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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. 84/2019

Made: June 12, 2019

Filed: June 13, 2019

List of Allowable Pesticides Regulations—amendment

Order dated June 12, 2019

Amendment to regulations made by the Minister of Environment pursuant to Section 6 of the *Non-essential Pesticides Control Act***In the matter of Section 6 of Chapter 6 of the Acts of 2010,
the *Non-essential Pesticides Control Act*****- and -****In the matter of the *List of Allowable Pesticides Regulations*****Order**

I, Gordon Wilson, Minister of Environment for the Province of Nova Scotia, pursuant to Section 6 of Chapter 6 of the Acts of 2010, the *Non-essential Pesticides Control Act*, hereby amend the *List of Allowable Pesticides Regulations*, N.S. Reg. 181/2010, made by the Minister of Environment by order dated November 30, 2010, in the manner set forth in Schedule “A”, effective on and after the date of this Order.

Dated and made in Halifax, Nova Scotia, June 12, 2019.

sgd. *Gordon Wilson*
Honourable Gordon Wilson
Minister of Environment

Schedule “A”**Amendment to the *List of Allowable Pesticides Regulations*
made under Section 6 of Chapter 6 of the Acts of 2010,
the *Non-essential Pesticides Control Act***

The *List of Allowable Pesticides Regulations*, N.S. Reg. 181/2010, made by the Minister of Environment by order dated November 30, 2010, are amended by adding the following items where they belong in alphabetical order to the list of allowable pesticides in Section 2:

Bacillus thuringiensis subsp. galleriae Strain SDS-502

Canola oil

Polyoxin D zinc salt

N.S. Reg. 85/2019

Made: June 13, 2019

Filed: June 14, 2019

Prescribed Petroleum Products Prices

Order dated June 13, 2019
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**M09271****In the matter of the *Petroleum Products Pricing Act*****- and -****In the matter of prescribing prices for petroleum products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Richard J. Melanson, LL.B., Member

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum product prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

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

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the period ended June 12, 2019, are:

Grade 1 Regular gasoline	56.85¢ per litre
Ultra-low-sulfur diesel oil	63.04¢ per litre

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

Gasoline:	
Grade 1	56.85¢ per litre
Grade 2	59.85¢ per litre
Grade 3	62.85¢ per litre
Ultra-low-sulfur diesel oil	63.04¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	minus 1.2¢ per litre
Ultra-low-sulfur diesel oil:	minus 0.79¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., June 14, 2019.

Dated at Halifax, Nova Scotia, this 13th day of June, 2019.

sgd: *Doreen Friis*
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on June 14, 2019**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	63.84	10.0	15.5	89.34	108.6	110.8	108.6	999.9
Mid-Grade Unleaded	66.84	10.0	15.5	92.34	112.1	114.2	112.1	999.9
Premium Unleaded	69.84	10.0	15.5	95.34	115.5	117.7	115.5	999.9
Ultra-Low-Sulfur Diesel	70.70	4.0	15.4	90.10	109.5	111.7	109.5	999.9
Zone 2								
Regular Unleaded	64.34	10.0	15.5	89.84	109.2	111.4	109.2	999.9
Mid-Grade Unleaded	67.34	10.0	15.5	92.84	112.6	114.8	112.6	999.9
Premium Unleaded	70.34	10.0	15.5	95.84	116.1	118.3	116.1	999.9
Ultra-Low-Sulfur Diesel	71.20	4.0	15.4	90.60	110.1	112.2	110.1	999.9
Zone 3								
Regular Unleaded	64.74	10.0	15.5	90.24	109.6	111.8	109.6	999.9
Mid-Grade Unleaded	67.74	10.0	15.5	93.24	113.1	115.3	113.1	999.9
Premium Unleaded	70.74	10.0	15.5	96.24	116.5	118.7	116.5	999.9
Ultra-Low-Sulfur Diesel	71.60	4.0	15.4	91.00	110.5	112.7	110.5	999.9
Zone 4								
Regular Unleaded	64.84	10.0	15.5	90.34	109.8	111.9	109.8	999.9
Mid-Grade Unleaded	67.84	10.0	15.5	93.34	113.2	115.4	113.2	999.9
Premium Unleaded	70.84	10.0	15.5	96.34	116.7	118.8	116.7	999.9
Ultra-Low-Sulfur Diesel	71.70	4.0	15.4	91.10	110.6	112.8	110.6	999.9
Zone 5								
Regular Unleaded	64.84	10.0	15.5	90.34	109.8	111.9	109.8	999.9
Mid-Grade Unleaded	67.84	10.0	15.5	93.34	113.2	115.4	113.2	999.9
Premium Unleaded	70.84	10.0	15.5	96.34	116.7	118.8	116.7	999.9
Ultra-Low-Sulfur Diesel	71.70	4.0	15.4	91.10	110.6	112.8	110.6	999.9
Zone 6								
Regular Unleaded	65.54	10.0	15.5	91.04	110.6	112.7	110.6	999.9
Mid-Grade Unleaded	68.54	10.0	15.5	94.04	114.0	116.2	114.0	999.9
Premium Unleaded	71.54	10.0	15.5	97.04	117.5	119.6	117.5	999.9
Ultra-Low-Sulfur Diesel	72.40	4.0	15.4	91.80	111.4	113.6	111.4	999.9

N.S. Reg. 86/2019

Made: June 12, 2019

Filed: June 17, 2019

Summary Offence Tickets Regulations—amendment

Order dated June 12, 2019

Amendment to regulations made by the Attorney General and Minister of Justice pursuant to Section 8 of the *Summary Proceedings Act***Order****Made under Section 8 of Chapter 450
of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

I, Mark Furey, Attorney General and Minister of Justice for the Province of Nova Scotia, pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, effective on and after the date of this order, hereby

- (a) amend Schedule M-11 to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by Order of the Attorney General and Minister of Justice dated October 4, 2011, to repeal and replace all the offences under the Municipality of the District of East Hants Dog By-law in the manner set forth in the attached Schedule “A”;
- (b) order and direct that the penalty to be entered on a summons in respect of an offence set out in amendments to the schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by Order of the Attorney General and Minister of Justice dated October 4, 2011, as set forth in the attached Schedule “A”, is the out-of-court settlement amount listed in the out-of-court settlement column set out opposite the description for the offence, and includes the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

Dated and made June 12, 2019 at Halifax Regional Municipality, Province of Nova Scotia.

sgd. *Mark Furey*

Honourable Mark Furey

Attorney General and Minister of Justice

Schedule “A”**Amendment to the *Summary Offence Tickets Regulations*
made by the Attorney General and Minister of Justice pursuant to Section 8
of Chapter 450 of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

Schedule M-11 to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by Order of the Attorney General and Minister of Justice dated October 4, 2011, is amended by striking out the heading “Dog By-law - No. 111-A:” and items 1 to 9 under that heading and substituting the following heading and items:

Dog By-law—No. P-1000:

1	Owner using tag issued for one dog on any other dog	3.8	\$237.50
2	Owning dog that runs at large	6.1(i)	\$237.50

3	Owner failing to ensure dog is wearing registration tag	6.1(ii)	\$237.50
4	Owning unlicensed dog	6.1(iii)	\$237.50
5	Owning dog that disturbs neighbourhood	6.1(iv)	\$237.50
6	Owner of dog harbouring, keeping or caring for (specify) dog that is fierce	6.1(vi)	\$237.50
7	Owner failing to remove dog feces from property other than owner's	6.1(vii)	\$237.50
8	Owning dog that damages property	6.1(viii)	\$237.50
9	Owner failing to report sale or transfer of dog	6.1(ix)	\$237.50
10	Owner failing to deliver written statement of number of dogs owned, harboured or kept within 10 business days of receiving notice	6.2	\$237.50
11	Owning dog that, without mitigating factor, attacks person or animal (specify)	7.1	\$237.50
12	Obstructing or hindering dog control officer in performance of their duties under bylaw	12.2	\$237.50

N.S. Reg. 87/2019

Made: June 18, 2019

Filed: June 20, 2019

Halifax Youth Attendance Centre Regulations—repeal

Order dated June 18, 2019

Repeal of regulations made by the Minister of Justice
pursuant to clause 3(1)(b) of the *Correctional Services Act*

**In the matter of clause 3(1)(b) of
Chapter 37 of the Acts of 2005, the *Correctional Services Act***

and

**In the matter of the repeal of the
*Halifax Youth Attendance Centre Regulations***

Order

I, Mark Furey, Minister of Justice for the Province of Nova Scotia, pursuant to clause 3(1)(b) of Chapter 37 of the Acts of 2005, the *Correctional Services Act*, repeal the *Halifax Youth Attendance Centre Regulations*, N.S. Reg. 53/2007, made by the Minister of Justice on February 8, 2007.

This order is effective on and after JUN 18, 2019, ~~2019~~.

Dated and signed on JUN 18, 2019, ~~2019~~, at Halifax, Nova Scotia.

sgd. *Mark Furey*
Honourable Mark Furey, Minister of Justice

N.S. Reg. 88/2019

Made: June 20, 2019

Filed: June 21, 2019

Prescribed Petroleum Products Prices

Order dated June 20, 2019
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**M09283****In the matter of the *Petroleum Products Pricing Act*****- and -****In the matter of prescribing prices for petroleum products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Stephen T. McGrath, LL.B., Member

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum product prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

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

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the period ended June 19, 2019, are:

Grade 1 Regular gasoline	58.49¢ per litre
Ultra-low-sulfur diesel oil	63.86¢ per litre

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

Gasoline:	
Grade 1	58.49¢ per litre
Grade 2	61.49¢ per litre
Grade 3	64.49¢ per litre
Ultra-low-sulfur diesel oil	63.86¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	minus 0.6¢ per litre
Ultra-low-sulfur diesel oil:	minus 0.7¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., June 21, 2019.

Dated at Halifax, Nova Scotia, this 20th day of June, 2019.

sgd: Doreen Friis
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on June 21, 2019**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	66.08	10.0	15.5	91.58	111.2	113.4	111.2	999.9
Mid-Grade Unleaded	69.08	10.0	15.5	94.58	114.6	116.8	114.6	999.9
Premium Unleaded	72.08	10.0	15.5	97.58	118.1	120.3	118.1	999.9
Ultra-Low-Sulfur Diesel	71.61	4.0	15.4	91.01	110.5	112.7	110.5	999.9
Zone 2								
Regular Unleaded	66.58	10.0	15.5	92.08	111.8	113.9	111.8	999.9
Mid-Grade Unleaded	69.58	10.0	15.5	95.08	115.2	117.4	115.2	999.9
Premium Unleaded	72.58	10.0	15.5	98.08	118.7	120.8	118.7	999.9
Ultra-Low-Sulfur Diesel	72.11	4.0	15.4	91.51	111.1	113.3	111.1	999.9
Zone 3								
Regular Unleaded	66.98	10.0	15.5	92.48	112.2	114.4	112.2	999.9
Mid-Grade Unleaded	69.98	10.0	15.5	95.48	115.7	117.9	115.7	999.9
Premium Unleaded	72.98	10.0	15.5	98.48	119.1	121.3	119.1	999.9
Ultra-Low-Sulfur Diesel	72.51	4.0	15.4	91.91	111.6	113.7	111.6	999.9
Zone 4								
Regular Unleaded	67.08	10.0	15.5	92.58	112.3	114.5	112.3	999.9
Mid-Grade Unleaded	70.08	10.0	15.5	95.58	115.8	118.0	115.8	999.9
Premium Unleaded	73.08	10.0	15.5	98.58	119.2	121.4	119.2	999.9
Ultra-Low-Sulfur Diesel	72.61	4.0	15.4	92.01	111.7	113.9	111.7	999.9
Zone 5								
Regular Unleaded	67.08	10.0	15.5	92.58	112.3	114.5	112.3	999.9
Mid-Grade Unleaded	70.08	10.0	15.5	95.58	115.8	118.0	115.8	999.9
Premium Unleaded	73.08	10.0	15.5	98.58	119.2	121.4	119.2	999.9
Ultra-Low-Sulfur Diesel	72.61	4.0	15.4	92.01	111.7	113.9	111.7	999.9
Zone 6								
Regular Unleaded	67.78	10.0	15.5	93.28	113.1	115.3	113.1	999.9
Mid-Grade Unleaded	70.78	10.0	15.5	96.28	116.6	118.8	116.6	999.9
Premium Unleaded	73.78	10.0	15.5	99.28	120.0	122.2	120.0	999.9
Ultra-Low-Sulfur Diesel	73.31	4.0	15.4	92.71	112.5	114.7	112.5	999.9

N.S. Reg. 89/2019

Made: June 21, 2019

Filed: June 24, 2019

Ministerial Education (CSAP) Act Regulations—amendment

Order dated June 21, 2019

Amendment to regulations made by the Minister of Education and Early Childhood Development pursuant to Section 145 of the *Education (CSAP) Act***In the matter of Section 145 of Chapter 1 of the Acts of 1995-96,
the *Education (CSAP) Act*****- and -****In the matter of an amendment to the *Ministerial Education (CSAP) Act Regulations*
made by the Minister of Education and Culture pursuant to
Section 145 of the *Education (CSAP) Act*****Order**

I, Zach Churchill, Minister of Education and Early Childhood Development for the Province of Nova Scotia, pursuant to Section 145 of Chapter 1 of the Acts of 1995-96, the *Education (CSAP) Act*, hereby amend the *Ministerial Education (CSAP) Act Regulations*, N.S. Reg. 80/1997, made by the Minister of Education and Culture by order dated June 24, 1997, in the manner set forth in the attached Schedule “A”, effective on and after June 21, 2019.

Dated and made June 21, 2019, at Halifax Regional Municipality, Province of Nova Scotia.

sgd. *Zach Churchill*

Honourable Zach Churchill

Minister of Education and Early Childhood Development

Schedule “A”**Amendment to the *Ministerial Education (CSAP) Act Regulations*
made by the Minister of Education and Early Childhood Development
under Section 145 of Chapter 1 of the Acts of 1995-96, the *Education (CSAP) Act***

Section 24 of the *Ministerial Education (CSAP) Act Regulations*, N.S. Reg. 80/1997, made by the Minister of Education and Culture by order dated June 24, 1997, is repealed and the following Section is substituted:

Report on salaries and expenses

24 (1) The report on salaries and expenses that must be published by the Conseil acadien under subsection 65(1) of the Act must specify the totals of all payments made by the Conseil acadien to or on behalf of

(a) its members, including all of the following:

(i) honoraria, stipends, allowances and other compensation as defined in the *Public Sector Compensation Disclosure Act*,

- (ii) payments for expenses, including expenses related to travel, conferences, meetings and professional development seminars;
 - (b) its employees, including all of the following:
 - (i) salary, stipends, allowances and other compensation as defined in the *Public Sector Compensation Disclosure Act*,
 - (ii) payments for expenses, including expenses related to travel, conferences, meetings and professional development seminars.
- (2) If the total amount paid to a member or an employee of the Conseil acadien is of the type referred to in subclause (1)(a)(i) or (1)(b)(i), respectively, and is \$100 000 or more, the Conseil acadien must include all of the following in the report required under subsection 65(1) of the Act:
- (a) the name of the member or employee;
 - (b) the amount of payment provided, directly or indirectly, to or for the benefit of the member or employee.
-

N.S. Reg. 90/2019 to 91/2019

Made: June 20, 2019

Filed: June 25, 2019

Governor in Council Education Act Regulations—amendment;
Governor in Council Education Act Regulations—amendment

Order in Council 2019-172 dated June 20, 2019
Amendment to regulations made by the Governor in Council
pursuant to Section 98 of the *Education Act* and
Section 146 of the *Education (CSAP) Act*

The Governor in Council on the report and recommendation of the Minister of Education and Early Childhood Development dated May 14, 2019, is pleased, effective on and after June 20, 2019,

- (a) pursuant to Section 98 of Schedule “A” to Chapter 1 of the Acts of 2018, the *Education Act*, to amend the *Governor in Council Education Act Regulations*, N.S. Reg. 50/2018, made by the Governor in Council by Order in Council [2018-104] dated March 29, 2018, to provide for a revised process for school building site selection, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation; and
- (b) pursuant to Section 146 of Chapter 1 of the Acts of 1995-96, the *Education (CSAP) Act*, to amend the *Governor in Council Education Act Regulations*, N.S. Reg. 74/1997, made by the Governor in Council by Order in Council 97-405 dated June 24, 1997, to provide for a revised process for school building site selection and to update the name of the regulations, in the manner set forth in Schedule “B” attached to and forming part of the report and recommendation.

N.S. Reg. 90/2019

Governor in Council Education Act Regulations—amendment

Schedule “A”

**Amendment to the Governor in Council Education Act Regulations
made by the Governor in Council under Section 98 of
Schedule A to Chapter 1 of the Acts of 2018,
the Education Act**

- 1 Section 14 of the *Governor in Council Education Act Regulations*, N.S. Reg. 50/2018, made by the Governor in Council by Order in Council 2018-104 dated March 29, 2018, is repealed and the following subsections substituted:

Definitions for Sections 14A to 15

14 In this Section and Sections 14A to 15,

“DTIR” means the Department of Transportation and Infrastructure Renewal;

“existing site” means the site of an existing school building being replaced;

“school building” means a building or grounds used or intended to be used for public school purposes.

Request for DTIR’s site selection recommendation

14A (1) After receiving approval in principle of a capital project for the construction of a new school building, the Minister must do all of the following:

- (a) notify all of the following of the capital project’s approval in principle:
 - (i) the regional centre under whose jurisdiction the school building is to be constructed,
 - (ii) DTIR;
- (b) indicate whether the school building is intended to replace 1 or more existing school buildings;
- (c) request DTIR’s recommendation for an appropriate site for the school building.

(2) A regional centre must provide information to the Minister and, if requested by the Minister, to DTIR, about any requirements of the school program or school community that would impact DTIR’s recommendation for a school building site.

DTIR evaluation of school building sites

14B (1) After receiving a request for a recommendation under clause 14A(1)(c) DTIR must, in consultation with the regional centre and the Department, do all of the following:

- (a) determine the requirements for the school building site, considering all of the following:
 - (i) the program requirements of the school,

- (ii) any requirements set by the Minister;
 - (b) evaluate potential school building sites in accordance with the priorities set out in subsections (2) and (3);
 - (c) recommend a school building site to the Minister that DTIR considers meets the requirements determined under clause (a).
- (2) If a new school building is not replacing an existing school building, DTIR must evaluate potential new school building sites in the following order of priority:
- (a) real property vested in Her Majesty in Right of the Province or held by the regional centre;
 - (b) real property available for acquisition or use by the Province.
- (3) If a new school building is replacing 1 or more existing school buildings, DTIR must evaluate potential replacement school building sites in the following order of priority:
- (a) existing sites;
 - (b) real property vested in Her Majesty in Right of the Province or held by the regional centre;
 - (c) real property available for acquisition or use by the Province.
- (4) If DTIR does not recommend constructing the replacement school building on an existing site, it must submit to the Minister the reasons why it is unable to recommend an existing site.

Information provided to public

14C Before making a recommendation to the Minister under clause 14B(1)(c), DTIR, in consultation with the Department and the regional centre, must provide information to the public on all of the following:

- (a) the site selection process;
- (b) DTIR's findings in respect of a proposed recommended school building site.

Site selection by the Minister

- 14D** (1) After receiving DTIR's recommendation under clause 14B(1)(c), the Minister must, after consulting with the regional executive director, decide whether to accept the recommendation.
- (2) After considering DTIR's recommendation, the Minister may request that DTIR provide a list of alternative sites.
- (3) On request under subsection (2), DTIR must provide a list of alternative sites that includes all potential school building sites that DTIR considers meet the requirements for the school building site as determined under clause 14B(1)(a).
- (4) If the Minister does not accept DTIR's recommendation of a school building site under subsection (1), the Minister must select a school building site from the list of alternative sites provided by DTIR under subsection (3).

- 2 (1) Clause 15(2)(a) of the regulations is repealed and the following clause substituted:
- (a) the Minister must notify the following of the capital project's approval in principle for the acquisition of land:
 - (i) the regional executive director for the regional centre,
 - (ii) DTIR;
- (2) Clause 15(2)(b) of the regulations is repealed and the following clauses substituted:
- (b) after receiving notice from the Minister under clause (a) and in consultation with the Department and the regional centre, DTIR must determine the requirements for a school building site in accordance with clause 14B(1)(a);
 - (ba) DTIR must evaluate potential school building sites to determine if any sites meet the requirements determined under clause (b);
- (3) Clause 15(2)(c) of the regulations is amended by striking out "the regional executive director" and substituting "DTIR, after consulting with the Department and the regional centre,".
- (4) Subsection 15(4) of the regulations is repealed and the following subsections substituted:
- (4) If the Minister does not accept the private sector developer's recommendation provided under subsection (2) but still considers it advisable to have a public school constructed by a private sector developer, the Minister may request that the private sector developer and DTIR provide a list of alternative potential school building sites.
 - (5) On request under subsection (4), the private sector developer and DTIR must provide a list of alternative sites that the private sector developer and DTIR consider meet the requirements for a school building site as determined under clause (2)(b).
 - (6) After receiving a list of alternative school building sites under subsection (4) the Minister may do any of the following:
 - (a) select a school building site from the list;
 - (b) accept the recommendation of the private sector developer under clause (2)(c);
 - (c) decide whether it continues to be advisable to have a public school constructed by a private sector developer.

N.S. Reg. 91/2019

Governor in Council Education Act Regulations—amendment

Schedule “B”

**Amendments to the *Governor in Council Education Act Regulations*
made by the Governor in Council under Section 146
of Chapter 1 of the Acts of 1995-96,
the *Education (CSAP) Act***

- 1 Section 1 of the *Governor in Council Education Act Regulations*, N.S. Reg. 74/97, made by the Governor in Council by Order in Council 97-405 dated June 24, 1997, is amended by adding “(CSAP)” immediately before “Act”.
- 2 The regulations are further amended by adding “School Buildings and Site Selection” as a centred heading immediately after Section 6.
- 3 The regulations are further amended by repealing the heading immediately above Section 7 and substituting “Evaluating and reporting on state of buildings and equipment”.
- 4 (1) Subsections 7(1) and 7(2) of the regulations are repealed.
(2) Subsection 7(3) of the regulations is amended by striking out “Each school board shall” and substituting “The Conseil must”.
(3) Subsection 7(4) of the regulations is amended by striking out “Each school board shall” and substituting “The Conseil must”.
(4) Subsections 7(5) to (7) of the regulations are repealed and the following Sections substituted:

Definitions for Sections 7B to 7F**7A** In this Section and Sections 7B to 7F,

“DTIR” means the Department of Transportation and Infrastructure Renewal;

“existing site” means the site of an existing school building being replaced;

“school building” means a building or grounds used or intended to be used for public school purposes.

Request for DTIR’s site selection recommendation

- 7B (1)** After receiving approval in principle of a capital project for the construction of a new school building, the Minister must do all of the following:
- (a) notify all the following of the capital project’s approval in principle:
 - (i) the Conseil,
 - (ii) DTIR;
 - (b) indicate whether the school building is intended to replace 1 or more existing school buildings;

- (c) request DTIR's recommendation for an appropriate site for the school building.
- (2) The Conseil must provide information to the Minister and, if requested by the Minister, to DTIR, about any requirements that would impact DTIR's recommendation for a school building site, including:
 - (a) the program requirements of the school;
 - (b) the cultural and linguistic requirements of the Acadian and francophone community in respect of educational facilities.

DTIR evaluation of school building sites

- 7C (1)** After receiving a request for a recommendation under clause 7B(1)(c) DTIR must, in consultation with the Conseil and the Department, do all of the following:
- (a) determine the requirements for the school building site, considering all of the following:
 - (i) the program requirements of the school,
 - (ii) the cultural and linguistic requirements of the Acadian and francophone community in respect of educational facilities,
 - (iii) any requirements set by the Minister;
 - (b) evaluate potential school building sites in accordance with the priorities set out in subsections (2) and (3);
 - (c) recommend a school building site to the Minister that DTIR considers meets the requirements determined under clause (a).
- (2) If a new school building is not replacing an existing school building, DTIR must evaluate potential new school building sites in the following order of priority:
- (a) real property vested in Her Majesty in Right of the Province or held by the Conseil or a regional centre;
 - (b) real property available for acquisition or use by the Province.
- (3) If a new school building is replacing 1 or more existing school buildings, DTIR must evaluate potential replacement school building sites in the following order of priority:
- (a) existing sites;
 - (b) real property vested in Her Majesty in Right of the Province or held by the Conseil or a regional centre;
 - (c) real property available for acquisition or use by the Province.
- (4) If DTIR does not recommend constructing the replacement school building on an existing site, it must submit to the Minister the reasons why it is unable to recommend an existing site.

Information provided to public

7D Before making a recommendation to the Minister under clause 7C(1)(c), DTIR, in consultation with the Department and the Conseil, must provide information to the public on all of the following:

- (a) the site selection process;
- (b) DTIR's findings in respect of a proposed recommended school building site.

Site selection by the Minister

- 7E** (1) After receiving DTIR's recommendation under clause 7C(1)(c), the Minister must, after consulting with the Conseil, decide whether to accept the recommendation.
- (2) After considering DTIR's recommendation, the Minister may request that DTIR provide a list of alternative sites.
- (3) On request under subsection (2), DTIR must provide a list of alternative sites that includes all potential school building sites that DTIR considers meet the requirements for the school building site as determined under clause 7C(1)(a).
- (4) If the Minister does not accept DTIR's recommendation of a school building site under subsection (1), the Minister must select a school building site from the list of alternative sites provided by DTIR under subsection (3).

Construction of school by private sector developer

7F (1) For the purposes of this Section

"private sector developer" means a person, or association of persons, including but not limited to a joint venture or limited partnership, other than the Province, a regional centre for education or the Conseil, who agrees with the Province to construct a school.

- (2) If the Minister considers it advisable to have a public school under the jurisdiction of the Conseil constructed by a private sector developer,
- (a) the Minister must notify all the following of the approval in principle of the capital project involving the acquisition of land:
 - (i) the Conseil,
 - (ii) DTIR;
 - (b) after receiving notice from the Minister under clause (a) and in consultation with the Department and the Conseil, DTIR must determine the requirements of a school building site in accordance with clause 7C(1)(a);
 - (c) DTIR must evaluate potential school building sites to determine if any sites meet the requirements determined under clause (b);
 - (d) the private sector developer must inspect the potential school building sites and, with the agreement of DTIR, after consulting with the Conseil, recommend the most appropriate site to the Minister; and
 - (e) the Minister must decide whether to accept the recommendation.

- (3) If the Minister accepts the private sector developer's recommendation provided under subsection (2), the Minister must select the recommended site.
- (4) If the Minister does not accept the private sector developer's recommendation provided under subsection (2) but still considers it advisable to have a public school constructed by a private sector developer, the Minister may request that the private sector developer and DTIR provide a list of alternative potential school building sites.
- (5) On request under subsection (4), the private sector developer and DTIR must provide a list of alternative sites that the private sector developer and DTIR consider meet the requirements for a school building site as determined under clause (2)(b).
- (6) After receiving a list of alternative school building sites under subsection (4) the Minister may, after consultation with the Conseil, do any of the following:
 - (a) select a school building site from the list;
 - (b) accept the recommendation of the private sector developer under clause (2)(c);
 - (c) decide whether it continues to be advisable to have a public school constructed by a private sector developer.