

Royal



Gazette

Part II

Regulations under the Regulations Act

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Contents

Act	Reg. No.	Page
Assessment Act		
Proclamation of amendments to Act, S. 48(2), S.N.S. 2012, c. 16	226/2012	7
Assessment Act Forms Regulations	227/2012	9
Dairy Industry Act		
Milk Pricing Regulations—amendment	232/2012	21
Natural Products Act		
Nova Scotia Egg Producers Levy Order—amendment	223/2012	3
Pension Benefits Act		
Pension Benefits Regulations—amendment	228/2012	12
—amendment	229/2012	14
—amendment	230/2012	17
Petroleum Products Pricing Act		
Prescribed Petroleum Products Prices	225/2012	5
Prescribed Petroleum Products Prices	233/2012	22
Public Utilities Act		
Nova Scotia Power Incorporated Regulations	231/2012	20
Teachers' Pension Act		
Teachers' Pension Plan Regulations—amendment	224/2012	4

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. 223/2012

Made: December 5, 2012

Approved: December 12, 2012

Filed: December 19, 2012

Nova Scotia Egg Producers Levy Order

Order dated December 12, 2012

Amendment to regulations made by the Egg Producers of Nova Scotia and approved by the Natural Products Marketing Council pursuant to clause 9(1)(hb) of the *Natural Products Act*

Egg Producers of Nova Scotia**Amendment to the Nova Scotia Egg Producers Levy Order**

The Egg Producers of Nova Scotia, pursuant to [clause 9(1)(hb) of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*, as delegated by] clause 6(g) of the *Nova Scotia Egg Producers' Marketing Plan*, N.S. Reg. 239/82, at a meeting held on December 5, 2012, amended the *Nova Scotia Egg Producers Levy Order*, N.S. Reg. 170/2006, in the manner set out in Schedule "A", effective on and after December 30, 2012.

Signed at Truro, in the County of Colchester, Nova Scotia on December 12, 2012.

Egg Producers of Nova Scotia

Sgd.: *Patti Wyllie*

per:

Patti Wyllie

General Manager

Approved by the Natural Products Marketing Council at Truro, in the County of Colchester, Nova Scotia on December 12, 2012.

Natural Products Marketing Council

Sgd.: *E. A. Crouse*

per:

Elizabeth A. Crouse, P.Ag.

General Manager

Schedule "A"

Amendment to the Nova Scotia Egg Producers Levy Order made by the Egg Producers of Nova Scotia under Section ~~11~~ [clause 9(1)(hb)] of Chapter 308 of the Revised Statutes of Nova Scotia, 1989, the *Natural Products Act*, and [as delegated by] clause 6(g) of the *Nova Scotia Egg Producers' Marketing Plan*

† Subsection 3(1) of the *Nova Scotia Egg Producers Levy Order*, N.S. Reg. 170/2006 is amended by striking out "\$0.3975" and substituting "\$0.3825."

N.S. Reg. 224/2012

Made: December 3, 2012 and December 13, 2012

Filed: December 20, 2012

Teachers' Pension Plan Regulations

Order dated December 3, 2012 and December 13, 2012

Amendment to regulations made by the Minister of Finance and the Nova Scotia Teachers' Union pursuant to Sections 14 and 20 of the *Teachers' Pension Act***Memorandum of Agreement**

between

Her Majesty The Queen in the Right of the Province of Nova Scotia**Represented by the Minister of Finance**

and

The Nova Scotia Teachers' Union**A Body Corporate Established Pursuant to the *Teaching Profession Act*,
Being Chapter 462 [of the] Revised Statutes [of Nova Scotia,] 1989**

Whereas Sections 14 and 20 of Chapter 26 of the Acts of 1998, the *Teachers' Pension Act*, provides that the Minister of Finance ("the Minister") and the Nova Scotia Teachers' Union ("the Union") may make regulations setting out the terms of the Teachers' Pension Plan ("the Pension Plan");

And whereas the *Teachers' Pension Plan Regulations* ("the Regulations") were made as of March 31, 1999, as Nova Scotia Regulation 88/99;

And whereas the By-laws of the Union, as amended by Resolution 2000-15, authorize the Executive of the Union to exercise on behalf of the Union the powers of the Union under the *Teachers' Pension Act*;

And whereas by resolution of the Executive of the Union dated Nov. 30/12, the Executive approved the amendments to the Regulations (subsection 2(2) and Section 12) as set out in Schedule "A" attached hereto and authorized the President of the Union to sign the amendments to the Regulations on behalf of the Executive;

The Minister and the Union hereby make the amendments to the Regulations in the form and manner attached hereto as Schedule "A", effective on and after [*sic*]

Signed and sealed in the presence of:

Sgd.: *Joan Collier*

Witness

)

Sgd.: *Maureen MacDonald*

)

Honourable Maureen MacDonald

)

Minister of Finance

)

)

December 13, 2012

)

Date

)

)

Sgd.: *Lisa Farmer*

Witness

)

Sgd.: *Shelley G. Morse*

)

Shelley Morse

)

President, Nova Scotia Teachers' Union

)

)

December 3, 2012

)

Date

Schedule "A"
Amendments to the *Teachers' Pension Plan Regulations*
(subsection 2(2) and Section 12)
made pursuant to Sections 14 and 20
of the Acts of 1998, c. 26,
the *Teachers' Pension Act*

Amendments to the Regulations regarding
permanent contract teachers who work as a substitute teacher

1 Add new clause 2(2)(af1)[(af2)] as follows:

2(2)(af2) "permanent contract" has the same meaning as set out in clause 3(1)(u) of the *Education Act*;

2 Add new clause 2(2)(a11) as follows:

2(2)(a11) "substitute teacher" is a teacher or other qualified person engaged on a day-to-day basis to take the place of a person regularly employed as a teacher by a School Board;

3 Add new subsection 12(1A) as follows:

12(1A) Earnings received by a permanent contract teacher while working as a substitute teacher shall not be included in the calculation of annualized pensionable earnings if the rate of pay as a substitute teacher is less than the teacher's regular rate of pay.

N.S. Reg. 225/2012

Made: December 20, 2012

Filed: December 21, 2012

Prescribed Petroleum Products Prices

Order dated December 20, 2012
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

NSUARB-GAS-W-12-53

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

Order

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 prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

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

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended December 19, 2012, are:

Grade 1 Regular gasoline	70.3¢ per litre
Ultra-low-sulfur diesel oil	79.0¢ per litre

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

Gasoline:	
Grade 1	70.3¢ per litre
Grade 2	73.3¢ per litre
Grade 3	76.3¢ per litre
Ultra-low-sulfur diesel oil	79.0¢ 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:	nil
Ultra-low-sulfur diesel oil:	minus 0.5¢ per litre

And whereas a winter blending adjustment of plus 4.0¢ 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., December 21, 2012.

Dated at Halifax, Nova Scotia, this 20th day of December, 2012.

Sgd: *Elaine Wagner*
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 December 21, 2012**

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	76.8	10.0	15.5	102.3	123.2	125.2	123.2	999.9
Mid-Grade Unleaded	79.8	10.0	15.5	105.3	126.6	128.7	126.6	999.9
Premium Unleaded	82.8	10.0	15.5	108.3	130.1	132.1	130.1	999.9
Ultra-Low-Sulfur Diesel	89.0	4.0	15.4	108.4	130.2	132.3	130.2	999.9

Zone 2								
Regular Unleaded	77.3	10.0	15.5	102.8	123.7	125.8	123.7	999.9
Mid-Grade Unleaded	80.3	10.0	15.5	105.8	127.2	129.3	127.2	999.9
Premium Unleaded	83.3	10.0	15.5	108.8	130.6	132.7	130.6	999.9
Ultra-Low-Sulfur Diesel	89.5	4.0	15.4	108.9	130.8	132.8	130.8	999.9
Zone 3								
Regular Unleaded	77.7	10.0	15.5	103.2	124.2	126.3	124.2	999.9
Mid-Grade Unleaded	80.7	10.0	15.5	106.2	127.7	129.7	127.7	999.9
Premium Unleaded	83.7	10.0	15.5	109.2	131.1	133.2	131.1	999.9
Ultra-Low-Sulfur Diesel	89.9	4.0	15.4	109.3	131.2	133.3	131.2	999.9
Zone 4								
Regular Unleaded	77.8	10.0	15.5	103.3	124.3	126.4	124.3	999.9
Mid-Grade Unleaded	80.8	10.0	15.5	106.3	127.8	129.8	127.8	999.9
Premium Unleaded	83.8	10.0	15.5	109.3	131.2	133.3	131.2	999.9
Ultra-Low-Sulfur Diesel	90.0	4.0	15.4	109.4	131.3	133.4	131.3	999.9
Zone 5								
Regular Unleaded	77.8	10.0	15.5	103.3	124.3	126.4	124.3	999.9
Mid-Grade Unleaded	80.8	10.0	15.5	106.3	127.8	129.8	127.8	999.9
Premium Unleaded	83.8	10.0	15.5	109.3	131.2	133.3	131.2	999.9
Ultra-Low-Sulfur Diesel	90.0	4.0	15.4	109.4	131.3	133.4	131.3	999.9
Zone 6								
Regular Unleaded	78.5	10.0	15.5	104.0	125.1	127.2	125.1	999.9
Mid-Grade Unleaded	81.5	10.0	15.5	107.0	128.6	130.6	128.6	999.9
Premium Unleaded	84.5	10.0	15.5	110.0	132.0	134.1	132.0	999.9
Ultra-Low-Sulfur Diesel	90.7	4.0	15.4	110.1	132.1	134.2	132.1	999.9

N.S. Reg. 226/2012

Made: December 21, 2012

Filed: December 21, 2012

Proclamation, S. 48(2), S.N.S. 2012, c. 16

Order in Council 2012-394 dated December 21, 2012

Proclamation made by the Governor in Council

pursuant to subsection 48(2) of

An Act to Amend Chapter 23 of the Revised Statutes, 1989, the Assessment Act

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated December 11, 2012, and pursuant to ~~Section~~ [subsection] 48(2) of Chapter 16 of the Acts of 2012, *An Act to Amend Chapter 23 of the Revised Statutes, 1989, the Assessment Act*, is pleased to order and declare by proclamation that Chapter 16, except Section 44, of the Acts of 2012, *An Act to Amend Chapter 23 of the Revised Statutes, 1989, the Assessment Act*, do come into force on and not before January 1, 2013.

PROVINCE OF NOVA SCOTIA

sgd: J. J. Grant

G/S

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

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

GREETING:

A PROCLAMATION

WHEREAS in and by ~~Section~~ [subsection] 48(2) of Chapter 16 of the Acts of 2012, *An Act to Amend Chapter 23 of the Revised Statutes, 1989, the Assessment Act*, it is enacted as follows:

48(2) This Act, except Section 44, comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 16, except Section 44, of the Acts of 2012, *An Act to Amend Chapter 23 of the Revised Statutes, 1989, the Assessment Act*, do come into force on and not before January 1, 2013;

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 16, except Section 44, of the Acts of 2012, *An Act to Amend Chapter 23 of the Revised Statutes, 1989, the Assessment Act*, do come into force on and not before January 1, 2013, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour
Brigadier-General, the Honourable J. J. Grant
(Retired), Lieutenant Governor of the Province of
Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 21st day of December in the
year of Our Lord two thousand and twelve and in
the sixty-first year of Our Reign.

BY COMMAND:

sgd: Maurice Smith
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 227/2012

Made: December 21, 2012

Filed: December 21, 2012

Assessment Act Forms Regulations

Order in Council 2012-395 dated December 21, 2012

Regulations made by the Governor in Council
pursuant to subsection 179(1) of the *Assessment Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated December 11, 2012, and pursuant to subsection 179(1) of Chapter 23 of the Revised Statutes of Nova Scotia, 1989, the *Assessment Act*, is pleased to make new regulations prescribing forms to be used under the *Assessment Act* in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after January 1, 2013.

Schedule "A"**Regulations Prescribing Forms to be used under the *Assessment Act*
made under Section 179 of Chapter 23 of the
Revised Statutes of Nova Scotia, 1989,
the *Assessment Act*****Citation**

1 The regulations may be cited as the *Assessment Act Forms Regulations*.

Prescribed forms

2 The forms set out in the Schedule to these regulations are prescribed to be used for the purposes stated in the Act.

Electronic forms

3 Electronic forms corresponding to the forms prescribed in these regulations are prescribed for the same purposes and in substantially the same form.

Schedule: Forms**Form A: Certificate of Assessment Roll**
(Section 52 of the *Assessment Act*)

I certify that

- the assessment roll attached to this certificate has been prepared and compiled after diligent inquiry for and examination into the names and property of all persons liable to be rated in _____ (*municipality*);
- to the best of my knowledge and belief, the roll is correct and according to law; and
- nothing has been unduly or fraudulently omitted from it or added to it.

Dated at _____ (*place*), on _____ (*month and day*), 20____._____
(*signature*)

Director of Assessment

Form B: Notice of Assessment
(Section 53 of the *Assessment Act*)

To: *(name of person assessed)*

Your real property (and any business occupancy assessment that applies to the property) within _____
(municipality) for the taxation year 20__ has been assessed under the provisions of the *Assessment Act* as
set out below:

Real Property

(classification) (address) (assessed value) (taxable assessed value, if applicable) (exempt assessment)
_____ *(classification)* at _____ *(civic address)*

\$ _____ *(assessed value)*, \$ _____ *(taxable assessed value, if applicable)* or acres (as appropriate) _____.

\$ _____ *(exempt assessment)*.

Business Occupancy Assessment

_____ *(classification)* at _____ *(address)*

\$ _____ *(assessed value)*.

Take notice that appeals from this assessment must be filed with the recorder of the Nova Scotia Assessment Appeal Tribunal for the municipality in which the property is located on or before *(insert date that is 31 days after the notice is served or the words "31 days after service of this notice")*. Notice of the date that the Nova Scotia Assessment Appeal Tribunal will meet will be given to everyone who has filed an appeal. You may appear in support of your appeal at the time and place indicated in that notice.

Dated at _____ *(place)*, on _____ *(month and day)*, 20__.

(signature)
Director of Assessment

Form C: Notice of Appeal
(Section 63 of the *Assessment Act*)

To: The recorder of the Nova Scotia Assessment Appeal Tribunal for _____ *(municipality)*

Take notice that I appeal from the assessment of \$ _____ *(insert value from notice of assessment)* upon real property at
_____ *(civic address)* assessed to _____ *(insert name of person from notice of assessment)* in
_____ *(municipality)* and that the grounds of my appeal are as follows:

My address for service is: _____

Dated: (month and day) , 20 .

(signature)

(print name)

Appellant

Form D: Subpoena
(Section 67 of the *Assessment Act*)

(name of municipality)

To: (insert names of persons)

The Nova Scotia Assessment Appeal Tribunal requires your attendance

The persons named above are hereby required to appear before the Nova Scotia Assessment Appeal Tribunal to give evidence on the part of (name of appellant) on an appeal now pending before the Tribunal regarding

[] the assessment of (name of person assessed)

[] the insertion/omission of the name of (name of person) from the assessment.

Time, date and place

You must appear at _____ (address) at _____ (time) a.m./p.m. on (month and day) , 20 .

Penalties for failing to appear

If you do not appear as required, you may [be] subject to penalties under the law.

Dated: (month and day) , 20 .

(signature)

Member of the Tribunal

Form E: Notice of Dissatisfaction
(Section 68 of the *Assessment Act*)

To: The recorder of the Nova Scotia Assessment Appeal Tribunal for _____ (municipality)

Take notice that I am not satisfied with the amendment made by the assessor under Section 68 of the *Assessment Act* with respect to the appeal from the assessment of property at _____ (civic address) assessed to (insert name of person from notice of assessment) .

Dated: (month and day) , 20 .

(signature)

(print name)

Appellant

N.S. Reg. 228/2012

Made: December 21, 2012

Filed: December 21, 2012

Pension Benefits Regulations

Order in Council 2012-396 dated December 21, 2012
Amendment to regulations made by the Governor in Council
pursuant to Section 105 of the *Pension Benefits Act*

The Governor in Council on the report and recommendation of the Minister of Labour and Advanced Education dated November 13, 2012, and pursuant to Section 105 of Chapter 340 of the Revised Statutes of Nova Scotia, 1989, the *Pension Benefits Act*, is pleased to amend the *Pension Benefits Regulations*, N.S. Reg. 164/2002, made by the Governor in Council by Order in Council 2002-607 dated December 20, 2002, to exempt university defined benefit pension plans from solvency deficiency funding, on specified conditions, and extend the time for paying contribution and special payment increases, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 21, 2012.

Schedule "A"

**Amendment to the *Pension Benefits Regulations*
made by the Governor in Council under Section 105 of Chapter 340
of the Revised Statutes of Nova Scotia, 1989,
the *Pension Benefits Act***

1 Section 2 of the *Pension Benefits Regulations*, N.S. Reg. 164/2002, made by the Governor in Council by Order in Council 2002-607 dated December 20, 2002, is amended by

(a) striking out the period at the end of clause (z) and substituting a semicolon; and

(b) adding the following clause immediately after clause (z):

(za) "university pension plan" means a pension plan for employees of a university;

2 Section 4 of the regulations is amended by adding the following subsection immediately after subsection (1A):

(1B) If an amendment made to a university pension plan that provides defined benefits would increase the cost of the benefits provided by the plan, create an unfunded liability or create a solvency deficiency, the cost of the amendment must be fully paid to the pension fund at the time the amendment is made.

3 (1) Section 5 of the regulations is amended by adding the following subsection immediately after subsection (1):

(1A) Despite subsection (1), a university pension plan that provides defined benefits is not required to include a provision that sets out the obligation of the employer, or any person required to make contributions on behalf of the employer, to contribute in respect of any solvency deficiency under the plan.

(2) Section 5 of the regulations is further amended by adding the following subsections immediately after subsection (2):

- (2A) Despite clause (2)(c), the employer in relation to a university pension plan that provides defined benefits, or any person required to make contributions on behalf of the employer, is not required to make payments to the pension fund or to the insurance company, as applicable, of amounts in relation to special payments determined in accordance with clause 6(1)(d) or Section 6A.
- (2B) For greater certainty, nothing in subsection (2A) relieves the employer, or any person required to make contributions on behalf of the employer, of the obligation under subsection 80(1A) of the Act (employer's payments on full or partial wind-up) and under these regulations to make payments into the pension fund of the amount that is
- (a) necessary to fully fund the benefits provided for under the plan; and
 - (b) required by Section 79 of the Act (pension rights of member on full or partial wind-up).

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

- (2) If the date of filing of an actuarial valuation report under Section 4, 12 or 13 is later than the review date of the report, and the report indicates that an increase is required in the amounts of any contributions in respect of the normal cost, contributions that were previously reduced in accordance with subsection 9(4), or special payments determined in accordance with Section 6 or 6A, the employer must pay the increased contributions or special payments into the pension fund within 12 months of the valuation date in the report in which the increase was determined, calculated from the date on which they are required to be made, plus interest at the going concern valuation rate or the solvency valuation rate, as applicable.

5 Clause 12(1)(h) of the regulations is amended by

- (a) striking out “or” in subclause (i);
- (b) striking out “; and” in subclause (ii) and substituting “, or”; and
- (c) adding the following subclause immediately after subclause (ii):
 - (iii) there is a solvency deficiency, the pension plan is a plan that is exempt, in accordance with subsection 5(2A), from the requirement to make special payments to liquidate the solvency deficiency, and the amount of the solvency deficiency; and

6 (1) Subclause 13(2)(g)(iii) of the regulations is amended by

- (a) striking out “Section 6A” in paragraph (B) and substituting “clause 6A(3)(a)”;
- (b) striking out the period at the end of paragraph (C) and substituting a comma; and
- (c) adding the following paragraph immediately after paragraph (C):
 - (D) for special payments made in accordance with clause 6A(3)(c) or (d), over a term not exceeding 10 years from the date of the first actuarial valuation report prepared on or after January 3, 2011, and no later than January 2, 2014.

(2) Subsection 13(2) of the regulations is further amended by

- (a) striking out the period at the end of subclause (g)(iv) and substituting “; and”; and

- (b) adding the following clause immediately after clause (g):
 - (h) if applicable, that there is a solvency deficiency, not including any solvency deficiency included in subclause (g)(ii), the pension plan is a pension plan that is exempt, in accordance with subsection 5(2A), from the requirement to make special payments to liquidate the solvency deficiency, and the amount of the solvency deficiency.

7 The regulations are further amended by adding the following Section immediately after Section 13:

- 13A (1)** For the purposes of subsection (2), an actuarial valuation report indicates solvency concerns if the ratio of the solvency assets, as determined in accordance with clause 16(1)(c), to the solvency liabilities, as determined in accordance with clause 16(1)(a) or (b), is less than 0.85.
- (2)** If an actuarial valuation report filed under Section 12 or 13 on or after December 21, 2012, indicates solvency concerns in relation to a university pension plan that provides defined benefits, the next report filed under Section 13 in respect of the pension plan must be prepared and certified with a valuation date within 1 year rather than the 3-year period set out in subsection 13(1).

8 Subsection 37(9) of the regulations is repealed.

N.S. Reg. 229/2012

Made: December 21, 2012

Filed: December 21, 2012

Pension Benefits Regulations

Order in Council 2012-397 dated December 21, 2012
Amendment to regulations made by the Governor in Council
pursuant to Section 105 of the *Pension Benefits Act*

The Governor in Council on the report and recommendation of the Minister of Labour and Advanced Education dated November 13, 2012, and pursuant to Section 105 of Chapter 340 of the Revised Statutes of Nova Scotia, 1989, the *Pension Benefits Act*, is pleased to amend the *Pension Benefits Regulations*, N.S. Reg. 164/2002, made by the Governor in Council by Order in Council 2002-607 dated December 20, 2002, to exempt municipality and school board defined benefit pension plans and the Atlantic Police Association Pension Plan from solvency deficiency funding, on specified conditions, and extend the time for paying contribution and special payment increases in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 21, 2012.

Schedule "A"

**Amendment to the *Pension Benefits Regulations*
made by the Governor in Council under Section 105 of Chapter 340
of the Revised Statutes of Nova Scotia, 1989,
the *Pension Benefits Act***

1 Section 2 of the *Pension Benefits Regulations*, N.S. Reg. 164/2002, made by the Governor in Council by Order in Council 2002-607 dated December 20, 2002, is amended by adding the following clause immediately after clause (na):

- (nb) “municipality pension plan” means a pension plan for
- (i) employees of a municipality, or
 - (ii) employees of an employer that is not a municipality if, as of December 21, 2012, the participation of the employees in the plan is authorized by the municipality that sponsors the pension plan;
- 2 Section 4 of the regulations is amended by adding the following subsection immediately after subsection (1A):
- (1B)** If an amendment made to a pension plan referred to in subsection 5(1A) would increase the cost of the benefits provided by the plan, create an unfunded liability or create a solvency deficiency, the cost of the amendment must be fully paid to the pension fund at the time the amendment is made.
- 3 (1) Section 5 of the regulations is amended by adding the following subsection immediately after subsection (1):
- (1A)** Despite subsection (1), the following pension plans are not required to include a provision that sets out the obligation of the employer, or any person required to make contributions on behalf of the employer, to contribute in respect of any solvency deficiency under the plan:
- (a) a municipality pension plan that provides defined benefits;
 - (b) the Pension Plan for the Non-Teaching Employees of the Schools Boards of Nova Scotia—Registration No.: 694778;
 - (c) the South Shore Regional School Board CUPE Staff Pension Plan—Registration No.: 582346;
 - (d) the South Shore Regional School Board Support Staff Pension Plan—Registration No.: 948141;
 - (e) the Tri-County Regional School Board Support Staff Pension Plan—Registration No.: 1198068;
 - (f) the Tri-County Regional School Board CUPE Staff Pension Plan—Registration No.: 1198076;
 - (g) the Atlantic Police Association Pension Plan—Registration No.: 414342.
- (2) Section 5 of the regulations is further amended by adding the following subsections immediately after subsection (2):
- (2A)** Despite clause (2)(c), the employer in relation to a pension plan referred to in subsection (1A), or any person required to make contributions on behalf of the employer, is not required to make payments to the pension fund or to the insurance company, as applicable, of amounts in relation to special payments
- (a) determined in accordance with clause 6(1)(d) or Section 6A; or

- (b) in relation to any solvency deficiency that is required to be paid within the time limits in subsection 11(3).

(2B) For greater certainty, nothing in subsection (2A) relieves the employer, or any person required to make contributions on behalf of the employer, of the obligation under subsection 80(1A) of the Act (employer's payments on full or partial wind-up) and under these regulations to make payments into the pension fund of the amount that is

- (a) necessary to fully fund the benefits provided for under the plan; and
- (b) required by Section 79 of the Act (pension rights of member on full or partial wind-up).

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

(2) If the date of filing of an actuarial valuation report under Section 4, 12 or 13 is later than the review date of the report, and the report indicates that an increase is required in the amounts of any contributions in respect of the normal cost, contributions that were previously reduced in accordance with subsection 9(4), or special payments determined in accordance with Section 6 or 6A, the employer must pay the increased contributions or special payments into the pension fund within 12 months of the valuation date in the report in which the increase was determined, calculated from the date on which they are required to be made, plus interest at the going concern valuation rate or the solvency valuation rate, as applicable.

5 Clause 12(1)(h) of the regulations is amended by

- (a) striking out "or" in subclause (i);
- (b) striking out "; and" in subclause (ii) and substituting ", or"; and
- (c) adding the following subclause immediately after subclause (ii):
 - (iii) there is a solvency deficiency, the pension plan is a plan that is exempt, in accordance with subsection 5(2A), from the requirement to make special payments to liquidate the solvency deficiency, and the amount of the solvency deficiency; and

6 (1) Subclause 13(2)(g)(iii) of the regulations is amended by

- (a) striking out "Section 6A" in paragraph (B) and substituting "clause 6A(3)(a)";
- (b) striking out the period at the end of paragraph (C) and substituting a comma; and
- (c) adding the following paragraph immediately after paragraph (C):
 - (D) for special payments made in accordance with clause 6A(3)(c) or (d), over a term not exceeding 10 years from the date of the first actuarial valuation report prepared on or after January 3, 2011, and no later than January 2, 2014.

(2) Subsection 13(2) of the regulations is further amended by

- (a) striking out the period at the end of subclause (g)(iv) and substituting "; and"; and
- (b) adding the following clause immediately after clause (g):

- (h) if applicable, that there is a solvency deficiency, not including any solvency deficiency included in subclause (g)(ii), the pension plan is a pension plan that is exempt, in accordance with subsection 5(2A), from the requirement to make special payments to liquidate the solvency deficiency, and the amount of the solvency deficiency.

7 The regulations are further amended by adding the following Section immediately after Section 13:

- 13A (1)** For the purposes of subsection (2), an actuarial valuation report indicates solvency concerns if the ratio of the solvency assets, as determined in accordance with clause 16(1)(c), to the solvency liabilities, as determined in accordance with clause 16(1)(a) or (b), is less than 0.85.
- (2)** If an actuarial valuation report filed under Section 12 or 13 on or after December 21, 2012, indicates solvency concerns in relation to a pension plan referred to in subsection 5(1A), the next report filed under Section 13 in respect of the pension plan must be prepared and certified with a valuation date within 1 year rather than the 3-year period set out in subsection 13(1).

8 Subsection 37(10) of the regulations is repealed.

N.S. Reg. 230/2012

Made: December 21, 2012

Filed: December 21, 2012

Pension Benefits Regulations

Order in Council 2012-398 dated December 21, 2012
Amendment to regulations made by the Governor in Council
pursuant to Section 105 of the *Pension Benefits Act*

The Governor in Council on the report and recommendation of the Minister of Labour and Advanced Education dated November 13, 2012, and pursuant to Section 105 of Chapter 340 of the Revised Statutes of Nova Scotia, 1989, the *Pension Benefits Act*, is pleased to amend the *Pension Benefits Act Regulations*, N.S. Reg. 164/2002, made by the Governor in Council by Order in Council 2002-607 dated December 20, 2002, to provide for a solvency deficiency funding exemption, an extension of time for paying contribution and special payment increases, and transfers of pension benefits to designated provinces in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 21, 2012.

Schedule "A"

**Amendment to the *Pension Benefits Regulations*
made by the Governor in Council under Section 105 of Chapter 340
of the Revised Statutes of Nova Scotia, 1989,
the *Pension Benefits Act***

1 Section 4 of the *Pension Benefits Regulations*, N.S. Reg. 164/2002, made by the Governor in Council by Order in Council 2002-607 dated December 20, 2002, is amended by adding the following subsection immediately after subsection (1A):

- (1B)** If an amendment made to the DIRECTIONS Council for Vocational Services Society Pension Plan—Registration No.: 908699 on or after December 21, 2012, and no later than December 31, 2017, would increase the cost of the benefits provided by the plan, create an unfunded liability or create a solvency deficiency, the cost of the amendment must be fully paid to the pension fund at the time the amendment is made.
- 2 (1) Section 5 of the regulations is amended by adding the following subsection immediately after subsection (1):
- (1A)** Despite subsection (1), for the DIRECTIONS Council for Vocational Services Society Pension Plan—Registration No.: 908699, the funding provision that is required by that subsection in respect of any solvency deficiency under the plan may be limited to the period beginning January 1, 2018.
- (2) Section 5 of the regulations is further amended by adding the following subsections immediately after subsection (2):
- (2A)** Despite clause (2)(c), the employer in relation to the DIRECTIONS Council for Vocational Services Society Pension Plan—Registration No.: 908699, or any person required to make contributions on behalf of the employer, is not required to make payments to the pension fund or to the insurance company, as applicable, of amounts in relation to special payments determined in accordance with clause 6(1)(d) or Section 6A, as the case may be, during the period from December 21, 2012, to December 31, 2017, both dates included.
- (2B)** For greater certainty, nothing in subsection (2A) relieves the employer in relation to the DIRECTIONS Council for Vocational Services Pension Plan—Registration No.: 908699, or any person required to make contributions on behalf of the employer, of the obligation under subsection 80(1A) of the Act (employer's payments on full or partial wind-up) and under these regulations to make payments into the pension fund of the amount that is
- (a) necessary to fully fund the benefits provided for under the plan; and
- (b) required by Section 79 of the Act (pension rights of member on full or partial wind-up).
- 3 Section 8A of the regulations is amended by adding the following subsection immediately after subsection (1):
- (1A)** Despite anything in Section 8 or this Section, if a solvency deficiency is disclosed for a specified multi-employer pension plan in an actuarial valuation report filed under Section 12 or 13, an employer in relation to the plan, or any person required to make contributions on behalf of such an employer, is not required to make payments to the pension fund or to the insurance company, as applicable, of amounts to liquidate the solvency deficiency.
- 4 Subsection 11(2) of the regulations is repealed and the following subsection substituted:
- (2)** If the date of filing of an actuarial valuation report under Section 4, 12 or 13 is later than the review date of the report, and the report indicates that an increase is required in the amounts of any contributions in respect of the normal cost, contributions that were previously reduced in accordance with subsection 9(4), or special payments determined in accordance with Section 6 or 6A, the employer must pay the increased contributions or special payments into the pension fund within 12 months of the valuation date in the report in which the increase was determined, calculated from the date on which they are required to be made, plus interest at the going concern valuation rate or the solvency valuation rate, as applicable.

- 5 Clause 12(1)(h) of the regulations is amended by
- (a) striking out “or” in subclause (i);
 - (b) striking out “; and” in subclause (ii) and substituting “, or”; and
 - (c) adding the following subclause immediately after subclause (ii):
 - (iii) there is a solvency deficiency, the pension plan is a plan that is exempt, in accordance with subsection 5(2A) or 8A(1A), from the requirement to make special payments to liquidate the solvency deficiency, and the amount of the solvency deficiency; and
- 6 Subsection 13(2) of the regulations is further amended by
- (a) striking out the period at the end of subclause (g)(iv) and substituting “; and”; and
 - (b) adding the following clause immediately after clause (g):
 - (h) if applicable, that there is a solvency deficiency, not including any solvency deficiency included in subclause (g)(ii), the pension plan is a pension plan that is exempt, in accordance with subsection 5(2A) or 8A(1A), from the requirement to make special payments to liquidate the solvency deficiency, and the amount of the solvency deficiency.
- 7 The regulations are further amended by adding the following Section immediately after Section 13:
- 13A (1)** For the purposes of subsection (2) and (3), an actuarial valuation report indicates solvency concerns if the ratio of the solvency assets, as determined in accordance with clause 16(1)(c), to the solvency liabilities, as determined in accordance with clause 16(1)(a) or (b), is less than 0.85.
- (2)** If an actuarial valuation report filed under Section 13 on or after December 21, 2012, and before the first actuarial valuation report with a valuation date that is on or after January 1, 2018, indicates solvency concerns in relation to the DIRECTIONS Council for Vocational Services Society Pension Plan—Registration No.: 908699, the next report filed under Section 13 in respect of the pension plan must be prepared and certified with a valuation date within 1 year rather than the 3-year period set out in subsection 13(1).
- (3)** If an actuarial valuation report filed under Section 12 or 13 on or after December 21, 2012, indicates solvency concerns in relation to a specified multi-employer pension plan, the next report filed under Section 13 in respect of the pension plan must be prepared and certified with a valuation date within 1 year rather than the 3-year period set out in subsection 13(1).
- 8 Subsection 21(3) of the regulations is repealed and the following subsection substituted:
- (3)** The administrator must not transfer the commuted value or portion thereof of a pension or deferred pension unless
 - (a) the transferee agrees to administer the amount transferred as a pension or deferred pension in accordance with the Act and these regulations; or
 - (b) the pension fund to which the transfer is proposed to be made is related to a pension plan

- (i) established or governed by a statute in a designated province, or
 - (ii) registered in a designated province.
-

N.S. Reg. 231/2012

Made: December 21, 2012

Filed: December 21, 2012

Nova Scotia Power Incorporated Regulations

Order in Council 2012-401 dated December 21, 2012
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 Energy dated December 18, 2012, 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 to provide for a definition of general rate increase and to establish certain limitations on the extent to which executive salaries of Nova Scotia Power Incorporated may be recovered from electricity rates, in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after December 21, 2012.

Schedule “A”

**Regulations Respecting Nova Scotia Power Incorporated
made by the Governor in Council pursuant to 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 *Nova Scotia Power Incorporated Regulations*.

Definitions for Act and regulations

- 2 (1) In the Act, “general rate increase” does not include increases arising from the fuel adjustment mechanism, demand side management cost recovery riders or the special annually adjusted rates.
- (2) In the Act and these regulations, “pay plan” means the Senior Officials Pay Plan approved by the Governor in Council by Order in Council 2007-85 under the *Civil Service Act* and the *Public Service Act*, and as amended from time to time.

Salary and compensation recoverable from rates, charges or fees

- 3 For the purpose of subsection 64B(8) of the Act, Nova Scotia Power Incorporated may recover the following remuneration from its rates, charges or fees approved by the Board:
- (a) for the Chief Executive Officer, no more than a salary equaling a 110% compa-ratio as provided for in the pay plan and no more than an additional 13% of the amount of that salary representing other benefits and compensation;
 - (b) for each executive other than the Chief Executive Officer, no more than a salary equaling a 100% compa-ratio as provided for in the pay plan and no more than an additional 13% of the amount of that salary representing other benefits and compensation.

N.S. Reg. 232/2012

Made: September 27, 2012

Approved: November 21, 2012

Filed: December 24, 2012

Milk Pricing Regulations

Order dated November 21, 2012
Amendment to regulations made by the Dairy Farmers of Nova Scotia
and approved by the Natural Products Marketing Council
pursuant to clause 14(1)(c) of the *Dairy Industry Act*

Dairy Farmers of Nova Scotia**Amendment to the Milk Pricing Regulations**

I certify that the Dairy Farmers of Nova Scotia, pursuant to clause 14(1)(c) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, as delegated by clause 2(1)(b) of the *Delegation of Powers to Dairy Farmers of Nova Scotia Regulations*, N.S. Reg. 136/2001, and pursuant to clause 15(1)(g) of the *Dairy Industry Act*, at a meeting held on September 27, 2012, voted to amend the *Milk Pricing Regulations*, N.S. Reg. 84/2008, made by the Dairy Farmers of Nova Scotia on September 21, 2007, and approved by the Natural Products Marketing Council on February 12, 2008, in the manner set out in Schedule "A", effective on and after January 1, 2013.

Signed at Truro, in the County of Colchester, Nova Scotia on November 27, 2012.

Dairy Farmers of Nova Scotia

per: Sgd.: *Brian Cameron*
Brian Cameron
General Manager

Approved by the Natural Products Marketing Council at Truro, in the County of Colchester, Nova Scotia on November 21, 2012.

Natural Products Marketing Council

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

Schedule "A"

**Amendment to the Milk Pricing Regulations
made by the Dairy Farmers of Nova Scotia under clauses 14(1)(c)
and 15(1)(g) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act***

- 1 Section 1A of the *Milk Pricing Regulations*, N.S. Reg. 84/2008, made by the Dairy Farmers of Nova Scotia on September 21, 2007, and approved by the Natural Products Marketing Council on February 12, 2008, is amended by striking out the clause letter before each definition.
- 2 Subsection 3(1) of the regulations is repealed and the following subsection substituted:

- (1) Milk processors in the Province must pay, on an F.O.B. plant basis, the prices of milk components set out in the following table for each class of milk specified:

Component Prices for Classes of Milk				
Class of Milk	Butterfat (\$ per kg)	Protein (\$ per kg)	Other Solids (\$ per kg)	Solids-Non-Fat (\$ per hl)
1(a)	7.1503			72.2000
1(b)	7.1503			59.0100
1(c)	85% of the BF and SNF values for Class 1(a) or Class 1(b), as applicable			
2(a)	7.7651	5.9258	5.9258	
2(b)	7.7651	5.9258	5.9258	
3(a)	7.7651	13.8335	0.8688	
3(b)	7.7651	13.3792	0.8688	
3(c)	7.7651	13.8335	0.8688	
4(a)	7.7651	5.3694	5.3694	
4(b)	7.7651	5.4780	5.4780	
4(c)	85% of the Class 4(a) component values			
4(d)	7.7651	5.3694	5.3694	

N.S. Reg. 233/2012

Made: December 27, 2012

Filed: December 31, 2012

Prescribed Petroleum Products Prices

Order dated December 27, 2012

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

NSUARB-GAS-W-12-54

In the Matter of the *Petroleum Products Pricing Act*

- and -

**In the Matter of Prescribing Prices for Petroleum Products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

Before: Roland A. Deveau, Q.C., Vice-Chair

Order

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 prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

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

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended December 26, 2012, are:

Grade 1 Regular gasoline	73.0¢ per litre
Ultra-low-sulfur diesel oil	80.8¢ per litre

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

Gasoline:	
Grade 1	73.0¢ per litre
Grade 2	76.0¢ per litre
Grade 3	79.0¢ per litre
Ultra-low-sulfur diesel oil	80.8¢ 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 0.5¢ per litre
Ultra-low-sulfur diesel oil:	nil

And whereas a winter blending adjustment of plus 3.9¢ 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., December 28, 2012.

Dated at Halifax, Nova Scotia, this 27th day of December, 2012.

Sgd: *D. Pedlar*
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 December 28, 2012**

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	80.0	10.0	15.5	105.5	126.8	128.9	126.8	999.9
Mid-Grade Unleaded	83.0	10.0	15.5	108.5	130.3	132.4	130.3	999.9
Premium Unleaded	86.0	10.0	15.5	111.5	133.7	135.8	133.7	999.9
Ultra-Low-Sulfur Diesel	91.2	4.0	15.4	110.6	132.7	134.8	132.7	999.9
Zone 2								
Regular Unleaded	80.5	10.0	15.5	106.0	127.4	129.5	127.4	999.9
Mid-Grade Unleaded	83.5	10.0	15.5	109.0	130.9	132.9	130.9	999.9
Premium Unleaded	86.5	10.0	15.5	112.0	134.3	136.4	134.3	999.9
Ultra-Low-Sulfur Diesel	91.7	4.0	15.4	111.1	133.3	135.4	133.3	999.9
Zone 3								
Regular Unleaded	80.9	10.0	15.5	106.4	127.9	130.0	127.9	999.9
Mid-Grade Unleaded	83.9	10.0	15.5	109.4	131.3	133.4	131.3	999.9
Premium Unleaded	86.9	10.0	15.5	112.4	134.8	136.9	134.8	999.9
Ultra-Low-Sulfur Diesel	92.1	4.0	15.4	111.5	133.7	135.8	133.7	999.9
Zone 4								
Regular Unleaded	81.0	10.0	15.5	106.5	128.0	130.1	128.0	999.9
Mid-Grade Unleaded	84.0	10.0	15.5	109.5	131.4	133.5	131.4	999.9
Premium Unleaded	87.0	10.0	15.5	112.5	134.9	137.0	134.9	999.9
Ultra-Low-Sulfur Diesel	92.2	4.0	15.4	111.6	133.9	135.9	133.9	999.9
Zone 5								
Regular Unleaded	81.0	10.0	15.5	106.5	128.0	130.1	128.0	999.9
Mid-Grade Unleaded	84.0	10.0	15.5	109.5	131.4	133.5	131.4	999.9
Premium Unleaded	87.0	10.0	15.5	112.5	134.9	137.0	134.9	999.9
Ultra-Low-Sulfur Diesel	92.2	4.0	15.4	111.6	133.9	135.9	133.9	999.9
Zone 6								
Regular Unleaded	81.7	10.0	15.5	107.2	128.8	130.9	128.8	999.9
Mid-Grade Unleaded	84.7	10.0	15.5	110.2	132.3	134.3	132.3	999.9
Premium Unleaded	87.7	10.0	15.5	113.2	135.7	137.8	135.7	999.9
Ultra-Low-Sulfur Diesel	92.9	4.0	15.4	112.3	134.7	136.7	134.7	999.9