



Part II

Regulations under the Regulations Act

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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. 48/2024

Made: February 15, 2024

Filed: February 15, 2024

Prescribed Petroleum Products Prices

Order dated February 15, 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. 49/2024

Made: February 14, 2024

Filed: February 16, 2024

Fall River Site C Special Planning Area Order

Order dated February 14, 2024
made by the Minister of Municipal Affairs and Housing
pursuant to Section 15 of the *Housing in the Halifax Regional Municipality Act*

**Fall River Site C Special Planning Area Order
made by the Minister of Municipal Affairs and Housing
under Section 15 of Chapter 21 of the Acts of 2021,
the Housing in the *Halifax Regional Municipality Act***

Whereas the Executive Panel on Housing in the Halifax Regional Municipality has recommended that the area of the Halifax Regional Municipality delineated in the map attached as Schedule "A" be designated as a special planning area;

And whereas I am satisfied that the designation of the special planning area is required for the purpose of accelerating housing development in the Municipality;

Therefore, I order the following:

1. The area of the Halifax Regional Municipality delineated in the map attached as Schedule "A" is designated as a special planning area.
2. The special planning area may be referred to as the "Fall River Site C Special Planning Area".

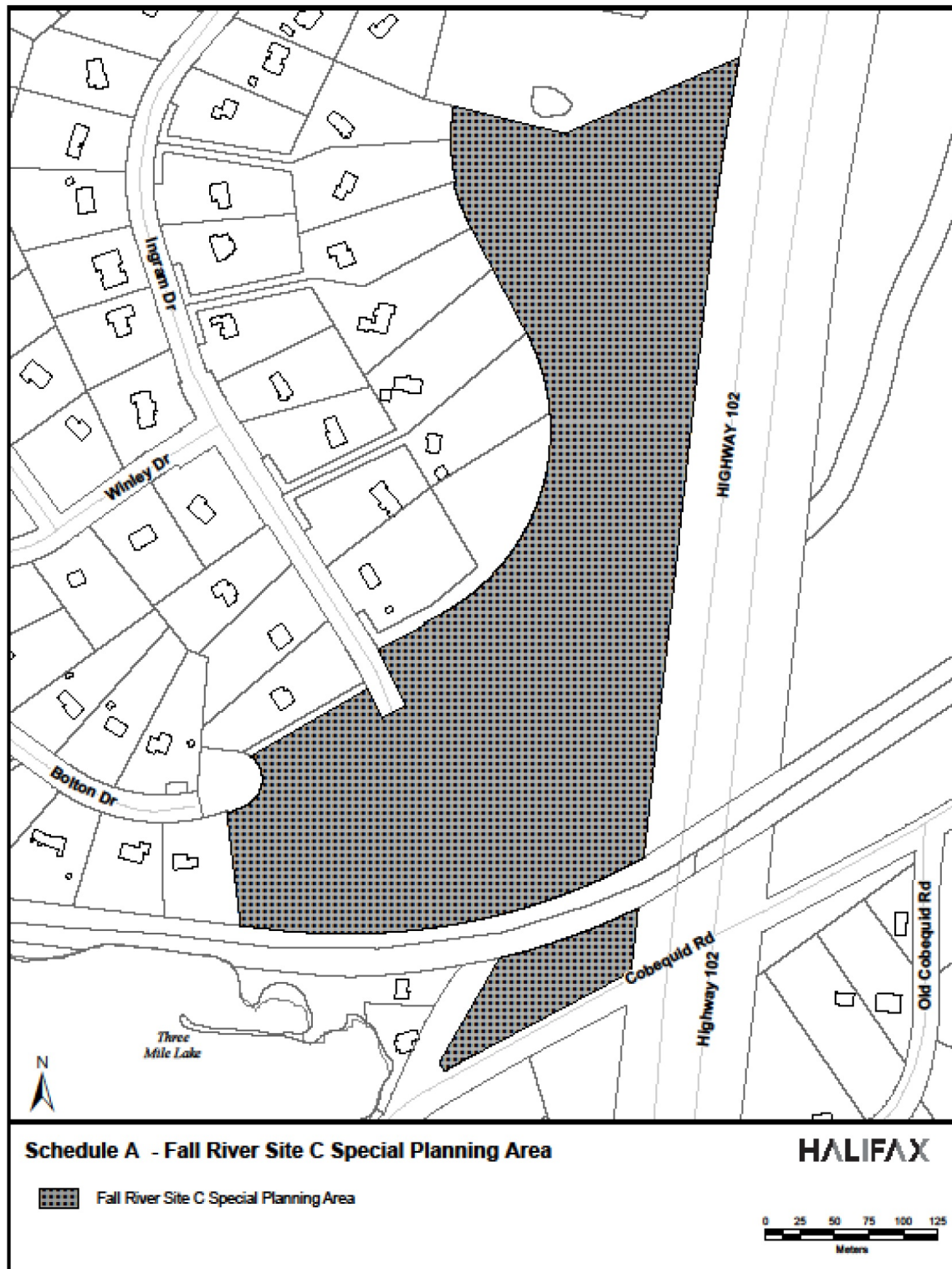
This order is effective on and after the date of this order.

Dated and made February 14, 2024, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

sgd. *John Lohr*
Honourable John Lohr
Minister of Municipal Affairs and Housing

Schedule "A"

Map of Fall River Site C Special Planning Area



Effective Date: Day, Month, Year

N.S. Reg. 50/2024

Made: February 16, 2024

Filed: February 16, 2024

Spring Weight Restriction Regulations Effective Date Order

Order dated February 16, 2024
made by the Acting Executive Director of Maintenance and Operations,
Department of Public Works
pursuant to subsection 20(1) of the *Public Highways Act*

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

- and -

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

Order

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

Effective Dates for Spring Weight Restriction Regulations	
Column 1: Counties	Column 2: Weight Restriction Periods
Yarmouth, Shelburne, Queens, Lunenburg, Digby, Annapolis and Kings	11:59 p.m., March 3, 2024 to 11:59 p.m., April 28, 2024
Halifax and Hants	11:59 p.m., March 3, 2024 to 11:59 p.m., April 28, 2024
Colchester, Cumberland and Pictou	11:59 p.m., March 3, 2024 to 11:59 p.m., April 28, 2024
Antigonish, Guysborough, Richmond, Inverness, Victoria and Cape Breton	11:59 p.m., March 3, 2024 to 11:59 p.m., April 28, 2024

Dated and made at Halifax, Nova Scotia, on February 16, 2024.

sgd. *Buffy White*

Buffy L. White, P. Eng.

A/Executive Director, Maintenance and Operations

Department of Public Works

N.S. Reg. 51/2024

Made: February 20, 2024

Filed: February 20, 2024

Birth Registration Regulations—amendment

Order in Council 2024-76 dated February 20, 2024

Amendment to regulations made by the Governor in Council
pursuant to Section 51 of the *Vital Statistics Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia dated November 8, 2023, and pursuant to Section 51 of Chapter 494 of the Revised Statutes of Nova Scotia, 1989, the *Vital Statistics Act*, is pleased to amend the *Birth Registration Regulations*, N.S. Reg. 390/2007, made by the Governor in Council by Order in Council 2007-498 dated September 20, 2007, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after February 20, 2024.

Schedule “A”

**Amendment to the *Birth Registration Regulations*
made by the Governor in Council under Section 51
of Chapter 494 of the Revised Statutes of Nova Scotia, 1989,
the *Vital Statistics Act***

- 1 (1) Section 2 of the *Birth Registration Regulations*, N.S. Reg. 390/2007, made by the Governor in Council by Order in Council 2007-498, dated September 20, 2007, is amended by striking out the clause letter before each definition.
- (2) The definition of “assisted conception” in Section 2 of the regulations is amended by striking out “, using an anonymous sperm donor”.
- (3) The definition of “spouse” in Section 2 of the regulations is repealed.
- (4) Section 2 of the regulations is further amended by adding the following definitions where they belong in alphabetical order:

“birth mother” means a person who gives birth to a child, regardless of whether the person’s human reproductive material is used in the child’s conception;

“intended parent” means a person who intends to be a parent of a child conceived through assisted conception and, for that purpose, makes an agreement with another person before the child is conceived that

- (i) the other person will be the birth mother of a child conceived through assisted conception, and
- (ii) the person will be the child’s parent on the child’s birth, regardless of whether that person’s human reproductive material is used in the child’s conception;

“known donor” means a person whose identity is known to the birth mother or intended parent who provides human reproductive material to be used for the assisted conception of a child, and who, at the time of the child’s conception, intends to relinquish the child to the birth mother and any intended parent;

“surrogate” means a birth mother of a child conceived as a result of assisted conception and who, at the time of the child’s conception, intends to relinquish that child to an intended parent or intended parents.

- 2 Section 3 of the regulations is repealed.
- 3 (1) The heading to Section 4 of the regulations is amended by striking out “Mother” and substituting “Birth mother”.
(2) Section 4 of the regulations is further amended by
 - (a) striking out “woman” and substituting “person”; and
 - (b) adding “birth” immediately before “mother”.
- 4 (1) Section 5 of the regulations is amended by repealing the heading and substituting “Court may make declaratory order”.
(2) Subsection 5(1) of the regulations is amended by striking out “or the Family Court of Nova Scotia as the case may be”.
- 5 The regulations are further amended by adding the following Sections immediately after Section 5:

Parentage—non-surrogacy

- 6 (1) This Section and Section 7 apply if a child is conceived through assisted conception without surrogacy, regardless of who provided the human reproductive material used for the assisted conception.
(2) Before a child is conceived through a non-surrogacy means of assisted conception with a donor or donors of human reproductive material, a written agreement must be made between all of the following people:
 - (a) the person who will be the child’s birth mother;
 - (b) any other person who will be the intended parent;
 - (c) the donor or donors, if known.
- (3) The written agreement in subsection (2) must include all of the following information:
 - (a) the name of the person who will be the child’s birth mother;
 - (b) the name of any intended parent;
 - (c) the name of any donor or donors of human reproductive material, if known;
 - (d) if applicable, a statement that the known donor or donors agree to relinquish the child to the child’s birth mother and any intended parent;
 - (e) a statement that the child’s birth mother and any intended parent will be the child’s parents.
- (4) On the birth of a child born as a result of assisted conception without surrogacy, the child’s

birth mother is the child's parent.

- (5) The child's birth mother, any intended parent and, if applicable, any known donor or donors must file a statutory declaration with the Registrar in the form approved by the Registrar, affirming all of the following:
- (a) that the child's birth mother, any intended parent and, if applicable, any known donor or donors have entered into a written agreement as specified in subsections (2) and (3);
 - (b) that the parties to the written agreement have received independent legal advice respecting their rights and obligations under the agreement and the legal effect of the child being relinquished to the child's birth mother and any intended parent.
- (6) After receiving the statutory declaration described in subsection (5), the Registrar may amend the child's birth registration accordingly.

Intended parent is parent

7 For the purposes of Section 4 of the Act, "parent" includes an intended parent upon the birth of a child born as a result of assisted conception without surrogacy if all of the following conditions are met:

- (a) the written agreement in subsections 6(2) and (3) provides that the intended parent, in addition to the child's birth mother, will be the child's parent;
- (b) the intended parent has filed a statutory declaration as required under subsection 6(5).

Parentage—surrogacy

8 (1) This Section and Sections 9 to 12 apply if, before a child is conceived through assisted conception, a surrogacy and parentage agreement is made between a potential surrogate and the intended parent or parents.

(2) A surrogacy and parentage agreement must meet all of the following requirements:

- (a) it must be in writing;
- (b) it must state that the potential surrogate will be the birth mother of a child conceived through assisted conception;
- (c) it must confirm that on the child's birth all of the following will apply:
 - (i) the surrogate will not be a parent of the child,
 - (ii) the surrogate will relinquish the child to the intended parent or parents,
 - (iii) the intended parent or parents will be the child's parent or parents.

(3) The potential surrogate and the intended parent or parents must file a statutory declaration with the Registrar in the form approved by the Registrar, affirming all of the following:

- (a) that the person has entered into a surrogacy and parentage agreement as specified in subsection (2);
- (b) that the person has received independent legal advice respecting the person's rights and

obligations under the agreement and the legal effect of the child being relinquished to the intended parent or parents;

- (c) that one of the intended parents has a genetic link to the child.

Intended parent is parent

9 (1) For the purpose of Section 4 of the Act, “parent” includes an intended parent on the birth of a child born as a result of assisted conception with surrogacy if all of the following conditions are met:

- (a) the surrogacy and parentage agreement in subsection 8(2) provides that the intended parent will be the child’s parent;
- (b) the intended parent provides a statutory declaration as required in subsection 8(3);
- (c) no party to the agreement withdraws before the child is conceived;
- (d) after the child’s birth, the surrogate gives written consent to relinquish the child to the intended parent or parents.

- (2)** After confirming that all of the conditions set out in subsection (1) are met, the Registrar may amend the child’s birth registration accordingly.

Court may waive consent requirement

10 For the purpose of the written consent under clause 9(1)(d), the court may waive the requirement for consent if it is satisfied that one of the following applies:

- (a) the surrogate is deceased or incapable of giving consent;
- (b) after reasonable efforts by the intended parent or parents to locate the surrogate have been made, the surrogate cannot be located.

Death of intended parent

11 An intended parent who dies after a child is conceived is the child’s parent if the surrogate gives written consent to relinquish the child to the personal representative or another person acting in the place of the deceased intended parent.

Surrogacy agreement not consent

12 Consent in an agreement under subsection 8(2) to act as a surrogate or to relinquish a child is not consent for the purposes of clause 9(1)(d) or Section 11, but may be used as evidence of the parties’ intentions for the child’s parentage if a dispute arises after the child’s birth.

N.S. Reg. 52/2024

Made: February 21, 2024

Filed: February 21, 2024

Excluded Class of Municipality Regulations

Order dated February 21, 2024

Regulations made by the Minister of Education and Early Childhood Development
pursuant to subsection 97(1) of the *Education Act***In the matter of subsection 97(1) of Schedule A
to Chapter 1 of the Acts of 2018, the *Education Act*****-and-****In the matter of new regulations respecting an excluded class of municipality
made by the Minister of Education and Early Childhood Development****Order**

I, Becky Druhan, Minister of Education and Early Childhood Development for the Province of Nova Scotia, pursuant to subsection 97(1) of Schedule A to Chapter 1 of the Acts of 2018, the *Education Act*, hereby make new regulations respecting an excluded class of municipality, in the form set forth in the attached Schedule “A”.

This order is effective on and after April 1, 2024.

Dated and made February 21, 2024, at Halifax Regional Municipality, Province of Nova Scotia.

sgd. *Becky Druhan*

Honourable Becky Druhan

Minister of Education and Early Childhood Development

Schedule “A”**Regulations Respecting an Excluded Class of Municipality
made by the Minister of Education and Early Childhood Development
under subsection 97(1) of Schedule A to
Chapter 1 of the Acts of 2018, the *Education Act*****Citation****1** These regulations may be cited as the *Excluded Class of Municipality Regulations*.**Definition****2** In these regulations, “Act” means the *Education Act*.**Excluded class of municipality****3** A municipality that does not have a current and valid service exchange agreement with the Province is excluded from the first right of offer in subsection 77(4) of the Act.

N.S. Reg. 53/2024

Made: February 21, 2024

Filed: February 21, 2024

Spring Weight Restriction Regulations—amendment

Order dated February 21, 2024

Amendment to regulations made by the Acting Director of Operations Services,
Department of Public Works
pursuant to subsection 20(1) of the *Public Highways Act*

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

Order

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

- (a) under the heading “Cape Breton County”,
 - (i) adding the following item immediately after item 8:

8A. **Route 255**, from Glace Bay town limits to Long Beach Road, 10.45 km.
 - (ii) adding the following item immediately after item 27:

27A. **Long Beach Road (1079)**, from Route 255 northerly, 3.7 km.
 - (iii) adding the following item immediately after item 37:

38. **Wilson Road (0535)**, from Trunk 4 to Glace Bay town limits, 1.0 km.
- (b) under the heading “Cumberland County”, striking out “102” in item 3 and substituting “104”;
- (c) under the heading “Halifax County”,
 - (i) striking out “from Westwood Boulevard southerly to Trunk 3, 2.4 km” in item 16 and substituting “From Highway 103 westbound Exit 5 off ramp southerly to Highway 103 eastbound Exit 5 on ramp, 0.42 km”, and
 - (ii) striking out “from Trunk 7 southerly to Highway 107 Exit 18, 1.3 km” in item 43 and substituting “From 61 m northwest of Highway 107 westbound Exit 18 off ramp to Highway 107 eastbound Exit 18 off ramp 0.31 km”; and
- (d) under the heading “Pictou County”,
 - (i) striking out “Balodis Road” in item 14 and substituting “Balodis Drive”, and
 - (ii) striking out “Balodis Road” in item 46 and substituting “Balodis Drive”.

Dated and made at Halifax, Nova Scotia, on February 21, 2024.

sgd. *Darcey MacBain*
Darcey MacBain
Acting Director of Operations Services
Department of Public Works

N.S. Reg. 54/2024

Made: February 22, 2024

Filed: February 22, 2024

Prescribed Petroleum Products Prices

Order dated February 22, 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. 55/2024

Made: February 22, 2024

Filed: February 22, 2024

Spring Weight Restriction Regulations—amendment

Order dated February 22, 2024
Amendment to regulations made by the Acting Director of Operations Services,
Department of Public Works
pursuant to subsection 20(1) of the *Public Highways Act*

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

Order

I, Darcey MacBain, Acting Director of Operations Services, Department of Public Works, as delegated by the Minister of Public Works under subsection 20(1) of Chapter 371 of the Revised Statutes of Nova Scotia, 1989, the *Public Highways Act*, hereby order that Schedule A to the *Spring Weight Restriction Regulations*, N.S. Reg. 31/2018, made by the Executive Director of Maintenance and Operations, Department of Public Works, on February 21, 2018, is amended under the heading “Colchester County” by

(a) striking out “McElmon” in item 33 and substituting “MacElmon”;

- (b) striking out “End Cross Road” in item 41 and substituting “Prince Street”; and
- (c) striking out “Lounsbury Industrial Ltd.” in item 44 and substituting “Bayside Drive”.

Dated and made at Halifax, Nova Scotia, on February 22, 2024.

sgd. *Darcey MacBain*
 Darcey MacBain
 Acting Director of Operations Services
 Department of Public Works

N.S. Reg. 56/2024

Made: February 22, 2024

Filed: February 22, 2024

Farm Registration Regulations—amendment

Order in Council 2024-80 dated February 22, 2024
 Amendment to regulations made by the Governor in Council
 pursuant to subsection 12(1) of the *Farm Registration Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture dated January 26, 2024, and upon notice of a fee increase having been presented to the Clerk of the House of Assembly in accordance with Section 4 of Chapter 8 of the Acts of 2007, the *Fees Act*, and pursuant to subsection 12(1) of Chapter 3 of the Acts of 1994-95, the *Farm Registration Act*, is pleased to amend the *Farm Registration Regulations*, N.S. Reg. 24/2019, made by the Governor in Council by Order in Council 2019-28 dated February 6, 2019, to change the farm registration fees, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after April 1, 2024.

Schedule “A”

**Amendment to the *Farm Registration Regulations*
 made by the Governor in Council under subsection 12(1)
 of Chapter 3 of the Acts of 1994-95,
 the *Farm Registration Act***

Section 4 of the *Farm Registration Regulations*, N.S. Reg. 24/2019, made by the Governor in Council by Order in Council 2019-28 dated February 6, 2019, is repealed and the following Section substituted:

Farm registration fees

4 Annual fees for registration are determined by the size of the farm business and are as follows:

Gross Farm Receipts	Annual Fee
under \$29 999.99	\$205
\$30 000.00 to \$99 999.99	\$325
\$100 000.00 to \$249 999.99	\$500
\$250 000.00 to \$499 999.99	\$675

\$500 000.00 to \$749 999.99	\$850
\$750 000.00 to \$999 999.99	\$1030
\$1 000 000.00 to \$2 499 999.99	\$1205
\$2 500 000.00 or more	\$1380

N.S. Reg. 57/2024

Made: February 27, 2024

Filed: February 27, 2024

Tax Refund for Skilled Trades and Occupations Regulations—replacement

Order in Council 2024-82 dated February 27, 2024

Repeal of regulations and regulations made by the Governor in Council
pursuant to subsection 80(1) of the *Income Tax Act*

The Governor in Council on the report and recommendation of the Minister of Finance and Treasury Board dated February 16, 2024, and pursuant to subsection 80(1) of Chapter 217 of the Revised Statutes of Nova Scotia, 1989, the *Income Tax Act*, is pleased to

- (a) repeal the *Tax Refund for Skilled Trades and Occupations Regulations*, N.S. Reg. 69/2023, made by the Governor in Council by Order in Council 2023-106 dated April 18, 2023; and
- (b) make new regulations respecting a tax refund for skilled trades and occupations, in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after January 1, 2023.

Schedule “A”

**Regulations Respecting a Tax Refund for Skilled Trades and Occupations
made by the Governor in Council under clauses 80(1)(aa) and (ab)
of Chapter 217 of the Revised Statutes of Nova Scotia, 1989,
the *Income Tax Act***

Citation

1 These regulations may be cited as the *Tax Refund for Skilled Trades and Occupations Regulations*.

Definitions

2 In these regulations,

“Act” means *Income Tax Act*;

“apprentice” means an apprentice as defined in the *Apprenticeship and Trades Qualifications Act*;

“eligible employer” means a person who

- (i) employs individuals in the Province in an eligible trade,

- (ii) employs individuals in the Province in an eligible film occupation and whose business consists primarily of producing films or videos that are considered eligible live-action films or videos under Section 7, or
- (iii) employs individuals in the Province in an eligible nursing position, but does not include a travel agency, staffing agency or similar agency that supplies nurses to other organizations to work on a contract basis;

“eligible film occupation” means an occupation, other than an eligible trade, that involves producing an eligible live-action film or video that is included as a sub-code of any of the following categories used by Telefilm Canada:

- (i) 15.00, Set Dressing Labour,
- (ii) 16.00, Props Labour,
- (iii) 19.00, Wardrobe Labour,
- (iv) 21.00, Video Technical Crew,
- (v) 22.00, Camera Labour,
- (vi) 24.00, Grip Labour,
- (vii) 25.00, Production Sound Labour;

“eligible income” means income that meets the criteria in Section 6;

“eligible individual” means an individual who meets the criteria in Section 5;

“eligible nursing position” means a position that requires the individual working in the position to be a nurse and hold a valid conditional licence or practising licence under the *Nursing Act*;

“eligible position” means an eligible film occupation, eligible nursing position or eligible trade;

“eligible trade” means a trade or branch of a trade designated under the *Apprenticeship and Trades Qualifications Act*;

“individual” includes the estate of an individual;

“interprovincial red seal endorsement” means an interprovincial red seal endorsement as defined in the *Apprenticeship and Trades Qualifications Act*;

“journeyperson” means a journeyperson as defined in the *Apprenticeship and Trades Qualification Act* or an individual who holds an interprovincial red seal endorsement;

“Minister of Finance and Treasury Board” means the Minister of Finance and Treasury Board for the Province;

“nurse” means a licensed practical nurse, registered nurse or nurse practitioner as defined in the *Nursing Act*;

“prorated tax liability” means the amount of tax liability determined under subsection 8(2);

“taxable income” means the amount determined by Part I, Division C of the *Income Tax Act* (Canada) for the taxation year;

“tax refund” means the amount of the tax refund determined under subsection 8(4);

“tax return” means an individual income tax and benefit return filed with the Canada Revenue Agency for the taxation year;

“total eligible income” means the lesser of the total of all eligible income amounts under Section 6 for the taxation year and \$50 000;

“total income” means the amount determined by Part I, Division B of the *Income Tax Act* (Canada) for the taxation year.

Designated persons

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

Payment of tax refund

- 4** (1) The Minister of Finance and Treasury Board must pay a tax refund to an eligible individual equal to the amount determined under Section 8, subject to subsections (2) and (3).
- (2) To verify and approve an application for a tax refund made under Section 10, the Minister of Finance and Treasury Board must review all of the following information:
- (a) amounts reported on the individual’s tax return or on the most recent assessment or reassessment for the taxation year issued by the Canada Revenue Agency;
 - (b) information reported by an eligible employer under Section 9 or information reported on the declaration referred to in clause 10(2)(m) for an individual who is self-employed in an eligible trade or eligible film occupation;
 - (c) credentials issued by the Nova Scotia Apprenticeship Agency or obtained by the Nova Scotia Apprenticeship Agency for an individual who is certified in a jurisdiction outside the Province;
 - (d) a licence issued by the Nova Scotia College of Nursing for an applicant in an eligible nursing position;
 - (e) any additional information requested by the Minister of Finance and Treasury Board to ensure the spirit and intent of the Act or these regulations is met.
- (3) Despite subsection (1), the Minister of Finance and Treasury Board must not pay a tax refund under these regulations if, in the opinion of the Minister of Finance and Treasury Board,
- (a) any information provided by an individual or their employer is false, misleading or fails to disclose a material fact; or
 - (b) the individual has not complied with any provision of the Act or these regulations or the spirit and intent of the Act or these regulations.
- (4) Regardless of when the payment is made, a tax refund payment is for the 12-month period beginning

on January 1 in the taxation year and ending on December 31 in that year.

- (5) A tax refund may be paid by cheque, direct deposit or another method approved by the Minister of Finance and Treasury Board.
- (6) If an eligible individual's application for a tax refund results in an amount that is less than \$2.00, a tax refund payment will not be made.

Criteria for eligible individual

5 An individual must meet all of the following criteria to be considered an eligible individual for the taxation year:

- (a) the individual is a resident of the Province for the taxation year;
- (b) the individual is younger than 30 years of age on January 1 of the taxation year;
- (c) the individual filed a Nova Scotia income tax return for the taxation year and reported all eligible income earned during the taxation year;
- (d) for an individual whose eligible income was earned in an eligible trade, the individual is 1 of the following:
 - (i) registered as an apprentice with the Nova Scotia Apprenticeship Agency and has a valid Nova Scotia Apprenticeship Agency identity card,
 - (ii) a journeyperson who is certified in the Province or in another jurisdiction of Canada;
- (e) for an individual whose eligible income was earned in an eligible nursing position, the individual has a valid conditional licence or practising licence issued by the Nova Scotia College of Nursing.

Criteria for eligible income

6 Income earned in an eligible position must meet all of the following criteria to be considered eligible income for a taxation year:

- (a) it is reported by an eligible individual on their tax return for the taxation year as either of the following:
 - (i) self-employed net income, or
 - (ii) employment income that was included on a T4 Statement of Remuneration Paid issued by an eligible employer for the taxation year;
- (b) it is reasonable in the circumstances;
- (c) it is earned in the taxation year for performing work in an eligible position in the Province;
- (d) for an individual working in an eligible trade or eligible film occupation, it is paid to an eligible individual by an eligible employer or was earned by an eligible individual who was self-employed in the taxation year, after December 31, 2021, and before January 1, 2027;
- (e) for an individual working in an eligible nursing position, it is paid to an eligible individual by an eligible employer in the taxation year, after December 31, 2022, and before January 1,

2027;

- (f) it does not form part of the eligible income claimed for a prior taxation year.

Criteria for eligible live-action film or video

7 A film or video must meet all of the following criteria to be considered an eligible live-action film or video:

- (a) it is intended to be broadcast, distributed or available for viewing no later than 24 months after the date it is completed, and a production services agreement for this exists, or a written agreement for this exists between the production's corporation and 1 of the following for consideration at fair market value:
- (i) a corporation that is a distributor of film or video productions,
- (ii) a broadcaster that is not associated, within the meaning of Section 256 of the *Federal Act*, with the corporation;
- (b) it is intended for a television, cinema, videotape or non-theatrical production and the subject matter is drama, variety, performing arts, an informational series, a documentary or music programming;
- (c) it is not any of the following:
- (i) a film or video production prohibited for use or exhibition under the *Theatres and Amusements Act*,
- (ii) a film or video production that solicits funds,
- (iii) a film or video, other than a documentary, all or substantially all of which consists of stock footage,
- (iv) a film or video production primarily for industrial, corporate or institutional purposes,
- (v) a film or video production for which public financial support would be contrary to public policy, in the opinion of the Minister of Finance and Treasury Board,
- (vi) a console or online video game,
- (vii) software or programming application;
- (d) it does not consist of any of the following types of programming:
- (i) news, current events or public affairs programming, or a program that includes weather or market reports,
- (ii) talk show,
- (iii) programming of a game, questionnaire or contest,
- (iv) sports event or activity,
- (v) gala presentation or awards show,

- (vi) reality television,
- (vii) pornography,
- (viii) advertising.

Calculation of tax refund**8 (1)** In this Section,

“eligible income proportion” means the amount determined by dividing total eligible income by total income;

“eligible tax proportion” means the amount determined by dividing the amount determined by Section 8 of the Act replacing taxable income with prorated taxable income by the amount determined by Section 8 of the Act;

“prorated Federal deductions” means the difference between total income and taxable income multiplied by eligible income proportion;

“prorated taxable income” means the amount determined by deducting prorated Federal deductions from total eligible income.

(2) Prorated tax liability is determined

- (a) after December 31, 2021, and before January 1, 2023, by adjusting the tax payable determined under subsection (3) by all other amounts added or deducted by Divisions B and D of the Act multiplied by eligible income proportion;
- (b) after December 31, 2022, and before January 1, 2027, by adjusting the tax payable determined under subsection (3) by all other amounts added or deducted by Divisions B and D of the Act multiplied by eligible tax proportion.

(3) The tax payable for the purpose of subsection (2) is the amount determined by Section 8 of the Act replacing taxable income with prorated taxable income.**(4)** The tax refund is the amount calculated under subsection (2) not exceeding the amount of Provincial tax otherwise payable by the individual for the taxation year under the Act.**(5)** If the amount of the tax refund determined under subsection (4) changes as a result of adjustments made to an individual’s tax return after their application was submitted, the Minister of Finance and Treasury Board may recalculate the individual’s tax refund.**Information from eligible employer****9 (1)** After the end of the taxation year, an eligible employer must issue a statement, in a form acceptable to the Minister of Finance and Treasury Board, to an eligible individual confirming all of the following:

- (a) that the employer is an eligible employer;
- (b) that the individual was employed by the employer in the Province during the taxation year;
- (c) the eligible position or positions in which the individual worked in the Province for the employer during the taxation year;

- (d) the eligible income paid to the eligible individual by the employer during the taxation year.
- (2) A statement from an eligible employer under subsection (1) must be signed by an authorized officer of the eligible employer.
- (3) After the end of the calendar year, the Minister of Finance and Treasury Board may require an eligible employer to submit a report in a form acceptable to the Minister of Finance and Treasury Board confirming all of the following for the calendar year:
 - (a) that the employer is an eligible employer;
 - (b) the name and eligible position of each eligible individual that it employed;
 - (c) the amount of eligible income paid to each eligible individual.
- (4) The Minister of Finance and Treasury Board may waive the requirements in subsection (1) if the Minister of Finance and Treasury Board is satisfied with the report received from an eligible employer under subsection (3).
- (5) The Minister of Finance and Treasury Board may request additional information from an employer to be included in a statement under subsection (1) or a report under subsection (3) that the Minister of Finance and Treasury Board requires to ensure the requirements of the Act and these regulations are met.

Application for tax refund

- 10** (1) An application for a tax refund under clauses 80(1)(aa) and (ab) of the Act must be made by an eligible individual no later than 18 months after the end of the taxation year.
- (2) An application for a tax refund under clauses 80(1)(aa) and (ab) of the Act must be in a form acceptable to the Minister of Finance and Treasury Board and must include all of the following information:
- (a) the eligible individual's social insurance number;
 - (b) the eligible individual's birth date;
 - (c) the eligible individual's total income as reported on the most recent notice of assessment or reassessment issued by the Canada Revenue Agency for the individual's tax return for the taxation year;
 - (d) the eligible individual's taxable income as reported on the most recent notice of assessment or reassessment issued by the Canada Revenue Agency for the individual's tax return for the taxation year;
 - (e) the eligible individual's provincial tax for the taxation year as reported on the most recent notice of assessment or reassessment issued by the Canada Revenue Agency for the individual's tax return for the taxation year;
 - (f) the eligible individual's Nova Scotia tax on taxable income for the taxation year as reported on Form NS428 of their tax return for the taxation year;
 - (g) a copy of the eligible individual's tax return for the taxation year, including the T1 General form and Form NS428;

- (h) a copy of the eligible individual's most recent notice of assessment or reassessment for the taxation year issued by the Canada Revenue Agency;
 - (i) the total amount of eligible income earned by the eligible individual in all eligible positions during the taxation year;
 - (j) a copy of every T4 Statement of Remuneration Paid issued to the eligible individual for the taxation year by an eligible employer;
 - (k) details on all employment during the taxation year in which the eligible individual earned eligible income in an eligible position during the taxation year;
 - (l) for an eligible individual who was an employee of an eligible employer, the statement referred to in subsection 9(1), unless the Minister of Finance and Treasury Board has waived the requirement for a statement under subsection 9(4);
 - (m) for an eligible individual who earned eligible income from self-employment in an eligible trade or eligible film occupation, a declaration, in a form acceptable to the Minister of Finance and Treasury Board, signed by the eligible individual confirming all of the following:
 - (i) that the individual was self-employed during the taxation year and earned corresponding eligible income in the Province,
 - (ii) the nature and amount of the individual's eligible income earned from self-employment in the Province during the taxation year;
 - (n) for an individual whose eligible income was earned in an eligible trade, the individual's Nova Scotia Apprenticeship Agency identity card or certificate of qualification number or, if the individual is certified in another jurisdiction of Canada, their interprovincial red seal endorsement or certificate number;
 - (o) for an individual whose eligible income was earned in an eligible nursing position, the individual's licence with the Nova Scotia College of Nursing;
 - (p) any additional information the Minister of Finance and Treasury Board may require to ensure the requirements of the Act and these regulations are met.
- (3) If the Minister issues a notice of reassessment after an eligible individual submits an application, the individual may submit a subsequent tax refund application, in a form acceptable to the Minister of Finance and Treasury Board, no later than 6 months after the date the notice of reassessment was issued and before January 1, 2029.

Lapsed application for tax refund

11 If the Minister of Finance and Treasury Board for the Province does not issue a tax refund within 6 months of the date that the individual applied for the tax refund, the application may be considered lapsed.

Recovering payment of tax refund

12 An individual who receives a tax refund to which they are not entitled or in an amount greater than the amount to which they were entitled must immediately repay the amount or the excess amount to the Minister of Finance and Treasury Board.

Tax refund payment may be applied to amount owing

13 If an individual owes an amount under Section 12, the Minister of Finance and Treasury Board may apply

all or a portion of the tax refund that would otherwise be paid to the individual under Section 4 to the individual's liability to the Minister of Finance and Treasury Board and must notify the individual of that action.

Exemption from recovery of tax refund payment

14 If the Minister of Finance and Treasury Board decides that recovering an amount owed by an individual under Section 12 would cause hardship to the individual, the Minister of Finance and Treasury Board may accept a lesser amount that the Minister of Finance and Treasury Board considers reasonable in the circumstances and must notify the individual of that decision.

Tax refund is assignable and not exempt from seizure

15 A tax refund is assignable to the Province and subject to seizure or garnishment by the Province.

Effect of death

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

Debt due to Crown

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

Entities to provide information for administrative purposes

18 (1) All of the following must provide any information to the Minister of Finance and Treasury Board, including personal information, that the Minister of Finance and Treasury Board requests to assess an individual's eligibility for the tax refund:

- (a) the Nova Scotia Apprenticeship Agency;
- (b) the Minister of Communities, Culture, Tourism and Heritage;
- (c) the Nova Scotia College of Nursing.

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

(3) For the purposes of making a request for information from either of the bodies listed in subsection (1), the Minister of Finance and Treasury Board may share personal information about an applicant with that body.

Sharing of information

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

- (a) the chief executive officer of the Nova Scotia Apprenticeship Agency;
- (b) the Minister of Communities, Culture, Tourism and Heritage;
- (c) the chief executive officer of the Nova Scotia College of Nursing;
- (d) the Government of Canada or a department or agency of that government;
- (e) the government of a province of Canada or a department or an agency of a province of Canada;

- (f) any person, group of persons, 1 or more employers or representatives of employers, 1 or more trade unions or 1 or more representatives of employees;
 - (g) a public body, as defined in the *Freedom of Information and Protection of Privacy Act*;
 - (h) any other persons or groups of persons the Minister of Finance and Treasury Board considers necessary.
- (2) The Minister of Finance and Treasury Board may use any personal information provided under subsection (1) to assess the individual's eligibility for the tax refund.

Audit and retention of records by eligible individual or eligible employer

- 20 (1) At the discretion of the Minister of Finance and Treasury Board, an audit of information provided by an individual or an employer of an individual may be performed to assess eligibility and compliance with these regulations.
- (2) If requested by the Minister of Finance and Treasury Board, a person who previously provided information or documents in respect of these regulations must provide any additional information the Minister of Finance and Treasury Board requires to assess eligibility and compliance with these regulations.
- (3) Any person who provides information in respect of these regulations must retain the information for at least 7 years after the end of the taxation year to which the information relates.

Use of information by Minister of Finance and Treasury Board

- 21 The Minister of Finance and Treasury Board may use the information collected under the Act and these regulations for the purpose of analyzing and reviewing the tax refund for policy purposes.

N.S. Reg. 58/2024

Made: February 27, 2024

Filed: February 27, 2024

Designation of Eligible Bodies Regulations—amendment

Order in Council 2024-87 dated February 27, 2024

Amendment to regulations made by the Governor in Council
pursuant to Section 16 of the *Conservation Easements Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources and Renewables dated January 25, 2024, and pursuant to Section 16 of Chapter 28 of the Acts of 2001, the *Conservation Easements Act*, is pleased, effective on and after February 27, 2024, to

- (a) amend Schedule “A” to the *Designation of Eligible Bodies Regulations*, N.S. Reg. 12/2002, made by the Governor in Council by Order in Council 2002-32 dated February 1, 2002, to designate the LaHave Coastal Conservation Association as an eligible body, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation; and
- (b) authorize the Minister of Natural Resources and Renewables to execute such documents as may be necessary to achieve the purposes of this Order.

Schedule "A"

**Amendment to the *Designation of Eligible Bodies Regulations*
made by the Governor in Council under Section 16
of Chapter 28 of the Acts of 2001,
the *Conservation Easements Act***

Schedule "A" to the *Designation of Eligible Bodies Regulations*, N.S. Reg. 12/2002, made by the Governor in Council by Order in Council 2002-32 dated February 1, 2002, is amended by adding "LaHave Coastal Conservation Association" immediately after "Sespite'tmnej Kmitkinu Conservancy" in the list of eligible bodies.

N.S. Reg. 59/2024

Made: February 27, 2024

Filed: February 27, 2024

Proclamation of amendments to Act, S. 13, S.N.S. 2022, c. 12

Order in Council 2024-89 dated February 27, 2024

Proclamation made by the Governor in Council

pursuant to Section 13 of

An Act to Amend Chapter 25 of the Acts of 2004, the Electricity Act

The Governor in Council on the report and recommendation of the Minister of Natural Resources and Renewables dated February 16, 2024, pursuant to Section 13 of Chapter 12 of the Acts of 2022, *An Act to Amend Chapter 25 of the Acts of 2004, the Electricity Act*, is pleased to order and declare by proclamation that Section 5 of Chapter 12 of the Acts of 2022, *An Act to Amend Chapter 25 of the Acts of 2004, the Electricity Act*, do come into force on and not before February 27, 2024.

L.S.

**Canada
Province of Nova Scotia**

Charles the Third, by the Grace of God, King of Canada, 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 13 of Chapter 12 of the Acts of 2022, *An Act to Amend Chapter 25 of the Acts of 2004, the Electricity Act*, it is enacted as follows:

- 13** Section 5 comes into force on such date as the Governor in Council orders and declares by proclamation.

And Whereas it is deemed expedient that Section 5 of Chapter 12 of the Acts of 2022, *An Act to Amend Chapter 25 of the Acts of 2004, the Electricity Act*, do come into force on and not before February 27, 2024;

Now Know Ye That We, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Section 5 of Chapter 12 of the Acts of 2022, *An Act to Amend Chapter 25 of the Acts of 2004, the Electricity Act*, do come into force on and not before February 27, 2024, 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 27th day of February in the year of Our Lord two thousand and twenty-four and in the Second year of Our Reign.

By Command:

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

N.S. Reg. 60/2024

Made: February 27, 2024

Filed: February 27, 2024

Community Solar Program Regulations

Order in Council 2024-90 dated February 27, 2024
Regulations made by the Governor in Council
pursuant to Section 3AK of the *Electricity Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources and Renewables dated February 2, 2024, and pursuant to Section 3AK of Chapter 25 of the Acts of 2004, the *Electricity Act*, is pleased to make regulations respecting the community solar program, in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after February 27, 2024.

Schedule "A"

**Regulations Respecting the Community Solar Program
made by the Governor in Council under Section 3AK
of Chapter 25 of the Acts of 2004,
the *Electricity Act***

Citation

1 These regulations may be cited as the *Community Solar Program Regulations*.

Definitions

2 (1) Except as otherwise provided in these regulations, words and expressions used in these regulations have the same meaning as in the Act and the *Renewable Electricity Regulations* made under the Act.

(2) In these regulations,

“Act” means the *Electricity Act*;

“commercial operation date” means the date, specified in a power purchase agreement, that a project began operating;

“designated representative” means a person designated in writing by a project owner to communicate with the Minister and NSPI about the project owner’s project and the community solar program;

“Minister” means the Minister of Natural Resources and Renewables;

“power purchase rate” means a rate, determined by the Minister, at which NSPI purchases the solar energy generated by a project from a project owner;

“program guidelines” means the community solar program guidelines issued by the Minister;

“project” means a community solar garden;

“renewable energy certificate” means a document that provides proof that a subscriber owns the renewable attributes per megawatt-hours of renewable energy generated.

Subscription agreements

3 A subscription agreement must contain all of the following information:

- (a) the project’s name and address or location;
- (b) the subscriber’s name, residential address and billing address;
- (c) the subscriber’s NSPI account number;
- (d) the subscriber’s average annual electricity consumption, in kilowatt-hours, reported by NSPI;
- (e) the percentage of the subscriber’s electricity consumption they seek to offset with their subscription;
- (f) the quantity of kilowatts the subscriber is subscribing to, reported by NSPI;
- (g) the estimated annual amount of solar energy the subscription may generate, in kilowatt-hours;
- (h) the bill credit rate of \$0.02/kWh for the subscriber’s share of solar energy generated by the project;
- (i) any other information the Minister considers necessary.

Subscriber must not be charged additional fees

4 A subscriber must not be charged any additional fees by NSPI or a project owner to participate in the community solar program.

Subscriber receives bill credit for solar energy generated

5 A subscriber is billed by NSPI for their electricity consumption but will receive a bill credit for the amount of solar energy generated from their subscription.

Power purchase agreements

6 A power purchase agreement must be for a term of 25 years starting from the commercial operation date.

Power purchase rate

- 7 (1) The minimum power purchase rate for the community solar program is \$70.00/MWh.
- (2) In determining whether to assign a higher power purchase rate to a project, the Minister may consider any of the following factors:
- (a) the percentage of the total project capacity available for residential subscriptions;
 - (b) an evaluation of the community benefits plan as set out in subsection 14(4);
 - (c) a project owner's plan to engage subscribers from marginalized communities as set out in subsection 14(3), if one is submitted;
 - (d) any other factors that support the program's objectives.

Administrative costs

8 A power purchase agreement must include a fixed administrative fee for NSPI, determined by the Minister, not exceeding \$5.00 per MWh of electricity purchased by NSPI from a project.

Failure to comply with Act or regulations

- 9 (1) If a project owner fails to comply with the Act or these regulations, the Minister may request that NSPI take either of the following actions:
- (a) revoke the project's power purchase agreement; or
 - (b) decrease the project's power purchase rate.
- (2) The Minister must provide 30 days' written notice to the project owner before requesting that NSPI take any actions under subsection (1) to permit the project owner to bring the project back into compliance, and a project owner must notify the Minister once the project is back in compliance.
- (3) The Minister may extend the notice period in subsection (2).

Community solar program capacity

- 10 (1) The aggregate nameplate capacity of all projects approved under the community solar program must not exceed 100 MW.
- (2) The Minister may reserve 20 MW of aggregate nameplate capacity in the community solar program for applications that meet all of the following criteria:
- (a) more than 50% of the project is owned by not-for-profits, co-operatives or marginalized communities in the Province;
 - (b) the project has a nameplate capacity of 5 MW or less.

Project eligibility requirements

- 11 (1) To be eligible for the community solar program, a project must meet all of the following requirements:
- (a) it must be located in the Province, in the service territory of NSPI and connected to the NSPI

system;

- (b) it must have a nameplate capacity of at least 500 kW, but no more than 10 MW;
 - (c) it must meet any other eligibility criteria specified by the Minister.
- (2) The Minister may approve an application for a project that is under construction or ready to operate at the time of application if the project meets the eligibility requirements in subsection (1).

Application to increase nameplate capacity

- 12 (1) Subject to subsection (2), a project owner may apply to the Minister to increase the nameplate capacity of an existing project.
- (2) When determining whether to approve a project owner's application to increase the nameplate capacity of an existing project, the Minister must consider all of the following factors:
- (a) the available program capacity;
 - (b) whether the increase in nameplate capacity would cause the project to exceed the maximum nameplate capacity in clause 11(1)(b);
 - (c) the hosting capacity of the project site's proposed substation;
 - (d) any other requirements outlined in the program guidelines.

Project owner eligibility

13 A project owner must be 1 of the following eligible entities:

- (a) a registered not-for-profit organization;
- (b) a co-operative;
- (c) a NS Mi'kmaw band as defined in the *Indian Act* (Canada);
- (d) a municipality, town or village;
- (e) a private, for-profit entity;
- (f) a Community Economic and Development Investment Fund;
- (g) a university or college;
- (h) a partnership between any of the eligible entities in clauses (a) to (g);
- (i) any other entity approved by the Minister.

Community solar program applications

- 14 (1) A project owner or their designated representative may apply to the community solar program by submitting the information required in the program guidelines and application package, including a community benefits plan, to the Minister in the form and manner required by the Minister.
- (2) An application must be signed by the project owner or their designated representative.

- (3) A project owner may submit a plan to engage subscribers from marginalized communities with their application.
- (4) A community benefits plan that outlines the social and economic benefits of a project must include all of the following:
 - (a) a plan for community capacity building, including increasing knowledge and skills in the renewable energy sector;
 - (b) an equity, diversity and inclusion plan;
 - (c) a local employment strategy;
 - (d) a strategy to engage subscribers;
 - (e) a plan to direct a portion of project revenues back to a community or to low-income or equity-deserving subscribers;
 - (f) any other requirements outlined in the program guidelines.

Applications accepted until total aggregate nameplate capacity reached

- 15** (1) Applications for the community solar program will be accepted until the total aggregate nameplate capacity available under the program has been reached.
- (2) Despite subsection (1), the Minister may close the program to applications at any time in the Minister's discretion.

Evaluation of program application

- 16** The Minister may consider all of the following when evaluating a community solar program application:
- (a) the total aggregate nameplate capacity available under the program;
 - (b) the hosting capacity of the project site's proposed substation;
 - (c) the long-term economic viability of the project determined by the Minister after reviewing the application;
 - (d) the scope of the project owner's community benefits plan;
 - (e) how the project would enable access to renewable energy for marginalized communities;
 - (f) any additional requirements outlined in the Act, these regulations or the program guidelines;
 - (g) any additional information the Minister considers necessary.

Approving or rejecting program applications

- 17** (1) After reviewing an application, and no more than 45 business days after the date the application is received, the Minister must approve, reject or request further information about the application.
- (2) The Minister must provide their decision in writing to the project owner or designated representative and, in the case of a rejection, must include a description of which evaluation criteria the applicant failed to meet.

Incomplete applications

- 18 (1)** If a community solar program application is incomplete or the Minister requires additional information about an application, the project owner or designated representative must provide the required information no more than 45 business days after the date the notice from the Minister is received.
- (2)** If the information requested is not provided by the deadline specified in subsection (1), the Minister may reject the application and must immediately notify the project owner or designated representative in writing that the application is rejected.

Withdrawal from program

- 19 (1)** A project owner must notify the Minister as soon as reasonably possible that they are withdrawing from the program.
- (2)** After receiving notice under subsection (1), the Minister must request in writing that NSPI revoke the project owner's power purchase agreement.

Projects not public utilities

- 20** Neither a project nor a project owner is considered a public utility by virtue of their participation in the community solar program.

Subscriber eligibility

- 21 (1)** To participate in the community solar garden program, a subscriber must meet all of the following conditions:
- (a)** they must be a customer in good standing with NSPI at the time of their application;
 - (b)** they must not be participating in the net-metering program under Section 3A or 3AA of the Act.
- (2)** A project owner may subscribe to their own project.

Recruiting subscribers

- 22** A project owner whose project has been approved by the Minister and who has been issued a power purchase agreement may begin to recruit subscribers for their project, but a subscription is not active until the commercial operation date.

Subscriber application

- 23** An application to subscribe to a project must contain all of the following:
- (a)** the project's name and address or location;
 - (b)** the NSPI account holder's name;
 - (c)** whether the applicant is a residential or non-residential customer;
 - (d)** the applicant's mailing and billing addresses;
 - (e)** the applicant's NSPI account number;
 - (f)** the percentage of the subscriber's electricity consumption they seek to offset with their subscription;

- (g) the applicant's written consent to allow the project owner to share the subscriber's information with NSPI and to allow NSPI to share the subscriber's information with the project owner as needed to administer the community solar program;
- (h) any other information the project owner may require.

Application forwarded to NSPI to determine eligibility

- 24 (1)** After receiving a completed subscriber application form, a project owner must forward the application to NSPI to determine the applicant's eligibility to participate in the community solar program and the maximum number of kilowatts the subscriber may subscribe to as a portion of the project's approved nameplate capacity.
- (2)** NSPI must provide the information under subsection (1) to a project owner within a reasonable amount of time.

Project owner duties

- 25 (1)** A project owner is responsible for all of the following:
- (a) constructing, operating and maintaining the physical infrastructure of the community solar garden during the term of the power purchase agreement;
 - (b) recruiting subscribers during the term of the power purchase agreement;
 - (c) ensuring that NSPI and each subscriber receives a completed subscription agreement;
 - (d) ensuring that at least 85% of the nameplate capacity of their project is subscribed to during the term of the power purchase agreement beginning 1 year after the commercial operation date.
- (2)** A project owner may delegate any of their duties in clauses (1)(b), (c) and (d) to a third party hired to manage subscriptions.

Information to be provided on subscriber's bill

26 NSPI must provide all of the following information on a subscriber's bill:

- (a) the amount of energy the subscriber used during the billing period;
- (b) the subscriber's bill credit rate for the community solar program;
- (c) the total bill credit the subscriber is receiving during the billing period for the amount of energy generated from their subscription.

Deadline for NSPI to update billing system

27 For the purposes of subsection 3AI(1) of the Act, NSPI must update its billing system by January 1, 2025.

Purchase and sale of energy by NSPI

- 28 (1)** Subject to any terms and conditions contained in a power purchase agreement, NSPI must purchase all solar energy, including excess electricity, generated by projects in the community solar program.
- (2)** For the purpose of subsection (1), excess electricity means all unsubscribed electricity up to the approved nameplate capacity of the project.

NSPI must measure energy production

29 (1) NSPI must measure the solar energy generated by a project at least once each day and confirm each

subscriber's share of monthly generation, in kilowatt-hours, no later than the 7th day of each month.

- (2) The amount of solar energy generated by a project is measured on the total metered production of the project delivered to the grid, in kilowatt-hours, subtracting any electricity consumed as part of the project's operation.

Subscriber bill credits

- 30** (1) A subscriber must receive a bill credit for solar energy generated in proportion to the size of their subscription.
- (2) A subscriber's bill credit is calculated by multiplying a subscriber's attributable share of the net production of solar energy delivered by a project to the grid calculated in subsection 29(2) by the bill credit rate specified in clause 3(h).
 - (3) A subscriber's attributable share is based on the number of kilowatts they are subscribed to for that project as a percentage of the approved nameplate capacity of the project, in kilowatts.

Ongoing project requirements

- 31** A project must meet all of the following requirements during the term of the power purchase agreement:
- (a) at least 25 percent of the approved nameplate capacity of the project must be subscribed to by residential customers;
 - (b) the project must have at least 2 subscribers;
 - (c) at least 85 percent of the approved nameplate capacity of the project, in kilowatts, must be subscribed to during the term of the power purchase agreement beginning 1 year after the commercial operation date.

Transfer of project ownership

- 32** (1) Before the ownership of a project may be transferred, the project owner must notify NSPI of the proposed change and request NSPI's approval to transfer the power purchase agreement to a new owner.
- (2) NSPI must not unreasonably withhold its approval under subsection (1).
 - (3) No later than 14 days after the date a project transfers ownership, the designated representative for the new project owner must notify the Minister in writing of the transfer.

Subscription must not exceed subscriber's annual electricity consumption

- 33** A subscription must not exceed 100 percent of a subscriber's expected average annual electricity consumption reported by NSPI.

Subscriber residence requirements

- 34** (1) A subscriber who moves but maintains service with NSPI continues to be a subscriber if permitted under their subscription agreement.
- (2) A subscriber is not required to live in the same distribution zone as the project to which they are subscribed.

Project owner reporting requirements

- 35** (1) Before the commercial operation date, a project owner must report all of the following information to the Minister every 6 months after their project is approved by the Minister, or within 30 days of

the date of a request by the Minister, in the form and manner required by the Minister:

- (a) their progress in putting the project into service;
 - (b) the number of subscribers recruited and how the project owner is recruiting subscribers;
 - (c) any other information the Minister may request.
- (2) After the commercial operation date, a project owner must report all of the following information to NSPI at least once every 2 months for the duration of the power purchase agreement:
- (a) the number of subscribers to the project and the size of each subscription;
 - (b) the total amount of the project's approved nameplate capacity, in kilowatts, that is subscribed to;
 - (c) any other requirements outlined in the program guidelines.

NSPI annual reporting requirements

36 On or before January 31 of each year, NSPI must report all of the following information about each project to the Minister:

- (a) the project's commercial operation date;
- (b) the project's address or location;
- (c) the project's approved nameplate capacity;
- (d) the average number of residential subscribers and non-residential subscribers, for each month of the reporting year;
- (e) the average subscription size, in kilowatts, each month of the reporting year;
- (f) the average subscription size, in kilowatts, for residential subscribers and non-residential subscribers;
- (g) the remaining nameplate capacity, in kilowatts, on December 31 of the previous year;
- (h) any other information the Minister considers necessary.

Failure to operate for 14 or more days

37 If a project ceases to operate for 14 or more days, NSPI must notify the Minister in writing no more than 7 days after the 14-day period has ended.

Registration and retirement of renewable energy certificates

38 (1) Upon request by a non-residential subscriber, NSPI must do all of the following:

- (a) register all renewable energy certificates for the subscriber on an annual basis with an internationally recognized organization;
- (b) no later than March 31 of each year, provide all of the following information to the subscriber:
 - (i) the annual volume of the subscriber's renewable energy certificates,

- (ii) the subscriber's identification numbers,
 - (iii) vintage.
- (2) Once the information described in subsection (1) is provided to the subscriber, the renewable energy certificate is considered retired.
- (3) Solar energy purchased by NSPI under the community solar program may be used by NSPI to meet the renewable electricity standards specified in the *Renewable Electricity Regulations*.

Review of project or program by Minister

- 39 (1) The Minister may review a project at any time during the term of the project's power purchase agreement to ensure that it complies with the regulations.
- (2) The Minister may review the community solar program at their discretion, but must review the program no later than April 1, 2026.