

Royal Gazette

Part II Regulations under the Regulations Act

Printed by the Queen's Printer

Halifax, Nova Scotia

Vol. 23, No. 15

July 30, 1999

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N.S. Reg. 76/99

Made: July 8, 1999

Filed: July 9, 1999

General Wildlife Regulations

Order in Council 1999-365 made July 8, 1999
Amendment to regulations made by the Governor in Council
pursuant to subsection 113(1)
of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated June 24, 1999, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *General Wildlife Regulations* made by Order in Council 87-1181 dated September 29, 1987, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

Amendments to the *General Wildlife Regulations* made by the Governor in Council pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*

- 1 Subsection 5(8) of the *General Wildlife Regulations* made by the Governor in Council by Order in Council 87-1181 dated September 29, 1987, is repealed and the following subsection substituted:
 - (8) A Nuisance Wildlife Operator's Licence is not required
 - (a) for the trapping, killing, frightening away, discouraging or excluding of mice, rats, voles and shrews;
 - (b) by the holder of a Falconry Permit who uses a falcon to scare other wildlife; or
 - (c) where a permit is issued pursuant to Section 67 of the Act for the control of pigeons.
- 2 The regulations are further amended by striking out "license" wherever it appears and substituting "licence".

N.S. Reg. 77/99

Made: July 8, 1999

Filed: July 9, 1999

Moose Hunting Regulations

Order in Council 1999-366 made July 8, 1999
Amendment to regulations made by the Governor in Council
pursuant to subsection 113(1)
of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated June 24, 1999, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Moose Hunting Regulations* made by Order in Council 88-405 dated April 20, 1988, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**Amendments to the *Moose Hunting Regulations* made by the Governor
in Council pursuant to subsection 113(1) of Chapter 504 of
the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

- 1 Section 2 of the *Moose Hunting Regulations* made by the Governor in Council by Order in Council 88-405 dated April 20, 1988, is amended by
 - (a) adding the following clauses immediately following clause (a):
 - (aa) "companion licensee" means the holder of a valid companion moose hunting stamp;
 - (ab) "companion moose hunting stamp" means a stamp issued by the Department that, when affixed to a valid base licence, confers on the holder the privilege of assisting the holder of a valid moose hunting licence, who nominated him or her, in hunting moose in accordance with the Act and regulations;
 - (b) adding the following clause immediately following clause (b):
 - (ba) "hailing distance" means a distance between 2 or more persons that allows clear unassisted 2-way communication by calling out in a loud voice;
- 2 Clause 3(1)(d) of the regulations is amended by striking out "licence" and substituting "hunting stamp".
- 3 Clause 4(5)(a) of the regulations is amended by adding "or a valid companion moose hunting stamp" immediately following "licence".

4 The regulations are amended by adding the following subsection:

- 4A (1)** The holder of a valid moose hunting licence may, by notice in writing to the Minister, nominate a maximum of 2 persons
- (a) who are 18 years of age or over;
 - (b) who are holders of valid Firearm Hunting Certificates or valid Bowhunter Hunting Certificates and whose hunting privileges under the Act have not been revoked; and
 - (c) who are residents as defined in the Act,
- to be companion licencees.
- (2)** The notice required by subsection (1) shall
- (a) contain the name, signature, mailing address, telephone number and Firearm Hunting Certificate or Bowhunter Hunting Certificate master number(s) of each proposed companion licencee;
 - (b) contain the name, signature, mailing address, telephone number and moose hunting licence number of the moose hunting licence holder to be assisted; and
 - (c) be accompanied by the fee required in subsection (4).
- (3)** Subject to subsections (1) and (2), the Minister shall issue a companion moose hunting stamp to each person nominated to be a companion licencee.
- (4)** The fee for a companion moose hunting stamp is \$20.
- (5)** All activities requiring a moose hunting licence that are performed by a companion licencee are deemed conducted as agent of and in the name of the moose hunting licence holder.
- (6)** No companion licencee shall take, hunt or kill or attempt to take, hunt or kill moose unless the companion licencee is accompanied by and within hailing distance of the moose hunting licence holder.

5 Subsection 5(1) of the regulations is amended by

- (a) adding “valid” immediately preceding “moose hunting licence”;
- (b) adding “or a companion moose hunting stamp” immediately following “licence”.

- 6 (1) Subsection 7(1) of the regulations is amended by striking out “The holder of a moose hunting licence who kills a moose shall, immediately after killing the moose” and substituting “Whether a moose is killed by the moose hunting licence holder or companion licensee, the moose hunting licence holder shall, immediately after the moose has been killed”.
- (2) Subsection 7(3) of the regulations is amended by striking out “who kills a moose” and substituting “under the authority of which a moose has been killed”.
- 7 Subsection 8(1) of the regulations is amended by striking out “a person lawfully kills a moose and complies with Section 7, the Department shall issue to that person” and substituting “a moose has been killed under the authority of a moose hunting licence and Section 7 has been complied with, the Department shall issue to the moose hunting licence holder”.
- 8 (1) Subsection 9(1) of the regulations is amended by striking out “a person lawfully kills a moose and complies with Section 7, that person” and substituting “a moose has been killed under the authority of a moose hunting licence and Section 7 has been complied with, the moose hunting licence holder”.
- (2) Subsection 9(2) of the regulations is amended by
- (a) striking out “No person who kills a moose” and substituting “Where a moose has been killed, neither the moose hunting licence holder nor the companion licensee”; and
- (b) striking out “to the person who killed the moose” in clause 9(2)(a).
- (3) Subsection 9(4) of the regulations is amended by striking out “of a moose that that person did not kill”.
- 9 Subsection 10(2) of the regulations is repealed and the following subsection substituted:
- (2) A person who does not hold a valid moose hunting licence or a companion moose hunting stamp shall not possess a rifle, slug or ball when accompanying a person who is legally hunting moose.

N.S. Reg. 78/99

Made: July 8, 1999

Filed: July 9, 1999

Firearm and Bow Regulations

Order in Council 1999-367 made July 8, 1999
Amendment to regulations made by the Governor in Council
pursuant to subsections 113(1) and (2)
of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated June 24, 1999, and pursuant to subsections 113(1) and (2) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Firearm and Bow Regulations* made by Order in Council 89-837 dated July 18, 1989, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

Amendments to the *Firearm and Bow Regulations* made by the Governor in Council pursuant to subsections 113(1) and (2) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*

- 1 (1) Section 5 of the *Firearm and Bow Regulations* made by the Governor in Council by Order in Council 89-837 dated July 18, 1989, is amended by adding the following subsection:
 - (2B) Subject to the Act and regulations no person shall hunt a game bird with any weapon other than a weapon prescribed in subsection (1).
- (2) Subsection 5(3) of the regulations is amended by
 - (a) striking out the comma immediately following "bow" and substituting "and"; and
 - (b) striking out "and (2)" and substituting ", (2) and (2A)".
- 2 (1) Subsection 9(1) of the regulations is repealed and the following subsection substituted:
 - 9 (1) For the purposes of these regulations, a "disabled person" means a person whose mobility is limited as a result of severe physical disability caused by paralysis, lower limb amputation, heart or lung disease or other disabling impairment to the extent that
 - (a) the person is unable to propel themselves without the aid of a wheelchair or walker, or a combination of two of a crutch, cane, leg brace, or leg prosthesis;

- (b) the person has a significant cardio-pulmonary condition that results in severe shortness of breath with minimal physical activity; or
 - (c) the person has a severe neuro-muscular or skeletal condition, and, because of any of the conditions described in clause (a) or (b), is limited in mobility to 50 m or less in outdoor weather conditions.
- (2) Subsection 9(2) of the regulations is amended by adding “who possesses a valid identification permit issued in accordance with the regulations respecting identification permits for vehicles transporting mobility handicapped persons made under the *Motor Vehicle Act*,” immediately before “may”.

N.S. Reg. 79/99

Made: July 8, 1999

Filed: July 9, 1999

Fur Harvesting Regulations

Order in Council 1999-368 made July 8, 1999
Amendment to regulations made by the Governor in Council
pursuant to subsection 113(1)
of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated June 24, 1999, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Fur Harvesting Regulations* made by Order in Council 87-956 dated August 18, 1987, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**Amendments to the *Fur Harvesting Regulations* made by the Governor
in Council pursuant to subsection 113(1) of Chapter 504 of
the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

- 1 (1) Clause 2(n) of the *Fur Harvesting Regulations* made by the Governor in Council by Order in Council 87-956 dated August 18, 1987, is repealed and the following clause substituted:
 - (n) "dog proof enclosure" means a special trap-holding device designed to keep a dog away from a trap by creating a barrier to the trap allowing entry only through designated openings and
 - (i) for any body-gripping trap, may be an enclosure placed so that no part of the opening of the enclosure is more than 12.7 cm off the ground; and
 - (ii) for a body-gripping trap no greater than 17.78 cm by 17.78 cm dimensions, may be
 - (A) for baited or scented trap sets, an enclosure with openings no greater than 322.6 cm² with the trap trigger set back at least 17.78 cm from any enclosure opening, or an enclosure with a 20.32 cm height by 25.4 cm width opening with the trap trigger set back at least 25.4 cm from any enclosure opening; or
 - (B) for unbaited or unscented trap sets, an enclosure with openings no greater than 25.4 cm in height and 25.4 cm in width with the trap trigger set back at least 38.1 cm from any enclosure opening.

- 2 (1) Subsection 6(4) of the regulations is amended by adding “or the snare is set for red squirrels and is of 20 gauge or smaller wire” immediately following “underwater”.
- (2) Subsection 6(6) of the regulations is amended by striking out “the fur harvester’s county of permanent residence” and substituting “one of those 3 counties”.
- 3 Clause 7(3)(a) of the regulations is amended by striking out “apply to the Department for a permit to extend the possession date” and substituting “, within 15 days following the last day of the season, register with the Department the species and number of pelts or skins to be retained.”
- 4 (1) Subsection 9(1) of the regulations is amended by adding “5 per licence.” immediately following “is”.
- (2) Clauses 9(1)(a) and (b) are repealed.
- 5 Clause 10(1)(b) of the regulations is amended by adding “in a condition that is fresh or preserved in such a way as to prevent decomposition” immediately following “district office”.
- 6 (1) Subsection 11(7) of the regulations is amended by striking out “6.3 inches” and substituting “16 cm”.
- (2) Clause 11(7)(b) of the regulations is amended by striking out “box” and substituting “enclosure”.
- (3) Clause 11(13)(c) of the regulations is amended by adding “or stainless steel” immediately after “brass” and striking out “or snowshoe hare” immediately after “red squirrel”.

N.S. Reg. 80/99

Made: July 8, 1999

Filed: July 9, 1999

Dog Hunting and Training Regulations

Order in Council 1999-369 made July 8, 1999
 Amendment to regulations made by the Governor in Council
 pursuant to subsection 113(1)
 of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated June 24, 1999, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Dog Hunting and Training Regulations* made by Order in Council 87-1185 dated September 29, 1987, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

Amendments to the *Dog Hunting and Training Regulations* made by the Governor in Council pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*

- 1 Subsection 3(2) of the *Dog Hunting and Training Regulations* made by the Governor in Council by Order in Council 87-1185 dated September 29, 1987, is amended by
 - (a) repealing clause (b) and substituting the following clause:
 - (b) for any field trial, indicate that the applicant has obtained the permission of all owners or occupiers of privately owned lands within the area.
 - (b) repealing clause (c).
- 2 (1) Clause 7(1)(d) of the regulations is amended by adding "or is of a breed known to be capable of treeing a raccoon" immediately before the period.
 - (2) Subsection 7(2) of the regulations is amended by striking out "six" and substituting "12" immediately prior to "volts" and adding "and the light is not part of the electrical system of a vehicle" immediately following "less".
 - (3) Subsection 7(3) of the regulations is amended by
 - (a) striking out "(a), (b) and" and substituting "(b)," ;
 - (b) adding "and (d) and who is eligible to obtain a Fur Harvester's Licence" immediately after "(c)";
 - (c) striking out "August" and substituting "July"; and
 - (d) striking out "December" and substituting "March".

- 3 (1) Subsection 9(2) of the regulations is repealed.
- (2) Subsection 9(5) of the regulations is amended by adding “encased, as that term is defined in the *Firearm and Bow Regulations* made under the Act.” immediately following “unless the firearm or bow is”.
- (3) Clauses 9(5)(a), (b) and (c) of the regulations are repealed.

N.S. Reg. 81/99

Made: July 8, 1999

Filed: July 9, 1999

Family Benefits Schedule "B" Regulations

Order in Council 1999-376 made July 8, 1999
Amendment to regulations made by the Governor in Council
pursuant to Section 18
of the *Family Benefits Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated June 30, 1999, and pursuant to Section 18 of Chapter 158 of the Revised Statutes of Nova Scotia, 1989, the *Family Benefits Act*, is pleased to amend the *Family Benefits Schedule "B" Regulations* made by Order in Council 87-430 dated April 7, 1987, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on, from, and after October 1, 1999.

Schedule "A"

**Amendments to the *Family Benefits Schedule "B" Regulations*
made by the Governor in Council pursuant to Section 18 of Chapter 158
of the Revised Statutes of Nova Scotia, 1989, the *Family Benefits Act***

- 1 Subclauses 3(1)(e)(i) and (ii) of the *Family Benefits Schedule "B" Regulations* made by the Governor in Council by Order in Council 87-430 dated April 7, 1987 are repealed and the following subclauses substituted:
 - (i) under the age of 19 years, or
 - (ii) 19 years of age or over and is attending an approved educational program;
- 2 Subclauses 3(1)(i)(ii) and (iii) of the regulations are amended by striking out "eighteen" wherever it appears and substituting "19".
- 3 Subsections 3(3) and 3(4) of the regulations are repealed.
- 4 Subsection 3(5) of the regulations is repealed and the following subsection substituted:
 - (5) For the purpose of subclause 3(1)(k)(iv) of the Act, "district supervisor" means a district manager of the Department of Community Services.
- 5 Subsection 3(6) of the regulations is repealed and the following subsection substituted:

- (6) An officer of the Department does not have the powers, duties, functions and immunities of the Director as set out in the following Sections:
- (a) subsection 10(2), except that a District Manager has the powers, duties, functions and immunities of the Director under that subsection;
 - (b) subsection 10(3);
 - (c) Section 11, insofar as it relates to the prescription of an application form;
 - (d) Section 28;
 - (e) subsection 44(6);
 - (f) clause 48(3)(a), except that a District Manager has the powers, duties, functions and immunities of the Director under that clause;
 - (g) subsection 48(4), except that a District Manager has the powers, duties, functions and immunities of the Director under that subsection.
- 6 Subsection 10(2) is amended by striking out “, with the approval of the Minister,”.
- 7 Clauses 16(5)(a), (b) and (c) of the regulations are amended by striking out “eighteen” wherever it appears and substituting “19”.
- 8 Subsection 16(7) of the regulations is repealed.
- 9 Subsections 17(1), 17(2), and 17(3) of the regulations are repealed.
- 10 Section 20 of the regulations is repealed.
- 11 Subsections 32(1A), (1B), (1C), (1D), (1E) and (1F) of the regulations are repealed.
- 12 Subsection 44A(1) of the regulations is repealed and the following substituted:
- (1) Where a recipient receives unearned income, wages or a lump sum payment and the unearned income, wages or lump sum payment was paid in respect of a month or months in which a payment of benefits has been made, the Director shall recalculate the benefits paid to the

recipient by reducing the benefits paid to the recipient or on behalf of the recipient under the Act in such manner and in such amounts as the Director or person acting on behalf of the Director may determine.

13 Subsection 44A(3) of the regulations is repealed and the following subsection substituted:

(3) Where

- (a) benefits are paid to or on behalf of a person pursuant to the Act and these regulations;
- (b) the person to whom benefits are paid or on whose behalf benefits are paid has been paid more assistance than the person was entitled to;
- (c) the payment of assistance was made by the Minister on behalf of a municipal unit or a social services committee in respect of an obligation of the municipal unit or the social services committee under the *Social Assistance Act*; and
- (d) the person is no longer receiving assistance pursuant to the *Social Assistance Act*,

the Director may recalculate the benefits paid to the recipient by reducing the benefits paid to the recipient or on behalf of the recipient in such a manner and in such amounts as the Director or person acting on behalf of the Director may determine.

14 Subsection 51(1) of the regulations is repealed and the following substituted:

- (1) Where pharmacare benefits have been issued pursuant to these regulations, the person to whom benefits have been issued is entitled to receive insured prescription drugs in accordance with the Prescription Drug Plan Regulations and Prescription Drug Plan Program pursuant to the *Health Services and Insurance Act* and shall be subject to the provisions of the Prescription Drug Plan Regulations and Prescription Drug Plan Program.

15 Subsections 51(3) and (4) of the regulations are repealed.

16 Section 53 of the regulations is amended by striking out “a pharmacare card” and substituting “pharmacare benefits”.

17 Section 54 of the regulations is repealed.

18 Section 60 of the regulations is repealed.

19 Paragraph 2A of Appendix "A" of the regulations is repealed.

20 Paragraph 10 of Appendix "A" of the regulations is repealed.