



Part II

Regulations under the Regulations Act

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[Please note: Pursuant to subsection 4(4) of the *Regulations Act*, the time for publication of N.S. Reg. 215/2025, N.S. Reg. 216/2024, N.S. Reg. 228/2024 and N.S. Reg. 229/2024 has been extended by order of the Attorney General dated October 24, 2024.]

In force date of regulations: As of November 28, 2023*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*.

A regulation comes into force on the date it is filed unless the regulation states that it comes into force on a later date, or the Act that the regulation is made under authorizes the regulation to come into force on a date earlier than the date it was filed or authorizes another method of coming into force.

*Date that subsections 3(4) and (5) of Chapter 54 of the Acts of 2022, *An Act to Amend Chapter 393 of the Revised Statutes, 1989, the Regulations Act*, were proclaimed in force.

N.S. Reg. 230/2024

Made: October 24, 2024

Filed: October 24, 2024

Prescribed Petroleum Products Prices

Order dated October 24, 2024
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*

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

N.S. Reg. 231/2024

Made: October 24, 2024

Filed: October 24, 2024

Proclamation of Act, S. 111, S.N.S. 2024, c. 3–S. 107 to 109

Order in Council 2024-394 dated October 24, 2024
Proclamation made by the Governor in Council
pursuant to Section 111 of the
Financial Measures (2024) Act

The Governor in Council on the report and recommendation of the Minister of Finance and Treasury Board dated October 10, 2024, pursuant to Section 111 of Chapter 3 of the Acts of 2024, the *Financial Measures (2024) Act*, and subsection 3(7) of Chapter 235 of the Revised Statutes of Nova Scotia, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Part XIV of Chapter 3 of the Acts of 2024, the *Financial Measures (2024) Act*, do come into force on and not before April 1, 2025.

L.S.

Canada
Province of Nova Scotia

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

To all to whom these presents shall come, or whom the same may in any wise concern,

Greeting!

A Proclamation

Whereas in and by Section 111 of Chapter 3 of the Acts of 2024, the *Financial Measures (2024) Act*, it is enacted as follows:

111 Sections 2 to 9, 20 to 27, 37 to 39, 45 to 53 and 72 to 74, subsections 86(1) to (4) and (7), 87(2) and

(4) and 92(2) and (3), Sections 102 to 104 and 107 to 110 have effect on such day as the Governor in Council orders and declares by proclamation.

And Whereas it is deemed expedient that Part XIV of Chapter 3 of the Acts of 2024, the *Financial Measures (2024) Act*, do come into force on and not before April 1, 2025;

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 Part XIV of Chapter 3 of the Acts of 2024, the *Financial Measures (2024) Act*, do come into force on and not before April 1, 2025, 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, Arthur J. LeBlanc, Chancellor of Our Order of Nova Scotia, one of Our Counsel learned in the law in the Province of Nova Scotia, Lieutenant Governor in and of Our Province of Nova Scotia.

Given at Our Government House in the Halifax Regional Municipality, this 24th day of October in the year of Our Lord two thousand and twenty-four and in the Third year of Our Reign.

By Command:

**PROVINCIAL SECRETARY
ATTORNEY GENERAL AND MINISTER OF JUSTICE**

N.S. Reg. 232/2024

Made: October 24, 2024

Filed: October 24, 2024

Pension Benefits Regulations—amendment

Order in Council 2024-395 dated October 24, 2024
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 October 10, 2024, 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 unlocking of funds and the requirement to provide statements to former members and retired members of a pension plan, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after April 1, 2025.

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) The definition of "LIF" or "life income fund" in 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) striking out "and Schedule 4: Nova Scotia LIF Addendum;" and substituting "and the requirements in either of the following:"; and
 - (b) adding ~~the following~~ the following subclauses immediately after "either of the following:":
 - (i) Schedule 4: Nova Scotia LIF Addendum, or
 - (ii) Schedule 4A: Nova Scotia LIF Addendum;
- (2) The definition of "owner" in subsection 2(1) of the regulations is amended by
- (a) striking out the semicolon at the end of paragraph (iii)(C) and substituting a comma; and
 - (b) adding the following paragraph immediately after paragraph (iii)(C):
 - (D) a former member, acting in accordance with clause 61(1)(b) of the Act and clause 12(1)(b) of Schedule 4A: Nova Scotia LIF Addendum, who has purchased an immediate life annuity;
- (3) The definition of "physician" in subsection 2(1) of the regulations is amended by striking out "former member" and substituting "member, former member or retired member".
- 2 Clause 74(2)(r) of the regulations is amended by
- (a) adding "presented in a clear and prominent manner" immediately after "Superintendent," in subclause (v); and
 - (b) adding ", expressed in plain language that is clear and concise" immediately after "benefits" in subclause (vi).
- 3 Subclause 76(2)(j)(i) of the regulations is amended by adding "expressed in plain language that is clear and concise," immediately after "option,".
- 4 The regulations are further amended by adding the following Sections immediately after Section 76:

Biennial statement to former members

- 76A (1)** An administrator of a pension plan must transmit to each former member a written statement in respect of the pension plan every 2 years no later than 6 months after the end of the pension plan's most recent fiscal year.
- (2)** A statement to former members must contain at least all of the following information for the

period covered by the statement, as the information is recorded in the administrator's records for the pension plan:

- (a) the name of the plan and its Provincial registration number;
- (b) the former member's name and date of birth;
- (c) the name of any person recorded as the former member's spouse;
- (d) the period covered by the statement;
- (e) the name of any person designated by the former member as a beneficiary for the purposes of the pre-retirement death benefit under Section 67 of the Act;
- (f) a description of any benefits to be provided on the former member's death;
- (g) the former member's normal retirement date under the plan;
- (h) the earliest date the former member will be eligible to receive any unreduced pension that may be available to the former member;
- (i) any indexing provisions that apply to the deferred pension;
- (j) any bridging benefit or special allowance and the date that the benefit ceases to be paid;
- (k) any formula by which the member's deferred pension will be integrated with a pension payable under the CPP, QPP or OAS and any resulting reduction or increase to the deferred pension;
- (l) for a plan that provides defined benefits,
 - (i) the transfer ratio of the plan as of the valuation date of each of the 2 valuation reports most recently filed or submitted to the Superintendent, presented in a clear and prominent manner,
 - (ii) an explanation of the transfer ratio and how it relates to the level of funding of former member's benefits, expressed in plain language that is clear and concise;
- (m) if special payments are being made to liquidate any going concern unfunded liability or solvency deficiency, a statement to that effect;
- (n) 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;
- (o) if the plan is exempt from the requirement to fund a solvency deficiency, a statement that the plan is exempt;
- (p) a statement setting out the treatment of any surplus in a continuing plan and on wind-up;
- (q) an explanation of any amendments affecting the former member that were made to the plan during the period, if an explanation has not been provided under Section 30;

- (r) for multi-employer pension plans and plans that provide defined benefits under which the obligation of the employer to contribute to the pension fund is limited to a fixed amount set out in a collective agreement, a statement that the member's pension benefits may be reduced if the assets of the plan are not sufficient to meet the liabilities of the plan on wind-up.

Biennial statement to retired members

- 76B (1)** An administrator of a pension plan must transmit to each retired member a written statement in respect of the pension plan every 2 years no later than 6 months after the end of the pension plan's most recent fiscal year.
- (2)** A statement to retired members must contain at least all of the following information for the period covered by the statement, as the information is recorded in the administrator's records for the pension plan:
- (a) the name of the plan and its Provincial registration number;
 - (b) the retired member's name and date of birth;
 - (c) the name of any person recorded as the retired member's spouse;
 - (d) the period covered by the statement;
 - (e) the form of any pension payable to the retired member at retirement;
 - (f) any indexing provisions that apply to the pension;
 - (g) any bridging benefit or special allowance and the date on which the benefit ceases to be paid;
 - (h) any integration of the pension entitlement with a pension payable under the CPP, QPP or OAS and the effect of the integration;
 - (i) for a plan that provides defined benefits,
 - (i) the transfer ratio of the plan as of the valuation date of each of the 2 valuation reports most recently filed or submitted to the Superintendent, presented in a clear and prominent manner,
 - (ii) an explanation of the transfer ratio and how it relates to the level of funding of the retired members' benefits, expressed in plain language that is clear and concise;
 - (j) if special payments are being made to liquidate any going concern unfunded liability or solvency deficiency, a statement to that effect;
 - (k) 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;
 - (l) if the plan is exempt from the requirement to fund a solvency deficiency, a statement that the plan is exempt;

- (m) a statement setting out the treatment of any surplus in a continuing plan and on wind-up;
- (n) an explanation of any amendments affecting the retired member that were made to the plan during the period, if an explanation has not been provided under Section 30;
- (o) for multi-employer pension plans and plans that provide defined benefits under which the obligation of the employer to contribute to the pension fund is limited to a fixed amount set out in a collective agreement, a statement that the member's pension benefits may be reduced if the assets of the plan are not sufficient to meet the liabilities of the plan on wind-up.

5 Section 129 of the regulations is amended by

- (a) striking out "former member" in subsection (1) and substituting "member, former member or retired member";
- (b) striking out "deferred pension under subsection 69(2) of the Act" in subsection (2) and substituting "pension benefit, deferred pension or pension under subsection 69(2) of the Act";
- (c) repealing clause (2)(a) and substituting the following clause:
 - (a) an application must be made to the administrator for either of the following:
 - (i) the withdrawal from the plan of the commuted value of the member's pension benefit, the former member's deferred pension or the retired member's pension,
 - (ii) in the case of a retired member who is receiving variable pension benefits, the withdrawal from the retired member's variable benefits account;
- (d) striking out "former member" wherever it appears in clause (2)(b) and substituting "member, former member or retired member";
- (e) striking out "deferred pension" in paragraph (2)(b)(ii)(B) and substituting "pension benefit, deferred pension or pension" in paragraph (2)(b)(ii)(B); and
- (f) striking out "former member" in subsection (3) and substituting "member, former member or retired member".

6 Subclause (i) of the definition of "bank deposit rate" in subsection 153(1) of the regulations is amended by

- (a) adding "using the rate reported for the last Wednesday of each month" immediately after "rates"; and
- (b) striking out "V122515" and substituting "V80691336".

7 Subsection 161(1) of the regulations is amended by striking out "62(5)" and substituting "62A(4)".

8 Section 200 of the regulations is amended by

- (a) adding the following clauses immediately after clause (1)(aa):
 - (ab) an amount transferred in accordance with the Public Service Superannuation Plan under the *Public Service Superannuation Act*;

- (ac) an amount transferred in accordance with subclause 24(11)(b)(ii) or 24(12)(b)(ii), or clause 41(4)(b) of the *Teachers' Pension Plan Regulations*;
- (b) striking out the period at the end of clause (2)(f) and substituting a semicolon; and
- (c) adding the following clauses immediately after clause (2)(f):
 - (g) a former member of the Public Service Superannuation Plan under the *Public Service Superannuation Act* who is entitled to make a transfer in accordance with the Public Service Superannuation Plan;
 - (h) a spouse of a person who was a member of the Public Service Superannuation Plan under the *Public Service Superannuation Act* who is entitled to make a transfer in accordance with the Public Service Superannuation Plan;
 - (i) a former member of the Teachers' Pension Plan who is entitled to make a transfer in accordance with subclause 24(11)(b)(ii) or 24(12)(b)(ii) of the *Teachers' Pension Plan Regulations*;
 - (j) a spouse of a person who was a member of the Teachers' Pension Plan who is entitled to make a transfer in accordance with clause 41(4)(b) of the *Teachers' Pension Plan Regulations*.

9 Section 205 of the regulations is amended by

- (a) adding the following clauses immediately after clause (1)(aa):
 - (ab) an amount transferred in accordance with the Public Service Superannuation Plan under the *Public Service Superannuation Act*;
 - (ac) an amount transferred in accordance with subclause 24(11)(b)(ii) or 24(12)(b)(ii), or clause 41(4)(b) of the *Teachers' Pension Plan Regulations*;
- (b) striking out the period at the end of clause (2)(f) and substituting a semicolon; and
- (c) adding the following clauses immediately after clause (2)(f):
 - (g) a former member of the Public Service Superannuation Plan under the *Public Service Superannuation Act* who is entitled to make a transfer in accordance with the Public Service Superannuation Plan;
 - (h) a spouse of a person who was a member of the Public Service Superannuation Plan under the *Public Service Superannuation Act* who is entitled to make a transfer in accordance with the Public Service Superannuation Plan;
 - (i) a former member of the Teachers' Pension Plan who is entitled to make a transfer in accordance with subclause 24(11)(b)(ii) or 24(12)(b)(ii) of the *Teachers' Pension Plan Regulations*;
 - (j) a spouse of a person who was a member of the Teachers' Pension Plan who is entitled to make a transfer in accordance with clause 41(4)(b) of the *Teachers' Pension Plan Regulations*.

10 The regulations are further amended by repealing Section 206 and substituting the following Section:

Contracts establishing and governing LIFs

- 206 (1)** A contract establishing and governing a LIF purchased before April 1, 2025, must include the following in relation to the LIF:
- (a) all of the information required for a LIRA in clauses 201(a) to (f), substituting “LIF” for “LIRA”;
 - (b) a statement by the financial institution that it agrees to provide the information described in Section 14 of Schedule 4: Nova Scotia LIF Addendum, to the persons indicated in that Section;
 - (c) a copy of Schedule 4: Nova Scotia LIF Addendum attached to the contract.
- (2)** A contract establishing and governing a LIF purchased on or after April 1, 2025, must include the following in relation to the LIF:
- (a) all of the information required for a LIRA in clauses 201(a), (b), (d), (e) and (f), substituting “LIF” for “LIRA”;
 - (b) a statement by the financial institution providing the LIF that it agrees not to amend the contract except as provided in Schedule 4A: Nova Scotia LIF Addendum and these regulations;
 - (c) a statement by the financial institution that it agrees to provide the information described in Section 11 of Schedule 4A: Nova Scotia LIF Addendum to the persons indicated in that Section;
 - (d) a copy of Schedule 4A: Nova Scotia LIF Addendum attached to the contract.
- 11 The regulations are further amended by repealing Section 207.
- 12 The regulations are further amended by repealing subsection 208(1).
- 13 Paragraph 214(a)(ii)(A) of the regulations is amended by
- (a) adding “governed by Schedule 4: Nova Scotia LIF Addendum” immediately after “for a LIF” in subparagraph (II); and
 - (b) adding the following subparagraph after subparagraph (II):
 - (III) for a LIF governed by Schedule 4A: Nova Scotia LIF Addendum, Section 16 of Schedule: 4A Nova Scotia LIF Addendum,
- 14 Subsection 223(4A) of the regulations is amended by
- (a) repealing clause (a) and substituting the following clause:
 - (a) the maximum amount of annual LIF income that may be paid out of each LIF of the owner for the year as determined in accordance with
 - (i) Schedule 4: Nova Scotia LIF Addendum for a LIF governed by Schedule 4: Nova Scotia LIF Addendum,

(ii) Schedule 4A: Nova Scotia LIF Addendum for a LIF governed by Schedule 4A: Nova Scotia LIF Addendum;

(b) in clause (b), striking out “Section 1” and substituting “Section 1A”.

15 Section 232 of the regulations is amended by

(a) repealing subsection (1) and substituting the following subsection:

(1) An owner may apply in an approved form to the financial institution that provides their LIRA or LIF to withdraw all or part of the money in their LIRA or LIF because they have ceased to be a resident of Canada for at least the 2 immediately previous calendar years.

(b) repealing clause (2)(a) and substituting the following clause:

(a) a declaration signed by the owner that they have not been a resident of Canada for at least the 2 immediately previous calendar years;

(c) adding the following subsection immediately after subsection (3):

(4) For the purpose of determining residency under subsections (1) and (2), an owner is deemed to be a resident of Canada in a calendar year if the owner resides in Canada for 183 days or more of that calendar year.

16 (1) The heading to Section 233 of the regulations is amended by striking out “65” and substituting “55”.

(2) Section 233 of the regulations is amended by

(a) striking out “65” and substituting “55” in subsection (1); and

(b) striking out “65” and substituting “55” in clause (4)(c).

17 The regulations are further amended by adding the following Sections immediately after Section 233:

Withdrawal from LIF at age 55

233A (1) In relation to a transfer of assets made into a LIF governed by Schedule 4A: Nova Scotia LIF Addendum, an owner who is at least 55 years of age may apply in accordance with this Section to withdraw from the LIF or transfer to an RRSP or RRIF an amount representing

(a) up to 50% of the market value of the assets transferred if the transfer is from a pension fund, locked-in retirement account or LIF governed by Schedule 4: Nova Scotia LIF Addendum;

(b) up to 50% of the ~~of the~~ market value of the assets transferred if the transfer is from a LIF governed by Schedule 4A: Nova Scotia LIF Addendum and the transfer is a result of a division, as defined in Section 234;

(2) Despite subsection (1), if the assets are transferred into a LIF governed by Schedule 4A: Nova Scotia LIF Addendum from a variable benefits account, the owner cannot make a withdrawal or transfer described in clause (1)(a).

(3) An application for a withdrawal or transfer under this Section must be given to the financial

institution that administers the LIF governed by Schedule 4A: Nova Scotia LIF Addendum within 60 days after the assets are transferred into the LIF.

- (4) An application under this Section must be signed by the owner and accompanied by 1 of the following documents:
 - (a) a statement signed by the owner attesting to the fact that none of the money in the LIF governed by Schedule 4A: Nova Scotia LIF Addendum is derived, directly or indirectly, from a pension benefit provided in respect of any employment of the owner;
 - (b) if a statement cannot be provided under clause (a), a declaration about a spouse in accordance with Section 214.
- (5) If the assets in the LIF governed by Schedule 4A: Nova Scotia LIF Addendum consist of identifiable and transferable securities, the financial institution may transfer the securities with the consent of the owner.
- (6) For purposes of this Section, the market value of the assets transferred into a LIF governed by Schedule 4A: Nova Scotia LIF Addendum is to be determined as of the date the assets were transferred into the LIF.
- (7) A payment or transfer to an owner by a financial institution under this Section must be made no later than 30 days after the date the financial institution receives the completed application and all accompanying documents from the owner.

LIFs governed by Schedule 4A effective January 1, 2035

- 233B (1)** On January 1, 2035, Schedule 4: Nova Scotia LIF Addendum ceases to have effect and Schedule 4A: Nova Scotia LIF Addendum is deemed to apply to all LIFs, including any LIFs created before April 1, 2025.
- (2) An owner of a LIF that is deemed to be governed by Schedule 4A: Nova Scotia LIF Addendum under subsection (1) who is at least 55 years old may apply in accordance with subsections 233A(4) and (5) to withdraw from the LIF or transfer to an RRSP or RRIF an amount representing up to 50% of the market value of the assets in the LIF as at December 31, 2034.
 - (3) An application for a withdrawal or transfer described in subsection (2) must be given to the financial institution that administers the LIF governed by Schedule 4A: Nova Scotia LIF Addendum by March 31, 2035.
 - (4) A payment or transfer to an owner by a financial institution under this Section must be made no later than 30 days after the date the financial institution receives the completed application and all accompanying documents from the owner.

Owner may transfer assets in LIF before December 31, 2034

233C Despite Section 233B, an owner may transfer the assets in a LIF governed by Schedule 4: Nova Scotia LIF Addendum into a LIF governed by Schedule 4A: Nova Scotia LIF Addendum at any time before December 31, 2034, in accordance with the Act and these regulations.

- 18 Clause 242(2)(c) of the regulations is amended by adding “or Section 12 of Schedule 4A: Nova Scotia LIF Addendum” immediately after “Addendum”.

- 19 Section 246 of the regulations is amended by
- (a) striking out “pension benefit or deferred pension” wherever it appears and substituting “pension benefit, deferred pension or pension”; and
 - (b) striking out “former member” in clause (a) and substituting “member, former member or retired member”.
- 20 Schedule 3: Nova Scotia LIRA Addendum to the regulations is amended by
- (a) in the definition of “owner” in Section 1,
 - (i) striking out the semicolon at the end of subclause (vi) and substituting a comma, and
 - (ii) adding the following subclauses immediately after subclause (vi):
 - (vii) a former member of the Public Service Superannuation Plan under the *Public Service Superannuation Act* who is entitled to make a transfer in accordance with the Public Service Superannuation Plan,
 - (viii) a spouse of a person who was a member of the Public Service Superannuation Plan under the *Public Service Superannuation Act* who is entitled to make a transfer in accordance with the Public Service Superannuation Plan,
 - (ix) a former member of the Teachers’ Pension Plan who is entitled to make a transfer in accordance with subclause 24(11)(b)(ii) or 24(12)(b)(ii) of the *Teachers’ Pension Plan Regulations*,
 - (x) a spouse of a person who was a member of the Teachers’ Pension Plan who is entitled to make a transfer in accordance with clause 41(4)(b) of the *Teachers’ Pension Plan Regulations*;
 - (b) striking out “age 65” and substituting “age 55” under the heading “Prohibitions on transactions from Section 91 of Act” in the “Note Re Requirements of the *Pension Benefits Act* and *Regulations* and the *Pooled Registered Pension Plans Act* and its regulations”.
- 21 Schedule 4: Nova Scotia LIF Addendum to the regulations is amended by
- (a) in the definition of “owner” in Section 1,
 - (i) striking out the semicolon at the end of subclause (vi) and substituting a comma, and
 - (ii) adding the following subclauses immediately after subclause (vi):
 - (vii) a former member of the Public Service Superannuation Plan under the *Public Service Superannuation Act* who is entitled to make a transfer in accordance with the Public Service Superannuation Plan,
 - (viii) a spouse of a person who was a member of the Public Service Superannuation Plan under the *Public Service Superannuation Act* who is entitled to make a transfer in accordance with the Public Service Superannuation Plan,
 - (ix) a former member of the Teachers’ Pension Plan who is entitled to make a transfer in

accordance with subclause 24(11)(b)(ii) or 24(12)(b)(ii) of the *Teachers' Pension Plan Regulations*,

- (x) a spouse of a person who was a member of the *Teachers' Pension Plan* who is entitled to make a transfer in accordance with clause 41(4)(b) of the *Teachers' Pension Plan Regulations*;

- (b) adding the following Section immediately after Section 1:

LIF governed by this Schedule cannot be purchased on or after April 1, 2025

1A (1) A LIF that is governed by this Schedule cannot be purchased on or after April 1, 2025.

- (2) Money cannot be transferred into a LIF that is governed by this Schedule on or after April 1, 2025.

- (c) striking out “age 65” and substituting “age 55” under the heading “Prohibitions on transactions from Section 91 of Act” in the “Note Re Requirements of the *Pension Benefits Act* and *Regulations* and the *Pooled Registered Pension Plans Act* and its regulations”.

- 22 The regulations are further amended by adding the following Schedule immediately after Schedule 4:

Schedule 4A: Nova Scotia LIF Addendum
(*Pension Benefits Regulations*)

Note: This document is Schedule 4A to the *Pension Benefits Regulations* (Nova Scotia). It forms part of the regulations and must be read, construed and interpreted in conjunction with the *Pension Benefits Act* and its regulations.

Definitions for this Schedule

1 In this Schedule,

“Act” means the *Pension Benefits Act*;

“domestic contract”, as defined in Section 2 of the regulations, means a written agreement referred to in and for the purpose of Section 74 of the Act, or Section 14 of the *Pooled Registered Pension Plans Act*, that provides for a division between spouses of any pension benefit, deferred pension, pension, LIRA or LIF and includes a marriage contract as defined in the *Matrimonial Property Act*;

“federal *Income Tax Act*”, as defined in Section 2 of the regulations, means the *Income Tax Act* (Canada) and, unless specified otherwise, includes the regulations made under that Act;

“owner” means any of the following persons, as set out in subsection 205(2) of the regulations, who has purchased a LIF:

- (i) a former member who is entitled to make a transfer under clause 61(1)(b) of the Act,
- (ii) a spouse of a person who was a member, and who is entitled to make a transfer under clause 61(1)(b) of the Act,
- (iii) a person who has previously transferred an amount under clause 61(1)(b) of the Act into a LIRA or LIF,
- (iv) a person who has previously transferred an amount into a LIF as a result of a division of

- any pension benefit, deferred pension or pension under Section 74 of the Act,
- (v) a spouse who is entitled to transfer a lump sum as a result of a division of any pension benefit, deferred pension or pension under Section 74 of the Act,
 - (vi) if the funds in the account of a pooled registered pension plan are used for the purchase, a person who transfers the amount in accordance with the *Pooled Registered Pension Plans Act* and the *Pooled Registered Pension Plans Regulations*,
 - (vii) a former member of the Public Service Superannuation Plan under the *Public Service Superannuation Act* who is entitled to make a transfer in accordance with the Public Service Superannuation Plan,
 - (viii) a spouse of a person who was a member of the Public Service Superannuation Plan under the *Public Service Superannuation Act* who is entitled to make a transfer in accordance with the Public Service Superannuation Plan,
 - (ix) a former member of the Teachers' Pension Plan who is entitled to make a transfer in accordance with subclause 24(11)(b)(ii) or 24(12)(b)(ii) of the *Teachers' Pension Plan Regulations*,
 - (x) a spouse of a person who was a member of the Teachers' Pension Plan who is entitled to make a transfer in accordance with clause 41(4)(b) of the *Teachers' Pension Plan Regulations*;

“regulations” means the *Pension Benefits Regulations* made under the Act;

“spouse”, as defined in the Act, means either of 2 persons who

- (i) are married to each other,
- (ii) are married to each other by a marriage that is voidable and has not been annulled by a declaration of nullity,
- (iii) have gone through a form of marriage with each other, in good faith, that is void and are cohabiting or, if they have ceased to cohabit, have cohabited within the 12-month period immediately preceding the date of entitlement, and
- (iv) are domestic partners within the meaning of Section 52 of the *Vital Statistics Act*, or
- (v) not being married to each other, are cohabiting in a conjugal relationship with each other, and have done so continuously for at least
 - (A) 3 years, if either of them is married, or
 - (B) 1 year, if neither of them is married;

“Superintendent” means the Superintendent of Pensions, as defined in the Act.

Fiscal year of LIFs

2 (1) In this Schedule, “fiscal year” means the fiscal year of a LIF.

(2) A fiscal year must end on December 31 and must not be longer than 12 months.

Reference rate criteria

- 3 A reference rate in this Schedule for a fiscal year must meet all of the following criteria:
- (a) it must be based on the month-end nominal rate of interest earned on long-term bonds issued by the Government of Canada for November of the year immediately before the beginning of the fiscal year, as compiled by Statistics Canada and published in the Bank of Canada Review as CANSIM Series V122487, with the following adjustments applied successively to that nominal rate:
 - (i) an increase of 0.5%,
 - (ii) the conversion of the increased rate, based on interest compounded semi-annually, to an effective annual rate of interest,
 - (iii) the rounding of the effective interest rate to the nearest multiple of 0.5%;
 - (b) it must not be less than 6%.

**Note Re Requirements of the *Pension Benefits Act* and Regulations and the
Pooled Registered Pension Plans Act and its regulations**

Prohibitions on transactions from Section 91 of Act

Under Section 91 of the Act and Section 12 of the *Pooled Registered Pension Plans Act*, money held in a LIF must not be commuted or surrendered in whole or in part except as permitted by this Schedule and the regulations including, without limiting the generality of the foregoing, the following Sections of the regulations:

- Section 198, respecting the transfer of an excess amount, as defined in that Section
- Sections 211 through 229, respecting withdrawal in circumstances of financial hardship
- Section 231, respecting withdrawal in circumstances of considerably shortened life expectancy
- Section 232, respecting withdrawal in circumstances of non-residency
- Section 233, respecting withdrawal of small amounts at age 55
- Section 233A, respecting withdrawal of amounts upon transfer into Schedule 4A LIF

Pursuant to subsection 91(2) of the Act and subsection 12(2) of the *Pooled Registered Pension Plans Act*, any transaction that contravenes Section 91 of the Act or Section 12 of the *Pooled Registered Pension Plans Act* is void.

Values of assets in LIF subject to division

The value of the assets in a LIF is subject to division in accordance with all of the following:

- an order of the Supreme Court of Nova Scotia that provides for the division of a pension benefit, deferred pension or pension under Section 74 of the Act, or a division of the funds in a pooled registered pension plan account under Section 14 of the *Pooled Registered Pension Plans Act*
- a domestic contract that provides for the division of a pension benefit, deferred pension or pension under Section 74 of the Act, or a division of the funds in a pooled registered pension plan account under Section 14 of the *Pooled Registered Pension Plans Act*
- the regulations

Money held in LIF

The following requirements are set out in the *Pension Benefits Act* and are applicable to LIFs governed by this Schedule:

- Money held in a LIF must not be assigned, charged, or given as security except as permitted by subsection 88(3) of the Act, Section 90 of the Act, subsection 12(3) of the *Pooled Registered Pension Plans Act* or Section 13 of the *Pooled Registered Pension Plans Act*, and any transaction purporting to assign, charge, anticipate or give the money in the LIF as security is void.
- Money held in a LIF is exempt from execution, seizure or attachment except for the purpose of enforcing a maintenance order as permitted by Section 90 of the Act or Section 13 of the *Pooled Registered Pension Plans Act*.

Periodic payments of income out of LIFs

- 4 (1) An owner must be paid an income from their LIF, the amount of which may vary, annually.
- (2) Income payments from a LIF must begin no earlier than
- (a) the earliest date that the owner would have been entitled to receive a pension under any pension plan from which the money was transferred; or
 - (b) if all of the money in a LIF is derived from sources other than a pension benefit provided in respect of any employment of the owner, the date the owner turns 55 years old.
- (3) Income payments from a LIF must begin no later than the end of a LIF's 2nd fiscal year.

Amount of income payments from LIFs

- 5 (1) Subject to the minimum amount in Section 6 of this Schedule, an owner of a LIF must establish the amount of income to be paid during each fiscal year at the beginning of the fiscal year and after they have received the information required by Section 11 of this Schedule.
- (2) Except as provided in subsection (5), an owner of a LIF must notify the financial institution providing the LIF of the amount to be paid out of the LIF each year and any owner who does not do so is deemed to have selected the minimum amount determined under Section 6 of this Schedule.
- (3) The owner's notice required by subsection (2) must be given either
- (a) except as provided in subsection (5), at the beginning of the fiscal year;
 - (b) at a time agreed to by the financial institution providing the LIF.
- (4) The owner's notice required by subsection (2) expires at the end of the fiscal year to which it relates.
- (5) If a financial institution providing a LIF guarantees the rate of return of the LIF over a period that is greater than 1 year, the period must end at the end of a fiscal year and the owner may establish the amount of income to be paid during the period at the beginning of the period.

Minimum annual LIF withdrawal

- 6 (1) The amount of income that is paid out of a LIF during a fiscal year must not be less than the

minimum amount prescribed for a registered retirement income fund by the federal *Income Tax Act*, determined on the basis of the owner's age or the age of the owner's spouse if the spouse is younger than the owner.

- (2) Despite Sections 7, 8 and 9 of this Schedule, if the minimum amount specified by subsection (1) is greater than the maximum amount determined under those Sections for a fiscal year, then the minimum amount under subsection (1) must be paid out of the LIF during the fiscal year.

Pro-rating amount of withdrawal if initial fiscal year less than 12 months

- 7 If the initial fiscal year is less than 12 months long, the maximum amount determined under Sections 8 and 9 of this Schedule must be adjusted in proportion to the number of months in that fiscal year divided by 12, with any part of an incomplete month counting as 1 month.

Maximum annual life income from LIF

- 8 The maximum annual amount of life income to be paid each year from a LIF is determined by the following formula:

$$\text{maximum payable} = F \times B$$

in which

F = is the factor in Schedule 5: Life Income Fund—Factor F that corresponds to the reference rate for the fiscal year and the owner's age at the end of the previous year

B = the balance of the LIF at the beginning of the fiscal year, increased by any money transferred to the LIF after the beginning of that fiscal year and reduced by any money transferred from another LIF, to the LIF, in the same year.

Maximum annual income payable if financial institution guarantees rate of return of LIFs

- 9 (1) If a financial institution that provides a LIF guarantees the rate of return of the LIF over a period greater than 1 year and the owner establishes the amount of income to be paid during that period, the maximum income that may be paid during each of the fiscal years during the period must be determined at the beginning of each fiscal year in the period in accordance with this Section.

- (2) For each year after the initial fiscal year, the maximum income to be paid for the fiscal year under a LIF described in subsection (1) is equal to the lesser of the following amounts:

(a) the balance of the LIF at the time of payment in that year;

(b) the amount determined by the following formula:

$$\text{maximum income} = (I \times B) \div RB$$

in which

I = the maximum income determined for the initial fiscal year under Section 8 of this Schedule

B = the balance of the LIF at the beginning of the fiscal year

RB = the reference balance determined at January 1 of the year as calculated under

subsection (3).

- (3) For the formula in clause (2)(b), the reference balance (“RB”) must be calculated by the following formula:

$$RB = (PRB - I) + [(PRB - I) \times RR/100]$$

in which

PRB = the reference balance

- (i) at the beginning of the previous year, or
- (ii) for the 2nd year of the period, the LIF balance at the beginning of the 1st year of the period

I = the maximum income determined for the initial fiscal year

RR = the reference rate for the year, if the fiscal year is one of the first 16 fiscal years of the LIF, or by 6% for any other year.

Income in excess of maximum

- 10** If income paid to an owner under a LIF during a fiscal year exceeds the maximum that may be paid, the balance of the LIF must not be reduced by the excess unless the payment is attributable to incorrect information provided by the owner.

Information to be provided annually by financial institution

- 11 (1)** At the beginning of each fiscal year, a financial institution providing a LIF must provide all of the following information to an owner about their LIF:
- (a) with respect to the previous fiscal year:
 - (i) the sums deposited,
 - (ii) any accumulated investment earnings including any unrealized capital gains or losses,
 - (iii) the payments made out of the LIF,
 - (iv) any withdrawals from the LIF made under the following circumstances, in accordance with Sections 211 to 229 of the regulations:
 - (A) a mortgage default circumstance, as defined in clause 212(1)(a) of the regulations,
 - (B) a medical expense circumstance, as defined in clause 212(1)(b) of the regulations,
 - (C) a rental default circumstance, as defined in clause 212(1)(c) of the regulations,
 - (D) a reduced income circumstance, as defined in clause 212(1)(d) of the regulations,

- (v) any transfers made out of the LIF,
 - (vi) the fees charged against the LIF;
 - (b) the value of the assets in the LIF at the beginning of the fiscal year;
 - (c) the minimum amount that must be paid out as income to the owner during the current fiscal year;
 - (d) the maximum amount that may be paid out as income to the owner during the current fiscal year;
 - (e) a statement that the maximum amount of income that may be paid to the owner during the fiscal year will not be increased if assets held in another LIF during the year are transferred to the LIF;
 - (f) if the beginning of the fiscal year is later than the beginning of the calendar year, a statement as to whether any sums deposited were held in another LIF during the year, and the amount of those deposits;
 - (g) a statement that if the owner wishes to transfer the balance of the LIF, in whole or in part, and still receive the income determined for the fiscal year from the LIF, then an amount must be retained in the LIF that is at least equal to the difference between the income determined for the fiscal year and the income already received from the LIF since the beginning of the fiscal year;
 - (h) a statement that if the owner dies before the balance in the LIF is used to purchase a life annuity contract or is transferred under Section 12 of this Schedule, then the financial institution must provide the owner's spouse or beneficiary or the personal representative of their estate with the information in clauses (a) and (b), determined as of the date the owner died;
 - (i) a statement that if the balance of the LIF is transferred to another financial institution or used to purchase a life annuity, then the financial institution must provide the owner the information in clauses (a) and (b), determined as of the date of the transfer or annuity purchase;
 - (j) a statement that if the balance of the LIF is transferred to another financial institution or used to purchase a life annuity, then the financial institution must comply with Section 209 of the regulations, in accordance with subsection 12(6) of this Schedule.
- (2) If the assets in the LIF are withdrawn or transferred under Sections 211 to 233C, a financial institution that provided the LIF must provide to the owner the information described in subclauses (1)(a)(i) to (vi) and clause (b), determined as of the date of the transfer or withdrawal.

Transferring assets from LIFs

12 (1) An owner of a LIF may transfer all or part of the assets in the LIF as follows:

- (a) to either of the following:
 - (i) another LIF,

- (ii) a LIRA, if permitted under the federal *Income Tax Act*;
 - (b) to purchase an immediate life annuity; or
 - (c) for an owner who is a member or former member of a pension plan that provides for variable pension benefits, to the owner's variable benefits account in accordance with Section 150 of the regulations, if the transfer is permitted by the plan.
- (2) The date of a transfer under subsection (1) must not be later than 30 days after the owner requests it, unless any of the following apply:
- (a) the financial institution providing the LIRA does not have all the information necessary to complete the transaction, in which case the 30-day period begins to run from the date the financial institution has all the necessary information;
 - (b) the transfer is in respect of assets held as securities whose term of investment extends beyond the 30-day period, in which case the 30-day period begins to run from the date the term of investment expires.
- (3) If assets in a LIF consist of identifiable and transferable securities, the financial institution providing the LIF may transfer the securities with the consent of the owner.
- (4) If assets held in a LIF are transferred to another LIF at any time in the current fiscal year, the maximum amount of income that may be paid to the owner of the LIF must not be increased.
- (5) A financial institution providing a LIF must advise the financial institution to which the assets of the LIF are transferred
- (a) that the assets were held in a LIF in the current year; and
 - (b) whether the assets were determined in a manner that differentiated on the basis of sex.
- (6) If the balance of a LIF is transferred to another financial institution or used to purchase a life annuity, the financial institution providing the LIF must comply with Section 209 of the regulations.

Information to be provided by financial institution on transfer of balance of LIFs

- 13 If the balance of the LIF is transferred to another financial institution or used to purchase a life annuity, the financial institution making the transfer must provide the owner with all of the information required to be provided annually under clauses 11(a) to (g) of this Schedule, determined as of the date of the transfer or annuity purchase.

Information to be provided upon transfer of additional amounts to LIFs

- 14 No later than 30 days after the date that money in locked-in funds that has not been held in a LIF at any time in the current year is transferred to a LIF, the financial institution providing the LIF must provide the owner with all of the following information:
- (a) the information required to be provided annually under clauses 11(a) to (e) of this Schedule, determined as of the date of the transfer;
 - (b) the balance of the LIF used to determine the maximum amount that may be paid to the owner as income during the fiscal year.

Death benefits

- 15 (1)** If the owner of a LIF dies, the following are entitled to receive a benefit equal to the value of the assets in the LIF, subject to subsections (4) and (5):
- (a) the owner's spouse;
 - (b) if there is no spouse or if the spouse is otherwise disentitled under subsection (4) or (5), the owner's named beneficiary;
 - (c) if there is no named beneficiary, the personal representative of the owner's estate.
- (2)** For the purposes of subsection (1), a determination as to whether an owner of a LIF has a spouse must be made as of the date the owner dies.
- (3)** For the purposes of subsection (1), the value of the assets in a LIF includes all accumulated investment earnings, including any unrealized capital gains and losses, of the LIF from the date of death until the date of payment.
- (4)** A spouse is not entitled to receive the value of the assets in a LIF under clause (1)(a) if the owner of the LIF was not
- (a) a member or former member of a pension plan from which the assets were transferred, directly or indirectly, to purchase the LIF; or
 - (b) a member of a pooled registered pension plan from which the assets were transferred, directly or indirectly, to purchase the LIF.
- (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 16 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.
- (6)** The benefit described in subsection (1) may be transferred to an RRSP or a RRIF in accordance with the federal *Income Tax Act*.

Waiver of entitlement to death benefits by spouse

- 16 (1)** A spouse of an owner of a LIF may waive their entitlement to receive a benefit described in Section 15 of this Schedule from the LIF, by delivering, any time before the death of the owner, a written waiver in an approved form to the financial institution providing the LIF.
- (2)** A spouse who delivers a waiver under subsection (1) may cancel it by delivering a written and signed notice of cancellation to the financial institution before the date the owner of the LIF dies.

Information to be provided by financial institution on death of owner

- 17 If the owner of a LIF dies before the balance in the LIF is transferred or used to purchase a life annuity contract, the financial institution providing the LIF must give the information required to be provided annually under clauses 11(a) to (f) of this Schedule, determined as of the date of the owner's death, to any person entitled to receive the assets in the LIF under subsection 15(1) of this Schedule.
- 23 Schedule 5: Life Income Fund—Factor F to the regulations is amended by adding “and in Sections 8 and 9 of Schedule 4A: Nova Scotia LIF Addendum” immediately before the period at the end of the sentence “This table is used to determine the factor (F) in the formulas in Sections 8, 10 and 11 of Schedule 4: Nova Scotia LIF Addendum”.
- 24 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 “, expressed in plain language that is clear and concise” immediately after “report” in clause 3(1).
- 25 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 “, expressed in plain language that is clear and concise” immediately after “ancillary benefits” in clause 1(i); and
 - (b) adding “, expressed in plain language that is clear and concise” immediately after “plan” in clause 2(1).

N.S. Reg. 233/2024

Made: October 24, 2024

Filed: October 24, 2024

Proclamation of Act, S. 105 and S. 45 of Sch. A and S. 106 of Sch. B, S.N.S. 2024, c. 2—except S. 17 and 72, and 9(b) to (e), 75 to 85 and 94 to 104 of Sch. B

Order in Council 2024-396 dated October 24, 2024

Proclamation made by the Governor in Council

pursuant to Sections 105 and 45 of Schedule A and 106 of Schedule B of the
Energy Reform (2024) Act

The Governor in Council on the report and recommendation of the Minister of Finance and Treasury Board and the Minister of Natural Resources and Renewables dated October 11, 2024, pursuant to Section 105 of Chapter 2 of the Acts of 2024, the *Energy Reform (2024) Act*, Section 45 of Schedule A of [to] said Chapter 2, Section 106 of Schedule B [to] of said Chapter 2 and subsection 3(7) of Chapter 235 of the Revised Statutes of Nova Scotia, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that

- (a) Chapter 2 of the Acts of 2024, the *Energy Reform (2024) Act*, except Sections 4 to 20, 22 to 59, 61 to 91, 93 to 95 and 97 to 104, Schedule A and clauses 9(b) to (e) and Sections 75 to 85 and 94 to 104 of Schedule B, do come into force on and not before October 24, 2024; and
- (b) Sections 4 to 16, 18 to 20, 22 to 59, 61 to 71, 73 to 91, 93 to 95 and 97 to 104 and Schedule A of [to] Chapter 2 of the Acts of 2024, the *Energy Reform (2024) Act*, do come into force on and not before April 1, 2025.

L.S.

Canada
Province of Nova Scotia

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

To all to whom these presents shall come, or whom the same may in any wise concern,

Greeting!

A Proclamation

Whereas in and by Section 105 of Chapter 2 of the Acts of 2024, the *Energy Reform (2024) Act*, it is enacted as follows:

105 This Act, except Sections 2 and 3, clauses 57(d) and (e) and subsection 76(2), has effect on and after such day as the Governor in Council may order and declare by proclamation.

Whereas in and by Section 45 of Schedule A of [to] Chapter 2 of the Acts of 2024, the *Energy Reform (2024) Act*, it is enacted as follows:

45 This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation.

Whereas in and by Section 106 of Schedule B of [to] Chapter 2 of the Acts of 2024, the *Energy Reform (2024) Act*, it is enacted as follows:

106 This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation.

And Whereas it is deemed expedient that Chapter 2 of the Acts of 2024, the *Energy Reform (2024) Act*, except Sections 4 to 20, 22 to 59, 61 to 91, 93 to 95 and 97 to 104, Schedule A and clauses 9(b) to (e) and Sections 75 to 85 and 94 to 104 of Schedule B, do come into force on and not before October 24, 2024;

And Whereas it is deemed expedient that Sections 4 to 16, 18 to 20, 22 to 59, 61 to 71, 73 to 91, 93 to 95 and 97 to 104 and Schedule A of [to] Chapter 2 of the Acts of 2024, the *Energy Reform (2024) Act*, do come into force on and not before April 1, 2025;

Now Know Ye That We, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 2 of the Acts of 2024, the *Energy Reform (2024) Act*, except Sections 4 to 20, 22 to 59, 61 to 91, 93 to 95 and 97 to 104, Schedule A and clauses 9(b) to (e) and Sections 75 to 85 and 94 to 104 of Schedule B do come into force on and not before October 24, 2024, and that Sections 4 to 16, 18 to 20, 22 to 59, 61 to 71, 73 to 91, 93 to 95 and 97 to 104 and Schedule A of [to] Chapter 2 of the Acts of 2024, the *Energy Reform (2024) Act*, do come into force on and not before April 1, 2025, 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, Arthur J. LeBlanc, Chancellor of Our Order of Nova Scotia, one of Our Counsel learned in the law in the Province of Nova Scotia, Lieutenant Governor in and of Our Province of Nova Scotia.

Given at Our Government House in the Halifax Regional Municipality, this 24th day of October in the year of Our Lord two thousand and twenty-four and in the Third year of Our Reign.

By Command:

PROVINCIAL SECRETARY
ATTORNEY GENERAL AND MINISTER OF JUSTICE

N.S. Reg. 234/2024

Made: October 24, 2024

Filed: October 24, 2024

Prescribed Projects Regulations

Order in Council 2024-401 dated October 24, 2024
Regulations made by the Governor in Council
pursuant to Section 118 of the *Public Utilities Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources and Renewables dated October 21, 2024, and pursuant to Section 118 of Chapter 380 of the Revised Statutes of Nova Scotia, 1989, the *Public Utilities Act*, is pleased to make regulations respecting prescribed projects, in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after October 24, 2024.

Schedule “A”

**Regulations Respecting Prescribed Projects
made by the Governor in Council under Section 118
of Chapter 380 of the Revised Statutes of Nova Scotia, 1989,
the *Public Utilities Act***

Citation

1 These regulations may be cited as the *Prescribed Projects Regulations*.

Definitions

2 In these regulations,

“Act” means the *Public Utilities Act*.

Prescribed project under Section 21B of Act

3 (1) The NS-NB Reliability Intertie Project is prescribed as a project under Section 21B of the Act.

(2) The project includes all of the following:

- (a) designing, developing, engineering, procuring, constructing, owning, operating and maintaining a new 345 kV transmission line, and the associated station upgrades, which will traverse from Onslow, Nova Scotia, to the New Brunswick border, and includes, without limitation, all associated works, activities, infrastructure and rights of way;

- (b) funding the construction of and, in co-operation with New Brunswick Power Corporation, designing, developing, engineering and procuring a new 345 kV transmission line, and the associated station upgrades, that New Brunswick Power Corporation will own, operate and maintain at no additional cost to Nova Scotia Power Incorporated and which will traverse from the New Brunswick border to Salisbury, New Brunswick, and includes, without limitation, all associated works, activities, infrastructure and rights of way.
- (3) Nova Scotia Power Incorporated is authorized to enter into an ownership arrangement for the prescribed project with the Canada Infrastructure Bank through which the Canada Infrastructure Bank may partially own and/or invest in the ownership arrangement.
- (4) In determining an ownership arrangement's revenue requirement, the Energy Board must consider all costs, charges and fees incurred by the ownership arrangement in connection with the prescribed project.

N.S. Reg. 235/2024

Made: October 24, 2024

Filed: October 24, 2024

Regulated Health Professions Network Members Regulations

Order in Council 2024-404 dated October 24, 2024

Regulations made by the Governor in Council

pursuant to Section 23 of the *Regulated Health Professions Network Act*

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated September 26, 2024, and pursuant to Section 23 of Chapter 48 of the Acts of 2012, the *Regulated Health Professions Network Act*, is pleased to make regulations respecting regulated health professions network members, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after October 24, 2024.

Schedule "A"

**Regulations Respecting Regulated Health Professions Network Members
made by the Governor in Council under Section 23
of Chapter 48 of the Acts of 2012,
the *Regulated Health Professions Network Act***

Citation

1 These regulations may be cited as the *Regulated Health Professions Network Members Regulations*.

Definitions

2 In these regulations,

"Act" means the *Regulated Health Professions Network Act*.

Network members

3 (1) Any regulatory body established or continued by regulations made under Chapter 15 of the Acts of 2023, the *Regulated Health Professions Act*, becomes a Network member on the date it is

established or continued.

- (2) In addition to the regulatory bodies described in subsection (1), all of the following are Network members:

College of Dental Hygienists of Nova Scotia
 College of Occupational Therapists of Nova Scotia
 College of Physicians and Surgeons of Nova Scotia
 Denturist Licensing Board
 Midwifery Regulatory Council of Nova Scotia
 Nova Scotia Association of Social Workers
 Nova Scotia Board of Examiners in Psychology
 Nova Scotia College of Audiologists and Speech-Language Pathologists
 Nova Scotia College of Chiropractors
 Nova Scotia College of Counselling Therapists
 Nova Scotia College of Dietitians and Nutritionists
 Nova Scotia College of Dispensing Opticians
 Nova Scotia College of Medical Imaging and Radiation Therapy Professionals
 Nova Scotia College of Medical Laboratory Technologists
 Nova Scotia College of Nursing
 Nova Scotia College of Optometrists
 Nova Scotia College of Pharmacists
 Nova Scotia College of Physiotherapists
 Nova Scotia College of Respiratory Therapists
 Nova Scotia Dental Technicians Association
 Nova Scotia Regulator of Paramedicine
 Provincial Dental Board of Nova Scotia

N.S. Reg. 236/2024

Made: September 25, 2024

Approved: October 16, 2024

Filed: October 25, 2024

Chicken Farmers of Nova Scotia Regulations—amendment

Order dated October 22, 2024

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

Chicken Farmers of Nova Scotia

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

I certify that on September 25, 2024, the Chicken Farmers of Nova Scotia, pursuant to Section 9 of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*, as delegated by Section 7 of the *Nova Scotia Chicken Marketing Plan*, N.S. Reg. 241/[19]82, carried a motion to amend the *Chicken Farmers of Nova Scotia Regulations*, N.S. Reg. 109/2020, made by the Chicken Farmers of Nova Scotia on August 19, 2020, and approved by the Natural Products Marketing Council on August 20, 2020, in the manner set forth in the attached Schedule “A”, effective on and after December 1, 2024.

Signed at Kentville, in the County of Kings, Nova Scotia, on Oct. 22, 2024.

Chicken Farmers of Nova Scotia

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

Approved by the Natural Products Marketing Council at Bible Hill, Nova Scotia, on October 16, 2024.

Natural Products Marketing Council

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

Schedule “A”

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

1 Sections 9A to 9B of the *Chicken Farmers of Nova Scotia Regulations*, N.S. Reg. 109/2020, made by the *Chicken Farmers of Nova Scotia*, and approved by the Natural Products Marketing Council on August 20, 2020, pursuant to Section 9 of the *Natural Products Act*, is repealed and the following Sections substituted:

Applying for approval to transfer base quota

- 9A (1)** In this Section, “application” means an application under subsection (2) for approval to transfer base quota.
- (2)** A person must apply to the Commodity Board for approval to transfer base quota to another person.
- (3)** Each of the following is considered a Category I transfer of base quota for the purposes of subsection (2):
- (a)** any transfer of all or part of the base quota held by a person to another person;
 - (b)** any transfer of all interest in base quota such that the producer to which the quota is registered remains the same but no person with an interest in the base quota prior to the transfer would have an interest in the base quota after the transfer.
- (4)** Each of the following is considered a Category II transfer of base quota for the purposes of subsection (2):
- (a)** any change in the shareholders or beneficial shareholders of a corporation that has an interest in base quota except for the change described in clause (3)(b);

- (b) any change in the partners of a partnership that has an interest in base quota except for the change described in clause (3)(b);
 - (c) any change in the income beneficiaries or capital beneficiaries of a trust that has an interest in base quota except for a change as described in clause (3)(b), whether the change occurred before or after the final distribution of that trust;
 - (d) any change other than those listed in clauses (a) to (c) that results in a person acquiring or disposing of an interest in base quota or that otherwise affects a person's interest in base quota.
- (5) An application for a Category I transfer of base quota must include all of the following:
- (a) the name of the applicant;
 - (b) the proposed transferee's name and contact information;
 - (c) the amount of base quota to be transferred;
 - (d) a certificate as described in subsection 63(1) or (2) for each of
 - (i) the transferor of base quota after the transfer, if only a part of the transferor's base quota is being transferred, and
 - (ii) the transferee of base quota after the transfer;
 - (e) the facilities to be transferred, if any;
 - (f) written evidence of a binding agreement satisfactory to the Commodity Board, including a specified transfer date;
 - (g) the signatures of the applicant and the proposed transferee;
 - (h) if the proposed transfer is without facilities, details about the facilities where chicken will be produced;
 - (i) if chicken ~~are~~ [is] to be produced in a leased facility, an application under subsection 29(2) from the transferee for approval to produce chicken in a leased facility;
 - (j) any information or documentation in addition to that specified in clauses (a) to (i) that the Commodity Board considers relevant to the application.
- (6) An application for approval of a Category I transfer of base quota must be in the form approved by the Commodity Board and must be submitted to the Commodity Board at least 18 weeks before the beginning of the marketing period on the first day of which the transfer of base quota is intended to take place.
- (7) An application for a Category II transfer of base quota must include all of the following:
- (a) the name of the applicant;
 - (b) a certificate as described in subsection 63(1) listing all persons who will have an interest in the base quota after the transfer;

- (c) the signature of the applicant;
 - (d) any information or documentation in addition to that specified in clauses (a) to (c) that the Commodity Board considers relevant to the application.
- (8) An application for approval of a Category II transfer of base quota must be in the form approved by the Commodity Board and must be submitted to the Commodity Board at least 60 days before the effective date of the transfer.
- (9) The Commodity Board may consider any of the following additional information in considering an application:
- (a) information contained in a certificate provided by the applicant or the proposed transferee under subsection 63(1) or (2);
 - (b) information provided to the Commodity Board by a broiler chicken commodity board that is created under the laws of a province other than the Province and has authority over quota for broiler chicken in that other province;
 - (c) Commodity Board records pertaining to the applicant or the proposed transferee;
 - (d) information obtained by the Commodity Board at any time as a result of an inspection under the Plan or the Act;
 - (e) any information in addition to that specified in clauses (a) to (d) that it considers relevant to the application.
- (10) Nothing in these regulations affects the ability of the parties to a transfer to establish terms and conditions in a contract of purchase and sale that are consistent with the Act, the Plan and these regulations.

Commodity Board approval of application to transfer base quota

- 9B** (1) If the Commodity Board is satisfied that an application under Section 9A for approval to transfer base quota is complete, the Commodity Board may approve the transfer.
- (2) A Category I transfer of base quota takes effect on the first day of the marketing period for which the transfer is approved.
- (3) A Category II transfer of base quota takes effect on the date on which it is approved by the Commodity Board.
- (4) Approval of a transfer of base quota may include any condition that the Commodity Board considers appropriate.

2 Section 9H of the regulations is repealed and the following Section is substituted:

Impact of transfer on base quota adjustment

- 9H** (1) In a Category I transfer, the increase or decrease with respect to the amount of the transferred quota applies to the transferee on a pro rata basis from the date of the transfer.
- (2) Subject to subsection (5), a producer who transfers all of their base quota in a Category I transfer does not retain any part of any adjustment to base quota.

- (3) A producer who transfers part of their base quota in a Category I transfer is not eligible for increases to base quota under subsection 9G(2) if the increase results in the producer having more base quota than they had immediately after the transfer.
- (4) Subsection (3) applies from the beginning of the marketing period for which the transfer was effective until the beginning of the first marketing period of the third full base quota period after the effective date of the transfer.
- (5) Subsections (1) and (2) will not apply when
 - (a) a producer who is a natural person applies to and obtains approval from the Commodity Board to transfer all of their base quota and any adjustment to base quota to a corporation, partnership or trust in which the natural person is a beneficial shareholder, partner or beneficiary; or
 - (b) a producer transfers all of their base quota in a Category I transfer, but the persons with interest in the base quota after the transfer are either persons who had an interest in the quota before the transfer or are all immediate family members of a natural person who had an interest in the quota before the transfer.
- (6) Subsection (3) does not apply when
 - (a) a producer is transferring part of their base quota to a New Producer or Eligible New Farmer, provided the producer has not done so in the last 18 marketing periods; or
 - (b) a producer is transferring part of their base quota to an immediate family member of a person who has an interest in the quota.
- (7) A New Producer or Eligible New Farmer acquiring base quota under a transfer where subsection (6) applies may not transfer their base quota for 18 marketing periods.
- (8) Effective in the first marketing period after December 1, 2024, for which licences have not been issued, the Commodity Board will cease applying subsection (3) to a producer if the quota transfer that resulted in subsection (3) being applied meets the criteria in subsection (6).

3 The regulations are amended by adding the following Section immediately after Section 10:

Personal consumption exemption from licensing requirement

- 10A (1)** The Commodity Board may exempt a natural person from the requirement in Section 10 and enable them to produce up to 200 chickens on their premise[s] in a calendar year for personal consumption.
- (2) In order to grant an exemption, the Commodity Board must be satisfied that the applicant requires more than 100 chickens for personal consumption due to one or more of the following reasons:
- (a) the applicant's family size;
 - (b) the applicant living communally;
 - (c) dietary restrictions of the applicant or a family member of the applicant living on the same premise[s];

- (d) other similar extenuating circumstance that the Commodity Board deems appropriate.
- (3) (a) A natural person must apply to the Commodity Board for an exemption in writing, in the form and manner determined by the Commodity Board.
- (b) An application must include all of the following information:
- (i) the name and civic address of the applicant,
 - (ii) the applicant's mailing address, if different than civic address,
 - (iii) the applicant's email address and telephone number, if any,
 - (iv) the reason for requesting an exemption.
- (4) (a) The Commodity Board must notify the applicant in writing of the Commodity Board's decision on the application.
- (b) If an exemption is granted by the Commodity Board, the written notification must include all of the following information:
- (i) the name and address of the applicant,
 - (ii) the date the exemption was granted,
 - (iii) the calendar year for which the exemption was granted.
- 4 Section 20 of the regulations is amended by adding the following subsection immediately after subsection (2):
- (3) A producer may request, and the Commodity Board may grant, a waiver to the 20% limit in subsection (1) in the event that disease, natural disaster, barn collapse, equipment failure or similar extenuating circumstances result in the producer being underproduced by more than 20% of their ~~licensed~~ [licensed] quantity of chicken for the 2nd marketing period of the overassessment period.
- 5 Subsection 63(3) of the regulations is amended by striking out "subsection 9A(3)" and substituting "Section 9A".

N.S. Reg. 237/2024

Made: October 27, 2024

Filed: October 28, 2024

Proclamation, Dissolution of General Assembly and fixing of dates of Writs of Election and ordinary polling day

Order in Council 2024-410 dated October 27, 2022

Proclamation made by the Lieutenant Governor
pursuant to Section 29 of the *Elections Act*

The Governor in Council on the report and recommendation of the President of the Executive Council dated October 26, 2024, and pursuant to Section 29 of Chapter 5 of the Acts of 2011, the *Elections Act*, is pleased to

order that the General Assembly of Nova Scotia be dissolved and that an election be instituted in all of the Electoral Districts of Nova Scotia, and is further pleased to fix the date of the writs of election as Sunday, October 27, 2024, to fix the date of election day as Tuesday, November 26, 2024, and to order that a Proclamation be issued accordingly.

L.S.

Canada
Province of Nova Scotia

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

To all to whom these presents shall come, or whom the same may in any wise concern,

Greeting!

A Proclamation

Whereas we have thought fit by and with the advice of Our Executive Council for Nova Scotia to dissolve the present General Assembly, We do for that end publish this Our Royal Proclamation and do hereby dissolve the said General Assembly accordingly, and the Members of the House of Assembly are discharged from their meeting and attendance.

And We being desirous and resolved as soon as may be to meet Our People of Our Province of Nova Scotia, and to have their advice in General Assembly, do hereby make known Our Royal Will and Pleasure to call a General Assembly, and do hereby further declare that by and with the advice of our said Executive Council, We have this day given orders for the issuing of Our Writs in due form for the election of Members to serve in the House of Assembly for the several Electoral Districts of the Province, which Writs are to bear the date the 27th day of October, 2024, and the date of election day be Tuesday the 26th day of November, 2024.

In Testimony Whereof We have caused these Our Letters to be made Patent and the Great Seal of the Province of Nova Scotia to be hereunto affixed.

Witness, Our Trusty and Well Beloved, Arthur J. LeBlanc, Chancellor of Our Order of Nova Scotia, one of Our Counsel learned in the law in the Province of Nova Scotia, Lieutenant Governor in and of Our Province of Nova Scotia.

Given at Our Government House in the Halifax Regional Municipality, this 27th day of October in the year of Our Lord two thousand and twenty-four and in the Third year of Our Reign.

By Command:

PROVINCIAL SECRETARY
ATTORNEY GENERAL AND MINISTER OF JUSTICE

N.S. Reg. 238/2024

Made: October 31, 2024

Filed: October 31, 2024

Prescribed Petroleum Products Prices

Order dated October 31, 2024
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*

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