

# **Energy Resources Conservation Act**

CHAPTER 147 OF THE REVISED STATUTES, 1989

*as amended by*

2000, c. 12, ss. 1-9; 2001, c. 15, ss. 1-9; 2024, c. 2, s. 23



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amended 2000, c. 12, ss. 1-9; 2001, c. 15, ss. 1-9; 2024, c. 2, s. 23

An Act Respecting the Conservation  
of Energy Resources

title amended 2000, c. 12, s. 1.

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Short title

1 This Act may be cited as the *Energy Resources Conservation Act*.  
R.S., c. 147, s. 1; 2000, c. 12, s. 2.

Interpretation

2 In this Act,  
(a) *repealed 2001, c. 15, s. 1.*  
(b) “Minister” means the member of the Executive Council designated as the Minister for the purpose of this Act. R.S., c. 147, s. 2; 2000, c. 12, ss. 3, 9; 2001, c. 15, s. 1.

Purpose

3 The purpose of this Act is to  
(a) regulate the conservation of and prevent the waste of energy resources;  
(b) regulate and ensure efficient practices in the exploration for and development, production, transmission and transportation of energy resources;  
(c) *repealed 2001, c. 15, s. 4.*

- (d) provide for the economic, orderly and efficient development in the public interest of energy resources;
- (e) appraise the reserves and production capacities of energy resources;
- (f) appraise the need for energy resources and appraise markets outside the Province for the Province's energy resources;
- (g) receive and disseminate information regarding energy resources. R.S., c. 147, s. 3; 2000, c. 12, ss. 4, 9.

### Application of Act

**4** This Act applies to all Nova Scotia lands, which means the land mass of Nova Scotia including Sable Island, and includes the seabed and subsoil off the shore of the land mass of Nova Scotia, the seabed and subsoil of the continental shelf and slope and the seabed and subsoil seaward from the continental shelf and slope to the limit of exploitability. R.S., c. 147, s. 4.

### Withdrawal of lands

**5** The Governor in Council may, by order, for any purposes and under any conditions set out in the order withdraw from the application of this Act or the regulations, or any part thereof,

- (a) such area of Nova Scotia lands;
- (b) any energy resources in specified Nova Scotia lands. R.S., c. 147, s. 5; 2000, c. 12, s. 9.

**6 to 10** *repealed 2001, c. 15, s. 2.*

### Energy Board

**11 (1)** Notwithstanding anything contained in this Act, the Governor in Council may designate the Nova Scotia Energy Board, as constituted from time to time under the *Public Utilities Act*, to be the Energy Resources Conservation Board.

**(2)** Except where inconsistent with this Act [, the] *Gas Distribution Act*, the *Petroleum Resources Act* or the *Pipeline Act* or any regulations made pursuant to those Acts, the provisions of the *Public Utilities Act* relating to the powers, procedures and practices of the Nova Scotia Energy Board apply to and with respect to that Board when acting as the Energy Board. R.S., c. 147, s. 11; 2000, c. 12, ss. 6, 9; 2024, c. 2, s. 23.

### Powers of Minister

**12 (1)** Subject to the approval of the Governor in Council the Minister may delegate any of the powers, duties or authorities conferred or imposed on the Minister by this or any enactment to persons designated by the Minister.

- (2)** The Minister may
  - (a) establish advisory and *ad hoc* committees and retain experts to report to the Minister with respect to
    - (i) the content and administration of this Act,

- (ii) any policies, programs, standards, guidelines, objectives, codes of practice, directives, approval processes or other matters under the administration of the Minister;
- (b) specify the function that the committees and experts are to perform, including the seeking of input from the public and the manner and time period in which those functions are to be performed;
- (c) provide for the remuneration of and payment of expenses to experts, witnesses and members of committees;
- (d) provide for the issue of summonses requiring the attendance of witnesses, the production of documents and things and the payment of fees to witnesses. R.S., c. 147, s. 12; 2001, c. 15, s. 3.

**13** *repealed 2001, c. 15, s. 4.*

#### Function of Minister

**14 (1)** The Minister shall regulate the conservation of energy resources by carrying out the purposes of this Act.

**(2) and (3)** *repealed 2001, c. 15, s. 5.*

R.S., c. 147, s. 14; 2000, c. 12, ss. 7, 9; 2001, c. 15, s. 5.

#### No action for damages

**15** No action for damages lies against the Minister, a person directed by the Minister or a person appointed by the Minister pursuant to subsection 12(2) for an act or thing done or omitted to be done in good faith pursuant to this Act or any enactment. 2001, c. 15, s. 6.

**16 to 28** *repealed 2001, c. 15, s. 6.*

#### Regulations

**29 (1)** The Governor in Council may make regulations

- (a) to (f) *repealed 2001, c. 15, s. 7.*
- (g) respecting entry onto private lands by the Minister, officers, technical or professional persons, employees, agents, investigators or examiners of the Minister;
- (h) *repealed 2001, c. 15, s. 7.*
- (i) respecting the economic, orderly and efficient development of energy resources including the construction, location and establishment of equipment, buildings, structures, wharves, docks and support facilities related to energy resources;
- (j) respecting assessment of energy resources and the levying and collecting of a tax on the resources to help defray the expenses of the Minister;
- (k) respecting the prohibition against drilling wells to explore for, develop or produce petroleum without a licence granted by the Minister;

- (l) respecting licences to drill wells;
- (m) respecting the terms and conditions of licences to drill wells;
- (n) respecting minimum and maximum efficient rates of petroleum production from any well or group of wells;
- (o) respecting the most efficient methods for the production of energy resources;
- (p) respecting conservation standards in the exploration for and development, production, transmission and transportation of energy resources;
- (q) respecting the procedure for applications for transfers, assignments or other dispositions of licences to drill wells and the terms and conditions upon which the Minister may allow transfers, assignments or other dispositions;
- (r) respecting required forms;
- (s) respecting the recording of documents and the terms and conditions under which documents may be inspected by any interested person;
- (t) respecting the delivery to the Minister of information and samples with respect to energy resource conservation and providing for the confidentiality of such information and samples;
- (u) defining any word or expression used but not defined in this Act;
- (v) generally for carrying into effect the purposes and provisions of this Act.

(2) *repealed 2000, c. 12, s. 8.*

(3) The exercise by the Governor in Council of the authority in this Section and Section 5 shall be regulations within the meaning of the *Regulations Act*. R.S., c. 147, s. 29; 2000, c. 12, ss. 8, 9; 2001, c. 15, s. 7.

#### **Interference with authorized person**

**30** Every person who prevents, obstructs or otherwise interferes with the Minister, or a person authorized by the Minister, in the exercise of his powers or duties pursuant to this or any enactment is guilty of an offence. R.S., c. 147, s. 30; 2001, c. 15, s. 8.

#### **False statement**

**31** Every person who knowingly makes a false statement in any record required to be kept or any report required to be made by this or any enactment is guilty of an offence. R.S., c. 147, s. 31.

#### **Offence and penalty**

- 32** (1) Every person who contravenes or fails to comply with
- (a) any provision of this Act or the regulations;

(b) any term or condition of a licence to drill a well issued pursuant to this Act and the regulations; or

(c) any order or direction made by the Minister,

is guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred thousand dollars or imprisonment for a term not exceeding two years.

(2) Where an offence described in subsection (1) is committed by a person on more than one day or is continued for more than one day, it shall be a separate offence for each day on which the offence is committed or continued. R.S., c. 147, s. 32; 2001, c. 15, s. 9.

#### **Liability for offence by employee or agent**

33 In any prosecution for an offence under this Act it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without his knowledge or consent and that he exercised all due diligence to prevent its commission. R.S., c. 147, s. 33.

#### **Offence by officer or agent of corporation**

34 Where a corporation has committed an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence and is liable on summary conviction to the punishment provided for the offence whether or not the corporation has been prosecuted. R.S., c. 147, s. 34.

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