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OF
NOVA SCOTIA
2023**

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VOLUME U



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VOLUME U

Revised Statutes of Nova Scotia

2023

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CHAPTER U-1

An Act to Establish a Ukrainian Famine and Genocide (Holodomor) Memorial Day

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WHEREAS the Holodomor was a famine in Soviet Ukraine in 1932 and 1933 that killed millions of Ukrainians;

AND WHEREAS the term “Holodomor” emphasizes the Ukrainian famine’s intentional aspects, including the Soviet regime’s rejection of outside aid, confiscation of household food and restriction of population movement;

AND WHEREAS the Ukrainian famine is recognized by 16 countries, including Canada, as a genocide;

AND WHEREAS Nova Scotia must join other provinces in recognizing the Ukrainian famine as a genocide:

Short title

1 This Act may be cited as the *Ukrainian Famine and Genocide (Holodomor) Memorial Day Act*. 2022, c. 7, s. 1.

Ukrainian Famine and Genocide (Holodomor) Memorial Day

2 Throughout the Province, in each and every year, the fourth Saturday in November shall be kept and observed under the name of Ukrainian Famine and Genocide (Holodomor) Memorial Day. 2022, c. 7, s. 2.

CHAPTER U-2

An Act Respecting Unclaimed Articles of Clothing and Household Goods

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Short title

1 This Act may be cited as the *Unclaimed Articles Act*. R.S., c. 486, s. 1.

Application of Act

2 This Act applies in the case of

(a) any article of clothing or household goods of the value of not more than \$200 that

(i) is deposited with a person for cleaning, pressing, dyeing, glazing, washing or repairing, and

(ii) through no fault of the person with whom it is deposited, remains in the person's possession for a period of not less than six months,

in respect of which the agreed or reasonable charges for the services mentioned in subclause (i) are unpaid; and

(b) any article of clothing or household goods of the value of not more than \$200 that

(i) is deposited with a person for storage whether or not it is also deposited for cleaning, pressing, dyeing, glazing, washing or repairing, and

(ii) through no fault of the person with whom it is deposited, remains in the person's possession for a period of not less than two years,

in respect of which the agreed or reasonable charges for storage are unpaid for any period of not less than 12 months. R.S., c. 480, s. 2.

Notice of disposal of article for non-payment

3 (1) Upon the expiration of the period mentioned in subclause 2(a)(ii) or 2(b)(ii), as the case may be, the person with whom an article is deposited may cause to be served by personal service upon

- (a) the owner of the article;
- (b) the person who deposited the article; or
- (c) an adult person, at the address
 - (i) where the owner or person who deposited the article resides, or
 - (ii) furnished by the owner or person who deposited the article at the time the article was deposited,

a notice stating

- (d) the amount of the agreed or reasonable charges in respect of the article; and
- (e) that, if such charges are not paid within 30 days of the date of the service of the notice, the article will be disposed of.

(2) Any notice under this Section may be in respect of more than one article belonging to or deposited by the same person. R.S., c. 480, s. 3.

Inability to effect personal service of notice

4 Where the whereabouts of the owner of and the person depositing an article cannot be ascertained and after all reasonable inquiries it is found that Section 3 cannot be complied with, the person with whom an article is deposited may, without effecting service of notice as required by Section 3, dispose thereof in the manner prescribed by Section 5. R.S., c. 480, s. 4.

Disposal by sale or gift

5 (1) Upon the expiration of the 30-day period mentioned in subsection 3(1), the person with whom the article is deposited may dispose of it by

- (a) giving it to a charitable organization or giving it to any organization in order that it may be used for charitable purposes; or
- (b) selling it, by auction or private sale.

(2) Upon a sale made pursuant to subsection (1), the person with whom the article is deposited may out of the proceeds of the sale keep the agreed or reasonable sum owing to such person, together with the cost and expenses including cost of advertising, of the sale and shall within 30 days after the sale pay to the Supreme Court of Nova Scotia, the surplus if any, remaining, provided that within the said period of 30 days the said surplus may be paid over to the owner of the article sold as aforesaid, and the Supreme Court of Nova Scotia has authority to pay out the said surplus to any person under an order of a judge of the Supreme Court.

(3) Every person who disposes of articles under this Section shall maintain a record of the articles disposed of and the persons or organizations to whom they are disposed. R.S., c. 480, s. 5.

Affidavit as prima facie evidence

6 Where an article has been disposed of under this Act, prima facie evidence of compliance with this Act or of the existence of any fact or the doing of any act may be given in any court by the affidavit of a person having actual knowledge thereof. R.S., c. 480, s. 6.

Disposal relinquishes claim

7 Where an article has been disposed of under this Act, the person who disposed of it thereby relinquishes all claims against the owner or person depositing it for unpaid charges for services upon or storage of the article. R.S., c. 480, s. 7.

Rights under certain other Acts unaffected

8 This Act does not affect the right of any person to proceed in the manner prescribed by the *Storage Warehouse Keepers Act* or by the *Builders Lien Act*. R.S., c. 480, s. 8.

CHAPTER U-3

An Act Respecting Relief from Unconscionable Transactions

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Short title

1 This Act may be cited as the *Unconscionable Transactions Relief Act*.
R.S., c. 481, s. 1.

Interpretation

2 In this Act,

“cost of the loan” means the whole cost to the debtor of money lent and includes interest, discount, subscription, premium, dues, bonus, commission, brokerage fees and charges, but not actual lawful and necessary disbursements made to the Registrar General under the *Land Registration Act*, a registrar of deeds, a prothonotary, a clerk of a court, a sheriff or a treasurer of a regional municipality, town or municipality of a county or district;

“court” means a court having jurisdiction in an action for the recovery of a debt or money demand to the amount claimed by a creditor in respect of money lent;

“creditor” includes the person advancing money lent and the assignee of any claim arising or security given in respect of money lent;

“debtor” means a person to whom or on whose account money lent is advanced and includes every surety and endorser or other person liable for the repayment of money lent or upon any agreement or collateral or other security given in respect thereof;

“money lent” includes money advanced or credit granted to or on account of any person in any transaction that, whatever its form may be, is substantially one of money-lending, credit granting or securing the repayment of money advanced or extended in the way of credit and includes a mortgage of real or personal property or both. R.S., c. 481, s. 2; 2018, c. 43, s. 27.

Powers of court

3 Where, in respect of money lent, the court finds that, having regard to the risk and to all the circumstances, the cost of the loan is excessive and that the transaction is harsh and unconscionable, the court may

- (a) reopen the transaction and take an account between the creditor and the debtor;
- (b) notwithstanding any statement or settlement of account or any agreement purporting to close previous dealings and create a new obligation, reopen any account already taken and relieve the debtor from payment of any sum in excess of the sum adjudged by the court to be fairly due in respect of the principal and the cost of the loan;
- (c) order the creditor to repay any such excess if the same has been paid or allowed on account by the debtor;
- (d) set aside, either wholly or in part, or revise or alter any security given or agreement made in respect of the money lent and, if the creditor has parted with the security, order the creditor to indemnify the debtor. R.S., c. 481, s. 3.

Exercise of powers of court

4 The powers conferred by Section 3 may be exercised

- (a) in an action or proceeding by a creditor for the recovery of money lent;
- (b) in an action or proceeding by the debtor, notwithstanding any provision or agreement to the contrary and notwithstanding that the time for repayment of the loan or any instalment thereof has not arrived;
- (c) in an action or proceeding in which the amount due or to become due in respect of money lent is in question. R.S., c. 481, s. 4.

Application by debtor for relief

5 (1) In addition to any right that a debtor may have under this or any other Act or otherwise in respect of money lent, the debtor may apply for relief under this Act to a court.

(2) An applicant shall provide two clear days notice to the creditor when making an application under subsection (1).

(3) The court may, on an application received under subsection (1), exercise any of the powers of the court under Section 3.

(4) An order made under subsection (3) may be appealed in accordance with the rules of the court. 2018, c. 43, s. 28.

Existing powers and jurisdiction of courts preserved

6 Nothing in this Act derogates from the existing powers or jurisdiction of any court. R.S., c. 481, s. 6.

Deemed notice to assignee or transferee

7 (1) Where any security for repayment of, or any right to recover, money lent in a transaction in respect of which the debtor would be entitled to relief under this Act against the original creditor is assigned or transferred by that creditor either before, or within two years after, the money lent is disbursed, unless at the time of or after the assignment or transfer the debtor gives an acknowledgement

(a) of the amount of money or credit the debtor received from the money lent;

(b) that the debtor is aware of the cost of the loan; and

(c) that the debtor is aware of the manner and amounts in which, and the persons to whom, the proceeds of the loan were disbursed,

the assignee or transferee is conclusively deemed to have notice of all particulars of, and all circumstances surrounding, the loan, and the matters set out in the acknowledgement is presumed to be true.

(2) An acknowledgement to which reference is made in subsection (1) has no effect under this Act unless it is made before a barrister authorized to practise in the Province who certifies that the barrister has explained to the debtor taking the acknowledgement the meaning, purpose and effect thereof and it is made at least 48 hours after the money lent has been wholly disbursed.

(3) This Section does not apply to an assignee or transferee under the assignment or transfer of any security for repayment of, or any right to recover money lent, that was completed before April 6, 1966. R.S., c. 481, s. 7.

CHAPTER U-4

An Act to Facilitate the Effective Regulation of Undersea Coal Mines in Nova Scotia

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Short title

1 This Act may be cited as the *Undersea Coal Mines Regulation Act*.
2007, c. 14, s. 1.

Agreement with Canada

2 With the approval of the Governor in Council, a member of the Executive Council may enter into an agreement with the Government of Canada or any of its agencies, boards or commissions respecting

(a) the exploration, development, operation and abandonment of a coal mine wholly or partly located below the low-water mark in an area of the Province covered by seawater;

(b) the delegation to or accepting the delegation from a federal public body or official of a duty, power or authority contained in an enactment of the Province or Canada; and

(c) the payment of mineral and petroleum royalties to the Province,

and the agreement has the same force and effect as if enacted by the Legislature and any board, agency or person referred to in the agreement may do all things necessary to implement the agreement. 2007, c. 14, s. 2.

Act or agreements not basis for jurisdiction claims

3 This Act, or any agreement made pursuant to this Act, is not to be construed as providing a basis for any claim by or on behalf of the Government of Canada in respect of any entitlement to or legislative jurisdiction over land or resources in areas of the Province covered by seawater. 2007, c. 14, s. 3.

Regulations

4 (1) The Governor in Council may make regulations

(a) respecting royalty payments;

(b) defining any word or expression used but not defined in this Act;

(c) considered necessary by the Governor in Council to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.
2007, c. 14, s. 4.

CHAPTER U-5

An Act Respecting Accountability and Sustainability of Universities

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Short title

1 This Act may be cited as the *Universities Accountability and Sustainability Act*. 2015, c. 11, s. 1.

Interpretation

2 (1) In this Act,
“grant” means a grant to a university made pursuant to this Act;

“Minister” means the Minister of Advanced Education;

“outcomes agreement” means an agreement entered into by the Minister and a university pursuant to Section 19;

“prescribed” means prescribed by the regulations;

“significant operating deficiency” means an operating deficiency of a university that, in the opinion of the person who is determining pursuant to this Act whether a significant operating deficiency exists, can reasonably be expected to threaten the ability of the university to continue as a going concern under the existing financial framework, based on a five-year financial forecast and opinion, verified by an independent financial professional, that forecasts

(a) a significant annual operating deficit or significant cash flow deficiency in at least one year during the five-year period; or

(b) a pattern of operating deficits or cash flow deficiencies during the five-year period.

(2) Except as otherwise provided in this Act, words and expressions used in Sections 6 to 8, 14, 16, 21 and 22 have the same meaning as in Part I of the *Trade Union Act*.

(3) In the event of a conflict between Sections 6 to 8, 21 and 22 and any other enactment or any collective agreement, arbitral or other award or decision, obligation, right, claim, agreement or arrangement of any kind, Sections 6 to 8, 21 and 22 prevail. 2015, c. 11, s. 2.

GRANTS

Minister may make grants

3 The Minister may, to the extent authorized by the Legislature, make grants to universities to assist the universities in defraying operating expenditures and expenditures for capital purposes. 2015, c. 11, s. 3.

Powers of Minister

4 (1) The Minister may

(a) designate by regulation institutions or organizations as universities for some or all of the purposes of this Act;

(b) specify the amounts of grants or any grant;

(c) specify the terms and conditions upon which a grant is made, including terms or conditions that must be satisfied before all or part of a grant is paid and that the university

(i) provide evidence satisfactory to the Minister of the sustainability of the university’s financial operations,

(ii) submit financial documents, including financial statements, projections and forecasts, as requested by the Minister,

- (iii) have the financial documents provided pursuant to subclause (ii) independently audited, prepared or verified,
- (iv) follow the university's revitalization plan,
- (v) enter into and comply with an outcomes agreement, and
- (vi) apply the grant to a specified purpose;
- (d) withhold, refuse to make or demand repayment of all or part of a grant, including, where a grant is payable in instalments, any instalment payments, if terms or conditions upon which a grant is made are not satisfied;
- (e) refuse to accept an application for a grant, if terms or conditions upon which a grant is made are not satisfied;
- (f) specify forms of applications for grants and the information to be supplied by an applicant for a grant; and
- (g) require recipients of grants to make reports or returns to the Minister and specify the form and content of such reports or returns.

(2) Where repayment of a grant is demanded pursuant to clause (1)(d), the amount demanded is a debt due to the Crown in right of the Province and may be recovered by action in a court of competent jurisdiction. 2015, c. 11, s. 4.

REVITALIZATION PLANS

Notice of intention to participate

5 (1) Subject to subsection (2), a university may participate in the revitalization planning process set out in this Act by submitting notice of its intention to prepare a revitalization plan, approved by an ordinary resolution of the university's governing body, to the Minister.

(2) A university may not submit notice pursuant to subsection (1) if the university has submitted a similar notice within the previous two years.

(3) The Minister shall immediately acknowledge receipt of the notice. 2015, c. 11, s. 5.

Procedure once notice submitted

6 (1) Where a university that has submitted notice pursuant to Section 5

- (a) has unionized employees; and
- (b) has determined that it has a significant operating deficiency,

the university may elect to have Section 8 apply with respect to the university, the university's unionized employees and any trade union that is representing those employees, by providing notice to the Minister, approved by an ordinary resolution of the university's governing body and in accordance with this Section, indicating that the university has determined that it has a significant operating deficiency and elects to have Section 8 apply.

(2) A notice provided pursuant to subsection (1) may be provided electronically, and must be accompanied by the five-year financial forecast and opinion on which the university has determined that it has a significant operating deficiency, the most recent audited financial statements for the university, any prescribed information and any other information that the university considers relevant to its decision to elect that Section 8 apply.

(3) A copy of the notice and accompanying information must immediately be provided by the university to any trade union that represents the university's unionized employees.

(4) A trade union that receives a copy of the notice and accompanying information pursuant to subsection (3) shall inform the university and the Minister immediately on receipt.

(5) A trade union that receives a copy of the notice and accompanying information pursuant to subsection (3) may, within 30 days of receiving the copy of the notice and accompanying information from the university, make written submissions to the Minister in relation to whether the university had a significant operating deficiency at the time the notice was provided.

(6) The Minister may extend the 30-day period in subsection (5) if necessary for a trade union to consider additional information provided pursuant to subsection 7(2).

(7) Section 8 applies immediately upon the Minister acknowledging, pursuant to subsection 7(1), receipt of the notice and the required accompanying information. 2015, c. 11, s. 6.

Powers and duties of Minister

7 (1) Upon being satisfied that the notice and information provided pursuant to subsection 6(1) meet the requirements of Section 6, the Minister shall immediately acknowledge receipt of the notice and the accompanying information, with a copy to any trade union that received the notice.

(2) The Minister may require

(a) the university to file additional financial statements, projections, forecasts or other information, within a period specified by the Minister; and

(b) the statements, projections, forecasts or other information to be independently audited, prepared or verified.

(3) Information filed pursuant to clause (2)(a) must immediately be copied by the university to any trade union that was entitled to receive notice pursuant to subsection 6(3), and the trade union shall immediately acknowledge receipt to the university and the Minister.

(4) The Minister may engage persons to provide professional financial advice to the Minister for the purpose of this Section.

(5) Where information required pursuant to clause (2)(a) is not filed as required, the Minister shall determine that Section 8 ceases to apply with

respect to the university, the unionized employees and any trade union that is representing those employees, as of the date the determination is made.

(6) Subject to subsection (7), the Minister shall, within 60 days of acknowledging receipt pursuant to subsection (1), determine whether the university had a significant operating deficiency at the time the notice was provided.

(7) The Minister may extend the 60-day period in subsection (6) if necessary to consider additional information

- (a) filed by the university pursuant to subsection (2); or
- (b) provided by a trade union in response to information filed by the university pursuant to subsection (2).

(8) The Minister shall immediately give notice to the university and any trade union that was entitled to receive notice pursuant to subsection 6(3) of a determination made pursuant to subsection (5) or (6). 2015, c. 11, s. 7.

Certain labour activities limited or prohibited while plan considered

8 (1) During the period when this Section applies with respect to a university, its unionized employees and any trade union that is representing those employees,

- (a) the university shall not authorize, declare, cause or continue a lockout of any of its unionized employees;
- (b) the trade union shall not declare, cause or continue a strike by any of the unionized employees against the university; and
- (c) none of the unionized employees shall participate in a strike against the university,

but nothing in this subsection precludes the university and a bargaining agent for the unionized employees from engaging in collective bargaining while this Section applies, to the extent practicable.

(2) During the period when this Section applies with respect to a university, its unionized employees and any trade union that is representing those employees, no person or organization shall

- (a) do anything to prevent or impede a unionized employee's compliance with this Section or aid or abet a unionized employee to not comply with this Section; or
- (b) fail to do anything for the purpose of preventing or impeding a unionized employee's compliance with this Section or for the purpose of aiding or abetting a unionized employee to not comply with this Section.

(3) During the period when this Section applies with respect to a university, its unionized employees and any trade union that is representing those employees, the university may not execute a collective agreement with any bargaining agent that represents any unionized employees of the university.

(4) This Section ceases to apply with respect to a university, its unionized employees and any trade union that is representing those employees upon the occurrence of the earliest of

(a) the determination by the Minister, in accordance with subsection 7(5), that the university has failed to file required information, as required;

(b) the determination by the Minister, in accordance with subsection 7(6), that the university did not have a significant operating deficiency at the time the notice pursuant to subsection 7(1) was provided;

(c) the giving of notice by the Minister pursuant to subsection 14(4); and

(d) the giving of notice by the Minister pursuant to subsection 16(3). 2015, c. 11, s. 8.

Revitalization-plan advisory committee

9 (1) Within 60 days of acknowledging receipt of a notice from a university pursuant to subsection 5(3), the Minister shall establish a revitalization-plan advisory committee for the university composed of between three and eight members appointed by the Minister.

(2) A revitalization-plan advisory committee has the powers and responsibilities set out in this Act and as may be prescribed.

(3) The Crown in right of the Province shall pay the members of a revitalization-plan advisory committee such remuneration as is determined by the Minister, together with the members' reasonable expenses. 2015, c. 11, s. 9.

Revitalization facilitator

10 (1) Within 30 days of establishing a revitalization-plan advisory committee for a university, the Minister shall appoint a revitalization facilitator to

(a) provide assistance to the university in conducting consultations with stakeholders;

(b) assist the university in developing a revitalization plan; and

(c) perform such other duties as may be prescribed.

(2) The Crown in right of the Province shall pay the revitalization facilitator such remuneration as is determined by the Minister, together with the revitalization facilitator's reasonable expenses. 2015, c. 11, s. 10.

University to consult

11 (1) The university shall, when preparing its revitalization plan, consult with its students, its employees, any trade union that represents any of its unionized employees and any other persons it identifies as stakeholders.

- (2) The consultation with a trade union must include
- (a) providing the trade union with a copy of each draft of the proposed plan, as prepared, and of the final revitalization plan that is to be submitted to the revitalization-plan advisory committee;
 - (b) affording the trade union the opportunity to provide submissions to the university with respect to each draft; and
 - (c) affording the trade union the opportunity to meet and engage in meaningful dialogue with the university with respect to the plan. 2015, c. 11, s. 11.

Revitalization plan

12 (1) Subject to subsection (3), a university's revitalization plan must include

- (a) a strategic assessment of the university's strengths and weaknesses and the opportunities and risks that may affect the university's future, taking into account where the university fits within the national and international university environment and expected future changes in post-secondary education;
- (b) a description of the university's long-term strategy for financial sustainability, including present and projected student enrolment and plans for student retention;
- (c) a plan to achieve a focus on high-quality, efficient and effective learning through appropriate delivery channels for students;
- (d) a plan to achieve access and inclusiveness for students and faculty from a wide range of backgrounds, communities and groups;
- (e) an assessment of the potential impact of the proposed revitalization plan on students;
- (f) an assessment of the potential impact of the proposed revitalization plan on employees;
- (g) goals and objectives for contributing to social and economic development and growth in the Province, including through world-class research and development that is internationally competitive, turning research into business opportunities, fostering a skilled, entrepreneurial and innovative workforce needed for economic growth in the Province and improving the quality and inclusiveness of courses and program offerings and their relevance to students and the wider society and economy;
- (h) a plan for the effective exchange of knowledge and innovation with the private sector, including excellent collaboration between the university and industry;
- (i) analysis of potential opportunities and cost savings that could be achieved through collaboration with other universities, including by the elimination, consolidation and specialization of faculties, departments and programs;

(j) human resources, financial, capital and operating-expenditure plans designed to achieve long-term competitiveness and sustainability, including outlines of the relevant assumptions and risks;

(k) proposals for partnerships, mergers, affiliations, federations or other arrangements;

(l) anything that the Minister requires to be included; and

(m) a description of any contingent factors that may be necessary to achieve the plan.

(2) Where a university's revitalization plan does not include any of the proposals referred to in clause (1)(k), it must include an analysis of and reasons why it does not.

(3) In preparing a revitalization plan that meets the requirements of subsection (1), a university may consider the academic freedom of the university and faculty. 2015, c. 11, s. 12.

Filing of and response to revitalization plan

13 (1) The university shall provide to the revitalization-plan advisory committee its proposed revitalization plan no later than six months after the Minister acknowledges receipt of the notice pursuant to subsection 5(3).

(2) The revitalization-plan advisory committee shall provide comments to the university within 45 days of receipt of the proposed plan. 2015, c. 11, s. 13.

Final revitalization plan

14 (1) The university shall provide to the revitalization-plan advisory committee its final revitalization plan no later than 10 months after the Minister acknowledges receipt of the notice pursuant to subsection 5(3).

(2) Upon receipt of the university's final revitalization plan, the committee shall prepare a revitalization report to submit to the Minister, which must include

(a) the recommendations, if any, of the committee with respect to each of the proposals in the revitalization plan; and

(b) such other matters as may be prescribed.

(3) Where the university does not provide the university's final revitalization plan to the committee within the 10-month period as required by subsection (1), the committee shall notify the Minister of the university's failure to do so.

(4) Immediately upon receiving notification from the committee pursuant to subsection (3), the Minister shall notify the university and any trade union that is representing unionized employees of the university that Section 8 no longer applies to the university, its unionized employees and any trade union that is representing those employees. 2015, c. 11, s. 14.

Duty of revitalization-plan advisory committee

15 The revitalization-plan advisory committee must submit to the Minister, within three months of receipt of the university's final revitalization plan,

- (a) the final revitalization plan provided to the committee by the university;
- (b) the committee's revitalization report; and
- (c) such other documents, information or material as may be prescribed. 2015, c. 11, s. 15.

Minister's options regarding grants

16 (1) Subject to Section 17, within three months of receipt of the information and documents described in Section 15, the Minister shall

- (a) decide whether to make a grant pursuant to Section 3, and provide notice to the university of the decision to
 - (i) provide a grant to the university, without terms or conditions,
 - (ii) provide a grant to the university that is conditional in whole or in part upon the performance by the university of specified terms or conditions, or
 - (iii) refuse to provide a grant to the university; or
- (b) provide notice to the university that a final decision whether a grant will be provided to the university is being deferred until the earlier of
 - (i) the expiry of a period specified by the Minister, not to exceed one month, and
 - (ii) receipt by the Minister of a revised final revitalization plan.

(2) Where the Minister has provided notice pursuant to clause (1)(b), the Minister shall make a decision pursuant to clause (1)(a) within one month of the earlier of the expiry of the period specified by the Minister and receipt by the Minister of the revised plan.

(3) Immediately upon making a decision pursuant to clause (1)(a), the Minister shall notify the university and any trade union that is representing unionized employees of the university that Section 8 no longer applies to the university, its unionized employees and any trade union that is representing those employees. 2015, c. 11, s. 16.

Amendment to revitalization plan

17 (1) A university may notify the Minister that it wishes to amend its revitalization plan.

- (2)** Upon receiving notice pursuant to subsection (1), the Minister
 - (a) may provide directions to the university and the revitalization-plan advisory committee and revitalization facilitator for the university with respect to the process to amend the plan; and

- (b) shall, upon receipt of the amendment to the plan,
 - (i) decide whether to make a grant to the university pursuant to Section 3, and, if so, whether the grant will be made with or without terms or conditions, and provide notice of the decision to the university, or
 - (ii) provide notice to the university that a final decision whether a grant will be provided to the university is being deferred until the earlier of
 - (A) the expiry of a period specified by the Minister, not to exceed one month, and
 - (B) receipt by the Minister of a revised amendment.

(3) Where the Minister has provided notice pursuant to subclause (2)(b)(ii), the Minister shall make a decision pursuant to subclause (2)(b)(i) within one month of the earlier of the expiry of the period specified by the Minister and receipt by the Minister of the revised amendment. 2015, c. 11, s. 17.

Terms and conditions

18 Where the Minister decides pursuant to clause 16(1)(a) or subclause 17(2)(b)(i) that a grant to the university is subject to terms or conditions, the grant must not be paid before the terms or conditions specified by the Minister are accepted by the university, in writing. 2015, c. 11, s. 18.

OUTCOMES AGREEMENTS

Parties to and contents of outcomes agreement

19 (1) The Minister may enter into an outcomes agreement with a university for the purpose of establishing the expectations of the Minister with respect to the measures that will be taken by the university with respect to the university's long-term strategy and sustainability in return for the significant public investment in universities made by the Government.

(2) An outcomes agreement between the Minister and a university must establish the strategic connection between the social and economic priorities of the Government and the university's funding decisions that enables and encourages the delivery of learning, research and knowledge, and must include

- (a) a statement establishing the outcomes, as agreed between the university and the Minister, that support the social and economic priorities of the Government;
- (b) the university's plan to achieve the identified outcomes and to demonstrate the financial sustainability of the university, including the sustainability of its existing and proposed programs; and
- (c) any additional matters that may be prescribed.

(3) Notwithstanding Section 20, the Minister may enter into an outcomes agreement without the approval of the Governor in Council. 2015, c. 11, s. 19.

GENERAL

Minister may make agreements

20 With the approval of the Governor in Council, the Minister may enter into and execute such agreements and instruments as are necessary to carry out any provision of this Act. 2015, c. 11, s. 20.

Lockout or strike and Trade Union Act

21 (1) Any lockout or strike between a university and a trade union that is representing employees of the university that is taking place at a time when Section 8 is made to apply to the university, its unionized employees and any trade union that is representing those employees must cease until Section 8 no longer applies.

(2) Where, at a time when Section 8 is made to apply to a university, its unionized employees and any trade union that is representing those employees, a conciliation officer has filed a report pursuant to subsection 45(1) of the *Trade Union Act* and the 14-day period provided for in subsection 69(1) of the *Trade Union Act* has begun, no further time of that period elapses until Section 8 no longer applies. 2015, c. 11, s. 21.

Offence and penalty

22 A person who contravenes Section 8 is guilty of an offence and is liable on summary conviction

(a) in the case of an offence committed by a university or trade union, or by a person acting on behalf of a university or trade union, to a fine of not more than \$100,000 and, in the case of a continuing offence, to a further fine of \$10,000 for each day on which the offence continues; and

(b) in the case of an offence committed by any person or organization other than a university or trade union, to a fine of not more than \$1,000 and, in the case of a continuing offence, to a further fine of \$200 for each day on which the offence continues. 2015, c. 11, s. 22.

Governor in Council regulations

23 (1) The Governor in Council may make regulations

(a) defining any word or expression used but not defined in this Act;

(b) further defining any word or expression defined in this Act;

(c) respecting any matter or thing that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 2015, c. 11, s. 23.

Ministerial regulations

- 24** **(1)** The Minister may make regulations
- (a) designating institutions or organizations as universities;
 - (b) prescribing information that must accompany a notice provided to the Minister pursuant to subsection 6(1);
 - (c) prescribing additional powers and responsibilities of revitalization-plan advisory committees and the information that such committees must submit to the Minister;
 - (d) prescribing additional powers and responsibilities of revitalization facilitators;
 - (e) prescribing information that must be included an outcomes agreement.

(2) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 2015, c. 11, s. 24.

CHAPTER U-6

An Act to Establish University Foundations

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Short title

1 This Act may be cited as the *University Foundations Act*. 1991, c. 8, s. 1.

Interpretation

2 In this Act,
“designated university” means an institution that is designated by the regulations as a university for the purpose of this Act;
“foundation” means a foundation established by this Act. 1991, c. 8, s. 2.

Foundation

3 (1) A foundation is established for each designated university.
(2) A foundation is a body corporate and an agent of the Crown in right of the Province.
(3) The name of a foundation consists of the word “Foundation” immediately preceded by the name of the designated university for which the foundation is established.
(4) The capital of a foundation is one share with a par value of \$100.

(5) The share in each foundation must be issued to and registered in the name of the Minister of Finance and Treasury Board and held by the Minister on behalf of the Crown in right of the Province. 1991, c. 8, s. 3.

Objects

4 The objects of a foundation are to

(a) provide financial support for the designated university for which the foundation is established;

(b) develop, foster and encourage public knowledge and awareness of the designated university for which the foundation is established and the benefits to the people of the Province in connection with the designated university;

(c) encourage, facilitate and carry out programs and activities that will, directly or indirectly, increase the financial support of, or confer a benefit on, the foundation for support of the designated university for which the foundation was established and programs in which the designated university is involved; and

(d) receive, manage and invest funds and property of every nature and kind from any source for the establishment, operation and maintenance of the foundation and to further the purposes of the foundation. 1991, c. 8, s. 4.

Membership

5 (1) A foundation consists of

(a) three members appointed by the Governor in Council; and

(b) two members appointed by the Governor in Council from a list of five persons who are members of, and are nominated by, that body of persons who have the management and control of the affairs of the designated university for which the foundation is established or who constitute the designated university.

(2) A person who is appointed a member of a foundation pursuant to clause (1)(b) ceases to be a member of the foundation when the person ceases to be a member of the body referred to in clause (1)(b) that nominated the person.

(3) Each member of a foundation is appointed for such term as the Governor in Council determines and, subject to subsection (4), may be reappointed.

(4) No person may serve as a member of a foundation for more than six consecutive years.

(5) A vacancy in the membership of a foundation does not impair the power of the remaining members to act or the corporate capacity of the foundation.

(6) Each member of a foundation must be reimbursed for reasonable expenses necessarily incurred by the member in connection with the work of the foundation. 1991, c. 8, s. 5.

Chair

6 The Governor in Council shall designate a member of each foundation to be chair of the foundation. 1991, c. 8, s. 6.

Powers of foundation

7 Subject to this Act, a foundation has the capacity, rights, powers and privileges of a natural person, and, without restricting the generality of the foregoing, may

- (a) receive by gift, bequest, devise, grant or otherwise property, including money;
- (b) make bylaws for the more effective management of its affairs;
- (c) borrow money and secure the repayment of money or the payment or performance of an obligation by a mortgage of all or any part of its property;
- (d) subject to a contrary intent expressed in a gift, bequest, devise or trust, make any investments that a prudent person would make, notwithstanding the *Trustee Act*;
- (e) employ such officers and employees as are necessary or desirable in attaining its objects and exercising its powers;
- (f) engage, upon such terms and conditions, including remuneration, as the foundation considers fit, the services of such professional persons, technical persons and experts as are necessary or desirable in attaining its objects and exercising its powers. 1991, c. 8, s. 7.

Use of funds, property and capital

8 (1) A designated university may determine the manner in which the funds and property available in each year must be used and distributed for the benefit of the designated university and its programs, faculty and students and is, in so determining, governed by the provisions of any devise, bequest or trust or any conditions to which a transfer is made pursuant to this Act.

(2) A designated university may transfer to the foundation established for that designated university some or all of the accumulated capital of the designated university that is available for investment, whether the capital is beneficially owned by the designated university or is held in trust for the designated university as the university may direct, and, on being transferred, vests in the foundation subject to such conditions as the university may specify at the time of the transfer.

(3) Where capital that is transferred pursuant to subsection (2) arose from a gift, devise or bequest to the designated university, the foundation established for the university is subject to any conditions in the gift, devise or bequest to the same extent as the designated university.

(4) A foundation to which capital has been transferred pursuant to subsection (2) may transfer the capital back to the university from which it was received. 1991, c. 8, s. 8.

Fiscal year and books of account

9 (1) The fiscal year of a foundation is the period ending March 31st in each year.

(2) A foundation shall cause to be kept at its principal office, or such other place as its members direct, proper books of account respecting

(a) all sums of money received and expended by the foundation and the matters in respect of which receipt and expenditure took place; and

(b) the assets and liabilities of the foundation. 1991, c. 8, s. 9.

Auditor

10 (1) A foundation shall appoint an auditor to audit the accounts of the foundation.

(2) An auditor appointed pursuant to subsection (1) must be either the Auditor General or an accountant licensed pursuant to the *Chartered Professional Accountants Act*.

(3) The expenses of the audit of a foundation are payable by the foundation as part of the costs of administration of the foundation. 1991, c. 8, s. 10.

Accounts

11 (1) A foundation may maintain in its name one or more accounts in one or more financial institutions designated by the Minister of Finance and Treasury Board.

(2) All money received by a foundation must be deposited to the credit of the account and may be administered and expended by the foundation in the exercise and performance of the powers, duties and function of the foundation. 1991, c. 8, s. 11.

Annual report

12 (1) Before June 30th in each year, each foundation shall make an annual report to the Minister of Advanced Education containing clear and comprehensive statements disclosing and exhibiting

(a) the audited results of the yearly operation of the foundation ending on the preceding March 31st;

(b) the audited financial position of the foundation as at the preceding March 31st; and

(c) such other financial reports or information related to the foundation as may be required by the Minister of Advanced Education.

(2) The Minister may publish the annual report of a foundation at any time. 1991, c. 8, s. 12; 2020, c. 19, s. 1.

Gift intended for benefit of foundation

13 Where a gift, bequest, devise, grant or deed is made or appears to have been made or intended for the benefit or advantage of a foundation, any property or funds that the donor, testator or grantor desired or intended to give to the foundation vests in the foundation.

Application to Supreme Court re trust

14 A foundation may make application to a judge of the Supreme Court of Nova Scotia in respect of any trusts created or intended for the benefit of the foundation or the designated university for which the foundation is established and the judge, upon hearing the application and such evidence as the judge considers fit, may vary or revoke all or any of the trusts, resettle any interest under a trust or enlarge the powers of the foundation or any person as trustee in the management or administration of any of the property of the trusts so long as the proceeds thereof are used or applied for the benefit of the foundation. 1991, c. 8, s. 13; 2020, c. 19, s. 2.

Exemption from taxation

15 A foundation and its property are exempt from taxation under or pursuant to any Act of the Legislature. 1991, c. 8, s. 14.

Regulations

16 (1) The Governor in Council may make regulations

(a) designating institutions or classes of institutions as universities for the purpose of this Act;

(b) respecting any matter the Governor in Council considers necessary or advisable to carry out the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 1991, c. 8, s. 15.

Former foundations

17 (1) In this Section, “former foundations” means the following foundations established by this Act:

- (a) the Atlantic School of Theology Foundation;
- (b) the Dalhousie University Foundation;
- (c) the Mount Saint Vincent University Foundation;
- (d) the Saint Mary’s University Foundation;
- (e) the St. Francis Xavier University Foundation;
- (f) the Université Sainte-Anne Foundation;
- (g) the University of King’s College Foundation.

(2) The former foundations are dissolved.

(3) The appointments of the members of the former foundations are revoked.

(4) The appointments of all officers, employees and auditors of the former foundations are revoked.

(5) All contracts, agreements or orders relating to or fixing the amount of compensation, remuneration or fees to be paid to the members referred in subsection (3) and to officers, employees and auditors referred to in subsection (4) are void.

(6) No action lies against the Crown in right of the Province in respect of any dissolution, revocation or voiding of any contract, agreement or order under this Section.

(7) All obligations and liabilities of a former foundation become the obligations and liabilities of the university for which the former foundation was established.

(8) All right, title and interest of a former foundation in any real, personal or other property of any nature whatsoever is vested in the university for which the former foundation was established.

(9) In any enactment or document, including any deed, lease, agreement, will, trust, debenture or document evidencing a gift or bequest, a reference to a former foundation, whether by official name or otherwise, is deemed to be a reference to the university for which the former foundation was established. 2020, c. 19, s. 3

CHAPTER U-7

An Act to Facilitate the Transfer of University Pension Plans to the Public Service Superannuation Plan

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Short title

1 This Act may be cited as the *University Pension Plan Transfer Act*.
2015, c. 12, s. 1.

Interpretation

2 In this Act,
“Administrator” has the same meaning as in the *Public Service Superannuation Act*;
“designated plan” means a pension plan that is the subject of a transfer agreement;
“employee group agreement” means an agreement made under subsection 8(1);
“member” means, in respect of a designated plan, a transferring member or retired member;
“personal information” has the same meaning as in the *Freedom of Information and Protection of Privacy Act*;
“plan regulations” has the same meaning as in the *Public Service Superannuation Act*;

“post-transfer employee” means, in respect of a transferring university, a person who

- (i) commences employment with the transferring university on or after the transfer date, and
- (ii) under the person’s terms of employment, is entitled or required to participate in a pension plan on a co-funded basis with the transferring university;

“retired member” means, in respect of a designated plan, a person who, immediately before the transfer date, is in receipt of a pension under the designated plan;

“superannuation allowance” has the same meaning as in the *Public Service Superannuation Act*;

“Superannuation Fund” has the same meaning as in the *Public Service Superannuation Act*;

“Superannuation Plan” means the Pension Plan as defined by the *Public Service Superannuation Act*;

“survivor” means

- (a) in respect of a retired member of a designated plan, a person who, under the designated plan, is or may become entitled to
 - (i) a pension, or
 - (ii) any other payment out of the pension fund of the designated plan,

in relation to the retired member; and

- (b) in respect of a transferring member of a designated plan, a person who, under the Superannuation plan, is or may become entitled to a survivor allowance in relation to the transferring member;

“survivor allowance” has the same meaning as in the *Public Service Superannuation Act*;

“transfer” means the transfer of assets and liabilities of a designated plan under a transfer agreement;

“transfer agreement” means an agreement made under subsection 5(1);

“transfer date” means the effective date of a transfer as prescribed by the transfer agreement;

“transferring member” means, in respect of a designated plan,

- (a) a person who
 - (i) is employed by the transferring university immediately before the transfer date, and
 - (ii) is included, or eligible to be included, in the designated plan immediately before the transfer date; or
- (b) a person who
 - (i) has ceased to be employed by the transferring university before the transfer date, and

- (ii) is entitled to a deferred pension under the designated plan,
- but does not include any person who
- (c) has ceased to be employed by the transferring university; and
 - (d) has elected to transfer an amount equal to the commuted value of the person's deferred pension out of the designated plan in accordance with the *Pension Benefits Act*;
- “transferring university” means a university that enters into a transfer agreement;
- “Trustee” has the same meaning as in the *Public Service Superannuation Act*;
- “university” means Acadia University, the Atlantic School of Theology, Cape Breton University, Dalhousie University, Mount Saint Vincent University, the Nova Scotia College of Art and Design, Saint Mary's University, St. Francis Xavier University, the University of King's College, Université Sainte-Anne and any other educational institution prescribed by the regulations. 2015, c. 12, s. 2; 2020, c. 19, s. 4.

Conflict

3 Where there is a conflict between this Act or the regulations and any other enactment or any contract, agreement, plan, order or representation respecting a designated plan, this Act and the regulations prevail. 2015, c. 12, s. 3.

Supervision and management of Act

4 The Minister of Finance and Treasury Board is responsible for the supervision and management of this Act and the regulations. 2015, c. 12, s. 4.

Transfer agreement

- 5**
- (1) The Trustee may enter into an agreement with a university to
 - (a) authorize the transfer, in whole or in part, of the assets and liabilities of a designated plan from the designated plan to the Superannuation Plan; and
 - (b) allow the members of the designated plan, the survivors of the members, the post-transfer employees of the transferring university and the survivors of the post-transfer employees to participate in the Superannuation Plan.
 - (2) A transfer agreement must
 - (a) provide for the transferring university to be prescribed by the plan regulations as an employer within the meaning of the *Public Service Superannuation Act*; and
 - (b) modify the application of the Superannuation Plan to the members of the designated plan and the survivors of the members, to the extent necessary to give effect to the transfer.

- (3) A transfer agreement may
- (a) where the designated plan allows for cost-of-living adjustments to be made in respect of a pension being paid under the designated plan, either
 - (i) allow a retired member of the designated plan to elect, in accordance with the transfer agreement, cost-of-living adjustments applicable to any superannuation allowance payable after the transfer date to be made in accordance with either
 - (A) the designated plan as it read immediately before the transfer date, or
 - (B) the *Public Service Superannuation Act*,
 - (ii) where a retired member dies before making the election described in subclause (i), allow the survivor of the retired member to elect, in accordance with the transfer agreement, cost-of-living adjustments applicable to any survivor allowance payable after the transfer date to be made in accordance with either
 - (A) the designated plan as it read immediately before the transfer date, or
 - (B) the *Public Service Superannuation Act*,
or
 - (iii) provide for cost-of-living adjustments to be made to any superannuation allowance or survivor allowance payable after the transfer date if no election described in subclause (i) or (ii) is made in accordance with the transfer agreement,
 - or provide for cost-of-living adjustments to be made to any superannuation allowance or survivor allowance payable after the transfer date without providing for elections as described in subclauses (i) and (ii);
 - (b) impose obligations or liabilities on, or continue obligations or liabilities of, the transferring university, in its capacity as the employer or former employer of the members of the designated plan or as the administrator of the designated plan, in respect of the designated plan on and after the transfer date;
 - (c) require the transferring university, the transferring members or the post-transfer employees to make payments to the Superannuation Fund in addition to those required to be made under the Superannuation Plan by an employer or by employees;
 - (d) provide for the determination of the pensionable service and eligible service accrued by a member of the designated plan, in respect of the employment of the member by the transferring university before the transfer, for the purpose of the Superannuation Plan; and
 - (e) provide for any other matter or thing the parties consider necessary or advisable to effectively carry out the transfer.

(4) Where, in accordance with a transfer agreement, a transferring university becomes an employer within the meaning of the *Public Service Superannuation Act*, Section 79 of that Act does not apply to the members of the designated plan, the survivors of the members, the post-transfer employees of the transferring university or the survivors of the post-transfer employees.

(5) For the purpose of subsection 46(1) of the *Public Service Superannuation Act*, the terms of the Superannuation Plan include the terms set out in this Act, the regulations and any transfer agreement entered into under subsection (1).

(6) As of the transfer date, the *Pension Benefits Act* ceases to apply to the designated plan and its pension fund. 2015, c. 12, s. 5.

Transferring members and their survivors

6 (1) For greater certainty, on and after the transfer date,

(a) the amount of an annual superannuation allowance to which a transferring member of a designated plan is entitled upon retiring must be determined in accordance with the plan regulations and is payable in accordance with the terms and limitations prescribed by the plan regulations; and

(b) the amount of an annual survivor allowance to which the survivor of a transferring member of the designated plan is entitled upon the death of the transferring member must be determined in accordance with the plan regulations and is payable in accordance with the terms and limitations prescribed by the plan regulations.

(2) For the purpose of the Superannuation Plan, the pensionable service and eligible service accrued by a transferring member of the designated plan must be determined in accordance with the transfer agreement. 2015, c. 12, s. 6.

Retired members and their survivors

7 (1) On and after the transfer date,

(a) every retired member of a designated plan is deemed to be a retiree within the meaning of the *Public Service Superannuation Act*;

(b) the amount and form of a superannuation allowance payable to the retired member must be determined in accordance with the designated plan as it read immediately before the transfer date and is payable in accordance with the terms and limitations prescribed by the designated plan; and

(c) the amount of a superannuation allowance payable under clause (b) must be adjusted for cost of living in accordance with

(i) the election made by the retired member under the transfer agreement, or

(ii) where no election is made or the transfer agreement does not provide for the making of an election, in accordance with the transfer agreement.

- (2) On and after the transfer date,
- (a) every survivor of a retired member of the designated plan is deemed to be the survivor of a retiree within the meaning of the *Public Service Superannuation Act*;
 - (b) the amount of a survivor allowance payable to the survivor of a retired member must be determined in accordance with the designated plan as it read immediately before the transfer date and is payable in accordance with the terms and limitations prescribed by the designated plan; and
 - (c) the amount of a survivor allowance payable under clause (b) must be adjusted for cost of living in accordance with
 - (i) where the retired member has made an election under the transfer agreement, the election made by the retired member,
 - (ii) where the retired member has died before making an election and the survivor of the retired member has made an election under the transfer agreement, the election made by the survivor of the retired member, or
 - (iii) where no election has been made, in accordance with the transfer agreement.

(3) For the purpose of the Superannuation Plan, the pensionable service and eligible service accrued by a retired member of the designated plan must be determined in accordance with the transfer agreement. 2015, c. 12, s. 7.

Employee group agreement

8 (1) A transferring university may enter into an agreement respecting a transfer with a trade union or other employees' association that represents transferring members of a designated plan.

(2) An employee group agreement may impose obligations or liabilities on, or continue obligations or liabilities of,

- (a) the transferring university in its capacity as
 - (i) the employer or former employer of the members of the designated plan and post-transfer employees, or
 - (ii) the administrator of the designated plan; and
- (b) the transferring members or the post-transfer employees,

in respect of the designated plan or the Superannuation Plan on and after the transfer date. 2015, c. 12, s. 8.

Obligations and liabilities of transferring university

9 (1) Subject to a transfer agreement and any applicable employee group agreement, on and after the transfer date, a transferring university has no fur-

ther or continuing obligations or liabilities in respect of a designated plan that is the subject of the transfer agreement in its capacity as

- (a) the employer or former employer of the members of the designated plan; or
- (b) the administrator of the designated plan.

(2) Subject to the transfer agreement, on and after the transfer date, the transferring university

- (a) is responsible for making only those payments to the Superannuation Fund that the transferring university is required to make under the Superannuation Plan as an employer; and
- (b) for greater certainty, is not liable to make any supplementary payments for the purpose of meeting any underfunding in the Superannuation Plan. 2015, c. 12, s. 9.

Effect of transfer agreement or employee group agreement

10 Neither a transfer agreement nor an employee group agreement is, for the purpose of the *Pension Benefits Act*, a pension plan or an amendment to a pension plan. 2015, c. 12, s. 10.

Recourse solely to Superannuation Fund

11 On and after the transfer date, a member or the survivor of a member shall have recourse solely to the Superannuation Fund for any benefit or other payment under a designated plan or the Superannuation Plan. 2015, c. 12, s. 11.

Collection, use and disclosure of personal information

12 (1) For the purpose of facilitating the transfer and administering the Superannuation Plan on and after the transfer date, where the Trustee and a transferring university have entered into, or are contemplating entering into, a transfer agreement,

- (a) the transferring university may disclose to the Trustee personal information
 - (i) collected before the transfer date by the transferring university in relation to members and survivors of members of the designated plan, and
 - (ii) collected on and after the transfer date by the transferring university in relation to
 - (A) members and survivors of members of the designated plan, and
 - (B) post-transfer employees and survivors of post-transfer employees; and
- (b) the Trustee may collect and use the personal information disclosed to the Trustee by the transferring university under clause (a),

regardless of whether the collection, use or disclosure occurs before, on or after May 11, 2015.

(2) Where the Trustee and a transferring university have entered into, or are contemplating entering into, a transfer agreement, the transferring university may transfer to the Trustee any record, including a record that contains personal information, in the transferring university's possession that relates to the designated plan.

(3) No action, grievance or claim lies against a transferring university, the Trustee, the Administrator, the Crown in right of the Province or any other person in relation to the collection, use or disclosure of personal information in accordance with subsection (1), regardless of whether the collection, use or disclosure occurs before, on or after May 11, 2015. 2015, c. 12, s. 12.

No action lies

13 (1) Subject to a transfer agreement and any applicable employee group agreement, no action, grievance or claim lies against a transferring university for any act or omission of the transferring university in relation to the designated plan before the transfer date.

(2) No action, grievance or claim lies against a transferring university, a trade union, the Trustee, the Administrator, the Crown in right of the Province or any other person for any act or omission that results in the breach of any other enactment or any contract, agreement, plan, order or representation respecting a designated plan, if the act or omission is authorized by this Act or the regulations. 2015, c. 12, s. 13.

Regulations

14 (1) The Governor in Council may make regulations

(a) prescribing educational institutions for the purpose of the definition of "university";

(b) defining any word or expression used but not defined in this Act;

(c) further defining any word or expression defined in this Act;

(d) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 2015, c. 12, s. 14

CHAPTER U-8

An Act Respecting Unsightly Premises

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Short title

1 This Act may be cited as the *Unsightly Premises Act*. R.S., c. 485, s. 1.

Interpretation

2 In this Act,
“highway” means a highway to which the *Public Highways Act* applies;
“Minister” means the Minister of Public Works;
“premises” means lands within 500 feet of the centre line of the travelled portion of a highway. R.S., c. 485, s. 2.

Unsightly premises prohibited

3 No person shall permit premises owned or occupied by the person to be or to become unsightly or permit to remain on any part of any premises owned or occupied by the person any ashes, junk, rubbish, refuse, bodies or parts of automobiles or other vehicles or machinery so as to cause the premises to be unsightly or offensive to any part of the public travelling on a highway. R.S., c. 485, s. 3.

Notice to owner or occupier

4 **(1)** Where the Minister is of the opinion that a condition mentioned in Section 3 exists, the Minister may notify the owner or occupier of the premises.

(2) The notice must be in writing and may be served by personal service upon the person named therein or by posting the notice in a conspicuous place on the premises. R.S., c. 485, s. 4.

Penalty

5 **(1)** Any person who violates this Act is liable upon summary conviction to a penalty of not more than \$50 and in default of payment to imprisonment for a term of not more than 25 days.

(2) No prosecution under this Act may be instituted unless a notice has been served pursuant to Section 4 and 30 days have elapsed since the date of service of the notice. R.S., c. 485, s. 5.

CHAPTER U-9

An Act to Prohibit Uranium Exploration and Uranium Mining in Nova Scotia

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(The table of contents is not part of the statute)

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Short title

1 This Act may be cited as the *Uranium Exploration and Mining Prohibition Act*. 2009, c. 6, s. 1.

Purpose of Act

2 The purpose of this Act is to prohibit exploration for or mining of uranium in order to protect the health and safety of Nova Scotians and the quality of their environment. 2009, c. 6, s. 2.

Interpretation

3 (1) In this Act, “exploration” means the search for uranium ore-bodies by any means.

(2) Unless the context indicates otherwise, words and expressions in this Act have the same meaning as in the *Mineral Resources Act*. 2009, c. 6, s. 3.

Conflict with other enactment

4 Where there is a conflict or inconsistency between this Act or the regulations and any other enactment, this Act and the regulations prevail. 2009, c. 6, s. 4.

Prohibitions on exploration and mining

5 (1) No person shall carry out exploration for or conduct mining of uranium.

(2) No exploration or special licence or mineral or special lease granted under the *Mineral Resources Act*, whether issued before, on or after November 5, 2009, authorizes the holder of the licence or lease to carry out exploration for or mining of uranium.

(3) A person who carries out mining of uranium in the course of mining for some other mineral is not guilty of an offence under this Section if

(a) the uranium content of the total amount of material then removed from the land being mined does not exceed 0.01 per cent by weight; and

(b) the person complies with all conditions prescribed by the regulations for the mining, treatment, handling and disposal of material containing uranium.

(4) Nothing in this Section prevents a person from using radiometric or other means for exploring for a mineral other than uranium. 2009, c. 6, s. 5.

Offence

6 (1) A person who contravenes this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not more than \$2,000.

(2) Where an offence under this Act is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed. 2009, c. 6, s. 6.

Regulations

7 (1) The Governor in Council may make regulations respecting any matter the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 2009, c. 6, s. 7.

CHAPTER U-10

**An Act Respecting
the Nova Scotia Utility and Review Board**

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(The table of contents is not part of the statute)

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Short title

1 This Act may be cited as the *Utility and Review Board Act*. 1992, c. 11, s. 1.

Interpretation

2 In this Act, unless the context otherwise requires,
“Board” means the Nova Scotia Utility and Review Board;
“Chair” means the Chair of the Board;
“Clerk” means the Clerk of the Board;

“member” means a member of the Board;

“municipality” means a regional municipality, a town or a municipality of a county or district;

“public utility” means a public utility within the meaning of the *Public Utilities Act*;

“Supreme Court” means the Supreme Court of Nova Scotia;

“Vice-chair” means the Vice-chair of the Board. 1992, c. 11, s. 2.

Nova Scotia Utility and Review Board

3 The Board of Commissioners of Public Utilities, the Expropriations Compensation Board, the Nova Scotia Municipal Board and the Nova Scotia Tax Review Board are continued as the Nova Scotia Utility and Review Board. 1992, c. 11, s. 3.

Functions, powers and duties

4 (1) The Board has those functions, powers and duties that are conferred or imposed on it by

(a) this Act, the *Assessment Act*, the *Expropriation Act*, the *Revenue Act*, the *Heritage Property Act*, the *Insurance Act*, the *Motor Carrier Act*, the *Municipal Government Act*, the *Public Utilities Act*, the *Education Act* or any enactment; and

(b) the Governor in Council.

(2) The Governor in Council may assign to the Board the powers, functions and duties of any board, commission or agency and while the assignment is in effect, that board, commission or agency is discontinued. 1992, c. 11, s. 4; 1998, c. 18, s. 582; 2018, c. 1, Sch. A, s. 153.

Composition, oath of office and term of office

5 (1) The Board consists of such number, not fewer than eight and not exceeding 10, of full-time members appointed by the Governor in Council and such number, not exceeding eight, of part-time members appointed by the Governor in Council as the Governor in Council determines.

(2) Each member of the Board must be sworn to the faithful performance of that member’s duties before entering office.

(3) Each full-time member holds office on good behaviour until the member reaches the age of 70 years.

(4) Each part-time member holds office for such term as the Governor in Council determines.

(5) Where a member of the Board resigns or retires from the Board, the member shall, during such period of time as the Governor in Council determines, in respect of any application, appeal, proceeding, matter or thing heard before the member or commenced by the member as a member, have and exercise the jurisdiction of a member, including the power to complete any unfinished matter and give a decision therein as if the member had not so resigned or retired.

(6) A determination by the Governor in Council pursuant to subsection (5) may be made before or after such resignation or retirement and may be retroactive in effect. 1992, c. 11, s. 5; 1995, c. 7, s. 1; 2007, c. 23, s. 1; 2008, c. 68, s. 1.

Chair and Vice-chair

6 (1) The Governor in Council shall designate one of the full-time members to be the Chair of the Board and another full-time member to be the Vice-chair.

(2) The Chair has the general supervision and direction over the conduct of the affairs of the Board.

(3) In case of the absence of the Chair or the Chair's inability to act, the Vice-chair shall perform the duties and exercise the powers of the Chair. 1992, c. 11, s. 6.

Remuneration and expenses

7 A member shall be paid such remuneration as the Governor in Council determines and, subject to the regulations, shall be reimbursed for reasonable travelling and other expenses necessarily incurred by the member in connection with the work of the Board. 1992, c. 11, s. 7.

Conflict of interest

8 (1) No member who acts in a matter affecting a public utility shall be directly or indirectly employed by or interested in a public utility or interested in a share, stock, bond, mortgage, security or contract of the public utility and, where a member voluntarily becomes so interested, the member's office becomes vacant or, where the member becomes so interested otherwise than voluntarily, the member shall, within a reasonable time, dispose of the interest.

(2) Where a member fails to dispose of an interest as required by subsection (1), the Governor in Council may declare the office of the member vacant.

(3) No member is disqualified from acting in a matter affecting a public utility by reason only of being a purchaser of power, water or electric current or service from the public utility.

(4) No member is disqualified from acting in a matter affecting a municipality by reason only of being a resident or ratepayer of the municipality. 1992, c. 11, s. 8.

Clerk, personnel and experts

9 (1) The Chair shall appoint a Clerk, who shall keep a record of the proceedings of the Board, have the custody and care of all records and documents belonging to or pertaining to the Board and perform such duties as the Board requires.

(2) The officers and employees required for the administration of this Act must be appointed by the Chair in accordance with the *Civil Service Act*.

(3) The Chair may engage the services of professional persons, technical persons and experts to advise the Board, upon such terms and conditions as the Board considers fit.

(4) The Board may make use of the services of an officer or other employee of a board, commission or department of the Province, subject to the approval of the minister or other person in charge of the administration of the service in which the officer or employee is employed. 1992, c. 11, s. 9.

Public Service Superannuation Act

10 (1) For all purposes of the *Public Service Superannuation Act*, each full-time member and each full-time employee of the Board is and is deemed to be a person employed in the public service of the Province and full-time service in employment of the Board is and is deemed to be public service.

(2) The Board shall deduct from the salary of each full-time member and each full-time employee of the Board such amount as is directed by the Governor in Council to be deducted from the salary of employees in the public service of the Province, and shall pay the same to the Minister of Finance and Treasury Board, and such amounts when so received shall be paid into and form part of the Superannuation Fund pursuant to the *Public Service Superannuation Act*.

(3) Where, by the *Public Service Superannuation Act*, a payment is directed to be made into the Superannuation Fund by the Government or by the Minister of Finance and Treasury Board, or where by that Act a superannuation allowance or other sum is directed to be paid out of the General Revenue Fund, then, in respect of a full-time member of the Board or of a full-time employee of the Board, the payment, superannuation allowance or other sum must be defrayed by the Board and forms part of the annual expenses of the Board. 1992, c. 11, s. 10.

Payment of expenses and fiscal year

11 (1) The expenses of the Board must be paid out of the levies made by the Board and out of money appropriated by the Legislature therefor and, until an appropriation is granted, out of the General Revenue Fund on the direction of the Minister of Finance and Treasury Board.

(2) The fiscal year of the Board is the same as the fiscal year of the Province. 1992, c. 11, s. 11.

Rules of practice and procedure

12 The Board may make rules respecting practice and procedure in relation to matters coming before it. 1992, c. 11, s. 12.

Administration of Board

13 (1) The Chair has the responsibility for the administration of the Board and the members thereof and, without limiting the generality of the foregoing, shall assign the members of the Board to its various sittings and may change an assignment at any time.

(2) The Chair may direct an officer or employee of the Board to attend a sitting of the Board and may prescribe that person's duties.

(3) The Chair shall

(a) prescribe the number of members to attend the hearing of an application, appeal or other matter before the Board; and

(b) prescribe the quorum with respect to the application, appeal or other matter.

(4) The Chair, when present, shall preside at all sittings of the Board, and in the Chair's absence, the member designated by the Chair to preside shall preside. 1992, c. 11, s. 13.

Separate sittings

14 The members may sit separately at the same time to hear and determine matters before the Board if there is a quorum in each case. 1992, c. 11, s. 14.

Effect of vacancy

15 A vacancy on the Board does not impair the right of the remaining members to act. 1992, c. 11, s. 14.

Inquiry

16 (1) The Chair may authorize a member of the Board to inquire into and report to the Board upon a matter within the jurisdiction of the Board or pending before it, and when so authorized that member has, for the purpose of taking evidence or obtaining information for the report, all the powers of the Board.

(2) The Board may appoint or direct a person to make an inquiry and report to the Board upon a matter within the jurisdiction of the Board. 1992, c. 11, s. 15.

Public Inquiries Act

17 In a matter over which the Board has jurisdiction, the Board and each member has all the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act*. 1992, c. 11, s. 16.

Powers of member

18 (1) A member may administer oaths or affirmations, certify as to official acts and issue subpoenas to compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony.

(2) Where a person fails to comply with an order of the Board or a subpoena or where a witness refuses to testify to a matter regarding which the witness may be interrogated before the Board or a member, a judge of the Supreme Court shall, on application of the Board or a member, compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued by the Court or a refusal to testify therein. 1992, c. 11, s. 17.

Evidence

19 (1) The Board may, in an investigation, cause the evidence of witnesses residing within or outside the Province to be taken in the manner prescribed by law for like depositions and civil actions in the Supreme Court.

(2) The Board may receive in evidence any statement, document, information or matter that, in the opinion of the Board, may assist it to deal with the matter before the Board whether or not the statement, document, information or matter is given or produced under oath or would be admissible as evidence in a court of law. 1992, c. 11, ss. 18, 19.

Adjournment of hearing

20 A hearing may be adjourned from time to time by the Board on reasonable grounds on its own motion or on the request of a party to the proceedings. 1992, c. 11, s. 20.

Rights of a party

21 (1) A party may be represented before the Board by counsel.

(2) In a hearing before the Board, a party may call and examine witnesses, cross-examine opposing witnesses and present arguments and submissions. 1992, c. 11, s. 21.

Exclusive jurisdiction

22 The Board has exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it. 1992, c. 11, s. 22.

Questions of law or fact

23 (1) The Board, as to all matters within its jurisdiction pursuant to this Act, may hear and determine all questions of law and of fact.

(2) In determining a question of fact, the Board is not bound by the finding or judgment of a court in a proceeding involved in the determination of the fact, but such finding or judgment is, in proceedings before the Board, prima facie evidence only.

(3) The Board has jurisdiction to hear and determine a question of fact notwithstanding that a proceeding involving the same question of fact is pending in a court.

(4) The finding or determination of the Board upon a question of fact within its jurisdiction is binding and conclusive. 1992, c. 11, ss. 22, 23, 26.

Order

24 (1) In any matter before the Board, it shall grant an order, either as specified in the application or notice of appeal or as the Board decides.

(2) It is not necessary that an order of the Board show upon its face that any proceedings or notice were had or given or circumstances existed necessary to give it jurisdiction to make the order. 1992, c. 11, ss. 24, 25.

Written decision with reasons

25 (1) A final decision of the Board must be in writing and must set forth reasons for the decision.

- (2) The reasons for the final decision must include
- (a) any agreed findings of facts;
 - (b) the findings of fact on the evidence; and
 - (c) the conclusions of law based on the findings referred to in clauses (a) and (b).

(3) A copy of a final decision shall be certified by the Clerk and sent to each party to the proceeding. 1992, c. 11, s. 27.

Costs and witness fees

26 (1) Except in respect of a proceeding pursuant to Part VIII of the *Municipal Government Act* or Part VIII of the *Halifax Regional Municipality Charter*, costs of and incidental to a proceeding before the Board are in the discretion of the Board and may be fixed at a sum certain or may be taxed.

(2) The Board may order by whom costs are to be taxed and may prescribe the scale under which costs are to be taxed.

(3) Where the Board so orders, witnesses summoned to give evidence before the Board are entitled to fees as determined by the Board. 1992, c. 11, s. 28.

Enforcement of order

27 (1) An order made by the Board may be made a rule or order of the Supreme Court, and shall thereupon be enforced in like manner as a rule, order, decree or judgment of that Court.

(2) To make an order of the Board a rule or order of the Supreme Court, the Clerk may make a certified copy of the order upon which must be endorsed:

Make the within a rule or order of the Supreme Court of Nova Scotia.

Dated this day of, 20

.
Chair
Nova Scotia Utility and Review Board

(3) The endorsement must be signed by the Chair and sealed with the seal of the Board.

(4) The Clerk shall forward the certified copy so endorsed to a prothonotary of the Supreme Court, who shall, upon receipt thereof, enter the same as of record, and it thereupon becomes and is an order of the Court and is enforceable as a rule, order, decree or judgment of the Court.

(5) Where a decision or order of the Board has been made a rule or order of the Supreme Court, a decision or order of the Board rescinding or varying the same rescinds and is deemed to rescind or vary the rule or order, and may in like manner be made a rule or order of the Court. 1992, c. 11, s. 29.

Appeal

28 (1) An appeal lies to the Nova Scotia Court of Appeal from an order of the Board upon any question as to its jurisdiction or upon any question of law, upon filing with the Court a notice of appeal within 30 days after the issuance of the order.

(2) A notice of appeal must contain the names of the parties and the date of the order appealed from.

(3) A copy of the notice of appeal must be served upon the other parties within 10 days of filing the notice of appeal with the Supreme Court.

(4) Where there is a conflict between this Section and another enactment, that enactment prevails. 1992, c. 11, s. 30.

Stated case

29 (1) The Board may, upon its own motion with leave of the Attorney General or the Nova Scotia Court of Appeal or upon the request of the Governor in Council, state a case in writing for the opinion of the Court upon a question that, in the opinion of the Board, is a question of law.

(2) The Nova Scotia Court of Appeal shall hear and determine the question of law arising thereon and remit the matter to the Board with the opinion of the Court thereon. 1992, c. 11, s. 31.

Evidence

30 (1) A document purporting to be certified by a member or by the Clerk to be a true copy of a document deposited with the Board or of any portion thereof is, without proof of signature or office of the person who purported to have signed the document, prima facie evidence

(a) of the original document;

(b) that the original is so deposited and is signed, certified, attested or executed as shown on or appearing from the certified copy; and

(c) where the certificate states the time when the original was so deposited, that it was deposited at the time so stated.

(2) A copy of a regulation, order, plan or document in the custody of the Clerk or on record with the Board, purporting to be certified by a member of the Board or by the Clerk to be a true copy and purporting to be sealed with the seal of the Board, is prima facie evidence of the regulation, order, plan or document without proof of the signature of the person purporting to certify it.

(3) Upon application and upon payment of the fee prescribed by the Board, the Clerk shall provide a certified copy of a regulation, rule, decision or order of the Board or of a map, plan or document deposited with the Board. 1992, c. 11, s. 32.

Annual report

31 (1) The Board shall, in each year, make a report to the Governor in Council on its activities during the fiscal year ending in that year, and the report shall contain such particulars as the Governor in Council may prescribe.

(2) Each report must be laid before the House of Assembly by the Attorney General or, where it is not sitting, within 15 sitting days after it next sits.

(3) The Board shall publish and distribute such information in respect of its activities as in its judgement may be useful. 1992, c. 11, s. 33.

Regulations

32 (1) The Governor in Council may make regulations

(a) prescribing the terms and conditions, including remuneration, for the Board engaging the services of professional persons, technical persons and experts to advise the Board;

(b) respecting the location of hearings of the Board;

(c) requiring public notice of hearings of the Board, with power to prescribe the manner in which and by whom the notice must be given;

(d) prescribing the necessary parties to applications, appeals or other matters or proceedings before the Board;

(e) permitting persons who are not parties to an application, appeal or other matter or proceeding before the Board to participate in an application, appeal or other matter or proceeding, with power to prescribe the extent of the participation;

(f) respecting the keeping of a record of proceedings before the Board;

(g) respecting the release of information by the Board;

(h) respecting the publication of orders of the Board;

(i) defining any word or expression used in this Act and not defined in this Act;

(j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) A regulation made pursuant to subsection (1) may be of general application or may apply to such class or classes of hearings, applications, appeals or other matters or proceedings and to such class or classes of orders and information as the Governor in Council determines and there may be different regulations with respect to different classes.

(3) For greater certainty, where a regulation made pursuant to subsection (1) conflicts with any Act of the Legislature, that Act prevails.

(4) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 1992, c. 11, s. 34.

Substituted references

33 A reference in any Act of the Legislature or in any rule, order, regulation, bylaw, ordinance or proceeding or in any document whatsoever to the Board of Commissioners of Public Utilities, the Expropriations Compensation Board, the Nova Scotia Municipal Board or the Nova Scotia Tax Review Board is to be, as regards any subsequent transaction, matter or thing, held and construed to be a reference to the Board. 1992, c. 11, s. 47.
