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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. 123/2019

Made: August 14, 2019 Filed: August 21, 2019

Summary Offence Tickets Regulations-amendment

Order dated August 14, 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 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 add Schedules 49 and 49A to the regulations and designate certain offences under Part II of the *Health Protection Act* and the *Food Safety Regulations* as summary offence ticket offences, in the manner set forth in the attached Schedule "A"; and
- (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, 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 August 14, 2019, at Halifax, 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

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, are amended by adding the following schedules immediately after Schedule 48A:

# Schedule 49 Health Protection Act Part II

	Offence	Section	Out of Court Settlement
1	Failing to establish or operate food establishment in accordance with Part II of Act or regulations (specify)	81	\$672.00
2	Operating food establishment without permit	82(1)	\$672.00
3	Failing to comply with all terms and conditions of permit	88	\$672.00
4	Failing to construct and maintain food establishment so that no condition exists that is injurious or potentially injurious to human health	89	\$486.00
5	Failing to have appropriate maintenance, cleaning and sanitation programs to control physical, chemical and microbiological contamination of food, equipment, utensils or other facilities in food establishment (specify)	90	\$672.00
6	Selling, offering for sale or possessing for purpose of sale any unwholesome, stale or decayed article of food	91	\$672.00
7	Person infected with or carrier of prescribed disease or condition storing, producing, manufacturing, transporting, preparing, dispensing, serving, keeping for sale or selling (specify) milk, milk products or food (specify)	92	\$672.00
8	Hindering or obstructing Administrator or inspector (specify) in performance of their duties, providing false information or refusing to provide information (specify)	94	\$672.00

# Schedule 49A Regulations made under the Health Protection Act

	Offence	Section	Out of Court Settlement
	Food Safety Regulations		
1	Failing to post permit in conspicuous location in food establishment	8(2)	\$203.00
2	Operator failing to immediately cease operation of food establishment as directed	11(2)(a)	\$672.00
3	Operator failing to close food establishment as directed	11(2)(b)	\$672.00
4	Removing posted notice without authorization	11(3)	\$672.00
5	Operator failing to comply with directions given by inspector	16(1)	\$672.00
6	Removing or altering official tag without direction from inspector	16(2)	\$672.00
7	Handling or using food that has official tag without permission of inspector	16(3)	\$672.00
8	Failing to locate, design, construct or maintain (specify) food establishment to ensure risk of contaminating food is minimized	19(1)(a)	\$486.00
9	Failing to locate, design, construct or maintain (specify) food establishment to ensure operations are carried out in area that is sanitized and appropriate	19(1)(b)	\$486.00

10	Failing to locate, design, construct or maintain (specify) food establishment to ensure surfaces and materials are durable, non-toxic and easy to maintain, clean and sanitize (specify)	19(1)(c)	\$203.00
11	Failing to locate, design, construct or maintain (specify) food establishment to ensure design and layout allow for appropriate maintenance, cleaning, sanitizing, movement of food, personnel and protection against contamination (specify)	19(1)(d)	\$486.00
12	Failing to locate, design, construct or maintain (specify) food establishment to ensure protection against access and sheltering of insects, rodents and other pests	19(1)(e)	\$486.00
13	Failing to provide potable hot and cold water at adequate pressure and volume with appropriate facilities to store and distribute water or control temperature (specify)	19(2)(a)	\$486.00
14	Failing to provide adequately designed and appropriately located hand-washing facilities	19(2)(b)	\$486.00
15	Failing to provide change room or lunch room (specify)	19(2)(c)	\$203.00
16	Failing to provide drainage and waste disposal systems adequate for removal of solid and liquid wastes	19(2)(d)	\$486.00
17	Failing to provide storage facilities adequate to store foods, ingredients, non-food products and chemicals	19(2)(e)	\$203.00
18	Failing to have adequate and appropriate lighting, ventilation, heating, refrigeration or plumbing (specify)	19(3)	\$486.00
19	Failing to have washroom facilities available in convenient location	20(1)	\$203.00
20	Constructing, renovating or expanding food establishment without plans and specifications approved by inspector	21	\$203.00
21	Failing to have all living and sleeping quarters separated from areas used for food establishment operations by floor-to-ceiling partitioning or solid, self-closing door (specify)	22	\$203.00
22	Failing to design, construct, install or maintain (specify) equipment or utensils to protect food from contamination	23(1)(a)	\$203.00
23	Failing to design, construct, install or maintain (specify) equipment or utensils to allow adequate cleaning, sanitizing and maintenance	23(1)(b)	\$203.00
24	Failing to use equipment (specify) designed to achieve required food temperature as rapidly as necessary to maintain food safety	23(2)(a)	\$486.00
25	Failing to use equipment (specify) designed to control temperature, humidity, air flow or other condition that is likely to have detrimental effect on food safety (specify)	23(2)(b)	\$486.00
26	Failing to ensure equipment (specify) is made of material that is non-toxic to food	23(3)	\$203.00
27	Failing to provide equipment or containers to hold and handle liquid and solid wastes and recyclables	24(1)	\$203.00
28	Failing to identify equipment or containers used for wastes and recyclables	24(2)	\$203.00
29	Member of personnel failing to report to operator illness or condition transmissible through food	25(1)	\$486.00
30	Operator failing to exclude or restrict personnel who has notified operator or who is reasonably suspected of having notifiable disease from activities in accordance with Section 92 of Act	25(2)	\$672.00

31	Operator failing to notify medical officer that person diagnosed with notifiable disease or condition transmissible by food	26(a)	\$486.00
32	Operator failing to notify medical officer that person is known or suspected of being infected with notifiable disease or condition transmissible by food	26(b)	\$486.00
33	Failing to develop and demonstrate policies and procedures that ensure person refrains from behaviour or practice that risks contaminating food	27(f)	\$486.00
34	Operator failing to provide proof of completion of food hygiene training program	28(1)	\$486.00
35	Operator failing to have personnel who have successfully completed food hygiene training program present while operator is absent from food establishment	28(2)	\$486.00
36	Failing to be trained or instructed in food hygiene to level appropriate to activity that person performs	28(3)(a)	\$486.00
37	Failing to provide confirmation of training to inspector on request	28(3)(b)	\$486.00
38	Failing to have program to address maintenance, cleaning and sanitation to control risk of contamination of food, equipment, utensils and other facilities	29(1)	\$486.00
39	Failing to provide appropriate facilities and equipment to implement maintenance program	29(3)	\$203.00
40	Failing to identify cleaning and sanitizing agent used in food establishment in maintenance program	29(3)	\$203.00
41	Operator failing to ensure food is obtained from source that is subject to inspection	30	\$672.00
42	Permitting uninspected meat and meat products in food establishment	31(1)	\$672.00
43	Operator failing to ensure meat or meat products conform to prescribed standards (specify)	32(a)	\$486.00
44	Operator failing to ensure that ready-to-eat meat products are processed so they are not contaminated	32(b)	\$672.00
45	Operator failing to ensure meat or meat product that was returned is not repackaged, reprocessed or sold (specify) without being reinspected and approved by inspector	32(c)	\$672.00
46	Operator failing to ensure temperature of food is controlled so food does not deteriorate or become inedible or unsafe	33(1)	\$672.00
47	Operator failing to ensure refrigeration or heat-holding equipment (specify) has temperature-measuring device that is accurate and in good repair	33(2)	\$203.00
48	Operator failing to ensure that food and food ingredients are processed, manufactured, handled, prepared, packaged, served, sold, offered for sale or distributed free of charge, dispensed, displayed or stored (specify) in manner that prevents contamination and adulteration	34(a)	\$486.00
49	Operator failing to ensure that food and food ingredients are labelled as required	34(b)	\$203.00
50	Failing to have quality assurance system to prevent contamination or adulteration of food and ensure food safety directed by Administrator	35(1)	\$203.00
51	Failing to have procedure to address deviation or defect in quality assurance program that affects food safety	36	\$203.00
52	Failing to maintain records of quality assurance system	37(1)	\$203.00

53	Failing to make records of quality assurance system available to inspector	37(2)	\$203.00
54	Serving or selling potentially hazardous food that has been previously served or sold	38(1)	\$672.00
55	Operator permitting live animal in food establishment	39(1)	\$486.00
56	Smoking or chewing tobacco in area of food establishment where food is processed or stored	40(1)	\$486.00
57	Failing to establish system for handling and investigating food safety complaints	41	\$203.00
58	Operator failing to provide inspector with sample of food, ingredient, food additive, container or packaging material (specify) upon request	44	\$203.00
59	Operator failing to establish written procedure that ensures timely and complete recall of food	45(1)(a)	\$203.00
60	Operator failing to establish food distribution record to enable operator to recall food	45(1)(b)	\$203.00
61	Operator selling, offering for sale, supplying, preparing, processing, packaging, displaying, serving, dispensing or storing (specify) food that is contaminated or adulterated	46	\$672.00
62	Operator failing to ensure food in food establishment is labelled and identified as being from source subject to inspection	47(1)(b)	\$486.00
63	Operator failing to provide adequate food safety information to enable purchaser to handle, store, process, prepare or display (specify) food safely	47(2)(a)	\$203.00
64	Operator failing to ensure that refrigerated, prepared, ready-to-eat food held for longer than 24 hours is clearly marked to indicate date by which food must be consumed	47(2)(b)	\$486.00
65	Operator failing to ensure that containers, materials or procedures (specify) used for food packaging and labelling prevent contamination of food	47(3)(a)	\$486.00
66	Operator failing to ensure that containers, materials or procedures (specify) used for food packaging and labelling provide environment adequate to control contamination	47(3)(b)	\$203.00
67	Operator failing to ensure that containers, materials or procedures (specify) used for food packaging and labelling protect food from damage	47(3)(c)	\$203.00
68	Operator failing to ensure food received at food establishment is transported in accordance with regulations	48(3)	\$486.00
69	Operator failing to store food ingredients and food packaging materials to protect from contamination	49(1)(a)	\$486.00
70	Operator failing to store food ingredients and food packaging materials in dry, controlled environment	49(1)(b)	\$203.00
71	Failing to ensure opened food ingredients and food packaging materials are transferred to clean, covered containers or sealed and securely closed (specify) before placing in storage	49(2)(a)	\$203.00
72	Failing to ensure contents of opened food ingredients and food packaging materials are clearly identified before placing in storage	49(2)(b)	\$203.00

73	Operator failing to ensure that articles, equipment or materials (specify) not associated with processing or preparing food are stored separately from area where food is processed or prepared	50(a)	\$203.00
74	Operator failing to ensure that articles, equipment or materials (specify) not associated with processing or preparing food are stored in manner that does not contaminate food or food preparation areas	50(b)	\$486.00

#### N.S. Reg. 124/2019

Made: August 22, 2019 Filed: August 26, 2019

Prescribed Petroleum Products Prices

Order dated August 22, 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 M09374

#### In the matter of the Petroleum Products Pricing Act

- and -

In the matter of prescribing prices for petroleum products pursuant to Section 14 of the *Petroleum Products Pricing Act* and Sections 16 to 19 of the *Petroleum Products Pricing Regulations* 

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

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 August 21, 2019, are:

Grade 1 Regular gasoline 59.62¢ per litre Ultra-low-sulfur diesel oil 63.92¢ per litre

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

#### Gasoline:

Grade 1 59.62¢ per litre Grade 2 62.62¢ per litre Grade 3 65.62¢ per litre Ultra-low-sulfur diesel oil 63.92¢ 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  $0.66\phi$  per litre Ultra-low-sulfur diesel oil: minus  $0.40\phi$  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., August 23, 2019.

**Dated** at Halifax, Nova Scotia, this 22nd day of August, 2019.

sgd: *Lisa Wallace* 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 August 23, 2019

	•	~						
Nova Scotia Petroleum Price Schedule								
<b>Petroleum Prices in Cent</b>	s/Litre					Service		Service
					_	Prices	-	Prices
					(Pump	Prices inc	cludes 15	% HST)
	Base	Fed.	Prov.	Wholesale				
	Wholesale	Excise	Tax	Selling	Min	Max	Min	Max
	Price	Tax		Price				
Zone 1								
Regular Unleaded	67.15	10.0	15.5	92.65	112.4	114.6	112.4	999.9
Mid-Grade Unleaded	70.15	10.0	15.5	95.65	115.9	118.0	115.9	999.9
Premium Unleaded	73.15	10.0	15.5	98.65	119.3	121.5	119.3	999.9
Ultra-Low-Sulfur Diesel	71.97	4.0	15.4	91.37	110.9	113.1	110.9	999.9
Zone 2								
Regular Unleaded	67.65	10.0	15.5	93.15	113.0	115.2	113.0	999.9
Mid-Grade Unleaded	70.65	10.0	15.5	96.15	116.4	118.6	116.4	999.9
Premium Unleaded	73.65	10.0	15.5	99.15	119.9	122.1	119.9	999.9
Ultra-Low-Sulfur Diesel	72.47	4.0	15.4	91.87	111.5	113.7	111.5	999.9
Zone 3								
Regular Unleaded	68.05	10.0	15.5	93.55	113.4	115.6	113.4	999.9
Mid-Grade Unleaded	71.05	10.0	15.5	96.55	116.9	119.1	116.9	999.9
Premium Unleaded	74.05	10.0	15.5	99.55	120.3	122.5	120.3	999.9
Ultra-Low-Sulfur Diesel	72.87	4.0	15.4	92.27	112.0	114.2	112.0	999.9
Zone 4								
Regular Unleaded	68.15	10.0	15.5	93.65	113.6	115.7	113.6	999.9
Mid-Grade Unleaded	71.15	10.0	15.5	96.65	117.0	119.2	117.0	999.9
Premium Unleaded	74.15	10.0	15.5	99.65	120.5	122.6	120.5	999.9
Ultra-Low-Sulfur Diesel	72.97	4.0	15.4	92.37	112.1	114.3	112.1	999.9

Zone 5								
Regular Unleaded	68.15	10.0	15.5	93.65	113.6	115.7	113.6	999.9
Mid-Grade Unleaded	71.15	10.0	15.5	96.65	117.0	119.2	117.0	999.9
Premium Unleaded	74.15	10.0	15.5	99.65	120.5	122.6	120.5	999.9
Ultra-Low-Sulfur Diesel	72.97	4.0	15.4	92.37	112.1	114.3	112.1	999.9
Zone 6								
Regular Unleaded	68.85	10.0	15.5	94.35	114.4	116.6	114.4	999.9
Mid-Grade Unleaded	71.85	10.0	15.5	97.35	117.8	120.0	117.8	999.9
Premium Unleaded	74.85	10.0	15.5	100.35	121.3	123.5	121.3	999.9
Ultra-Low-Sulfur Diesel	73.67	4.0	15.4	93.07	112.9	115.1	112.9	999.9

N.S. Reg. 125/2019

Made: August 29, 2019 Filed: August 30, 2019

Prescribed Petroleum Products Prices

Order dated August 29, 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 M09381

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 Murphy, MBA, P.Eng., 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 August 28, 2019, are:

Grade 1 Regular gasoline 58.73¢ per litre Ultra-low-sulfur diesel oil 63.64¢ per litre

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

#### Gasoline:

Grade 1	58.73¢ per litre
Grade 2	61.73¢ per litre
Grade 3	64.73¢ per litre
Ultra-low-sulfur diesel oil	63.64¢ 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 0.60¢ per litre Ultra-low-sulfur diesel oil: minus 0.12¢ 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., August 30, 2019.

Dated at Halifax, Nova Scotia, this 29th day of August, 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 August 30, 2019

Nova Scotia Petroleum Price Schedule								
<b>Petroleum Prices in Cent</b>	Petroleum Prices in Cents/Litre						Full-S	Service
					Pump	Prices	Pump	Prices
					(Pump	Prices inc	clude <del>s</del> 15	% HST)
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	66.32	10.0	15.5	91.82	111.5	113.6	111.5	999.9
Mid-Grade Unleaded	69.32	10.0	15.5	94.82	114.9	117.1	114.9	999.9
Premium Unleaded	72.32	10.0	15.5	97.82	118.4	120.5	118.4	999.9
Ultra-Low-Sulfur Diesel	71.97	4.0	15.4	91.37	110.9	113.1	110.9	999.9
Zone 2								
Regular Unleaded	66.82	10.0	15.5	92.32	112.0	114.2	112.0	999.9
Mid-Grade Unleaded	69.82	10.0	15.5	95.32	115.5	117.7	115.5	999.9
Premium Unleaded	72.82	10.0	15.5	98.32	118.9	121.1	118.9	999.9
Ultra-Low-Sulfur Diesel	72.47	4.0	15.4	91.87	111.5	113.7	111.5	999.9
Zone 3								
Regular Unleaded	67.22	10.0	15.5	92.72	112.5	114.7	112.5	999.9
Mid-Grade Unleaded	70.22	10.0	15.5	95.72	115.9	118.1	115.9	999.9
Premium Unleaded	73.22	10.0	15.5	98.72	119.4	121.6	119.4	999.9
Ultra-Low-Sulfur Diesel	72.87	4.0	15.4	92.27	112.0	114.2	112.0	999.9

Zone 4								
Regular Unleaded	67.32	10.0	15.5	92.82	112.6	114.8	112.6	999.9
Mid-Grade Unleaded	70.32	10.0	15.5	95.82	116.1	118.2	116.1	999.9
Premium Unleaded	73.32	10.0	15.5	98.82	119.5	121.7	119.5	999.9
Ultra-Low-Sulfur Diesel	72.97	4.0	15.4	92.37	112.1	114.3	112.1	999.9
Zone 5								
Regular Unleaded	67.32	10.0	15.5	92.82	112.6	114.8	112.6	999.9
Mid-Grade Unleaded	70.32	10.0	15.5	95.82	116.1	118.2	116.1	999.9
Premium Unleaded	73.32	10.0	15.5	98.82	119.5	121.7	119.5	999.9
Ultra-Low-Sulfur Diesel	72.97	4.0	15.4	92.37	112.1	114.3	112.1	999.9
Zone 6								
Regular Unleaded	68.02	10.0	15.5	93.52	113.4	115.6	113.4	999.9
Mid-Grade Unleaded	71.02	10.0	15.5	96.52	116.9	119.0	116.9	999.9
Premium Unleaded	74.02	10.0	15.5	99.52	120.3	122.5	120.3	999.9
Ultra-Low-Sulfur Diesel	73.67	4.0	15.4	93.07	112.9	115.1	112.9	999.9