to be incorporated that is seeking designation as a community interest company:

- (i) a statement that it will carry on its activities for a community purpose,
- (ii) a description of its community purpose and how it proposes to carry out activities in support of that community purpose;

“person who has consented to be a director”, in relation to a company to be incorporated, means a person who has consented to be a director in accordance with Section 94 of the *Companies Act*.

(2) All of the following are prescribed as designation documents for the purposes of the definition of “designation documents” in clause 2(1)(f) of the Act:

- (a) a community interest plan;
- (b) a declaration that the company or company to be incorporated does not or will not carry on activities with a political purpose;
- (c) a declaration to be signed by each director of the company or, for a company to be incorporated, each person who has consented to be a director, that states the following:

I, *(insert name)*, hereby declare that I shall exercise the powers and perform the functions of a director of *(insert name of community interest company)* in accordance with the community purpose set out in its memorandum of association and designation documents, as required by Section 12 of the *Community Interest Companies Act*.

(3) A community interest plan and each of the declarations referred to in clauses (2)(b) and (c) must be signed by each director of the company or, for a company to be incorporated, each person who has consented to be a director.

Qualified entities prescribed

4 For the purposes of the definition of “qualified entity” in clauses 2(1)(j) of the Act, the following entities are prescribed as qualified entities:

- (a) each of the following universities:
 - (i) Acadia University,
 - (ii) Atlantic School of Theology,
 - (iii) Cape Breton University,
 - (iv) Dalhousie University,
 - (v) Mount Saint Vincent University,
 - (vi) Nova Scotia College of Art and Design,
 - (vii) Saint Mary’s University,
 - (viii) St. Francis Xavier University,
 - (ix) University of King’s College,
 - (x) Université Sainte-Anne;
- (b) the Nova Scotia Community College;
- (c) a school board within the meaning of the *Education Act*;
- (d) a hospital within the meaning of the *Hospitals Act*;
- (e) a health authority within the meaning of the *Health Authorities Act*;
- (f) the Nova Scotia Museum;
- (g) the Art Gallery of Nova Scotia;
- (h) a municipality within the meaning of the *Municipal Government Act*;
- (i) Her Majesty the Queen in Right of Nova Scotia;
- (j) Her Majesty the Queen in Right of Canada.

Declaring dividends

5 (1) In this Section,

“distributable profits”, in relation to a community interest company, means its accumulated, realized profits, so far as not previously utilized by distribution or capitalization, less its accumulated,

realized losses, so far as not previously written off in a reduction or reorganization of capital duly made;

“exempt dividend”, in relation to a community interest company, means a dividend declared on a share held by, or on behalf of, a qualified entity specified in the community interest company’s memorandum of association, but does not include a dividend declared on a share if the directors of the community interest company are aware the share is being held in trust for a person that is not a qualified entity.

- (2) In accordance with clause 15(1)(a) of the Act, a declaration of a dividend by a community interest company is authorized under these regulations
 - (a) to the extent that the articles of association of the community interest company permit it to declare the dividend;
 - (b) if the community interest company’s members have by special resolution approved the declaration of the dividend; and
 - (c) except as provided in subsection (3) for an exempt dividend, if the declaration of the dividend does not cause the total amount of all the dividends declared on shares in the company for the financial year for which it is declared to exceed the maximum aggregate dividend for that financial year, calculated in accordance with subsection (4).
- (3) Clause (2)(c) does not apply to exempt dividends.
- (4) The maximum aggregate dividend for a community interest company’s financial year is declared when the total amount of all dividends declared on the community interest company’s shares for that year, less the amount of any exempt dividends, equals 40% of the community interest company’s distributable profits for that year.

Interest payments related to profits

- 6 (1) In accordance with clause 16(a) of the Act, payment by a community interest company, in relation to a debenture issued by the community interest company or any of the community interest company’s other debts, of an interest rate related to the community interest company’s profits is authorized under these regulations
 - (a) to the extent that the community interest company’s articles of association permit it to pay an interest rate that is related to its profits;
 - (b) if the agreement to pay the interest was entered into by the community interest company on or after the date it became a community interest company; and
 - (c) if the interest rate does not exceed the applicable interest cap calculated in accordance with subsections (2) to (4).
- (2) The applicable interest cap is 15% of the average amount of a community interest company’s debt, or the sum outstanding under a debenture issued by it, during the 12-month period immediately preceding the date on which the interest on that debt or debenture becomes due.

- (3) For the purposes of determining the applicable interest cap under subsection (2), the average amount of a debt or a sum outstanding under a debenture during any 12-month period is the amount calculated using the following formula:

$$B = A \div 12$$

in which

B = the average amount of the debt or the sum outstanding under the debenture during the 12-month period; and

A = the aggregate of the amount of the debt or the sum outstanding under the debenture as at the end of each month during the 12-month period.

- (4) In calculating the value of "A" in the formula set out in subsection (3),
- (a) any sums representing interest that has accrued on the debt or debenture within the 12-month period must be excluded;
 - (b) if the debt or debenture did not exist at the end of any month during the 12-month period, the amount of the debt or the sum outstanding under the debenture as at the end of that month must be treated as being zero; and
 - (c) if the amount of the debt or the sum outstanding under the debenture is not known as at the end of any particular month, the directors of the community interest company may substitute for the debt or the sum outstanding under the debenture any amount or sum that they estimate to be the amount of the debt or the sum outstanding under the debenture as at the end of that particular month.

Redeeming and purchasing own shares

- 7 In accordance with clause 17(a) of the Act, payment by a community interest company to redeem or purchase its own shares is authorized under these regulations if the amount to be paid by the company in respect of each share does not exceed the paid-up capital of the share.

Reducing share capital

- 8 In accordance with clause 17(a) of the Act, reduction by a community interest company of its capital attributable to shares is authorized under these regulations if
- (a) the reduction is made by extinguishing or reducing the liability of any of its members in respect of share capital that is not paid up; or
 - (b) the amount paid by the community interest company to members in paying off paid-up share capital does not exceed the paid-up value of their respective shares.

Eligibility to receive distributable assets on dissolution

- 9 (1) A qualified entity that meets at least 1 of the following criteria may be determined by the Registrar under subsection 19(2) of the Act to have a community purpose similar to that of a community interest company that is being dissolved:

- (a) the qualified entity benefits the same segment of society that benefits from the community interest company;
 - (b) the community purpose of the qualified entity is in the same general category as the community purpose of the community interest company;
 - (c) the qualified entity benefits the same community or geographical area that benefits from the community interest company.
- (2) To be designated by the Registrar under Section 20 of the Act to receive the distributable assets of a community interest company on the dissolution of the company, a qualified entity must meet at least 1 of the criteria in subsection (1).

Community interest report

- 10 (1) In this Section, “community interest report” means an annual community interest report required by Section 21 of the Act.
- (2) The prescribed period for filing a copy of a community interest report with the Registrar under subsection 21(4) of the Act is the 90 days immediately after the community interest company’s annual general meeting.
- (3) A community interest report must contain the signatures of at least 2 of the community interest company’s directors.

Application of Section 4 of the *Companies Act*—prescribed documents

- 11 The financial statements filed with the Registrar under subsection 22(1) of the Act are prescribed under clause 24(d) of the Act as documents to which Section 4 of the *Companies Act* applies.

Fees

- 12 The following fees are payable to the Registrar for the following services:

Service	Fee
providing a certified copy or a photocopy of a document—1 to 10 pages	\$12.45
providing a certified copy or a photocopy of a document—11 pages or more	\$24.95