



Contents

Act	Reg. No.	Page
Apprenticeship and Trades Qualifications Act		
Farm Technician Trade Designation	24/2020	80
Farm Technician Trade Regulations	25/2020	80
Industrial Electrician Trade Regulations—replacement	26/2020	82
Environment Act		
Contaminated Sites Regulations—amendment	36/2020	132
Family Court Act		
Family Court Jurisdiction Designation	37/2020	133
Fisheries and Coastal Resources Act		
Fisheries and Aquaculture Loan Board Regulations—amendment	29/2020	88
Schedule of Fees for the Nova Scotia Fisheries and Aquaculture Loan Board—repeal	33/2020	128
Motor Vehicle Act		
Weights and Dimensions of Vehicles Regulations—amendment	32/2020	127
Pension Benefits Act		
Proclamation of amendments to Act, S. 14, S.N.S. 2019, c. 21—S. 1, 3-5 & 7-13	30/2020	90
Pension Benefits Regulations—amendment	31/2020	92
Petroleum Products Pricing Act		
Prescribed Petroleum Products Prices	28/2020	86
Prescribed Petroleum Products Prices	35/2020	130
Public Highways Act		
Spring Weight Restriction Regulations—amendment	34/2020	129
Spring Weight Restriction Regulations Effective Date Order	27/2020	85

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. 24/2020 to N.S. Reg. 25/2020

Made: February 12, 2020

Filed: February 19, 2020

Farm Technician Trade Designation and Regulations

Order dated February 12, 2020

Designation and regulations made by the Apprenticeship Board for the Province of Nova Scotia pursuant to subsection 17A(1) of the *Apprenticeship and Trades Qualifications Act***Apprenticeship Board****Farm Technician Trade Regulations under subsection 17A(1) of the
*Apprenticeship and Trades Qualifications Act***

I, Brad Smith, Chair of the Apprenticeship Board for the Province of Nova Scotia, certify that at a meeting on February 12, 2020, the Apprenticeship Board, pursuant to subsection 17A(1) of Chapter 1 of the Acts of 2003, the *Apprenticeship and Trades Qualifications Act*, carried a motion to do all of the following, effective on and after February 12, 2020:

- (a) designate the farm technician trade as a designated trade under the *Apprenticeship and Trades Qualifications Act*; [N.S. Reg. 24/2020]
- (b) make trade regulations respecting the farm technician trade in the form set forth in the attached Schedule “A”.

Dated and signed February 12, 2020, at Halifax Regional Municipality, Province of Nova Scotia.

sgd. *Brad Smith*

Brad Smith

Chair, Apprenticeship Board

N.S. Reg. 25/2020

Farm Technician Trade Regulations

Schedule “A”**Regulations Respecting Farm Technician Trade
made by the Apprenticeship Board under
subsection 17A(1) of Chapter 1 of the Acts of 2003,
the *Apprenticeship and Trades Qualifications Act*****Citation**

1 These trade regulations may be cited as the *Farm Technician Trade Regulations*.

Definitions

2 (1) In these trade regulations,

“Act” means the *Apprenticeship and Trades Qualifications Act*;

“farm technician trade” means the occupation of a farm technician, consisting of any and all of the following:

- (i) demonstrating agricultural production skills, technical skills, leadership skills and regulatory awareness,
- (ii) safely operating, maintaining and adjusting equipment,
- (iii) maintaining properties such as buildings, farm grounds and storage facilities using safe work practices,
- (iv) caring for and feeding livestock,
- (v) engaging in soil and nutrient management, crop management and integrated pest management,
- (vi) packing, grading, storing and shipping farm products,
- (vii) using a variety of farm equipment such as tractors, forklifts, skid steers, loaders, implements and precision agriculture systems,
- (viii) using and maintaining shop equipment and supplies, including various hand and power tools,
- (ix) using various types of technology including computers, robots, programmable logic controllers (PLCs) and mobile devices to increase the overall efficiency and productivity of the farm operation,
- (x) using any livestock or crop specific equipment that is directly related to the primary tasks of a farm technician;

“General Regulations” means the *Apprenticeship and Trades Qualifications Act General Regulations* made under the Act.

- (2) A term defined in the General Regulations has the same meaning when used in these regulations.

Term of apprenticeship for farm technician trade

3 (1) The term of apprenticeship for the farm technician trade consists of all of the following:

- (a) 3600 documented hours of the combination of practical experience and the portion of technical training spent learning the skills of the designated trade as described in clause 26(1A)(a) of the General Regulations and as approved by the Director;
- (b) related technical training as described in clause 26(1A)(b) of the General Regulations and as approved by the Director;
- (c) a certification examination.

- (2) Any probationary period included in a term of apprenticeship for the farm technician trade as permitted by subsection 12(2) of the General Regulations must be no longer than 3 months.

Ratio of journeypersons to apprentices for farm technician trade

4 The minimum ratio of journeypersons to apprentices required by clause 27(2)(a) of the General Regulations to be maintained by an employer in the farm technician trade, unless varied in accordance with Section 24 of the General Regulations, is 1 journeyperson to every 2 apprentices.

Certificate in farm technician trade through trade qualification

5 The period of employment in the designated trade that is required by paragraph 30(1)(a)(ii)(B) of the General Regulations for a person who does not hold a certificate of apprenticeship and is applying for a certificate of qualification in the farm technician trade is 5400 hours.

Compliance with identity card requirements of General Regulations

6 For the purposes of subsections 34(2) and (3) of the General Regulations, which require an apprentice or journeyman to keep their identity card in their possession when practising the designated trade and produce it on request, a person is practising the farm technician trade while the person is doing any of the following:

- (a) for an apprentice,
 - (i) acquiring practical experience in the trade, or
 - (ii) learning the skills of the trade during the technical training portion of apprenticeship training;
- (b) for a journeyman, performing the duties of the trade as defined in these regulations or their duties as set out in the General Regulations.

N.S. Reg. 26/2020

Made: February 12, 2020

Filed: February 19, 2020

Industrial Electrician Trade Regulations—replacement

Order dated February 12, 2020

Repeal of regulations and regulations made by the
Apprenticeship Board for the Province of Nova Scotia
pursuant to subsection 17A(1) of the *Apprenticeship and Trades Qualifications Act*

Apprenticeship Board**Industrial Electrician Trade Regulations under subsection 17A(1) of the
*Apprenticeship and Trades Qualifications Act***

I, Brad Smith, Chair of the Apprenticeship Board for the Province of Nova Scotia, certify that at a meeting on February 12, 2020, the Apprenticeship Board, pursuant to subsection 17A(1) of Chapter 1 of the Acts of 2003, the *Apprenticeship and Trades Qualifications Act*, carried a motion to do all of the following, effective on and after August 12, 2020:

- (a) repeal the *Industrial Electrician Trade Regulations*, N.S. Reg. 212/2016, made by the Apprenticeship Board on October 5, 2016;
- (b) make new regulations respecting the industrial electrician trade in the form set forth in the attached Schedule “A”.

Dated and signed February 12, 2020, at Halifax Regional Municipality, Province of Nova Scotia.

sgd. *Brad Smith*

Brad Smith

Chair, Apprenticeship Board

Schedule "A"**Regulations Respecting the Industrial Electrician Trade
made by the Apprenticeship Board under
subsection 17A(1) of Chapter 1 of the Acts of 2003,
the *Apprenticeship and Trades Qualifications Act*****Citation**

1 These trade regulations may be cited as the *Industrial Electrician Trade Regulations*.

Definitions

2 (1) In these regulations,

“Act” means the *Apprenticeship and Trades Qualifications Act*;

“electrical equipment” means equipment such as motors, generators, pumps, heavy-duty machines, illumination systems and environmental regulating systems, including associated electrical and electronic controls;

“General Regulations” means the *Apprenticeship and Trades Qualifications Act General Regulations* made under the Act;

“industrial electrician trade” means the occupation of an industrial electrician, consisting of installing, calibrating, troubleshooting, repairing, servicing and carrying out preventive maintenance on electrical equipment in industrial establishments, including preparing reports.

(2) A term defined in the General Regulations has the same meaning when used in these regulations.

Term of apprenticeship for industrial electrician trade

3 (1) The term of apprenticeship for the industrial electrician trade consists of all of the following:

(a) 7200 documented hours of the combination of practical experience and the portion of technical training spent learning the skills of the designated trade as described in clause 26(1A)(a) of the General Regulations and as approved by the Director;

(b) related technical training as described in clause 26(1A)(b) of the General Regulations and as approved by the Director;

(c) a certification examination.

(2) Any probationary period included in a term of apprenticeship for the industrial electrician trade as permitted by subsection 12(2) of the General Regulations must be no longer than 3 months.

Ratio of journeypersons to apprentices for industrial electrician trade

4 The minimum ratio of journeypersons to apprentices required by clause 27(2)(a) of the General Regulations to be maintained by an employer in the industrial electrician trade, unless varied in accordance with Section 24 of the General Regulations, is 1 journeyperson to each apprentice.

Wage schedule for apprentices in industrial electrician trade

5 (1) Subject to subsection (2) and to subsection 25(3) of the General Regulations, the minimum wage for each hour worked by an industrial electrician apprentice in each level of their term of apprenticeship is a percentage of the wage for an industrial electrician journeyperson in the same place of employment, as set out in the following table:

Wages for Industrial Electrician Apprentice		
Level of Apprenticeship	Hours in Level of Apprenticeship	Minimum Wage (% of journeyperson's wage)
1	0–1800	60%
2	1801–3600	70%
3	3601–5400	80%
4	5401–7200	90%

- (2) An employer must not employ an industrial electrician apprentice at a wage for actual hours worked that is lower than the wage that would be paid at the minimum wage rate prescribed in the *Minimum Wage Order (General)* made under the *Labour Standards Code*.

Certificate in industrial electrician trade through trade qualification

- 6 The period of employment in the designated trade that is required by paragraph 30(1)(a)(ii)(B) of the General Regulations for a person who does not hold a certificate of apprenticeship and is applying for a certificate of qualification in the industrial electrician trade is 10 800 hours.

Compliance with identity card requirements of General Regulations

- 7 For the purposes of subsections 34(2) and (3) of the General Regulations, which require an apprentice or journeyperson to keep their identity card in their possession when practising the designated trade and produce it on request, a person is practising the industrial electrician trade while the person is doing any of the following:
- (a) for an apprentice,
 - (i) acquiring practical experience in the trade, or
 - (ii) learning the skills of the trade during the technical training portion of apprenticeship training;
 - (b) for a journeyperson, performing the duties of the trade as defined in these regulations or their duties as set out in the General Regulations.

Transition

- 8 A person who, immediately before the coming into force of these regulations, was an apprentice in an apprenticeship program under the *Industrial Electrician Trade Regulations*, N.S. Reg. 212/2016, continues as an apprentice in that apprenticeship program under these regulations.

N.S. Reg. 27/2020

Made: February 19, 2020

Filed: February 20, 2020

Spring Weight Restriction Regulations Effective Date Order

Order dated February 19, 2020

Made by the Executive Director of Maintenance and Operations,
Department of Transportation and Infrastructure Renewal
pursuant to subsection 20(1) of the *Public Highways Act*

**In the matter of subsection 20(1) of Chapter 371 of
the Revised Statutes of Nova Scotia, 1989,
the *Public Highways Act***

and

**In the matter of an order made by the Executive Director of Maintenance
and Operations, Department of Transportation and Infrastructure Renewal,
under subsection 20(1) of the *Public Highways Act***

Order

I, Mark Peachey, Executive Director of Maintenance and Operations, Department of Transportation and Infrastructure Renewal, as delegated by the Minister of Transportation and Infrastructure Renewal under subsection 20(1) of Chapter 371 of the Revised Statutes of Nova Scotia, 1989, the *Public Highways Act* (“the Act”), hereby order that the *Spring Weight Restriction Regulations*, N.S. Reg. 31/2018, made under subsection 20(1) of the Act are effective in the counties listed in Column 1 of the following table during the period set out in Column 2 of the table opposite the names of the counties.

Effective Dates for Spring Weight Restriction Regulations	
Column 1: Counties	Column 2: Weight Restriction Periods
Yarmouth, Shelburne, Queens, Lunenburg, Digby, Annapolis and Kings	12:01 a.m., March 2, 2020 to 11:59 p.m., May 10, 2020
Halifax and Hants	12:01 a.m., March 2, 2020 to 11:59 p.m., May 10, 2020
Colchester, Cumberland and Pictou	12:01 a.m., March 2, 2020 to 11:59 p.m., May 10, 2020
Antigonish, Guysborough, Richmond, Inverness, Victoria and Cape Breton	12:01 a.m., March 9, 2020 to 11:59 p.m., May 10, 2020

Dated and made at Halifax, Nova Scotia, on February 19, 2020.

sgd. *Mark Peachey*

Mark Peachey, P. Eng.

Executive Director, Maintenance and Operations

Department of Transportation and Infrastructure Renewal

N.S. Reg. 28/2020

Made: February 20, 2020

Filed: February 21, 2020

Prescribed Petroleum Products Prices

Order dated February 20, 2020
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**M09593****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: Steven M. Murphy, P. Eng., Member

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 wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

And whereas the Board revised the retail margin and the transportation allowance effective October 28, 2016, in its decision, 2016 NSUARB 168, issued on September 26, 2016;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the period ended February 19, 2020, are:

Grade 1 Regular gasoline	57.56¢ per litre
Ultra-low-sulfur diesel oil	59.09¢ per litre

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

Gasoline:	
Grade 1	57.56¢ per litre
Grade 2	60.56¢ per litre
Grade 3	63.56¢ per litre
Ultra-low-sulfur diesel oil	59.09¢ 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 0.09¢ per litre
Ultra-low-sulfur diesel oil:	nil ¢ per litre

And whereas a winter blending adjustment of plus 1.82¢ per litre is required for ultra-low-sulfur diesel oil;

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., February 21, 2020.

Dated at Halifax, Nova Scotia, this 20th day of February, 2020.

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 February 21, 2020**

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	65.90	10.0	15.5	91.40	111.0	113.2	111.0	999.9
Mid-Grade Unleaded	68.90	10.0	15.5	94.40	114.4	116.6	114.4	999.9
Premium Unleaded	71.90	10.0	15.5	97.40	117.9	120.1	117.9	999.9
Ultra-Low-Sulfur Diesel	69.43	4.0	15.4	88.83	108.0	110.2	108.0	999.9
Zone 2								
Regular Unleaded	66.40	10.0	15.5	91.90	111.6	113.7	111.6	999.9
Mid-Grade Unleaded	69.40	10.0	15.5	94.90	115.0	117.2	115.0	999.9
Premium Unleaded	72.40	10.0	15.5	97.90	118.5	120.6	118.5	999.9
Ultra-Low-Sulfur Diesel	69.93	4.0	15.4	89.33	108.6	110.8	108.6	999.9
Zone 3								
Regular Unleaded	66.80	10.0	15.5	92.30	112.0	114.2	112.0	999.9
Mid-Grade Unleaded	69.80	10.0	15.5	95.30	115.5	117.6	115.5	999.9
Premium Unleaded	72.80	10.0	15.5	98.30	118.9	121.1	118.9	999.9
Ultra-Low-Sulfur Diesel	70.33	4.0	15.4	89.73	109.1	111.2	109.1	999.9
Zone 4								
Regular Unleaded	66.90	10.0	15.5	92.40	112.1	114.3	112.1	999.9
Mid-Grade Unleaded	69.90	10.0	15.5	95.40	115.6	117.8	115.6	999.9
Premium Unleaded	72.90	10.0	15.5	98.40	119.0	121.2	119.0	999.9
Ultra-Low-Sulfur Diesel	70.43	4.0	15.4	89.83	109.2	111.4	109.2	999.9
Zone 5								
Regular Unleaded	66.90	10.0	15.5	92.40	112.1	114.3	112.1	999.9
Mid-Grade Unleaded	69.90	10.0	15.5	95.40	115.6	117.8	115.6	999.9
Premium Unleaded	72.90	10.0	15.5	98.40	119.0	121.2	119.0	999.9
Ultra-Low-Sulfur Diesel	70.43	4.0	15.4	89.83	109.2	111.4	109.2	999.9
Zone 6								
Regular Unleaded	67.60	10.0	15.5	93.10	112.9	115.1	112.9	999.9
Mid-Grade Unleaded	70.60	10.0	15.5	96.10	116.4	118.6	116.4	999.9
Premium Unleaded	73.60	10.0	15.5	99.10	119.8	122.0	119.8	999.9
Ultra-Low-Sulfur Diesel	71.13	4.0	15.4	90.53	110.0	112.2	110.0	999.9

N.S. Reg. 29/2020

Made: February 20, 2020

Filed: February 21, 2020

Fisheries and Aquaculture Loan Board Regulations—amendment

Order in Council 2020-055 dated February 20, 2020

Amendment to regulations made by the Governor in Council pursuant to Section 42 of the *Fisheries and Coastal Resources Act*

The Governor in Council on [the] report and recommendation of the Minister of Fisheries and Aquaculture dated January 9, 2020, [and] pursuant to Section 42 of Chapter 25 of the Acts of 1996, the *Fisheries and Coastal Resources Act*, is pleased to amend the *Fisheries and Aquaculture Loan Board Regulations*, N.S. Reg. 207/2018, made by [the] Governor in Council by Order in Council 2018-308 dated December 4, 2018, to further align the operations of the Fisheries and Aquaculture [Loan] Board (the “Board”) and the Farm Loan Board by incorporating the fee structure for the services provided by the regulations [*sic*], in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after February 20, 2020.

Schedule “A”

**Amendment to the *Fisheries and Aquaculture Loan Board Regulations*
made by the Governor in Council under Section 42
of Chapter 25 of the Acts of 1996,
the *Fisheries and Coastal Resources Act***

- 1 Clause 5(a) of the *Fisheries and Aquaculture Loan Board Regulations*, N.S. Reg. 207/2018, made by the Governor in Council by Order in Council 2018-308 dated December 4, 2018, is amended by adding “set out in Section 8” immediately after “fee”.
- 2 Section 8 of the regulations is repealed and the following Section substituted:

Application fee and legal costs

- 8 (1)** The application fee for a loan other than a loan for vessel construction is as set out in the following table:

Loan amount	Fee (plus applicable taxes)	
up to \$5 000 000	0.25% of the amount of the loan being applied for	minimum fee: \$400
		maximum fee: \$2000
\$5 000 000 and over	\$3000	

- (2)** The application fee for a loan for vessel construction is as set out in the following table:

Loan amount	Fee (plus applicable taxes)
up to and including \$10 000	\$311.00

over \$10 000 to \$100 000	\$498.35
over \$100 000 to \$300 000	\$1495.15
over \$300 000 to \$500 000	\$3737.00
over \$500 000	\$6229.00

- (3) The Board may include the legal costs to close a transaction as part of the loan amount.
- (4) If an application is processed, but is withdrawn by the applicant before completion, the applicant is liable for all legal costs incurred by the Board in processing the application.
- (5) If an application is not approved, the Board may refund 25% of the application fee to the applicant.

3 Section 19 of the regulations is repealed and the following Section substituted:

Prepayment under closed-prepayment loan

19 (1) A borrower under a closed-prepayment loan who is not in default under the loan may, at any time during the term of the loan, prepay the whole or any part of the loan on payment to the Board of a prepayment fee in an amount equal to the greater of

- (a) 3 months' interest on the loan balance at the established interest rate; and
- (b) interest calculated using the interest rate differential for the period remaining in the term of the existing loan or 5 years, whichever is shorter.

(2) In clause (1)(b),

“interest rate differential” means the difference between an existing loan’s actual interest rate and the interest rate that would be applicable to a new loan with a term, calculated in number of months, equivalent to the period remaining in the term of the existing loan.

4 The regulations are further amended by adding the following Section immediately after Section 21:

Prescribed fees

22 (1) Subject to subsections (2) and (3), the fees payable to the Board by borrowers are as set out in the following table:

Fees Payable to Board	
Type of Fee	Fee (plus any applicable taxes)
Mortgage release fee	\$50.00
Reamortization fee	lesser of: <ul style="list-style-type: none"> • 0.125% of loan balance • \$250
Mortgage assumption fee	\$310.00
Loan guarantee fee	1.5% on the outstanding balance, paid annually

Fee for preparing deeds, mortgages, agreements of sale, chattel mortgages, leases or any related documents	\$124.00
Fee for preparation of detailed financial statements, search of legal records and providing statistical data	\$62.00
File review fee	\$100.00
Insufficient funds fee	\$35.00

- (2) The Board may charge to a loan account any fees charged by an external agency for registration or release of registration of the Board's security interest.
- (3) The Board may exempt a borrower from the file review fee if the borrower meets the reporting requirements set out in their loan agreement.

N.S. Reg. 30/2020

Made: February 24, 2020

Filed: February 26, 2020

Proclamation of Amendments to Act, S. 14, S.N.S. 2019, c. 21

Order in Council 2020-062 dated February 24, 2020

Proclamation made by the Governor in Council

pursuant to Section 14 of

An Act to Amend Chapter 41 of the Acts of 2011, the Pension Benefits Act

The Governor in Council on the report and recommendation of the Minister of Finance and Treasury Board dated February 14, 2020, and pursuant to Section 14 of Chapter 21 of the Acts of 2019, *An Act to Amend Chapter 41 of the Acts of 2011, the Pension Benefits Act*, is pleased to order and declare by proclamation that Sections 1, 3 to 5 and 7 to 13 of Chapter 21 of the Acts of 2019, *An Act to Amend Chapter 41 of the Acts of 2011, the Pension Benefits Act*, do come into force on and not before April 1, 2020.

PROVINCE OF NOVA SCOTIA

sgd: **Arthur J. LeBlanc**

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 14 of Chapter 21 of the Acts of 2019, ~~the~~ *An Act to Amend Chapter 41 of the Acts of 2011, the Pension Benefits Act*, it is enacted as follows:

- 14** This Act, except Sections 2 and 6, comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Sections 1, 3 to 5 and 7 to 13 of Chapter 21 of the Acts of 2019, ~~the~~ *An Act to Amend Chapter 41 of the Acts of 2011, the Pension Benefits Act*, do come into force on and not before April 1, 2020;

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 Sections 1, 3 to 5 and 7 to 13 of Chapter 21 of the Acts of 2019, *An Act to Amend Chapter 41 of the Acts of 2011, the Pension Benefits Act*, do come into force on and not before April 1, 2020, 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
Arthur J. LeBlanc, ONS, Q.C., Lieutenant Governor of
the Province of Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 25th day of February in the year of
Our Lord two thousand and twenty and in the sixty-
ninth year of Our Reign.

BY COMMAND:

sgd: Honourable Mark Furey
Provincial Secretary
Attorney General and Minister of Justice

N.S. Reg. 31/2020

Made: February 24, 2020

Filed: February 26, 2020

Pension Benefits Regulations—amendment

Order in Council 2020-063 dated February 24, 2020
Amendment to regulations made by the Governor in Council
pursuant to Section 139 of the *Pension Benefits Act*

The Governor in Council on the report and recommendation of the Minister of Finance and Treasury Board dated February 13, 2020, and pursuant to Section 139 of Chapter 41 of the Acts of 2011, the *Pension Benefits Act*, is pleased to amend the *Pension Benefits Regulations*, N.S. Reg. 200/2015, made by the Governor in Council by Order in Council 2015-133 dated April 21, 2015, respecting the funding of pension plans and other regulatory requirements, in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after April 1, 2020.

Schedule “A”

**Amendment to the *Pension Benefits Regulations*
made by the Governor in Council under
Section 139 of Chapter 41 of the Acts of 2011,
the *Pension Benefits Act***

- 1 (1) Subsection 2(1) of the *Pension Benefits Regulations*, N.S. Reg. 200/2015, made by the Governor in Council by Order in Council 2015-133 dated April 21, 2015, is amended by
- (a) adding the following definitions where they belong in alphabetical order:
- “amount equal to the provision for adverse deviations” is as defined in Section 12A;
- “*CPA Canada Handbook – Accounting*” means the *CPA Canada Handbook – Accounting*, as amended, published by the Chartered Professional Accountants Canada and made available to the public from the Chartered Professional Accountants Canada offices or on their website;
- “*CPA Canada Handbook – Assurance*” means the *CPA Canada Handbook – Assurance*, as amended, published by the Chartered Professional Accountants Canada and made available to the public from the Chartered Professional Accountants Canada offices or on their website;
- “federal investment regulations” is as defined in Section 47;
- “going concern excess” means the going concern excess calculated under Section 4A;
- “lump sum benefit improvement contribution” means a lump sum contribution that was made before the date a valuation report is filed under subsection 31(1) to fund, in whole or in part, any increase in going concern liabilities or solvency liabilities, or both, because of an amendment to the pension plan;
- “provision for adverse deviations” is as defined in Section 12A;
- “solvency ratio” means the solvency ratio calculated under Section 8A;
- (b) in definition of “deferred life annuity”,

- (i) striking out “playable” in paragraph (ii)(A) and substituting “payable”, and
 - (ii) adding “a” immediately after “by” in subclause (iii);
 - (c) in the definition of “domestic contract”, striking out “*Registration*” and substituting “*Registered*”;
 - (d) repealing the definition of “going concern unfunded liability” and substituting the following definition:

“going concern unfunded liability” means the going concern unfunded liability calculated under Section 4B;
 - (e) repealing the definition of “*Handbook of the Canadian Institute of Chartered Accountants*”;
 - (f) in the definition of “letter of credit”, striking out “117” and substituting “116”;
 - (g) in subclause (iii) of the definition of “owner”,
 - (i) striking out “subsection” in paragraph (A) and substituting “clause”,
 - (ii) striking out “subsection” in paragraph (B) and substituting “clause”, and
 - (iii) striking out “subsection” in paragraph (C) and substituting “clause”;
 - (h) repealing the definition of “significant shareholder”;
 - (i) repealing the definition of “solvency asset adjustment” and substituting the following definition:

“solvency asset adjustment” means the solvency asset adjustment calculated under Section 6;
 - (j) repealing the definition of “solvency assets” and substituting the following definition:

“solvency assets” means solvency assets calculated under Section 5;
 - (k) repealing the definition of “solvency relief report”;
 - (l) repealing the definition of “special payment” and substituting the following definition:

“special payment” means a payment, or 1 of a series of payments, made to liquidate a going concern unfunded liability or solvency deficiency in relation to the pension benefits under a pension plan, and determined in accordance with

 - (i) Section 99 or 101, for the minimum amount of payments required in relation to a going concern unfunded liability or a solvency deficiency,
 - (ii) Section 104, for temporary special payments made under subsection 105(1) or (2) or Section 107, as those provisions read immediately before April 1, 2020;
 - (m) repealing subclause (iii) of the definition of “valuation report”.
- (2) Subsection 2(3) of the regulations is repealed.

- 2 (1) Clause 4(b) of the regulations is amended by adding “for a valuation report that has a valuation date before December 31, 2019,” immediately before “the present value”.
- (2) Section 4 of the regulations is further amended by
- (a) striking out the period at the end of clause (b) and substituting a semicolon; and
 - (b) adding the following clause immediately after clause (b):
 - (c) for a valuation report that has a valuation date on or after December 31, 2019,
 - (i) the present value of special payments described in clause 99(3)(c) in respect of any plan amendment that increases going concern liabilities, and
 - (ii) the present value of special payments in respect of a going concern unfunded liability that are scheduled for payment within 1 year after the valuation date of the valuation report and that are disclosed in the previously filed valuation report, other than any special payments described in subclause (i).
- 3 The regulations are further amended by adding the following Sections immediately after Section 4:

Calculation of going concern excess

4A The going concern excess in respect of a pension plan is calculated as the amount, if any, by which the plan’s going concern assets exceed the sum of all of the following for the plan:

- (a) the going concern liabilities;
- (b) for a valuation report with a valuation date on or after December 31, 2019, the amount equal to the provision for adverse deviations;
- (c) the previous year credit balance.

Calculation of going concern unfunded liability

4B The going concern unfunded liability in respect of a pension plan is calculated as the amount, if any, by which the sum of all of the following for the plan exceeds the going concern assets:

- (a) the going concern liabilities;
- (b) for a valuation report with a valuation date on or after December 31, 2019, the amount equal to the provision for adverse deviations;
- (c) the previous year credit balance.

- 4 The regulations are further amended by repealing Section 6 and substituting the following Section:

Calculation of solvency asset adjustment

6 (1) For a valuation report with a valuation date before December 31, 2019, the solvency asset adjustment is the sum of all of the following:

- (a) the amount, positive or negative, by which the value of the solvency assets is adjusted by applying an averaging method that stabilizes short-term fluctuations in the market value of the plan assets, calculated over a period of no longer than 5 years;

- (b) subject to subsection (3), the present value of any of the following special payments, other than special payments that are required to liquidate any solvency deficiency determined in the valuation report in relation to which the solvency asset adjustment is being calculated:
 - (i) except as provided in subclause (ii), the special payments referred to in clause 99(1)(a) to liquidate a going concern unfunded liability that are scheduled for payment within the 5-year period beginning on a date that is no later than 12 months after the valuation date,
 - (ii) if special payments are being made under Section 104 to liquidate a solvency deficiency, the special payments referred to in clause 99(1)(a) to liquidate a going concern unfunded liability that are scheduled for payment within the longer of the following periods:
 - (A) the 5-year period beginning on a date that is no later than 12 months after the valuation date,
 - (B) the remainder of the amortization period for liquidating the solvency deficiency specified in each of the provisions referred to in Section 104 under which the schedule of payments was established,
 - (iii) except as provided in subclause (iv), special payments referred to in clause 99(1)(b) to liquidate a solvency deficiency that are scheduled for payment within the remainder of the 5-year period beginning on a date that is no later than 12 months after the valuation date,
 - (iv) if special payments are being made under a provision referred to in Section 104, the special payments in accordance with the provision that are required to liquidate the solvency deficiencies over the period identified in the provision;
 - (c) the total amount of all letters of credit held in trust for the pension fund as of the valuation date, excluding the value of any special payments to which the letter of credit relates that are due after the valuation date.
- (2)** For a valuation report with a valuation date on or after December 31, 2019, the solvency asset adjustment is the sum of all of the following:
- (a) the amount, positive or negative, by which the value of the solvency assets is adjusted by applying an averaging method that stabilizes short-term fluctuations in the market value of the plan assets, calculated over a period of no longer than 5 years;
 - (b) subject to subsection (3), the present value of any of the following special payments, other than special payments that are required to liquidate any solvency deficiency determined in the valuation report in relation to which the solvency asset adjustment is being calculated:
 - (i) special payments referred to in clauses 99(3)(a), (b) or (c) to liquidate a going concern unfunded liability that are scheduled for payment within the 5-year period beginning on a date that is no later than 12 months after the valuation date,
 - (ii) for a valuation report filed subsequent to the first valuation report filed on or after December 31, 2019, the special payments determined in clause 99(3)(d) and (e) to

liquidate a solvency deficiency that are scheduled for payment within the remainder of the 5-year amortization period;

- (c) the total amount of all letters of credit held in trust for the pension fund as of the valuation date, excluding the value of any special payments to which the letter of credit relates that are due after the valuation date.

- (3) The present value of special payments used to calculate the solvency asset adjustment under subsections (1) and (2) must be calculated as of the valuation date using the following interest rates:

- (a) if the solvency liability adjustment is zero, the solvency valuation interest rates;
- (b) if the solvency liability adjustment is not zero, the average of the solvency valuation interest rates used in the report to calculate the solvency liability adjustment.

- 5 The regulations are further amended by adding the following Section immediately after Section 8:

Calculation of solvency ratio

8A The solvency ratio determined for a pension plan must be calculated in accordance with the following formula:

$$\text{solvency ratio} = Y \div Z$$

in which

Y = the sum of all of the following:

- (i) the total amount of the solvency assets of the pension plan related to defined benefits and ancillary benefits,
- (ii) the total amount of any letters of credit held in trust for the pension plan, and

Z = the total amount of the solvency liabilities related to defined benefits and ancillary benefits of the pension plan.

- 6 Section 9 of the regulations is repealed and the following Section substituted:

Determination of solvency deficiency of plan providing defined benefits

9 (1) The solvency deficiency, as of a particular valuation date, of a pension plan that provides defined benefits, is determined by the following formula:

$$\text{solvency deficiency} = A - B$$

in which

A = the sum of all of the following:

- (i) the applicable percentage of the plan's solvency liabilities set out in subsection (2),
- (ii) the applicable percentage of the plan's solvency liability adjustment set out in subsection (2),

(iii) the plan's previous year credit balance as of the valuation date

B = the sum of the plan's solvency assets and the solvency asset adjustment as of the valuation date.

(2) For the value of "A" in subsection (1), the applicable percentage for subclauses (i) and (ii) is

(a) 100%, for a valuation date that is before December 31, 2019; and

(b) 85%, for a valuation date that is on or after December 31, 2019.

7 Clause 10(2)(a) of the regulations is amended by striking out "or" immediately after the semicolon.

8 Paragraph (A) of the value definition for the variable "A" in the formula in subsection 11(1) of the regulations is amended by

(a) adding "estimates of the" immediately before "normal cost determined under clause 53(2)(a)"; and

(b) striking out "and as" and substituting "that are," wherever it appears.

9 Section 12 of the regulations is amended by striking out "or a transfer ratio".

10 The regulations are further amended by adding the following heading and Sections immediately after Section 12:

Provision for Adverse Deviations

Definitions and interpretation for determining provision for adverse deviations

12A (1) In this Section and Sections 12B to 12D,

"amount equal to the provision for adverse deviations" is the provision for adverse deviations, multiplied by the plan's going concern liabilities as of the valuation date;

"non-fixed income assets" means assets other than fixed income assets;

"provision for adverse deviations" means the percentage determined under this Section and Sections 12B to Section 12D to be the provision for adverse deviations for the going concern liabilities of a pension plan.

(2) For the purpose of the definition of "amount equal to the provision for adverse deviations", the going concern liabilities referred to in the definition may exclude liabilities in respect of benefits for which an annuity contract has been purchased from an insurance company.

(3) Despite this Section and Sections 12B to 12D, the provision for adverse deviations is deemed to be zero for a pension plan's liabilities in respect of defined contribution benefits.

Calculation of provision for adverse deviations

12B (1) The provision for adverse deviations for a pension plan as at a particular valuation date is the percentage calculated using the following formula:

$$\text{provision for adverse deviations} = A + B$$

in which

A = 0.05, or the value specified in subsection (2)

B = the value determined under Section 12D, based on the pension plan's combined target asset allocation for non-fixed income assets determined under Section 12C.

- (2) The value of "A" in the formula in subsection (1) is zero for a pension plan that is exempt under subsection 19(6) from the requirement to make special payments to fund any solvency deficiency in the plan.

Combined target asset allocation for provision for adverse deviations

12C (1) A pension plan's combined target asset allocation for non-fixed income assets must be determined in accordance with the following formula:

$$\text{combined target asset allocation for non-fixed income assets} = 100\% - C$$

in which

C = the combined target asset allocation for fixed income assets, determined under subsection (2).

- (2) The value of "C" in the formula in subsection (1) must be determined in accordance with the following formula:

$$[D + (0.5 \times E) + (F \times G) + (0.5 \times F \times H)] \div (100\% - J)$$

in which

D = subject to subsections (4) and (5), the sum of the plan's target asset allocations for each of the investment categories listed in clauses 67(3)(a), (c) to (e), (o) and (p), excluding any portions of the target asset allocations that are allocated to the assets described in "J", expressed as a percentage

E = subject to subsection (5), the sum of the plan's target asset allocations for each of the investment categories listed in clauses 67(3)(f) to (k) and (q)

F = the plan's target asset allocation for the investment category listed in clause 67(3)(b), expressed as a percentage

G = subject to subsections (4) and (5), the proportion of "F" that is allocated to the investment categories listed in clauses 67(3)(a), (c) to (e), (o) and (p), expressed as a percentage

H = subject to subsection (5), the proportion of "F" that is allocated to the investment categories listed in clauses 67(3)(f) to (k) and (q), expressed as a percentage

J = the portion of the plan's target asset allocation for each investment category listed in clause[s] 67(3)(a), (c) to (k) and (o) to (q), expressed as a percentage, that is allocated to annuity contracts that have been purchased from an insurance company in respect of benefits.

- (3) The target asset allocation to be used in calculating the formula in subsection (2) is the target asset allocation in the plan's statement of investment policies and procedures that is in effect as of the same valuation date used for the calculation of the provision for adverse deviation

under subsection 12B(1).

- (4) In determining the values of “D” and “G” in subsection (2), any portion of a target asset allocation for an investment category listed in clause[s] 67(3)(d), (o) and (p) must not be included unless the plan’s statement of investment policies and procedures sets out a minimum rating for target asset allocations of fixed income assets in the investment category, or the portion thereof, that is given by a credit rating agency recognized by a competent authority.
- (5) Any portion of a target asset allocation
- (a) excluded from the value of “D” in accordance with subsection (4) must be included in the value of “E” in the formula in subsection (2); and
- (b) excluded from the value of “G” in accordance with subsection (4) must be included in the value of “H” in the formula in subsection (2).

Value of “B” in formula for provision for adverse deviations

12D (1) Subject to subsection (2), the value of “B” in the formula for provision of adverse deviations in subsection 12B(1) is determined in accordance with the following table:

Combined target asset allocation for non-fixed income assets of plan	Value of “B”
0%	0
20%	0.01
40%	0.03
50%	0.04
60%	0.05
70%	0.08
80%	0.11
100%	0.17

- (2) If a pension plan’s combined target asset allocation for non-fixed income assets falls between the percentages set out in the table in subsection (1), the value of “B” must be interpolated linearly from the values set out for “B” in the table.

- 11 (1) Subsection 19(3) of the regulations is amended by striking out “this” immediately before “subsections (4) and (5)”.
- (2) Subsection 19(6) of the regulations is repealed and the following subsection substituted:
- (6) Special payments required to liquidate a solvency deficiency are not required to be made in relation to a pension plan that is not required under subsection 85(2) to include a provision that sets out the obligations to make employer contributions in respect of any solvency deficiency under the plan.

12 The following Sections of the regulations are added immediately after Section 19:

Exemption respecting plans for connected persons

- 19A (1)** Subject to subsection (3), the Act and these regulations, other than the provisions set out in subsection (2), do not apply in respect of a pension plan if all of the members of the plan are connected with the participating employer within the meaning of section 8500(3) of the federal *Income Tax Regulations*.
- (2)** All of the following provisions apply to a pension plan referred to in subsection (1):
- (a) provisions of the Act: Sections 2, 33, 37, 42 to 44, 50 to 54, 61, 63 to 72, 74, 80, 85, 87 to 91, 112 and 117;
 - (b) provisions of these regulations: Sections 2, 19A, 19B, 46, 47, 49, 50, 82 to 84, 125, 129, 132 to 147, 160, 161, 195 to 252 and Schedule 3: Nova Scotia LIRA Addendum to Schedule 6: Life Income Factor D.
- (3)** To qualify for the exemption in subsection (1), the administrator of a pension plan must provide the Superintendent with a certified statement
- (a) attesting to the fact that all of the members of the plan are connected with the participating employer within the meaning of section 8500(3) of the federal *Income Tax Regulations*, as required by subsection (1); and
 - (b) expressing the administrator's understanding and acknowledgement that the pension plan will be exempt from the Act and these regulations, with the exception of the provisions listed in subsection (2).

Notice that exemption no longer applicable

- 19B** The administrator of a pension plan that is exempted under Section 19A must provide the Superintendent with written notice no later than 90 days after the date of any change in circumstance that results in the plan no longer meeting the criteria for exemption under Section 19A.

13 Section 23 of the regulations is repealed.

14 Clause 30(4)(b) of the regulations is amended by striking out "to the" the second time it appears immediately before "effective date".

- 15 (1) Subsection 31(1) of the regulations is amended by striking out "changes" and substituting "creates or increases".
- (2) Clause 31(1)(a) of the regulations is amended by striking out "or 57".
- (3) Clause 31(1)(b) of the regulations is repealed and the following clause substituted:
- (b) a description in writing of any lump sum benefit improvement contribution made to the plan;

16 Section 32 of the regulations is repealed and the following Section substituted:

- 32 (1)** Except as provided in subsection (3), for a valuation report required by clause 31(1)(a) with a valuation date before December 31, 2019, unless the cost of an amendment is fully paid to the pension fund at the time the amendment is made, a pension plan must not be amended to create or increase a solvency deficiency under the plan during any of the following periods:

- (a) the first 5 years of the period for liquidating a solvency deficiency under subsection 105(1);
 - (b) the first 10 years of the period for liquidating a solvency deficiency under subsection 105(2) or 107(3) as those provisions read immediately before April 1, 2020.
- (2) Except as provided in subsection (3), a pension plan referred to in subsection 85(2) must not be amended to create or increase a solvency deficiency under the plan without the cost of the amount of the solvency deficiency created or increased by the amendment being fully paid to the pension fund at the time the amendment is made.
- (3) Subsections (1) and (2) do not apply to an amendment that is required by law, including an amendment required as a result of a judicial decision.

17 Subclause 46(1)(c)(ii) of the regulations is repealed and the following subclause substituted:

- (ii) 3 or more individuals, at least 3 of whom reside in Canada and at least 1 of whom is independent of any employer contributing to the pension fund, to the extent the individual is not any of the following:
 - (A) an individual connected with the employer within the meaning of section 8500(3) of the federal *Income Tax Regulations*,
 - (B) a partner, proprietor, director, officer, employee of the employer or an employee of an affiliate of the employer, or

18 Section 47 of the regulations is repealed and the following Sections substituted:

Definitions for Sections 47 to 50—incorporation of federal investment regulations

47 (1) In this Section and Sections 48 to 50,

“federal investment regulations” means Schedule III to the *Pension Benefits Standards Regulations, 1985* made under the *Pension Benefits Standards Act (Canada)*;

- (2) In this Section and Sections 48 to 50, a reference in the federal investment regulations to
- (a) any of the following words or expressions is deemed to be a reference to the same word or expression as defined in the Act:
 - (i) “spouse”,
 - (ii) “Superintendent”;
 - (b) “common-law partner” is deemed to be a reference to “spouse”, as defined in the applicable subclause of clause 2(xa) of the Act;
 - (c) any of the following words or expressions is deemed to be a reference to the same word or expression as defined in the *Pension Benefits Standards Regulations, 1985* made under the *Pension Benefits Standards Act (Canada)*:
 - (i) Canadian resource property,
 - (ii) investment fund,

- (iii) marketplace,
- (iv) member choice account,
- (v) segregated fund.

Investment of plan assets must be in accordance with regulations and federal investment regulations

47A Despite the provisions of any pension plan or any instrument governing a plan, the assets of a plan must be invested and the investments must be made in accordance with these regulations and the federal investment regulations.

- 19 (1) Subsection 48(1) of the regulations is repealed and the following subsection substituted:
- (1) Before the date a pension plan is registered, an administrator must establish a written statement of investment policies and procedures that meets the requirements of this Section and the federal investment regulations in respect of the pension plan's portfolio of investments and loans, other than those relating to any member choice account, as that term is defined in the *Pension Benefits Standards Regulations, 1985*, made under the *Pension Benefits Standards Act (Canada)*.
 - (2) Subsection 48(2) of the regulations is amended by adding "factors" immediately after "following".
 - (3) Clause 48(2)(g) of the regulations is amended by striking out "public exchange" and substituting "marketplace".
 - (4) Clause 48(2)(h) of the regulations is repealed and the following clause substituted:
 - (h) related party transactions permitted under the federal investment regulations and the criteria to be used to establish whether a transaction is nominal or immaterial to the plan.
- 20 Subsection 49(2) of the regulations is amended by striking out "Schedule 1: Permitted Investments and invested in 1 of the following:" and substituting "the federal investment regulations and invested in 1 of the following".
- 21 Section 50 of the regulations is amended by striking out "Schedule 1: Permitted Investments" wherever it appears and substituting "the federal investment regulations".
- 22 (1) Subsection 52(1) of the regulations is amended by
- (a) striking out "or 104" in clause (f);
 - (b) adding the following clause immediately after clause (f):
 - (fa) the provision for adverse deviations;
 - (c) repealing clause (g) and substituting the following clause:
 - (g) if the plan provides for an escalated adjustment, a statement that the escalated adjustment has been pre-funded on a going concern basis.
- (2) Subsection 52(2) of the regulations is amended by
- (a) repealing clause (b) and substituting the following clause:

- (b) if there is a solvency deficiency,
 - (i) the amount of the solvency deficiency, and
 - (ii) the special payments required to liquidate the solvency deficiency in accordance with Section 99;
 - (b) repealing clause (c);
 - (c) repealing clause (e) and substituting the following clause:
 - (e) if the plan provides for an escalated adjustment, a statement that the escalated adjustment has been pre-funded on a solvency basis;
- 23 (1) Subsection 53(2) of the regulations is amended by striking out clauses (b) to (e) and substituting the following clauses:
- (b) all of the information required in clauses 52(1)(b) to (g) for an initial valuation report;
 - (c) for a report with a valuation date before December 31, 2019, any special payments remaining to be paid after the valuation date with respect to a going concern unfunded liability determined in a previous valuation report;
 - (d) for a report with a valuation date on or after December 31, 2019, any special payments remaining to be paid after the valuation date with respect to an amendment made on or after December 31, 2019, that created or increased the going concern unfunded liability;
 - (e) the present value of any future special payments remaining to be paid after the valuation date as established in a previous valuation report;
 - (f) for a report with a valuation date before December 31, 2019, the actuarial gain or actuarial loss in the plan, including,
 - (i) if there is an actuarial loss, the special payments that will liquidate any increase in a going concern unfunded liability resulting from the loss over a term that does not exceed
 - (A) 15 years, for a plan other than a specified multi-employer pension plan, or
 - (B) 10 years, for a specified multi-employer pension plan,
 - (ii) if there is an actuarial gain, any intended application of the gain in accordance with Section 96;
 - (g) for a report with a valuation date on or after December 31, 2019, the going concern excess or going concern unfunded liability of the plan, including,
 - (i) if there is a going concern unfunded liability, the special payments under Section 99 that will liquidate the going concern unfunded liability over a term that does not exceed 10 years, and
 - (ii) if there is a going concern excess, any intended application of the excess in accordance with Section 96A;

- (h) if there is a surplus on a going concern basis, any intended application of the surplus in accordance with Section 95.
- (2) Section 53 of the regulations is further amended by adding the following subsection immediately after subsection (5):
 - (6) A valuation report under this Section must account separately for a reserve account and the remainder of the pension fund if
 - (a) the pension plan provides for defined benefits; and
 - (b) a reserve account has been established for the pension plan's defined benefit.
- 24 Clause 54(1)(b) of the regulations is amended by striking out "and Section 87".
- 25 (1) Subsection 55(1) of the regulations is amended by striking out "subsections" and substituting "subsection".
- (2) Subsection 55(3) of the regulations is amended by
 - (a) striking out the period at the end of clause (b) and substituting a semicolon; and
 - (b) adding the following clause immediately after clause (b):
 - (c) a plan that is exempt under subsection 19(6) from the requirement to make special payments to liquidate a solvency deficiency.
- 26 Section 57 of the regulations is repealed.
- 27 Section 58 of the regulations is repealed.
- 28 Section 59 of the regulations is repealed and the following Section substituted:

Time period for filing valuation reports

- 59** (1) Except as provided in subsections (2) and (3), an administrator must file a valuation report no later than 9 months after the valuation date established for the valuation report.
- (2) For a valuation report required under Section 52 with an effective date that is on or after December 31, 2019, and on or before April 1, 2020, the administrator must submit the report described in subsection 52(1) on or before June 30, 2020.
- (3) For a valuation report required under Section 53 with a valuation date that is on or after December 31, 2019, and before March 1, 2020, the administrator must file the report on or before November 30, 2020.
- 29 (1) Subsection 60(1) of the regulations is amended by striking out "all" and substituting "each".
- (2) Clause 60(1)(b) of the regulations is amended by
 - (a) striking out "referred to in subsection 102(2)." and adding the following subclauses to the clause:
 - (i) referred to in subsection 102(2), or

- (ii) in a year when a valuation report is being prepared;
- (3) Subsection 60(1) of the regulations is further amended by
 - (a) striking out the period at the end of clause (b) and substituting a semicolon; and
 - (b) adding the following clause immediately after clause (b):
 - (c) the pension plan is a plan
 - (i) that is exempt under subsection 19(6) from the requirement to make special payments to liquidate a solvency deficiency, and
 - (ii) that exhibits solvency concerns as described in subsection 55(2).
- (4) Subsection 60(2) of the regulations is amended by striking out “Except as otherwise provided in these regulations, a” and substituting “A”.
- (5) Clause 60(2)(a) of the regulations is amended by striking out “fiscal year” and substituting “12-month period”.
- (6) Clause 60(2)(b) of the regulations is amended by striking out “fiscal year” and substituting “the same 12-month period referred to in clause (a)”.
- (7) Section 60 of the regulations is further amended by adding the following subsection immediately after subsection (2):
 - (2A)** A cost certificate under this Section must account separately for a reserve account and the remainder of the pension fund if
 - (a) the pension plan provides for defined benefits; and
 - (b) a reserve account has been established for the pension plan’s defined benefits.
- (8) Subsection 60(3) of the regulations is amended by striking out “fiscal year” and substituting “12-month period”.
- (9) Subsection 60(4) of the regulations is repealed and the following subsection substituted:
 - (4)** An administrator must file a cost certificate under this Section no later than 90 days after the beginning of the 12-month period to which the certificate relates.
- 30 (1) Subsection 62(1) of the regulations is amended by striking out “Subject to subsection (2), an” and substituting “An”.
- (2) Subsection 62(2) of the regulations is repealed.
- (3) Subsection 62(3) of the regulations is amended by striking out “or (2)”.
- 31 (1) The heading immediately before Section 66 of the regulations is amended by striking out “plans” and substituting “funds”.

- (2) Subsection 66(1) of the regulations is amended by adding “and Section 67” immediately after “In this Section”.
 - (3) Subsection 66(2) of the regulations is amended by striking out “at the plan’s fiscal year end” and substituting “at the pension plan’s fiscal year end”.
 - (4) Subsection 66(3) of the regulations is amended by striking out “subsection (2)” and substituting “the requirement in subsection (2) to prepare audited financial statements”.
 - (5) Subclause 66(3)(b)(ii) of the regulations is amended by striking out “*Handbook of the Canadian Institute of Chartered Accountants*” and substituting “*CPA Canada Handbook – Accounting* and the *CPA Canada Handbook – Assurance*, as applicable”.
 - (6) Subsection 66(4) of the regulations is repealed.
- 32
- (1) Subsection 67(1) of the regulations is amended by striking out “A pension plan’s” and substituting “A pension fund’s”.
 - (2) Clause 67(1)(a) of the regulations is repealed and the following clause substituted:
 - (a) in accordance with the principles and standards set out in the *CPA Canada Handbook – Accounting* and the *CPA Canada Handbook – Assurance*, as applicable, and include all of the information that the applicable handbook may require to be set out in the financial statements of the pension fund;
 - (3) Subsection 67(2) of the regulations is amended by striking out “A pension plan’s” and substituting “A pension fund’s”.
 - (4) Clause 67(2)(b) of the regulations is amended by striking out “and pension obligations”.
 - (5) Subsection 67(3) of the regulations is amended by striking out “A pension plan’s” and substituting “A pension fund’s”.
 - (6) Subsection 67(3) of the regulations is further amended by
 - (a) striking out the period at the end of the subsection;
 - (b) adding “itemized according to each of the following categories:” immediately after “the investments of the pension fund”; and
 - (c) adding all of the following clauses to the subsection:
 - (a) insured contracts;
 - (b) mutual or pooled funds or segregated funds;
 - (c) demand deposits and cash on hand;
 - (d) short-term notes and treasury bills;
 - (e) term deposits and guaranteed investment certificates;
 - (f) mortgage loans;

- (g) real estate;
 - (h) real estate debentures;
 - (i) resource properties;
 - (j) venture capital;
 - (k) corporations referred to in subsection 11(2) of the federal investment regulations;
 - (l) employer issued securities;
 - (m) Canadian stocks other than investments referred to in clauses (a) to (l);
 - (n) non-Canadian stocks other than investments referred to in clauses (a) to (l);
 - (o) Canadian bonds and debentures other than investments referred to in clauses (a) to (l);
 - (p) non-Canadian bonds and debentures other than investments referred to in clauses (a) to (l);
 - (q) investments other than investments referred to in clauses (a) to (p).
- (7) Subsection 67(4) of the regulations is amended by striking out “A pension plan’s” and substituting “A pension fund’s”.
- (8) Subsection 67(5) of the regulations is amended by striking out “A pension plan’s” and substituting “A pension fund’s”.
- 33 Section 68 of the regulations is repealed and the following Section substituted:

Auditor’s report on financial statements

68 If the administrator of a pension plan is required to file audited financial statements for the pension fund, the pension fund’s financial statements must be accompanied by the auditor’s report prepared by a public accountant in accordance with generally accepted auditing standards and the principles and standards set out in the *CPA Canada Handbook – Accounting* and the *CPA Canada Handbook – Assurance*, as applicable.

- 34 Section 70 of the regulations is amended by adding “or submitted” immediately after “filed”.
- 35 (1) Clause 74(2)(h) of the regulations is amended by striking out “other than those required under Section 63 or 67 of the Act”.
- (2) Clauses 74(2)(t) and (u) of the regulations are repealed and the following clauses substituted:
- (t) if special payments are being made to liquidate any going concern unfunded liability or solvency deficiency, a statement to that effect;
 - (u) if there is a solvency deficiency that the employer is funding by means of a letter of credit, a statement that the employer has provided a letter of credit to the trustee of the pension fund in accordance with subsection 77(1) of the Act, instead of making payments in relation to the solvency deficiency;

- (3) Clause 74(2)(v) of the regulations is amended by striking out “and the dates for the beginning and end of the exemption period”.

36 The regulations are further amended by adding the following Section immediately after Section 74:

First annual statement after April 1, 2020

74A The first annual statement after April 1, 2020, for a pension plan that provides defined benefits and is not exempt under subsection 19(6) must, in addition to the information required to be included by subsection 74(2), contain a description of how the funding rules for pension plans have changed or will change as a result of amendments to these regulations effective April 1, 2020, including at least all of the following information:

- (a) a description of the difference between solvency funding and going concern funding;
- (b) a statement that special payments are required under these regulations for the purpose of increasing the plan’s funded ratio to 85%, as measured on a solvency basis, and that this is a change from the previous requirement to make special payments for the purpose of increasing the plan’s funded ratio to 100%, as measured on a solvency basis.

37 Section 78 of the regulations is amended by striking out “member or a former member who is not receiving payments under a pension plan at the time of their death” and substituting “member, former member or retired member”.

38 (1) Subsection 83(1) of the regulations is repealed and the following subsection substituted:

(1) The records prescribed in subsection 82(1) are the records that specified persons are entitled to inspect at the times and locations specified in subsection 43(2) of the Act.

(2) Subsection 83(2) of the regulations is amended by striking out “clauses 82(2)(a) to (e)” and substituting “subsection 82(2)”.

39 Subsection 84(2) of the regulations is amended by striking out “Records” and substituting “Subject to any longer period that may be set out in these regulations, records”.

40 (1) Clause 85(2)(d) of the regulations is amended by striking out “School Boards of Nova Scotia” and substituting “Nova Scotia Education Entities”.

(2) The definition of “university” in subsection 85(3) of the regulations is repealed and the following definition substituted:

“university” means any of the following:

- (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) St. Francis Xavier University,
 - (viii) Saint Mary's University,
 - (ix) Université Sainte-Anne,
 - (x) University of King's College;
- (3) Subsection 85(4) of the regulations is repealed.
- (4) Subsection 85(5) of the regulations is repealed and the following subsection substituted:
- (5)** All of the following plans must include a provision for the funding of pension benefits and any other benefits provided under the plan that sets out the obligation to make employer contributions under the plan:
- (a) a multi-employer pension plan, other than a jointly sponsored pension plan, that is established under a collective agreement or trust agreement;
 - (b) a pension plan that provides defined benefits under which the employer contributions are limited to a fixed amount set out in a collective agreement.
- 41 (1) Subsection 86(1) of the regulations is repealed and the following subsection substituted:
- (1)** Except as provided in subsections (3) and (5) and Section 86A, the employer contributions and employee contributions made under a pension plan must not be less than the sum of all of the following:
- (a) all employer contributions and employee contributions required to pay the normal cost;
 - (b) all special payments set out in a previous valuation report that remain to be paid with respect to any going concern unfunded liability;
 - (c) all special payments set out in a previous valuation report that remain to be paid with respect to any solvency deficiency;
 - (d) all special payments required to be paid with respect to any going concern unfunded liability that is determined in the most recently filed or submitted valuation report;
 - (e) all special payments to be paid with respect to any solvency deficiency that is determined in the most recently filed or submitted valuation report;
 - (f) all payments determined in accordance with Sections 183 to 186 as the payments required to be made to a pension plan on wind-up or partial wind-up of the plan under Sections 99 and 100 of the Act.
- (2) Subsection 86(3) of the regulations is repealed and the following subsection substituted:
- (3)** For a pension plan that is exempt under subsection 19(6) from making special payments, employer contributions are not required to be made to liquidate any solvency deficiency of the plan.

42 The regulations are amended by adding the following Section immediately after Section 86:

Sufficiency of contributions on and after April 1, 2020

86A (1) If the payments required under subsection 86(1) are greater than they would have been under these regulations as they read immediately before April 1, 2020, the employer contributions and employee contributions made under a pension plan must not be less than the amount calculated using the following formula:

$$A - [(A-B) \times C]$$

in which

A = the total of the payments required under these regulations for the year based on the most recently filed valuation report

B = the total of the payments that would have been required under these regulations as they read immediately before April 1, 2020

C = the value determined under subsection (2).

(2) The value of “C” in the formula in subsection (1) for any year is as set out in the following table, in which year 1 in the table is the first year immediately after the valuation date of the first valuation report filed with a valuation date that is on or after December 31, 2019:

Year After Valuation Date	Value of “C”
1	1
2	0.8
3	0.6
4	0.4
5	0.2
6 and any subsequent year	0

43 Section 87 of the regulations is repealed.

44 Section 90 of the regulations is amended by striking out “payments required under clauses 86(1)(b) to (e)” and substituting “employer contributions referred to in subsection 86(1)”.

45 Clause 91(2)(a) of the regulations is amended by striking out “, 104, 105 and 107” and substituting “and 104”.

46 (1) Subsection 92(4) of the regulations is amended by striking out “, other than an additional valuation report under Section 58,”.

(2) Clause 92(4)(a) of the regulations is repealed and the following clause substituted:

(a) the amount of any contributions that were previously reduced by a reduction or suspension of employer contributions under Section 76 of the Act;

(3) Subsection 92(6) of the regulations is amended by

(a) striking out “or 57” the first time it appears; and

- (b) striking out “52, 53 or 57” and substituting “52 or 53”.

47 The regulations are further amended by adding the following Section immediately after Section 92:

Contributions for provision for adverse deviations may be made to reserve account

92A Contributions in respect of a provision for adverse deviations are prescribed as other contributions that may be made to a pension plan’s reserve account under subsection 76A(2) of the Act.

48 Subsection 95(2) of the regulations is repealed and the following subsection substituted:

(2) A reduction or suspension in employer contributions or employee contributions under Section 76 of the Act must not reduce a pension plan’s assets on each of a going concern basis and a solvency basis to less than the following, determined as at the valuation date of the most recently filed or submitted valuation report:

- (a) 105% of the value of the going concern liabilities under the plan;
- (b) 105% of the solvency liabilities under the plan.

49 (1) Subsection 96(1) of the regulations is amended by adding “and in accordance with 95(2)” immediately after “as permitted under subsection (3)”.

(2) Section 96 is amended by adding the following subsection immediately after subsection (2):

(2A) Subsections (1) and (2) do not apply to a going concern unfunded liability in a valuation report with a valuation date on or after December 31, 2019.

50 The regulations are further amended by adding the following Section immediately after Section 96:

Special payments if going concern excess

96A (1) This Section applies to special payments with respect to a valuation report with a valuation date on or after December 31, 2019, that discloses a going concern excess under the pension plan.

(2) If the going concern excess disclosed in the report is

- (a) greater than or equal to the sum of the amounts listed in subsection (3), the special payments determined in accordance with clauses 99(3)(a) and (c) must be reduced to zero;
- (b) less than the sum of the amounts listed in subsection (3), the monthly rate of the special payments determined in accordance with clauses 99(3)(a) and (c) must not be changed but the amortization period or periods for the special payments determined under those clauses must be reduced so as to reduce the going concern excess to zero.

(3) The amounts referred to in clauses (2)(a) and (b) are all of the following:

- (a) the present value of special payments in respect of any pension plan amendment that increases going concern liabilities;
- (b) the present value of special payments in respect of a going concern unfunded liability determined in the valuation report filed immediately before the current valuation report and scheduled for payment within 1 year after the valuation date of the current valuation

report.

- 51 (1) The heading immediately before Section 97 of the regulations is amended by striking out “or” and substituting “and”.
- (2) Section 97 of the regulations is amended by striking out “administrator or agent” and substituting “administrator and agent”.
- 52 (1) Subsection 99(1) of the regulations is amended by
- (a) striking out “, 104, 105 and 107” and substituting “and 104”; and
- (b) adding “with a valuation date before December 31, 2019” immediately after “valuation report”.
- (2) Subsection 99(2) of the regulations is amended by
- (a) striking out “The” and substituting “For a valuation report with a valuation date before December 31, 2019, the”; and
- (b) adding “pension” immediately before “plan”.
- (3) Subsection 99(3) of the regulations is repealed and the following subsections substituted:
- (3) Subject to Section 96A and except as provided in subsection (4), the special payments required to be made after the valuation date of a valuation report with a valuation date on or after December 31, 2019, must be not less than the sum of all of the following amounts, paid in the following manner and within the following amortization periods:
- (a) for the year beginning on the valuation date of the last filed valuation report, the special payments scheduled for that year to liquidate any going concern unfunded liability as determined in the valuation report filed immediately before the last filed valuation report, other than the special payments described in clause (c);
- (b) for a going concern unfunded liability determined in the last filed valuation report, the special payments required to liquidate the going concern unfunded liability other than the special payments described in clause (c), together with interest at the going concern valuation interest rate, to be paid by equal monthly instalments over a period of no longer than 10 years beginning 1 year after the valuation date of the last filed valuation report;
- (c) if an amendment made to a pension plan on or after December 31, 2019, creates or increases the going concern unfunded liability of the plan, taking into consideration any lump sum benefit improvement contribution associated with the amendment, the special payments required to liquidate the new or increased going concern unfunded liability, together with interest at the going concern valuation interest rate, to be paid by equal monthly instalments over a period of no longer than 10 years beginning on the effective date of the amendment;
- (d) for the first valuation report filed or submitted with a valuation date on or after December 31, 2019, the special payments required to liquidate any solvency deficiency in the report, together with interest at the solvency valuation interest rate, to be paid by equal monthly instalments over a period of no longer than 5 years beginning on the

valuation date of the report;

- (e) for a valuation report filed subsequent to the first valuation report referred to in clause (d), the special payments required to liquidate any new and existing solvency deficiency in the report, together with interest at the solvency valuation interest rate, to be paid by equal monthly instalments over a period of no longer than 5 years beginning 1 year after the valuation date of the last filed valuation report.

- (4) Clauses (3)(d) and (e) do not apply to a valuation report prepared in relation to a pension plan that is exempted by subsection 19(6) from making special payments in relation to any solvency deficiency in the report.

53 (1) Section 101 of the regulations is repealed and the following Section substituted:

Alternative determination of special payments for jointly sponsored pension plans

101 (1) For a jointly sponsored pension plan, the special payments required to liquidate a going concern unfunded liability or solvency deficiency may be determined as of the following dates:

- (a) the date the going concern unfunded liability arose, for special payments referred to in clauses 99(1)(a) and 99(3)(a) and (b);
- (b) the date of an amendment to a pension plan that creates or increases going concern liabilities, for special payments referred to in clause 99(3)(c);
- (c) the date the solvency deficiency arose, for special payments referred to in clauses 99(1)(b) and 99(3)(d) and (e).

(2) The special payments referred to in subsection (1) must be determined in accordance with all of the following requirements:

- (a) each scheduled payment must be a level percentage of the sum of the pensionable earnings of the members at the valuation date projected to the date when the scheduled payments are to begin and, after that date, projected annually until the end of the amortization period without taking into account any changes in the membership of the plan that may occur after the valuation date, such as from termination of employment or membership, retirement or death of members or the addition of new members;
- (b) the projected pensionable earnings in clause (a) must reflect the expected decline in the projected pensionable earnings if there is reason to believe that there will be a material decline in the number of members before the end of the amortization period for the special payments;
- (c) the sum of the projected pensionable earnings in clause (a) must be determined based on actuarial assumptions that are consistent with those used to project pensionable earnings in the going concern valuation;
- (d) the present value of the scheduled payments at the date specified in subsection (1) must be equal to the amount of the going concern unfunded liability, increase in going concern liabilities due to an amendment to the pension plan or solvency deficiency being liquidated;

- (e) the amortization periods for each series of scheduled payments are the same as the respective periods under
 - (i) clauses 99(1)(a) and (b) and 99(3)(b) and (e), beginning no later than 12 months after the valuation date on which the scheduled payments were established, and
 - (ii) clauses 99(3)(a), (c) and (d);
 - (f) the present value of scheduled payments must be determined using the following interest rates:
 - (i) for payments with respect to any going concern unfunded liability, using the interest rate or rates used in the valuation report to determine the going concern liabilities, and
 - (ii) for payments with respect to any solvency deficiency, using the interest rates used in the valuation report to determine the solvency liabilities.
- 54 Subsection 102(1) of the regulations is amended by adding “in respect of a pension plan” immediately after “cost certificate”.
- 55 Subsection 103(2) of the regulations is amended by striking out “For” and substituting “Subject to Section 103A, for”.
- 56 The regulations are amended by adding the following Section immediately after Section 103:

Adjustment of special payments for solvency excess—solvency deficiency

103A (1) In this Section,

“solvency excess” means the amount by which the sum of the solvency assets and the solvency asset adjustment exceeds the sum of all of the following:

- (i) 85% of the solvency liabilities,
 - (ii) 85% of the solvency liability adjustment,
 - (iii) the previous year credit balance.
- (2)** This Section applies to special payments
- (a) with respect to a valuation report with a valuation date on or after December 31, 2019, that discloses a solvency excess under the pension plan;
 - (b) with respect to solvency deficiencies arising before the valuation date of the valuation report that are scheduled for payment after the valuation date.
- (3)** If the solvency excess disclosed in the valuation report is
- (a) greater than or equal to the present value of the special payments, the special payments must be reduced to zero;
 - (b) less than the present value of the special payments, the monthly rate of the special

payments must not be changed but the amortization period or periods for the special payments must be reduced so as to reduce the solvency excess to zero.

57 The centred heading immediately before Section 104 of the regulations is repealed.

58 Section 104 of the regulations is repealed and the following Section substituted:

Special payments—temporary exceptions

104 Special payments made under subsection 105(1) or (2) or Section 107, as those provisions read immediately before April 1, 2020, may continue to be made in accordance with those provisions until the first valuation report is filed with a valuation date on or after December 31, 2019.

59 Sections 105 to 115 of the regulations are repealed.

60 Section 116 of the regulations is repealed and the following Section added immediately after the centred heading “**Letters of Credit**”:

Letter of credit deemed to apply to solvency deficiency

116 For the purposes of applying Section 77 of the Act, a letter of credit in respect of a solvency deficiency calculated in accordance with clause 9(2)(a) is deemed to be in respect of a solvency deficiency calculated in accordance with clause 9(2)(b) if the latter solvency deficiency is identified in a valuation report with a valuation date on or after December 31, 2019.

61 Section 120 of the regulations is repealed.

62 (1) Subsection 121(1) of the regulations is amended by

(a) striking out “If a letter of credit relates to special payments described in clause 99(1)(b), the” and substituting “The”; and

(b) striking out “providing the letter” and substituting “providing a letter”.

(2) Subsection 121(3) of the regulations is amended by adding “, amended letter of credit, replacement letter of credit or notice of renewal of a letter of credit” immediately after “a copy of a letter of credit”.

(3) Clause 121(3)(a) of the regulations is amended by adding “, amended letter of credit, replacement letter of credit or notice of the renewal” immediately after “credit”.

63 Subsection 122(1) of the regulations is amended by striking out “All of the following are prescribed as the circumstances” and substituting “Each of the following is prescribed as a circumstance”.

64 Subclause 125(1)(g)(iii) of the regulations is repealed and the following subclause substituted:

(iii) employees who are connected with the employer within the meaning of section 8500(3) of the federal *Income Tax Regulations*;

65 Subsection 128(1) of the regulations is amended by striking out “actuarially”.

66 Section 129 of the regulations is amended by renumbering the second subsection (2) as subsection (3).

67 Subsection 137(3) of the regulations is amended by striking out “clause (2)(b)” and substituting “subsection (2)”.

68 The regulations are amended by adding the following header and Sections immediately after Section 144:

Purchase of Annuity from Insurance Company

Definitions for Sections 144A to 144F

144A In Sections 144B to 144F,

“date of the purchase” means the date that a contract is entered into between the administrator of a pension plan and an insurance company for the purchase of an annuity;

“former member’s surviving spouse” means the surviving spouse of a former member if the intended purchase or purchase of an annuity relates to the deferred pension of the surviving spouse;

“notice of intended purchase” means a notice of an intended purchase of an annuity under subsection 62(2) of the Act, and “notice of an intended purchase” has a similar meaning;

“purchase of an annuity” means a purchase of an annuity from an insurance company under Section 62 of the Act in the form of a deferred pension or pension and any ancillary benefits or other benefits required or authorized by the Act, and “purchase of the annuity” has a similar meaning.

Notice of intended purchase of annuity

144B (1) In addition to the persons required to receive notice under subsection 62(1) of the Act a former member’s surviving spouse is entitled to receive notice of an intended purchase.

- (2)** All of the following information must be included in a notice of intended purchase to a former member or former member’s surviving spouse for whom an annuity is intended to be purchased:
- (a) a statement that the administrator intends to purchase a deferred pension and, if applicable, ancillary benefits or other benefits required or authorized by the Act, from an insurance company, for the former member or the former member’s surviving spouse, in the form of an annuity;
 - (b) a statement that the deferred pension and any ancillary benefits or other benefits required or authorized by the Act that are intended to be purchased are the same as the deferred pension and any ancillary benefits or other benefits that the former member or the former member’s surviving spouse would receive from the pension plan if the intended purchase of an annuity is not made;
 - (c) the date that the contract for the purchase of an annuity is expected to take effect;
 - (d) the amount of pension benefits and details about the ancillary benefits or other benefits required or authorized by the Act to which the former member or the former member’s surviving spouse would be entitled on early, normal and postponed dates for starting payment of benefits, once the purchase is made;
 - (e) a statement that the administrator must provide the former member or the former member’s surviving spouse with all of the following information after the date of the purchase:
 - (i) the name and contact information of the insurance company,

- (ii) the insurance company's group policy number and the certificate number issued by the insurance company that confirms the purchase of the annuity;
 - (f) a statement that, after the purchase of an annuity, the administrator intends to file a certificate with the Superintendent, prepared and signed by an actuary, that the administrator has complied with subsection[s] 62(3) and (4) of the Act in respect of the purchase;
 - (g) a statement that if the administrator is discharged under Section 62 of the Act, the former member is no longer a former member under the Act for any purpose and the former member's surviving spouse no longer has an entitlement to any payments from the pension plan, except as provided in clause (h);
 - (h) if, as at the date of the purchase, the former member or former member's surviving spouse would be entitled to payment of surplus on wind-up of the plan, a statement that if the pension plan is wound up during the first 3 years immediately after the date of purchase, the former member or the surviving spouse of the former member would be entitled to participate in the allocation of any surplus of the pension plan, at the time, in accordance with the Act and the regulations.
- (3) All of the information required to be provided to a former member or a former member's surviving spouse under subsection (2) must be included in a notice of intended purchase to a retired member or a person, other than a retired member, who is receiving a pension under the pension plan for whom an annuity is intended to be purchased with any necessary changes, including all of the following:
- (a) a reference to "former member" must be read as "retired member";
 - (b) a reference to "former member's surviving spouse" must be read as "a person, other than a retired member, who is receiving a pension under the pension plan";
 - (c) a reference to "deferred pension" must be read as "pension".

Prescribed requirements for contract

144C For the purposes of clause 62(4)(b) of the Act, it is a prescribed requirement that a contract to purchase an annuity include provision for all of the following:

- (a) that no money payable under the contract will be assigned, charged, anticipated or given as security except as permitted either by
 - (i) an order made under Section 74 of the Act for the division of a pension entitlement on the breakdown of a spousal relationship, or
 - (ii) under a domestic contract;
- (b) that a transaction that contravenes the prohibition in clause (a) is void;
- (c) that the division of a pension entitlement under Section 74 of the Act, whether by an order of the Supreme Court of Nova Scotia or under a domestic contract, is not effective to the extent that it purports to entitle a spouse or former spouse of the former member or retired member to a share that exceeds 50% of the payments under the contract determined as of the separation date;

- (d) that if the former member has a spouse at the time payments begin, the pension paid will be in the form of a joint and survivor pension in accordance with Section 63 of the Act, unless the circumstances in subsection 63(4) of the Act apply and the spouse provides a waiver as set out in that subsection;
- (e) that on the death of the former member before payment of the first instalment of their deferred pension or pension is due, the deferred pension must be administered in accordance with Section 67 of the Act;
- (f) that the insurance company must provide a certificate confirming the purchase to the person for whom the purchase was made.

Prescribed requirements for purchase

144D For the purposes of clause 62(4)(c) of the Act, all of the following are prescribed requirements for the purchase of an annuity:

- (a) on the day after the date of the purchase, the solvency ratio of the pension plan must be at least the following:
 - (i) 1.0, if the pension plan's solvency ratio as set out in the valuation report most recently filed or submitted for the plan before the date of the purchase was at least 1.0, or
 - (ii) equal to the greater of the following, if the pension plan's solvency ratio as set out in the valuation report most recently filed or submitted for the plan before the date of the purchase is less than 1.0:
 - (A) 0.85,
 - (B) the solvency ratio as set out in the valuation report;
- (b) if the pension plan's solvency ratio on the day after the date of the purchase is less than the solvency ratio required by clause (a), the employer must pay an amount into the pension fund, no later than 90 days after the date of the purchase, that is sufficient to raise the solvency ratio so that it meets the requirements of clause (a);
- (c) for a new actuarial certificate required by subsection 62A(3) of the Act, on the date that any amendments to the original contract or a new contract for the purchase of an annuity takes effect, the solvency ratio of the pension plan must be at least equal to or greater than 0.85.

Record of purchase kept by administrator

144E An administrator must keep a record of a purchase of an annuity that includes all of the following information and documents:

- (a) the date of the purchase;
- (b) the name and address of the insurance company;
- (c) a copy of the contract for the purchase of an annuity;
- (d) the name and address, or last known address, of the person entitled to receive a notice of intended purchase under subsection 62(2) of the Act, including any former member's

surviving spouse;

- (e) for a purchase for a former member or former member's surviving spouse, any records necessary to determine the former member's deferred pension and any ancillary benefits or other benefits required or authorized by the Act;
- (f) for a purchase for a retired member or other person receiving a pension, any records necessary to determine the retired member's pension and any ancillary benefits or other benefits required or authorized by the Act;
- (g) if a spouse of a retired member is receiving a specified amount or a portion of the pension instalment otherwise payable to the retired member in accordance with a division of pension entitlement between spouses under Section 74 of the Act and these regulations, any records necessary to determine the amount or portion of the pension instalment payable to the spouse.

Notice required on filing actuarial certificate for discharge of administrator

144F An administrator who files an actuarial certificate required by subsection 62(5) of the Act for the administrator to be discharged must provide each person entitled to notice of an intended purchase under the Act and these regulations with an updated notice setting out all of the following information:

- (a) that a purchase of an annuity has been made and the date of the purchase;
- (b) the name and contact information of the insurance company;
- (c) the insurance company's group policy number and the certificate number issued by the insurance company that confirms the purchase of the annuity;
- (d) that the actuarial certificate required by subsection 62(5) of the Act has been filed with the Superintendent and the date it was filed.

Notice required on filing new actuarial certificate for discharge of administrator

144G (1) An administrator who was deemed not to be discharged under Section 62A of the Act and who intends to file a new actuarial certificate as required by subsection 62A(3) of the Act for the administrator to be discharged must provide each person entitled to notice of intended purchase under the Act and these regulations, including any person who has become entitled to notice since the original purchase of an annuity was made, with an updated notice that, in the actuary's opinion, as a result of adjustments made to the original purchase, the administrator has complied with subsections 62(3) and (4) of the Act.

- (2) An administrator referred to in subsection (1) who files a new actuarial certificate required by subsection 62A(3) of the Act for the administrator to be discharged must provide each person entitled to notice of intended purchase under the Act and these regulations, including any person who has become entitled to notice since the original purchase of an annuity was made, with an updated notice setting out all of the following information:
 - (a) that as a result of adjustments made to the original purchase, a new or amended contract has been entered into with the insurance company and the new date of the purchase;
 - (b) that a new actuarial certificate has been filed with the Superintendent and the date it was filed;

- (c) the name and contact information of the insurance company;
- (d) the insurance company's group policy number and the certificate number issued by the insurance company that confirms the purchase of an annuity.

69 Section 160 of the regulations is repealed and the following Section substituted:

Interest on commuted value of former member's deferred pension or retired member's pension

160 (1) The rate at which interest must be credited on the commuted value of the deferred pension of a former member or the pension of a retired member payable under Section 61, 67 or 74 of the Act, is the same rate that was used to calculate the commuted value.

(2) The interest referred to in subsection (1) accrues as follows:

- (a) for a former member, from the date that the former member terminates their membership in the pension plan until the beginning of the month in which the amount is paid;
- (b) for a retired member, from the date that the retired member becomes eligible to receive the commuted value of their pension until the beginning of the month in which the amount is paid.

70 Subclause 165(1)(b)(i) of the regulations is repealed and the following subclause substituted:

- (i) the amount calculated as the sum of the following for the plan:
 - (A) the going concern liabilities,
 - (B) the amount equal to the provision for adverse deviations,

71 The regulations are amended by adding the following Section immediately after Section 170:

Withdrawal of surplus from a reserve account on full wind-up of pension plan

170A (1) This Section applies to a pension plan with a reserve account that is being wound up, in whole, and has a surplus on wind-up.

(2) On wind-up, the surplus of a pension plan must not be withdrawn from its reserve account until all of the benefits that members, former members, retired members and other persons entitled to participate in the pension plan are entitled to on full wind-up of the pension plan have been paid.

(3) After all of the benefits referred to in subsection (2) have been paid, the administrator may withdraw the money in the reserve account only after all of the following conditions are met:

- (a) the administrator has made written application to the Superintendent for consent to withdraw the money in accordance with subsection (5);
- (b) the existence and amount of the pension plan's surplus has been established by the wind-up report;
- (c) the administrator has provided the Superintendent with any information or records that the Superintendent requires to assess the application for consent to withdraw the money;

- (d) the Superintendent has consented, in writing, to the withdrawal referred to in the application and the consent has not been revoked under subsection (4).
- (4) If the Superintendent is of the opinion that it is appropriate to do so, the Superintendent may revoke their consent to a withdrawal of the money referred to in subsection (3) and direct the administrator to cease withdrawing the money.
- (5) An application to the Superintendent required by clause (3)(a) for consent to withdraw money from a reserve account must include all of the following:
 - (a) confirmation that all benefits required to be paid under subsection (2) have been paid;
 - (b) the amount of the money in the reserve account;
 - (c) any additional information or records required by the Superintendent to make their decision.

72 Subsection 176(1) of the regulations is repealed and the following subsection substituted:

- (1) In addition to the information required to be set out in a wind-up report by clauses 94(1)(a) to (c) of the Act, all of the following information is prescribed as the information to be included in a wind-up report under clause 94(1)(d) of the Act:
 - (a) any information the Superintendent requires to ensure that the wind-up report meets the requirements of the Act and these regulations and otherwise protects the interests of the members, former members, retired members and other persons entitled to benefits under the pension plan;
 - (b) if the pension plan has a reserve account, the amount in the reserve account.

73 Clause 186(2)(b) of the regulations is amended by adding “of the Act” immediately after “99(2)”.

74 Subsection 189(5) of the regulations is amended by striking out “subsection” and substituting “subsections”.

75 Clause 199(a) of the regulations is amended by adding “of the Act” immediately after “88(3)”.

76 Clause 212(1)(a) of the regulations is amended by adding “or legal action” immediately following “eviction”.

77 Clause 213(3)(a) of the regulations is amended by striking out “222” and substituting “223”.

- 78 (1) Clause 241(1)(a) of the regulations is amended by adding “and statements” immediately after “information”.
- (2) Subsection 241(1) of the regulations is further amended by
 - (a) striking out the semicolon at the end of clause (b) and substituting a period; and
 - (b) repealing clause (c).

79 (1) Section 246 of the regulations is amended by

- (a) striking out “may be paid” and substituting “is entitled to be paid”;
 - (b) striking out “that a pension plan may provide for variation of payment to” and substituting “as the plan provides for variation of payment for”.
- (2) Clause 246(a) of the regulations is amended by striking out “member or”.
- (3) Clause 246(b) of the regulations is repealed and the following clause substituted:
- (b) a former member or retired member in the circumstances set out in Section 70 of the Act for payment of a commuted value of a benefit that is small.
- 80 Section 255 of the regulations is amended by
- (a) in the definition of “Schedule 7”, striking out the quotation mark before and after “Schedule 7: Information Required for Application for Superintendent’s Consent to Transfer of Assets”;
 - (b) in the definition of “Schedule 8”, striking out the quotation mark before and after “Schedule 8: Original Pension Plan - Information Required for Notices for Transfer of Assets (S. 108 and 110 of Act)”;
 - (c) in the definition of “Schedule 9”, striking out the quotation mark before and after “Schedule 9: Successor Pension Plan - Information Required for Notices for Transfer of Assets (S. 108 and 110 of Act)”;
 - (d) repealing the definition of “solvency ratio”.
- 81 Section 256 of the regulations is repealed.
- 82 (1) Subclause 263(a)(i) of the regulations is amended by adding “of the Act” immediately after “108”.
- (2) Subclause 263(a)(ii) of the regulations is amended by adding “of the Act” immediately after “110”.
- 83 (1) Section 277 of the regulations is amended by adding “subsection” immediately before “274(2)”.
- (2) Subclause 277(a)(ii) of the regulations is amended by adding “subsection” immediately before “274(2)”.
- 84 Sections 286 to 297 of the regulations are repealed.
- 85 The regulations are amended by repealing Schedule 1: Permitted Investments.
- 86 (1) Clause 5(a) of Schedule 2: Letters of Credit to the regulations is amended by striking out “, if the letter of credit relates to special payments described in clause 99(1)(b) of the regulations”.
- (2) Clause 6(1)(b) of Schedule 2: Letters of Credit to the regulations is amended in by striking out “notifies the trustee” and substituting “provides the trustee with reasonable notice”.
- (3) Subsections 6(2) and (3) of Schedule 2: Letters of Credit to the regulations are repealed and the following subsections substituted:
- (2) The conditions referred to in paragraph (1)(f)(iv)(B) under which payment of the amount of the letter of credit is not required are satisfied if the following equation is true on the date of

the most recently filed or submitted valuation report:

$$T > (SL - SA)$$

in which

SL = for a valuation report with a valuation date

- (i) before December 31, 2019, the sum of the solvency liabilities and solvency liability adjustment of the plan, or
- (ii) on or after December 31, 2019, 85% of the sum of the solvency liabilities and solvency liability adjustment of the plan

SA = the sum of the solvency assets and the amount, which may be positive or negative, by which the value of the solvency assets is adjusted as a result of applying an averaging method that stabilizes short-term fluctuations in the market value of the plan assets, calculated over a period of no longer than 5 years

T = the present value of the total amount of all letters of credit held in trust for the pension fund, after the reduction in the amount of the letter of credit.

- (3) The value of “T” in the formula in subsection (2) must be determined using the same interest rates as those used to determine the amount of the solvency liabilities set out in the valuation report.

87 (1) Section 1 of Schedule 3: Nova Scotia LIRA Addendum to the regulations is amended by

- (a) striking out the period at the end of the definition of “spouse” and substituting a semicolon; and
- (b) striking out the semicolon at the end of the definition of “Superintendent” and substituting a period.

(2) Subsection 5(5) of Schedule 3: Nova Scotia LIRA Addendum to the regulations is repealed and the following subsection substituted:

- (5) A spouse who, as of the date the owner of a LIRA dies, is living separate and apart from the owner without a reasonable prospect of resuming cohabitation, is not entitled to receive the value of the assets in the LIRA under clause (1)(a) if any of the following conditions apply
 - (a) the spouse delivered a written waiver to the financial institution in accordance with Section 6 of this Schedule;
 - (b) the terms of a written agreement respecting the division of the LIRA that was entered into before the date of the owner’s death disentitle, or do not expressly or impliedly entitle, the spouse to receive an amount under the LIRA;
 - (c) the terms of a court order issued before the owner’s death disentitle, or do not expressly or impliedly entitle, the spouse to receive an amount under the LIF.

88 (1) Subsection 9(4) of Schedule 4: Nova Scotia LIF Addendum to the regulations is amended by striking out “an registered” and substituting “a registered”.

- (2) Clause 10(1)(a) of Schedule 4: Nova Scotia LIF Addendum to the regulations is amended by repealing the value defined for “T” in clause 10(1)(a) and substituting the following:

T = the total of bridging benefits and other periodic income paid to the owner from a pension plan or annuity or from temporary income from other LIFs for that fiscal year;

- (3) Subclause 15(1)(a)(ii) of Schedule 4: Nova Scotia LIF Addendum to the regulations is amended by striking out “held by another financial institution”.

- (4) Subsection 18(5) of Schedule 4: Nova Scotia LIF Addendum to the regulations is repealed and the following subsection substituted:

(5) A spouse who, as of the date the owner of the LIF dies, is living separate and apart from the owner without a reasonable prospect of resuming cohabitation is not entitled to receive the value of the assets in the LIF under clause (1)(a) if any of the following conditions apply:

- (a) the spouse delivered a written waiver to the financial institution in accordance with Section 19 of this Schedule;
- (b) the terms of a written agreement respecting the division of the LIF entered into before the date of the owner’s death disentitle, or do not expressly or impliedly entitle, the spouse to receive an amount under the LIF;
- (c) the terms of a court order issued before the owner’s death disentitle, or do not expressly or impliedly entitle, the spouse to receive an amount under the LIF.

- 89 (1) Subclause 3(f)(i) of Schedule 7: Information Required for Application for Superintendent’s Consent to Transfer of Assets to the regulations is repealed and the following subclause substituted:

- (i) the percentage of the going concern liabilities and of the solvency liabilities that relate to
 - (A) the entitlements under the original pension plan for which the sponsor of the successor pension plan will assume responsibility after the proposed transfer of assets, or
 - (B) for a transfer of assets under Section 110 of the Act between multi-employer pension plans established under a collective agreement or trust agreement, the entitlements for which the successor pension plan will assume responsibility in accordance with subsection 107(10) of the Act,

- 90 (1) Subsection 4(1) of Schedule 8: Original Pension Plan—Information Required for Notices for Transfers of Assets (S. 108 and 110 of Act) to the regulations is amended by adding the following clause immediately after clause (e):

(ea) for a successor pension plan that is a multi-employer pension plan established under a collective agreement or trust agreement, a statement to that effect and that, as a multi-employer pension plan established under a collective agreement or trust agreement, the successor pension plan is permitted under the Act to reduce accrued pension benefits and accrued ancillary benefits;

- (2) Schedule 8: Original Pension Plan—Information Required for Notices for Transfers of Assets (S. 108 and 110 of Act) to the regulations is further amended by striking out “273” and substituting “272” wherever it appears in Sections 5, 6, 7 and 8.

- (3) Section 8 of Schedule 8: Original Pension Plan—Information Required for Notices for Transfers of Assets (S. 108 and 110 of Act) to the regulations is further amended by repealing clause (1)(e) and substituting the following clause:
- (e) a description of any differences in the rate at which contributions are to be made by
 - (i) the original employer or original pension plan sponsor under the original pension plan and the successor employer or successor pension plan sponsor under the successor pension plan, or
 - (ii) for a transfer of assets under Section 110 of the Act between multi-employer pension plans established under a collective agreement or a trust agreement, the participating employers under the original pension plan and the participating employers under the successor pension plan;
- 91 (1) Section 1 of Schedule 9: Successor Pension Plan—Information Required for Notices for Transfers of Assets (S. 108 and 110 of Act) to the regulations is amended by
- (a) adding “or membership” immediately after “service” in clause (e);
 - (b) adding the following clause immediately after clause (f):
 - (fa) for a successor pension plan that is a multi-employer pension plan established under a collective agreement or trust agreement, a statement to that effect and that, as a multi-employer pension plan established under a collective agreement or trust agreement, the successor pension plan is permitted under the Act to reduce accrued pension benefits and accrued ancillary benefits;
- (2) Section 2 of Schedule 9: Successor Pension Plan—Information Required for Notices for Transfers of Assets (S. 108 and 110 of Act) to the regulations is amended by adding the following clause immediately after clause (j):
- (ja) for a successor pension plan that is a multi-employer pension plan established under a collective agreement or trust agreement, a statement to that effect and that, as a multi-employer pension plan established under a collective agreement or trust agreement, the successor pension plan is permitted under the Act to reduce accrued pension benefits and accrued ancillary benefits;
- (3) Clause 3(f) of Schedule 9: Successor Pension Plan—Information Required for Notices for Transfers of Assets (S. 108 and 110 of Act) to the regulations is repealed and the following clauses substituted:
- (f) for a successor pension plan that is a multi-employer pension plan established under a collective agreement or trust agreement, a statement to that effect and that the successor pension plan, as a multi-employer pension plan established under a collective agreement or trust agreement, is permitted under the Act to reduce accrued pension benefits and accrued ancillary benefits;
 - (fa) a description of the following in respect of accrued pension benefits and accrued ancillary benefits:
 - (i) the accrued pension benefits and accrued ancillary benefits for which the successor employer or sponsor of the successor pension plan will be responsible,

- (ii) for a transfer of assets under Section 110 of the Act between multi-employer pension plans established under a collective agreement or trust agreement, a description of the accrued pension benefits and accrued ancillary benefits to be provided by the successor pension plan in accordance with subsection 107(10) of the Act;
- (4) Clause 4(f) of Schedule 9: Successor Pension Plan—Information Required for Notices for Transfers of Assets (S. 108 and 110 of Act) to the regulations is repealed and the following clause substituted:
 - (f) a description of any differences in the rate at which contributions are to be made by the following:
 - (i) the original employer or original pension plan sponsor under the original pension plan and the successor employer or successor pension plan sponsor under the successor pension plan,
 - (ii) for a transfer of assets under Section 110 of the Act between multi-employer pension plans established under a collective agreement or trust agreement, the participating employers under the original pension plan and the participating employers under the successor pension plan;
- (5) Schedule 9: Successor Pension Plan—Information Required for Notices for Transfers of Assets (S. 108 and 110 of Act) to the regulations is further amended by striking out “272” and substituting “273” wherever it appears in Sections 4, 5 and 6.
- (6) Section 6 of Schedule 9: Successor Pension Plan—Information Required for Notices for Transfers of Assets (S. 108 and 110 of Act) to the regulations is further amended by repealing clause (d) and substituting the following clauses:
 - (d) a description of any differences in the rate at which contributions are to be made by the following:
 - (i) the original employer or original pension plan sponsor under the original pension plan and the successor employer or successor pension plan sponsor under the successor pension plan,
 - (ii) for a transfer of assets under Section 110 of the Act between multi-employer pension plans established under a collective agreement or trust agreement, the participating employers under the original pension plan and the participating employers under the successor pension plan;
 - (e) a description of the following in respect of accrued pension benefits and accrued ancillary benefits:
 - (i) the accrued pension benefits and accrued ancillary benefits that the successor employer or sponsor of the successor pension plan will be responsible for,
 - (ii) for a transfer of assets under Section 110 of the Act between multi-employer pension plans established under a collective agreement or trust agreement, a description of the accrued pension benefits and accrued ancillary benefits to be provided by the successor pension plan in accordance with subsection 107(10) of the Act.

N.S. Reg. 32/2020

Made: November 26, 2019

Approved: February 24, 2020

Filed: February 26, 2020

Weights and Dimensions of Vehicles Regulations—amendment

Order in Council 2020-065 dated February 24, 2020

Amendment to regulations made by the Minister of Transportation and Infrastructure Renewal
and approved by the Governor in Council
pursuant to subsection 191(1) of the *Motor Vehicle Act*

The Governor in Council on the report and recommendation of the Minister of Transportation and Infrastructure Renewal dated November 26, 2019, and pursuant to subsection 191(1) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, is pleased to approve amendments made by the Minister of Transportation and Infrastructure Renewal to the *Weights and Dimensions of Vehicles Regulations*, N.S. Reg. 137/2001, made by the Minister of Transportation and Public Works and approved by the Governor in Council by Order in Council 2001-526 dated November 15, 2001, to repeal the definition of “dry bulk products” and references to dry bulk products, and to remove restrictions on which commodities may be transported in which category of vehicle, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after February 24, 2020.

Schedule “A”

**In the matter of an amendment to
the *Weights and Dimensions of Vehicles Regulations*
under subsection 191(1) of Chapter 293 of the Revised Statutes of
Nova Scotia, 1989, the *Motor Vehicle Act***

Order

I, Lloyd P. Hines, Minister of Transportation and Infrastructure Renewal for the Province of Nova Scotia, pursuant to subsection 191(1) of Chapter ~~93~~ [293] of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, hereby amend the *Weights and Dimensions of Vehicles Regulations*, N.S. Reg. 137/2001, made by the Minister of Transportation and Public Works and approved by the Governor in Council by Order in Council 2001-526 dated November 15, 2001, to repeal the definition of “dry bulk products” and references to dry bulk products, and to remove restrictions on which commodities may be carried in specific trailers, in the manner set out in the attached.

The amendments referred to in this order are effective on and after the date they are approved by the Governor in Council.

Dated and made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on November 26, 2019.

sgd. *Lloyd Hines*

Honourable Lloyd P. Hines

Minister of Transportation and Infrastructure Renewal

**Amendment to the *Weights and Dimensions of Vehicles Regulations*
made by the Minister of Transportation and Infrastructure Renewal under
subsection 191(1) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989,
the *Motor Vehicle Act***

- 1 The *Weights and Dimensions of Vehicles Regulations*, N.S. Reg. 137/2001, made by the Minister of Transportation and Public Works and approved by the Governor in Council by Order in Council 2001-526 dated November 15, 2001, are amended by repealing the definition of “dry bulk products” in Section 2.
 - 2 Section 1 of Category 12 of Part 2 of Schedule A to the regulations is amended by striking out “The semi-trailer may be used only to carry dry bulk products, liquid bulk products and raw forest products.” in footnote 1.
-

N.S. Reg. 33/2020

Made: February 20, 2020

Filed: February 26, 2020

Schedule of Fees for the Nova Scotia Fisheries and Aquaculture Loan Board—repeal

Order dated February 20, 2020

Repeal of regulations made by the Minister of Fisheries and Aquaculture pursuant to clause 6(j) of the *Fisheries and Coastal Resources Act*

**In the matter of clause 6(j) of Chapter 25 of the Acts of 1996,
the *Fisheries and Coastal Resources Act***

-and-

**In the matter of a Schedule of Fees for the
Nova Scotia Fisheries and Aquaculture Loan Board
established by the Minister of Fisheries and Aquaculture pursuant to
clause 6(j) of the *Fisheries and Coastal Resources Act***

Order

I, Keith Colwell, Minister of Fisheries and Aquaculture for the Province of Nova Scotia, pursuant to clause 6(j) of Chapter 25 of the Acts of 1996, the *Fisheries and Coastal Resources Act*, hereby repeal the schedule of fees for the Nova Scotia Fisheries and Aquaculture Loan Board, N.S. Reg. 217/2018, established by order of the Minister of Fisheries and Aquaculture dated December 6, 2018.

This order is effective on and after February 20, 2020.

Made at Halifax, in the Halifax Regional Municipality, Province of Nova Scotia, on February 20, 2020.

sgd. *Keith Colwell*

Honourable Keith Colwell

Minister of Fisheries and Aquaculture

N.S. Reg. 34/2020

Made: February 26, 2020

Filed: February 28, 2020

Spring Weight Restriction Regulations—amendment

Order dated February 26, 2020

Amendment to regulations made by the Director of Operations Services,
Department of Transportation and Infrastructure Renewal
pursuant to subsection 20(1) of the *Public Highways Act*

**In the matter of subsection 20(1) of
Chapter 371 of the Revised Statutes of Nova Scotia, 1989,
the *Public Highways Act***

Order

I, Buffy White, Director of Operations Services, Department of Transportation and Infrastructure Renewal, as delegated by the Minister of Transportation and Infrastructure Renewal under subsection 20(1) of Chapter 371 of the Revised Statutes of Nova Scotia, 1989, the *Public Highways Act*, hereby order that Schedule A to the *Spring Weight Restriction Regulations*, N.S. Reg. 31/2018, made by the Executive Director of Maintenance and Operations, Department of Transportation and Infrastructure Renewal on February 21, 2018, is amended by

(a) under the heading “Colchester County”, repealing items 43 and 43A and substituting the following item:

43. **Truro Heights Connector (0909)**, from Truro Heights Road easterly to McClures Mill Road, 1.0 km.

(b) under the heading “Hants County”, adding the following item immediately after item 4:

4A. **Trunk 1**, from Hantsport Connector westerly to Hantsport Town Line, 0.3 km.

(c) under the heading “Kings County”,

(i) adding the following items immediately after item 9:

9A. **Route 221**, from Route 360 westerly, 1.0 km.

9B. **Route 221**, from Bishop Mountain Road easterly, 3.0 km.

(ii) repealing item 14 and substituting the following item:

14. **Route 360**, from Berwick Town Line (north) northerly to Route 221, 3.8 km.

(iii) adding the following item immediately after item 15:

15A. **Bishop Mountain Road (0650)**, from Highway 101 northerly to Route 221, 2.1 km.

Dated and made at Halifax, Nova Scotia, on February 26, 2020.

sgd. *Buffy White*

Buffy White, P. Eng.

Director of Operations Services

Department of Transportation and Infrastructure Renewal

N.S. Reg. 35/2020

Made: February 27, 2020

Filed: February 28, 2020

Prescribed Petroleum Products Prices

Order dated February 27, 2020
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**M09600****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: Roberta J. Clarke, Q.C., Member

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 wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

And whereas the Board revised the retail margin and the transportation allowance effective October 28, 2016, in its decision, 2016 NSUARB 168, issued on September 26, 2016;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the period ended February 26, 2020, are:

Grade 1 Regular gasoline	57.18¢ per litre
Ultra-low-sulfur diesel oil	56.45¢ per litre

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

Gasoline:	
Grade 1	57.18¢ per litre
Grade 2	60.18¢ per litre
Grade 3	63.18¢ per litre
Ultra-low-sulfur diesel oil	56.45¢ 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:	minus 0.38¢ per litre
Ultra-low-sulfur diesel oil:	minus 1.50¢ per litre

And whereas a winter blending adjustment of plus 1.94¢ per litre is required for ultra-low-sulfur diesel oil;

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., February 28, 2020.

Dated at Halifax, Nova Scotia, this 27th day of February, 2020.

sgd. Lisa Wallace
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on February 28, 2020**

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	65.05	10.0	15.5	90.55	110.0	112.2	110.0	999.9
Mid-Grade Unleaded	68.05	10.0	15.5	93.55	113.4	115.6	113.4	999.9
Premium Unleaded	71.05	10.0	15.5	96.55	116.9	119.1	116.9	999.9
Ultra-Low-Sulfur Diesel	65.41	4.0	15.4	84.81	103.4	105.6	103.4	999.9
Zone 2								
Regular Unleaded	65.55	10.0	15.5	91.05	110.6	112.8	110.6	999.9
Mid-Grade Unleaded	68.55	10.0	15.5	94.05	114.0	116.2	114.0	999.9
Premium Unleaded	71.55	10.0	15.5	97.05	117.5	119.7	117.5	999.9
Ultra-Low-Sulfur Diesel	65.91	4.0	15.4	85.31	104.0	106.2	104.0	999.9
Zone 3								
Regular Unleaded	65.95	10.0	15.5	91.45	111.0	113.2	111.0	999.9
Mid-Grade Unleaded	68.95	10.0	15.5	94.45	114.5	116.7	114.5	999.9
Premium Unleaded	71.95	10.0	15.5	97.45	117.9	120.1	117.9	999.9
Ultra-Low-Sulfur Diesel	66.31	4.0	15.4	85.71	104.4	106.6	104.4	999.9
Zone 4								
Regular Unleaded	66.05	10.0	15.5	91.55	111.1	113.3	111.1	999.9
Mid-Grade Unleaded	69.05	10.0	15.5	94.55	114.6	116.8	114.6	999.9
Premium Unleaded	72.05	10.0	15.5	97.55	118.0	120.2	118.0	999.9
Ultra-Low-Sulfur Diesel	66.41	4.0	15.4	85.81	104.5	106.7	104.5	999.9
Zone 5								
Regular Unleaded	66.05	10.0	15.5	91.55	111.1	113.3	111.1	999.9
Mid-Grade Unleaded	69.05	10.0	15.5	94.55	114.6	116.8	114.6	999.9
Premium Unleaded	72.05	10.0	15.5	97.55	118.0	120.2	118.0	999.9
Ultra-Low-Sulfur Diesel	66.41	4.0	15.4	85.81	104.5	106.7	104.5	999.9
Zone 6								
Regular Unleaded	66.75	10.0	15.5	92.25	112.0	114.1	112.0	999.9
Mid-Grade Unleaded	69.75	10.0	15.5	95.25	115.4	117.6	115.4	999.9
Premium Unleaded	72.75	10.0	15.5	98.25	118.9	121.0	118.9	999.9
Ultra-Low-Sulfur Diesel	67.11	4.0	15.4	86.51	105.4	107.5	105.4	999.9

N.S. Reg. 36/2020

Made: March 3, 2020

Filed: March 3, 2020

Contaminated Sites Regulations—amendment

Order in Council 2020-076 dated March 3, 2020
Amendment to regulations made by the Governor in Council
pursuant to Section 91 of the *Environment Act*

The Governor in Council on the report and recommendation of the Minister of Environment dated January 16, 2020, and pursuant to Section 91 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, is pleased to amend the *Contaminated Sites Regulations*, N.S. Reg. 64/2012, made by the Governor in Council by Order in Council 2012-60 dated March 6, 2012, respecting the streamlining of signature requirements, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after March 3, 2020.

Schedule “A”

**Amendment to the *Contaminated Sites Regulations*
made by the Governor in Council under Section 91
of Chapter 1 of the Acts of 1994-95,
the *Environment Act***

- 1 The *Contaminated Sites Regulations*, N.S. Reg. 64/2012, made by the Governor in Council by Order in Council 2012-60 dated March 6, 2012, are amended by striking out “an entire contaminated parcel of land” in the definition of “full property remediation” and substituting “the entire contaminated parcel(s) of land”.
- 2 Subsection 10(2) of the regulations is repealed [and] the following subsection substituted:
 - (2) A person who provides a written notice under Section 8 or 9 must
 - (a) sign the notice; and
 - (b) confirm in writing that they have provided a copy of the notice to each recipient required by the relevant Section.
- 3 Clause 13(1)(d) of the regulations is amended by striking out “each parcel of land” and substituting “the parcel(s) of land”.
- 4 Section 14 of the regulations is amended by repealing subsection (2) and substituting the following subsection:
 - (2) A record of site condition must be signed by all of the following:
 - (a) at least 1 owner of each parcel of land to which the record relates for which conditional closure under the Ministerial protocol is being requested;
 - (b) a site professional, who must
 - (i) certify that the information required by subsection (1) is accurate, and

- (ii) confirm that a copy of the record of site condition has been provided to each person required to sign under clause (a).
- 5 Clause 15(1)(e) of the regulations is amended by striking out “the remediated parcel of land” and substituting “the remediated parcel(s) of land”.
- 6 Section 16 of the regulations is amended by repealing subsection (2) and substituting the following subsection:
- (2) A site professional who prepares a declaration of property condition must sign the declaration to
- (a) certify that the information required by subsection (1) is accurate; and
- (b) confirm that a copy of the declaration has been provided to at least 1 owner of each parcel of land contaminated.
- 7 (1) Clauses 17(1)(a) and (b) of the regulations are amended by striking out “the parcel of land” and substituting “a parcel of land to which the declaration applies”.
- (2) Clause 17(6)(a) of the regulations is amended by striking out “the remediated parcel of land” and substituting “the remediated parcel(s) of land”.
- 8 The regulations are further amended by striking out “the parcel of land” wherever it appears and substituting “the parcel(s) of land”.
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N.S. Reg. 37/2020

Made: December 30, 2019

Filed: March 4, 2020

Family Court Jurisdiction Designation

Order in Council 2019-362 dated December 30, 2019

Designation made by the Governor in Council
pursuant to clause 7(3)(d) of the *Family Court Act*

The Governor in Council on the report and recommendation of the Attorney General and Minister of Justice dated December 10, 2019, and pursuant to clause 7(3)(d) of Chapter 159 of the Revised Statutes of Nova Scotia, 1989, the *Family Court Act*, is pleased to confer on the Family Court for the Province of Nova Scotia concurrent jurisdiction over all child and family services matters arising from Chapter 24 of the Statutes of Canada, 2019, *An Act respecting First Nations, Inuit and Métis children, youth and families*, effective on and after January 1, 2020.