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Part II Regulations under the Regulations Act

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

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

N.S. Reg. 322/2007

Made: June 28, 2007

Filed: July 3, 2007

Prescribed Petroleum Products Prices

Order dated June 28, 2007
made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act*

**In the Matter of Section 14 of Chapter 11 of the Acts of 2005
the *Petroleum Products Pricing Act***

- and -

**In the Matter of Sections 14 to 18 of the *Petroleum Products Pricing Regulations*
made by the Governor in Council
pursuant to Section 14 of the *Petroleum Products Pricing Act***

- and -

**In the Matter of an Order Prescribing Prices for Petroleum Products
made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 14 to 18 of the *Petroleum Products Pricing Regulations***

Order

I, Jamie Muir, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, pursuant to Section 14 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, and Sections 14 to 18 of the *Petroleum Products Pricing Regulations*, hereby

- (a) repeal the Order dated June 21, 2007, which prescribed prices for petroleum products in the Province effective on and after 12:01 a.m. on June 22, 2007; and
- (b) prescribe prices for petroleum products in the Province as set forth in the tables in Schedule "A".

This Order is effective on and after 12:01 a.m. on June 29, 2007.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on June 28, 2007.

Sgd.: *Jamie Muir*
Honourable Jamie Muir
Minister of Service Nova Scotia and Municipal Relations

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on June 29, 2007**

Table 1: Benchmark Prices for Regulated Petroleum Products (cents/litre)	
Regular unleaded gasoline	62.9
Mid-grade unleaded gasoline	65.9
Premium unleaded gasoline	68.9
Ultra low-sulfur diesel oil	60.3

Table 2: Fixed Wholesale Prices, Retail Mark-ups and Retail Prices for Regulated Petroleum Products (cents/litre)									
		Retail Mark-up				Retail Price (includes all taxes)			
		Self-Service		Full-Service		Self-Service		Full-Service	
	Fixed Wholesale Price (excludes GST)	Min	Max	Min	Max	Min	Max	Min	Max
Zone 1									
Regular Unleaded	94.7	4.0	5.5	4.0	999.9	112.5	114.2	112.5	999.9
Mid-Grade Unleaded	97.7	4.0	5.5	4.0	999.9	115.9	117.6	115.9	999.9
Premium Unleaded	100.7	4.0	5.5	4.0	999.9	119.4	121.1	119.4	999.9
Ultra Low-Sulfur Diesel	86.0	4.0	5.5	4.0	999.9	102.6	104.3	102.6	999.9
Zone 2									
Regular Unleaded	95.1	4.0	5.5	4.0	999.9	113.0	114.7	113.0	999.9
Mid-Grade Unleaded	98.1	4.0	5.5	4.0	999.9	116.4	118.1	116.4	999.9
Premium Unleaded	101.1	4.0	5.5	4.0	999.9	119.8	121.5	119.8	999.9
Ultra Low-Sulfur Diesel	86.0	4.0	5.5	4.0	999.9	103.1	104.8	103.1	999.9
Zone 3									
Regular Unleaded	95.6	4.0	5.5	4.0	999.9	113.5	115.3	113.5	999.9
Mid-Grade Unleaded	98.6	4.0	5.5	4.0	999.9	117.0	118.7	117.0	999.9
Premium Unleaded	101.6	4.0	5.5	4.0	999.9	120.4	122.1	120.4	999.9
Ultra Low-Sulfur Diesel	86.5	4.0	5.5	4.0	999.9	103.6	105.3	103.6	999.9
Zone 4									
Regular Unleaded	95.6	4.0	5.5	4.0	999.9	113.5	115.3	113.5	999.9
Mid-Grade Unleaded	98.6	4.0	5.5	4.0	999.9	117.0	118.7	117.0	999.9
Premium Unleaded	101.6	4.0	5.5	4.0	999.9	120.4	122.1	120.4	999.9
Ultra Low-Sulfur Diesel	86.5	4.0	5.5	4.0	999.9	103.6	105.3	103.6	999.9
Zone 5									
Regular Unleaded	95.6	4.0	5.5	4.0	999.9	113.5	115.3	113.5	999.9
Mid-Grade Unleaded	98.6	4.0	5.5	4.0	999.9	117.0	118.7	117.0	999.9
Premium Unleaded	101.6	4.0	5.5	4.0	999.9	120.4	122.1	120.4	999.9
Ultra Low-Sulfur Diesel	86.5	4.0	5.5	4.0	999.9	103.6	105.3	103.6	999.9

Zone 6									
Regular Unleaded	96.4	4.0	5.5	4.0	999.9	114.5	116.2	114.5	999.9
Mid-Grade Unleaded	99.4	4.0	5.5	4.0	999.9	117.9	119.6	117.9	999.9
Premium Unleaded	102.4	4.0	5.5	4.0	999.9	121.3	123.0	121.3	999.9
Ultra Low-Sulfur Diesel	87.3	4.0	5.5	4.0	999.9	104.5	106.2	104.5	999.9

N.S. Reg. 323/2007

Made: June 29, 2007

Filed: July 3, 2007

Safer Communities and Neighbourhoods Regulations

Order in Council 2007-369 dated June 29, 2007

Amendment to regulations made by the Governor in Council
pursuant to Section 67 of the *Safer Communities and Neighbourhoods Act*

The Governor in Council on the report and recommendation of the Minister of Justice, dated June 6, 2007, and pursuant to Section 67 of Chapter 6 of the Acts of 2006, the *Safer Communities and Neighbourhoods Act*, is pleased to amend the *Safer Communities and Neighbourhoods Regulations*, N.S. Reg. 237/2006, made by Order in Council 2006-580, dated December 21, 2006, to define “government enforcement agent” and require government enforcement agents to comply with requirements established by the Director, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after June 29, 2007.

Schedule “A”

**Amendment to the *Safer Communities and Neighbourhoods Regulations*
made by the Governor in Council pursuant to Section 67
of Chapter 6 of the Acts of 2006,
the *Safer Communities and Neighbourhoods Act***

The *Safer Communities and Neighbourhoods Regulations*, N.S. Reg. 237/2006, made by the Governor in Council by Order in Council 2006-580 dated December 21, 2006 are amended by:

- (a) adding the following clause immediately after clause 2(1)(b):
 - (ba) “government enforcement agent” means a person employed by the Policing and Victim Services Division, Department of Justice, for the purpose of investigating complaints made under the Act;
- (b) adding the following heading and Section immediately after Section 3:

Government enforcement agent

- 3A** A government enforcement agent must comply with requirements established by the Director respecting clothing, uniforms, badges, equipment and firearms.

N.S. Reg. 324/2007

Made: June 29, 2007

Filed: July 3, 2007

Proclamation, S. 10, S.N.S. 2006, c. 16

Order in Council 2007-370 dated June 29, 2007
Proclamation made by the Governor in Council
pursuant to Section 10 of the
Justice Administration Amendment (Fall 2006) Act

The Governor in Council on the report and recommendation of the Minister of Justice, dated June 6, 2007, and pursuant to Section 10 of Chapter 16 of the Acts of 2006, the *Justice Administration Amendment (Fall 2006) Act*, and subsection (7) of Section 3 of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Section 7 of Chapter 16 of the Acts of 2006, the *Justice Administration Amendment (Fall 2006) Act*, do come into force on and not before June 29, 2007.

PROVINCE OF NOVA SCOTIA

sgd: Mayann Francis

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 10 of Chapter 16 of the Acts of 2006, the *Justice Administration Amendment (Fall 2006) Act*, it is enacted as follows:

- 10** This Act comes into force on such ~~date~~ [day] as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Section 7 of Chapter 16 of the Acts of 2006, the *Justice Administration Amendment (Fall 2006) Act*, do come into force on and not before June 29, 2007;

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 7 of Chapter 16 of the Acts of 2006, the *Justice Administration Amendment (Fall 2006) Act*, do come into force on and not before June 29, 2007, 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 Her Honour
the Honourable Mayann E. Francis, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 29th day of June in the year of Our Lord two thousand and seven and in the fifty-sixth year of Our Reign.

BY COMMAND:

sgd: Murray K. Scott
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 325/2007

Made: June 29, 2007

Filed: July 3, 2007

Proclamation, S. 2, S.N.S. 2006, c. 43

Order in Council 2007-371 dated June 29, 2007

Proclamation made by the Governor in Council
pursuant to Section 2 of

An Act to Amend Chapter 238 of the Revised Statutes, 1989, the Provincial Court Act

The Governor in Council on the report and recommendation of the Minister of Justice, dated June 6, 2007, and pursuant to Section 2 of Chapter 43 of the Acts of 2006, *An Act to Amend Chapter 238 of the Revised Statutes, 1989, the Provincial Court Act*, is pleased to order and declare by proclamation that Chapter 43 of the Acts of 2006, *An Act to Amend Chapter 238 of the Revised Statutes, 1989, the Provincial Court Act*, do come into force on and not before June 29, 2007.

PROVINCE OF NOVA SCOTIA

sgd: Mayann Francis

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 2 of Chapter 43 of the Acts of 2006, *An Act to Amend Chapter 238 of the Revised Statutes, 1989, the Provincial Court Act*, it is enacted as follows:

- 2** This Act comes into force on such ~~date~~ [day] as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 43 of the Acts of 2006, *An Act to Amend Chapter 238 of the Revised Statutes, 1989, the Provincial Court Act*, do come into force on and not before June 29, 2007;

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 43 of the Acts of 2006, *An Act to Amend Chapter 238 of the Revised Statutes, 1989, the Provincial Court Act*, do come into force on and not before June 29, 2007, 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 Her Honour the Honourable Mayann E. Francis, Lieutenant Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 29th day of June in the year of Our Lord two thousand and seven and in the fifty-sixth year of Our Reign.

BY COMMAND:

sgd: Murray K. Scott
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 326/2007

Made: June 29, 2007

Filed: July 3, 2007

Proclamation, S. 9, S.N.S. 2006, c. 29

Order in Council 2007-372 dated June 29, 2007
Proclamation made by the Governor in Council
pursuant to Section 9 of

An Act to Amend Chapter 148 of the Revised Statutes, 1989, the Engineering Profession Act

The Governor in Council on the report and recommendation of the Minister of Justice, dated June 6, 2007, and pursuant to Section 9 of Chapter 29 of the Acts of 2006, *An Act to Amend Chapter 148 of the Revised Statutes, 1989, the Engineering Profession Act*, is pleased to order and declare by proclamation that Chapter 29 of the Acts of 2006, *An Act to Amend Chapter 148 of the Revised Statutes, 1989, the Engineering Profession Act*, do come into force on and not before June 29, 2007.

PROVINCE OF NOVA SCOTIA

sgd: Mayann Francis

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 9 of Chapter 29 of the Acts of 2006, *An Act to Amend Chapter 148 of the Revised Statutes, 1989, the Engineering Profession Act*, it is enacted as follows:

- 9 This Act comes into force on such ~~date~~ [day] as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 29 of the Acts of 2006, *An Act to Amend Chapter 148 of the Revised Statutes, 1989, the Engineering Profession Act*, do come into force on and not before June 29, 2007;

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 29 of the Acts of 2006, *An Act to Amend Chapter 148 of the Revised Statutes, 1989, the Engineering Profession Act*, do come into force on and not before June 29, 2007, 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 Her Honour
the Honourable Mayann E. Francis, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional
Municipality, this 29th day of June in the year of
Our Lord two thousand and seven and in the fifty-
sixth year of Our Reign.

BY COMMAND:

sgd: Murray K. Scott
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 327/2007

Made: June 29, 2007

Filed: July 3, 2007

Student Reservists' Leave of Absence Regulations

Order in Council 2007-373 dated June 29, 2007
Regulations made by the Governor in Council
pursuant to Section 7 of the *Canadian Forces Reservists Protection Act*

The Governor in Council on the report and recommendation of the Minister of Military Relations, dated June 27, 2007, and pursuant to Section 7 of Chapter 13 of the Acts of 2006, the *Canadian Forces Reservists Protection Act*, is pleased to make regulations respecting the academic standing of student reservists in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after July 1, 2007.

Schedule "A"

**Regulations Respecting the Academic Standing of Student Reservists
made by the Governor in Council pursuant to Section 7 of Chapter 13 of the Acts
of 2006, the *Canadian Forces Reservists Protection Act***

Citation

1 These regulations may be cited as the *Student Reservists' Leave of Absence Regulations*.

Definitions

2 (1) In the Act and these regulations,

- (a) "active duty" means active service as defined in the *National Defence Act* (Canada);
- (b) "fees" means charges or payments that may be required by a student's attendance at an education institutional, including all of the following:
 - (i) administrative fees,
 - (ii) on-campus housing fees,
 - (iii) health insurance fees,
 - (iv) student association membership fees,
 - (v) charges or payments for books required for courses in which the student is registered;
- (c) "program of studies" means a set of courses or other work required to obtain a degree, diploma or certificate from an educational institution;
- (d) "semester" means a period of study that constitutes part of the regular academic year of an educational institution and that is at least 13 weeks long;
- (e) "training" means training that is required for active duty.

(2) In these regulations,

- (a) “Class “C” Reserve Service” means “Class “C” Reserve Service” as defined in the *Queen’s Regulations and Orders for the Canadian Forces* under the *National Defence Act* (Canada);
- (b) “educational institution” means any of the following:
 - (i) a public school or a private school as defined in the *Education Act*,
 - (ii) a community college established under the *Community Colleges Act*,
 - (iii) a university authorized under the *Degree Granting Act*.

Reasonable notice

3 In clause 4(1)(a) of the Act respecting the notice required to be given by a student to an educational institution, “reasonable notice” is at least 30 days’ notice in advance, except in an emergency situation, in which case reasonable notice is as much notice as is reasonably practical.

Reservist’s leave of absence

- 4 (1) For the purposes of a leave of absence from an educational institution for a member of the Reserves under Section 4 of the Act,
- (a) a leave of absence includes time spent on leave related to active duty;
 - (b) a leave of absence must not be longer than 18 months within any 3-year period;
 - (c) the start date for a leave of absence must be at least 1 year after the date that a student returned to the educational institution from a previous leave of absence;
 - (d) a student must apply to return the program of studies at the educational institution no later than 4 weeks after the date their leave of absence expires;
 - (e) a student may defer their actual return to the program of studies at the educational institution until the beginning of the next following semester;
 - (e) only the training of a member in Class “C” Reserve Service is included as service;
 - (f) a student’s right to return to the program of studies is subject to its availability when the student returns to or applies to return to the educational institution.

Financial credits

- 5 For the purposes of the return of a student to an educational institution under subsection 4(2) of the Act,
- (a) the tuition and fees for a program of studies paid by a student for the semester during which the student takes a leave of absence must be credited toward and are deemed to be equal in amount to the tuition and fees for the semester during which the student returns to the program of studies;
 - (b) a student who holds a certificate under the *Student Aid Act* is deemed to be continuing studies at the educational institution while on leave of absence.

Complaint procedure

- 6 (1) A student who is aggrieved by an alleged violation of subsection 4(2) of the Act by an educational institution may make a written complaint to the Minister of Education.

- (2) A complaint must be made no later than 30 days after the date of a decision of the educational institution to impose a financial penalty on the student.
 - (3) The Minister of Education may authorize an officer of the Department of Education to act as a review officer to investigate a complaint.
 - (4) In investigating a complaint, a review officer must serve notice of the complaint on the educational institution against which the complaint is made and request a response from the educational institution within any period of time that the review officer considers appropriate.
 - (5) A review officer has the power to order the educational institution or the complainant to produce any documents or other information that the review officer considers necessary for a full review of the complaint.
 - (6) After investigating a complaint, a review officer must determine whether there is sufficient evidence of a failure to comply with subsection 4(2) of the Act and decide
 - (a) to dismiss the complaint on the grounds of insufficiency of evidence; or
 - (b) to conduct a mediation to effect a settlement, if the review officer is satisfied that there is sufficient evidence of a failure to comply with subsection 4(2) of the Act.
 - (7) A decision of a review officer is final and not open to question or review.
-

N.S. Reg. 328/2007

Made: June 29, 2007

Filed: July 3, 2007

Pension Benefits Regulations

Order in Council 2007-374 dated June 29, 2007
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 Environment and Labour, dated May 23, 2007, 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 Order in Council 2002-607, dated December 20, 2002, to make certain housekeeping changes, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after June 29, 2007.

Schedule "A"

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

- 1 Clause 6(1)(d) 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 repealing subclause (iii) and substituting the following subclause:
- (iii) for the remaining balance of a solvency deficiency arising between December 30, 2005, and August 30, 2006, and for a solvency deficiency arising between August 30, 2006, and August 30, 2016, under a municipality pension plan, the amount required to liquidate that part of the solvency deficiency that is greater than 15% of the solvency liabilities within 5 years after the review date of the solvency valuation in which the solvency deficiency is identified.
- 2 Clause 19(1)(b) of the regulations is amended by striking out "(3)" and substituting "(5)".
- 3 Subclause 22(3)(a)(i) of the regulations is amended by adding "or a pension plan established by a Provincial statute or a federal statute" immediately after "pension plan".
- 4 Subsection 23(8) of the regulations is amended by striking out clause (a) and substituting the following clause:
- (a) a former member of a pension plan, including a former member who has previously transferred an amount under clause 50(1)(b) of the Act, who, if they have a spouse or common law partner,
- (i) has obtained the written consent of his or her spouse or common-law partner, or
- (ii) is living separate and apart from his or her spouse or common-law partner;
- 5 Subsection 32(2) of the regulations is amended by
- (a) adding "or optional ancillary contributions" immediately after "voluntary contributions"; and
- (b) striking out "CANSIM Series B 14045" and substituting "CANSIM Series V 122515" in clause (a).
- 6 Subsection 32(5) of the regulations is amended by striking out "CANSIM Series B 14045" and substituting "CANSIM Series V 122515".
- 7 Clause 42(1)(o) of the regulations is amended by
- (a) adding "and any interest credited to the contributions" immediately after "optional ancillary contributions"; and
- (b) striking out "during" and substituting "to the end of".
- 8 Subsection 49(2) of the regulations is amended by
- (a) striking out "and" at the end of clause (b);

- (b) striking out the period at the end of clause (c) and substituting a semicolon; and
 - (c) adding the following clauses immediately after clause (c):
 - (d) a retirement compensation arrangement as defined in subsection 248(1) of the *Income Tax Act* (Canada);
 - (e) a plan that provides only benefits that are greater than the maximum benefit limits applicable to a pension plan registered under the *Income Tax Act* (Canada);
 - (f) a plan that permits only contributions that are greater than the maximum contribution limit applicable to a pension plan registered under the *Income Tax Act* (Canada).
-

N.S. Reg. 329/2007

Made: June 29, 2007

Filed: July 3, 2007

Pension Benefits Regulations

Order in Council 2007-375 dated June 29, 2007
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 Environment and Labour, dated June 15, 2007, 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 Order in Council 2002-607, dated December 20, 2002, to regulate the unlocking of certain pension funds in circumstances of financial hardship, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after July 1, 2007.

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 (a):
 - (aa) "Act" means the *Pension Benefits Act*;
- 2 Subclause 22(3)(a)(v) of the regulations is amended by adding " , or in accordance with subsection 72(5) of the Act (financial hardship)" immediately before the semicolon.
- 3 Clause 22(3)(d) of the regulations is amended by adding " , or in accordance with subsection 72(5) of the Act (financial hardship)" immediately before " , money transferred".

- 4 The regulations are further amended by striking out “Part II” in the centred heading immediately before Section 68 and substituting “Part 3”.
- 5 The regulations are further amended by adding the headings and Sections set out in the attached Appendix A immediately after Section 83.
- 6 Section 2 of Schedule IV of the regulations is amended by adding “, or in accordance with Part 4 of the regulations (financial hardship)” immediately before the period.
- 7 Clause 12(1)(c) of Schedule IV of the regulations is repealed and the following clause substituted:
 - (c) to a LIRA, if permitted under the *Income Tax Act* (Canada).
- 8 Section 14 of Schedule IV of the regulations is amended by adding “, or in accordance with Part 4 of the regulations (financial hardship)” immediately before the period.

Appendix A

Part 4—Withdrawals in Circumstances of Financial Hardship

Definitions for Part

84 In this Part,

- (a) “application” means an application under this Part for consent;
- (b) “application fee” means a fee prescribed in Section 87 for an application;
- (c) “circumstance of financial hardship” means a circumstance prescribed in subsection 86(1) for the purposes of subsection 72(5) of the Act;
- (d) “consent” means consent by the Superintendent to the commutation or surrender in whole or in part of a prescribed retirement savings arrangement in accordance with subsection 72(5) of the Act;
- (e) “medical expense circumstance” means a circumstance of financial hardship as prescribed in clause 86(1)(b);
- (f) “medical expenses” means expenses that are for goods or services certified by a physician or dentist as necessary and reasonable to treat an illness or disability and that are not covered by insurance, a benefit plan, a government program or any other source;
- (g) “mortgage default circumstance” means a circumstance of financial hardship as prescribed in clause 86(1)(a);
- (h) “net amount” means the amount allowed by the Superintendent to be withdrawn by an owner from a prescribed retirement savings arrangement under an application consented to by the Superintendent, net of any applicable withholding tax and the application fee;
- (i) “owner” means the owner of a prescribed retirement savings arrangement;
- (j) “prescribed retirement savings arrangement” means a retirement savings arrangement prescribed in Section 85 for the purposes of subsection 72(5) of the Act;

- (k) “principal residence” of an owner who makes an application means a property that is ordinarily inhabited by the owner on the date the owner signs the application;
- (l) “reduced income circumstance” means a circumstance of financial hardship as prescribed in clause 86(1)(c).

Prescribed retirement savings arrangements

85 LIFs and LIRAs are prescribed as types of retirement savings arrangements for the purposes of subsection 72(5) of the Act.

Prescribed circumstances of financial hardship

- 86** (1) Subject to subsection (2), the following circumstances of financial hardship are prescribed for the purposes of subsection 72(5) of the Act:
- (a) the owner or the owner’s spouse or common-law partner has received a written demand in respect of a default on a mortgage debt that is secured against the owner’s principal residence, and the owner could face eviction if the debt remains unpaid;
 - (b) the owner, the owner’s spouse or common-law partner or a dependant has incurred or will incur medical expenses;
 - (c) the owner’s anticipated total income from all sources before taxes for the 12-month period immediately following the date the owner signs the application is 40% or less of the year’s maximum pensionable earnings for the year in which the application is signed.
- (2) A circumstance relating to expenses incurred or to be incurred for the benefit of a spouse or common-law partner does not constitute a circumstance of financial hardship if the owner and the spouse or common-law partner are living separate and apart on the date the owner signs the application.
- (3) For the purposes of the mortgage default circumstance, an owner has only one principal residence.
- (4) For the purposes of the medical expense circumstance, a dependant is a person who
- (a) is dependent on the owner or the owner’s spouse or common-law partner for support on the date an application is signed by the owner or was dependant on the owner, spouse or common-law partner during the 12-month period immediately preceding the date the application is signed by the owner; and
 - (b) is the child, step-child, grandchild, parent, step-parent, grandparent, brother, half-brother, step-brother, sister, half-sister, step-sister, uncle, aunt, niece or nephew of
 - (i) the owner, or
 - (ii) the owner’s spouse or common-law partner, unless the owner and spouse or common-law partner are living separate and apart on the date the application is signed by the owner.
- (5) In clause (4)(b), “child” includes a person for whom the owner, or the owner’s spouse or common-law partner, is legal guardian.
- (6) For the purposes of the reduced income circumstance, an owner’s anticipated total income from all sources before taxes does not include any of the following:

- (a) a withdrawal under this Part;
- (b) a refund or repayment of taxes paid to a Canadian jurisdiction;
- (c) a refundable tax credit;
- (d) income from sources enumerated in Section 52 of the *Employment Support and Income Assistance Regulations* made under the *Employment Support and Income Assistance Act* and categorized in that Section as “not chargeable income”;
- (e) a payment received by a foster parent under the *Children and Family Services Act*;
- (f) child support payments received under a court order or an agreement.

Application fee

87 An owner must pay an application fee of \$100 at the time of a withdrawal under this Part.

Form and content of application

- 88 (1)** An application must request consent for withdrawal of all of the following:
- (a) an amount of at least \$500, calculated in accordance with Section 93;
 - (b) the amount of any applicable withholding tax;
 - (c) the application fee.
- (2)** An application must be completed in a form approved by the Superintendent, signed by the owner and submitted to the Superintendent, and accompanied by a copy of the most recent statement for the prescribed retirement savings arrangement issued by the financial institution that administers the prescribed retirement savings arrangement.
- (3)** An application must include one of the following statements:
- (a) a statement of the owner’s spouse or common-law partner, if any, that
 - (i) the spouse or common-law partner is aware of the pension entitlements under the prescribed retirement savings arrangement, and
 - (ii) the spouse or common-law partner is aware of the consequences of withdrawing funds from the prescribed retirement savings arrangement and agrees to the withdrawal;
 - (b) a statement signed by the owner attesting to the fact that the owner does not have a spouse or common-law partner;
 - (c) a statement signed by the owner attesting to the fact that the owner is living separate and apart from his or her spouse or common-law partner.
- (4)** An application containing a statement of the owner’s spouse or common-law partner referred to in clause (3)(a) must be signed by the spouse or common-law partner in the presence of a witness other than the owner.

- (5) An application must include a statement by the owner that the owner understands that any funds withdrawn from the prescribed retirement savings arrangement are not exempt from execution, seizure or attachment under Section 71 of the Act.
- (6) In an application under a mortgage default circumstance, the owner must include a copy of the written demand in respect of the default on the mortgage debt secured against the owner's principal residence, setting out the amount required to pay the mortgage debt in default and all directly related enforcement costs to bring the mortgage into good standing.
- (7) In an application under a medical expense circumstance, the owner must include copies of receipts or estimates for the medical expenses and a written opinion of a physician or dentist that the expenses are necessary and reasonable to treat an illness or disability.
- (8) In an application under a reduced income circumstance, the owner must include all of the following:
 - (a) a signed statement setting out the owner's anticipated total income from all sources before taxes for the 12-month period immediately following the date the application is signed by the owner;
 - (b) copies of any documents showing income received by the owner in the 12-month period immediately preceding the date the application is signed by the owner;
 - (c) copies of any documents showing income expected to be received by the owner in the 12-month period immediately following the date the application is signed by the owner;
 - (d) a copy of the owner's most recent notice of assessment or reassessment as issued by the Canada Revenue Agency.
- (9) An owner must provide accurate and complete information in the application and any accompanying documents.

Superintendent may require additional information

89 (1) Following receipt of an application, the Superintendent may require

- (a) evidence of the circumstance of financial hardship in addition to the evidence submitted with the application under Section 88;
 - (b) any information relating to the application and accompanying documents that the Superintendent considers necessary to assist in understanding them and to verify their authenticity.
- (2) An owner must provide any additional evidence and information required under subsection (1) in the form and manner that the Superintendent specifies.

Superintendent entitled to rely on information

90 The Superintendent is entitled to rely on the information provided in an application and accompanying documents as well as any additional evidence and information provided under Section 89.

Nullity of stale-dated document

91 A document to be submitted to the Superintendent is a nullity for the purposes of this Part if it is

- (a) a document that requires the signature of the owner or their spouse or common-law partner and is signed more than 60 days before the date the Superintendent receives it; or

- (b) a document other than as described in clause (a) that is signed or dated more than 12 months before the date the Superintendent receives it.

Only 1 application in 12-month period

- 92** (1) Only 1 application in each circumstance of financial hardship may be made during any 12-month period in relation to a particular person.
- (2) For the purposes of subsection (1), a 12-month period begins on the date that an application with respect to the relevant circumstance of financial hardship and in relation to the particular person is received by the Superintendent.
- (3) An application that does not result in a withdrawal from a prescribed retirement savings arrangement is not relevant for the purposes of subsection (1).

Calculating net amount

- 93** (1) In an application under a mortgage default circumstance, the net amount may not exceed an amount sufficient to pay the mortgage debt in default and all directly related enforcement costs required to bring the mortgage into good standing.
- (2) In an application under a medical expense circumstance, the net amount may not exceed the aggregate of
- (a) an amount sufficient to pay any medical expenses actually incurred within the 12-month period immediately preceding the date the application is signed by the owner; and
 - (b) an amount sufficient to pay any medical expenses anticipated to be incurred within the 12-month period immediately following the date the application is signed by the owner.
- (3) In an application under a reduced income circumstance, the net amount may not exceed the amount by which “E” exceeds “F”, in which
- (a) “E” is 40% of the year’s maximum pensionable earnings for the year in which the application is signed by the owner; and
 - (b) “F” is 75% of the owner’s anticipated total income from all sources before taxes determined in accordance with subsection 86(6) for the 12-month period immediately following the date the application is signed by the owner.

Net amount may be lower than requested

- 94** (1) Subject to subsection (2), a net amount may be less than the amount, not including applicable withholding tax and the application fee, requested by the owner in their application.
- (2) A net amount must be at least \$500.

Subsequent application related to mortgage default denied

- 95** The Superintendent must deny an owner’s application under a mortgage default circumstance if the Superintendent has previously consented to an application from the owner under a mortgage default circumstance and funds have been withdrawn from the owner’s prescribed retirement savings arrangement under that previous application.

Superintendent’s decision final

- 96** The Superintendent’s decision on an application is final and not subject to appeal.

Notification and payment

- 97 (1) The Superintendent must notify an owner in writing of the Superintendent's decision on the owner's application within a reasonable period following receipt by the Superintendent of the owner's completed application, together with all documents and any additional evidence and information required by the Superintendent.
- (2) A written consent by the Superintendent to the withdrawal of funds from a prescribed retirement savings arrangement authorizes the financial institution that administers the prescribed retirement savings arrangement to pay to the owner the net amount, and to pay to the Minister of Finance the application fee.
- (3) A net amount may, in accordance with the request of an owner made in their application and as consented to by the Superintendent, be paid to the owner
- (a) as a lump sum payment; or
- (b) as a transfer to a designated non-locked-in retirement savings arrangement.
- (4) A financial institution must pay or transfer the net amount no later than 30 days after the date it receives the Superintendent's written consent.
- (5) A consent is a nullity if the financial institution receives it more than 12 months after the date the Superintendent signs it.

N.S. Reg. 330/2007

Made: July 4, 2007

Filed: July 6, 2007

Prescribed Petroleum Products Prices

Order dated July 4, 2007

made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act*

**In the Matter of Section 14 of Chapter 11 of the Acts of 2005
the *Petroleum Products Pricing Act***

- and -

**In the Matter of Sections 14 to 18 of the *Petroleum Products Pricing Regulations*
made by the Governor in Council
pursuant to Section 14 of the *Petroleum Products Pricing Act***

- and -

**In the Matter of an Order Prescribing Prices for Petroleum Products
made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 14 to 18 of the *Petroleum Products Pricing Regulations***

Order

I, Jamie Muir, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, pursuant to Section 14 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, and Sections 14 to 18 of the *Petroleum Products Pricing Regulations*, hereby

- (a) repeal the Order dated June 28, 2007, which prescribed prices for petroleum products in the Province effective on and after 12:01 a.m. on June 29, 2007; and
- (b) prescribe prices for petroleum products in the Province as set forth in the tables in Schedule "A".

This Order is effective on and after 12:01 a.m. on July 6, 2007.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on July 4, 2007.

Sgd.: *Jamie Muir*
Honourable Jamie Muir
Minister of Service Nova Scotia and Municipal Relations

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 July 6, 2007**

Product	Price (cents/litre)
Regular unleaded gasoline	62.9
Mid-grade unleaded gasoline	65.9
Premium unleaded gasoline	68.9
Ultra low-sulfur diesel oil	59.8

		Retail Mark-up				Retail Price (includes all taxes)			
		Self-Service		Full-Service		Self-Service		Full-Service	
	Fixed Wholesale Price (excludes GST)	Min	Max	Min	Max	Min	Max	Min	Max
Zone 1									
Regular Unleaded	94.7	4.0	5.5	4.0	999.9	112.5	114.2	112.5	999.9
Mid-Grade Unleaded	97.7	4.0	5.5	4.0	999.9	115.9	117.6	115.9	999.9
Premium Unleaded	100.7	4.0	5.5	4.0	999.9	119.4	121.1	119.4	999.9
Ultra Low-Sulfur Diesel	85.5	4.0	5.5	4.0	999.9	102.0	103.7	102.0	999.9
Zone 2									
Regular Unleaded	95.1	4.0	5.5	4.0	999.9	113.0	114.7	113.0	999.9
Mid-Grade Unleaded	98.1	4.0	5.5	4.0	999.9	116.4	118.1	116.4	999.9
Premium Unleaded	101.1	4.0	5.5	4.0	999.9	119.8	121.5	119.8	999.9
Ultra Low-Sulfur Diesel	85.9	4.0	5.5	4.0	999.9	102.5	104.2	102.5	999.9

Zone 3									
Regular Unleaded	95.6	4.0	5.5	4.0	999.9	113.5	115.3	113.5	999.9
Mid-Grade Unleaded	98.6	4.0	5.5	4.0	999.9	117.0	118.7	117.0	999.9
Premium Unleaded	101.6	4.0	5.5	4.0	999.9	120.4	122.1	120.4	999.9
Ultra Low-Sulfur Diesel	86.4	4.0	5.5	4.0	999.9	103.1	104.8	103.1	999.9
Zone 4									
Regular Unleaded	95.6	4.0	5.5	4.0	999.9	113.5	115.3	113.5	999.9
Mid-Grade Unleaded	98.6	4.0	5.5	4.0	999.9	117.0	118.7	117.0	999.9
Premium Unleaded	101.6	4.0	5.5	4.0	999.9	120.4	122.1	120.4	999.9
Ultra Low-Sulfur Diesel	86.4	4.0	5.5	4.0	999.9	103.1	104.8	103.1	999.9
Zone 5									
Regular Unleaded	95.6	4.0	5.5	4.0	999.9	113.5	115.3	113.5	999.9
Mid-Grade Unleaded	98.6	4.0	5.5	4.0	999.9	117.0	118.7	117.0	999.9
Premium Unleaded	101.6	4.0	5.5	4.0	999.9	120.4	122.1	120.4	999.9
Ultra Low-Sulfur Diesel	86.4	4.0	5.5	4.0	999.9	103.1	104.8	103.1	999.9
Zone 6									
Regular Unleaded	96.4	4.0	5.5	4.0	999.9	114.5	116.2	114.5	999.9
Mid-Grade Unleaded	99.4	4.0	5.5	4.0	999.9	117.9	119.6	117.9	999.9
Premium Unleaded	102.4	4.0	5.5	4.0	999.9	121.3	123.0	121.3	999.9
Ultra Low-Sulfur Diesel	87.2	4.0	5.5	4.0	999.9	104.0	105.7	104.0	999.9