

Royal Gazette

Part II Regulations under the Regulations Act

Printed by the Queen's Printer

Halifax, Nova Scotia

Vol. 23, No. 20

October 22, 1999

Contents

Act	Reg. No.	Page
Education Act		
Governor in Council Education Act Regulations - Amendment	98/99	624
Electrical Installation and Inspection Act		
Electrical Code Regulations	95/99	597
Occupational Health and Safety Act		
Amendment to O.I.C. 1999-195	92/99	594
Private Career Colleges Regulation Act		
Private Career Colleges General Regulations	97/99	608
Social Assistance Act		
Municipal Assistance Regulations - Amendment	93/99	595
Summary Proceedings Act		
Summary Offence Tickets Regulations - Amendment	94/99	596
- Amendment	96/99	604

NOW AVAILABLE

A Folio Views® searchable CD of the consolidated regulations of Nova Scotia and the quarterly sectional index of regulations is available from the Office of the Registrar of Regulations.

For subscriptions or information please call (902)424-6723 or visit our website at www.gov.ns.ca/just/regulations/cd.

N.S. Reg. 92/99

Made: September 30, 1999

Filed: October 1, 1999

Amendment to Order in Council 1999-195

Order in Council 1999-468 made September 30, 1999

Amendment made by the Governor in Council

pursuant to Section 82

of the *Occupational Health and Safety Act*

The Governor in Council on the report and recommendation of the Minister of Labour dated September 28, 1999, pursuant to Section 82 of Chapter 7 of the Acts of 1996, the *Occupational Health and Safety Act*, is pleased, effective September 30, 1999, to amend Order in Council 1999-195 dated April 28, 1999, by striking out the words, numbers and punctuation “October 1, 1999” in clauses (a), (b) and (c) of that Order, and substituting therefor in each case the words, numbers and punctuation “March 31, 2000”.

N.S. Reg. 93/99

Made: September 28, 1999

Filed: October 6, 1999

Municipal Assistance Regulations

Order in Council 1999-464 made September 28, 1999
Amendment to regulations made by the Governor in Council
pursuant to Section 18
of the *Social Assistance Act*

The Governor in Council, on the report and recommendation of the Minister of Community Services dated September 13, 1999, pursuant to Section 18 of Chapter 432 of the Revised Statutes of Nova Scotia, 1989, the *Social Assistance Act*, is pleased to amend the regulations respecting municipal assistance made by Order in Council 81-665 dated May 19, 1981, 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 regulations respecting municipal assistance
made by the Governor in Council pursuant to Section 18 of
Chapter 432 of the Revised Statutes of Nova Scotia, 1989,
the *Social Assistance Act***

Subsection 4(8) of the regulations respecting municipal assistance made by the Governor in Council by Order in Council 81-665 dated May 19, 1981, is repealed and the following subsection substituted:

- (8) Where
- (a) assistance is paid to or on behalf of a person pursuant to the Act by the Minister on behalf of a municipality in respect of the obligations of the municipality under the *Social Assistance Act*;
 - (b) the person has been overpaid in respect of benefits paid to the person or on behalf of the person pursuant to the *Family Benefits Act*; and
 - (c) the person is no longer in receipt of benefits under the *Family Benefits Act*,

the Director may recalculate the assistance paid to the recipient by reducing the assistance 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.

N.S. Reg. 94/99

Made: September 28, 1999

Filed: October 6, 1999

Summary Offence Tickets Regulations

Order in Council 1999-463 made September 28, 1999
Amendment to regulations made by the Governor in Council
pursuant to Section 8
of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated September 3, 1999, pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, is pleased to amend the regulations respecting summary offence tickets made by Order in Council 85-187 dated February 28, 1985, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation effective on, from and after September 28, 1999.

SCHEDULE "A"

**Amendment to the regulations respecting summary offence tickets
made by the Governor in Council pursuant to Section 8 of
Chapter 450 of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

Schedule 53 of the regulations respecting summary offence tickets made by the Governor in Council by Order in Council 85-187 dated February 28, 1985, is repealed and new Schedule 53, in the form attached hereto, is substituted.

**Schedule 53
Region of Queens Municipality By-law**

Offence	Section	Out of Court Settlement
By-law No. 3, Dogs		
1. Owning dog that runs at large	13(a)	\$165.00
2. Owning dog for which registration fee is not paid	13(b)	\$165.00
3. Owning fierce or dangerous dog	13(c)	\$337.50
4. Owning dog that, without provocation, has attacked or injured any person or property	13(d)	\$510.00

N.S. Reg. 95/99

Made: October 6, 1999

Filed: October 7, 1999

Electrical Code Regulations

Order in Council 1999-470 made October 6, 1999
Regulations made by the Governor in Council
pursuant to Section 6
of the *Electrical Installation and Inspection Act*

The Governor in Council on the report and recommendation of the Minister of Labour dated September 23, 1999, pursuant to Section 6 of Chapter 141 of the Revised Statutes of Nova Scotia, 1989, the *Electrical Installation and Inspection Act*, is pleased to:

- (a) approve the repeal by the Fire Marshal of the Electrical Code Regulations approved by Order in Council 78-138 dated February 14, 1978; and
- (b) approve new regulations respecting electrical and cabling installations made by the Fire Marshal in the form set forth in Schedule "A" attached to ~~the~~ [and] forming part of the report and recommendation effective on, from and after October 4, 1999, except for Section 9(2) which is effective on, from and after March 1, 2000.

SCHEDULE "A"

Regulations respecting electrical and cabling installations approved by the Governor in Council pursuant to Section 6 of Chapter 141 of the Revised Statutes of Nova Scotia, 1989, the *Electrical Installation and Inspection Act*

Citation

1 These regulations may be cited as the *Electrical Code Regulations*.

Interpretation

2 For the purpose of these regulations

- (a) "Act" means the *Electrical Installation and Inspection Act*;
- (b) "Chief Inspector" means the Chief Inspector appointed under the Act and includes any person who may exercise the powers of the Chief Inspector;
- (c) "Code" means the latest issue of the *Canadian Electrical Code*, Part I, published by the Canadian Standards Association, the current issue of which is CSA Standard C22.1 - 1998 and as supplemented, amended or added to from time to time by the Canadian Standards Association;

- (d) “communications cabling specialist” means a communications cabling specialist certified by the Chief Inspector under these regulations;
- (e) "communications certificate" means a certificate issued pursuant to subsection 5(6) designating an individual as a communications cabling specialist;
- (f) “communications permit” means a permit for the installation of cabling for communications systems, as defined in the Code, including CATV cabling requirements;
- (g) “construction electrician” means an electrician who holds a valid Certificate or Restricted Certificate of Qualification in the Electrical Construction Trade issued under the authority of the *Apprenticeship and Trades Qualifications Act*;
- (h) “electrical permit” means a permit for an electrical installation as defined in the Code but does not include installations that require a communications permit;
- (i) "inspection department", when used in the Code and these regulations, means a public utility that supplies or will supply electric power or energy and grants permits to contractors;
- (j) "maintenance permit" means a permit for electrical installation work of a routine nature and connected with the maintenance or operation of an industrial, commercial or other establishment;
- (k) "permit" means a communications permit, an electrical permit or a maintenance permit; and
- (l) “special permission” when used in clause (1) of Section 2-030 (Deviation or Postponement) of the Code means the written authority of the Chief Inspector.

Adoption of Code

- 3** (1) Except as varied or modified by these regulations or where inconsistent with the Act, the Code is hereby adopted and constituted as regulations with respect to matters enumerated in Section 6 of the Act in addition to any other regulations made under Section 6 of the Act.
- (2) The date of coming into force of the Code, including any supplement, amendment or addition to the Code, shall be the first clear day of the fourth month following the month of publication of the Code or any supplement, amendment or addition to it.
- 4** Where a fire door of Class A Rating (3 hours fire resistance) is required under the Code, the fire door shall have a 3-point latching.

Certificate for communications cabling specialist

- 5** (1) An individual may apply to the Chief Inspector for a communications certificate.
- (2) An applicant for a communications certificate shall
- (a) provide documentation or evidence of the applicant's experience and training in installing communication systems in a manner and form satisfactory to the Chief Inspector;
 - (b) successfully complete an examination conducted by the Chief Inspector by obtaining a pass mark of 70% or more; and
 - (c) pay an application fee of \$25.00 plus applicable taxes.
- (3) Clause (2)(b) shall not apply to an applicant who is a construction electrician.
- (4) Where an applicant fails the examination referred to in clause (2)(b), the applicant will not be eligible for re-examination until 3 months have elapsed.
- (5) Where an applicant fails the examination referred to in clause (2)(b) a second time, the applicant shall not be permitted to be re-examined until the applicant completes a period of training and produces proof of training acceptable to the Chief Inspector.
- (6) The Chief Inspector shall issue a communications certificate to an applicant who fulfills the requirements of subsection (2), and the certificate shall not be transferable.
- (7) A communications certificate issued by the Chief Inspector pursuant to subsection (6) shall be accompanied by an identification card indicating the name of the communications cabling specialist and the date of the certification.
- (8) A communications cabling specialist shall produce the identification card upon the request of an inspection department or the Chief Inspector.
- (9) The fee for a duplicate identification card or communications certificate is \$5.00.
- (10) A communications cabling specialist shall notify the Chief Inspector of any change of that individual's address within 7 days of the change of address.
- (11) An application for a communications certificate under this Section must be received by the Chief Inspector on or before October 1, 2000.

Suspension or cancellation of communications certificate

- 6 (1)** Subject to subsection (2), where the Chief Inspector, after due inquiry, finds that
- (a) a communications certificate has been issued on the basis of false or misleading information;
 - (b) a communications cabling specialist has acted in a manner that is
 - (i) not consistent with good practice in the trade, or
 - (ii) detrimental or hazardous to property or public safety,
- the Chief Inspector may suspend or cancel the communications certificate.
- (2)** The Chief Inspector shall not suspend or cancel a communications certificate until the Chief Inspector gives the certificate holder 15 days' notice of the reasons for the suspension or cancellation, to allow the certificate holder an opportunity to appeal the Chief Inspector's decision.
- (3)** Notice given by the Chief Inspector pursuant to subsection (2) shall be by registered mail addressed to the certificate holder's last known address, and a copy of the notice shall be given to each inspection department in the Province.
- (4)** An appeal against the suspension or cancellation of a communications certificate may be made to the Fire Marshal within 15 days of receipt by the certificate holder of notice pursuant to subsection (3), and the Fire Marshal may confirm, modify or reverse the action of the Chief Inspector.

Permits

- 7** No person shall perform electrical or communications cabling work without first obtaining a permit.

Electrical permits

- 8 (1)** An inspection department shall not issue an electrical permit except to an electrical contractor, as defined in the Code, who
- (a) is or employs a construction electrician provided that if the construction electrician holds a Restricted Certificate, the work to which the permit relates is of the class of work authorized by the Restricted Certificate; or
 - (b) is or employs a construction electrician or an industrial electrician and is the owner or occupant of any industrial, commercial or other establishment where electrical installation work of a routine nature and connected with the maintenance or operation of the establishment is required to be performed at frequent intervals.

- (2) A permit issued to an electrical contractor pursuant to clause (1)(b) shall be for a term of 1 year provided that the owner or occupant keeps a record of all work performed and the record is made available for inspection by an inspection department.
- (3) An inspection department that issues a permit of the kind described in subsection (2) shall inspect the industrial, commercial or other establishment at least once in the year for which the permit is issued.

Communications permits

- 9 (1) Upon the coming into effect of these regulations, an inspection department may issue a communications permit to a communications cabling specialist.
- (2) An inspection department shall not issue a communications permit except to a communications cabling specialist.

Maintenance of records for audit

- 10 (1) An inspection department that issues a permit or completes an inspection of an electrical or a communications installation, or issues a maintenance permit or completes an annual maintenance inspection, shall maintain a record of the permit or inspection in electronic or written format for review and audit by the Chief Inspector.
- (2) Where an inspection department issues a permit to its subsidiary or a closely related entity or performs an inspection pursuant to that permit, it shall maintain a record of the permit or inspection in electronic or written format for review and audit by the Chief Inspector.

Permit fees

- 11 An inspection department shall charge permit fees and may require the person who requests an inspection of an electrical or a communications installation to pay fees in accordance with the scale of fees approved by the Utility and Review Board.

Electrical permit exemptions

- 12 An electrical permit is not required for the following categories of installations, provided that the work is performed by a construction electrician who maintains a record of the work completed for inspection by an inspection department or the Chief Inspector:
 - (a) the replacement or repair of wiring devices or electrical equipment with an electrical rating no greater than 30 A, 120 V to ground or 50 A, 240 V and that are not in a location referred to in Sections 18 and 20 of the Code;
 - (b) the installation of one 15 A to 30 A, 120 V branch circuit or one 15 A to 50 A, 240 V branch circuit that is not in a location referred to in Section 18 and 20 of the Code;

- (c) the replacement of light fixtures in a dwelling unit;
- (d) the replacement of motors; and
- (e) wiring supplied from an approved class II transformer in a single dwelling, provided it is not part of a lighting installation.

Communications cabling permit exemptions

13 A communications permit is not required for the following categories of communications systems installations, provided that the work is performed by a communications cabling specialist who maintains a record of the work completed for inspection by an inspection department or the Chief Inspector:

- (a) an installation that does not exceed 6 cabling drops and is not in a location referred to in Sections 18 and 20 of the Code; and
- (b) a relocation of 20 communication outlets where the installation does not involve any new cable runs or penetrate any existing fire wall and the relocation meets all current Code requirements.

General permit exemptions

14 The following types of installations are exempt from the permit requirements of these regulations:

- (a) communications and cable TV installations in a single dwelling as defined by the Code;
- (b) security and intrusion alarm systems; and
- (c) installation of signs and outline lighting where the work is completed according to Section 34 of the Code by a certified electrical sign manufacturer acceptable to the Chief Inspector.

Approved equipment

15 (1) No corporation, company, or person shall sell, have for sale, display, rent, lease, advertise, install or use any electrical device, appliance or equipment unless it is certified as approved equipment, as defined in the Code, by a certification organization acceptable to the Chief Inspector.

- (2) The Chief Inspector may approve the installation and use of electrical equipment in accordance with the Code.
- (3) If, in the opinion of the Chief Inspector, electrical equipment poses a fire or shock hazard, the Chief Inspector may order the disconnection of the equipment.
- (4) Where the Chief Inspector finds uncertified electrical equipment stocked by a retailer, wholesale supplier, distributor, manufacturer or contractor, the Chief Inspector may order the retailer, wholesale supplier, distributor, manufacturer or contractor, within a reasonable period of time, to

- (a) provide the Chief Inspector with a list of persons to whom the equipment has been supplied;
 - (b) remove from shelves and discontinue selling, renting or leasing the equipment; and
 - (c) recall the uncertified electrical equipment from the persons to whom it was supplied.
- (5) Where an inspection department or the Chief Inspector finds uncertified electrical equipment installed in an electrical installation, the inspection department or the Chief Inspector may order the disconnection of the equipment.
- (6) An inspection department or the Chief Inspector shall tag uncertified equipment to warn persons that the equipment must not be connected to an electrical supply.

Hazardous installations

16 Where an inspection department or the Chief Inspector finds a hazardous installation, the inspection department or the Chief Inspector may

- (a) order or effect the disconnection of the installation; and
- (b) take whatever action the inspection department or the Chief Inspector considers necessary to ensure safety in the area of the installation.

Special permission

17 The Chief Inspector may grant special permission in writing to an electrical or cabling contractor for a deviation or postponement under the Code.

N.S. Reg. 96/99

Made: October 6, 1999

Filed: October 7, 1999

Summary Offence Tickets Regulations

Order in Council 1999-481 made October 6, 1999
Amendment to regulations made by the Governor in Council
pursuant to Section 8
of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated September 2, 1999, pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, is pleased to amend the regulations respecting summary offence tickets made by Order in Council 85-187 dated February 28, 1985, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on, from and after October 6, 1999.

SCHEDULE "A"

**Amendments to the regulations respecting summary offence tickets
made by the Governor in Council pursuant to Section 8 of Chapter 450
of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act***

- 1 Schedule 12 of the regulations made by the Governor in Council by Order in Council 85-187 dated February 28, 1985, is amended by striking out items 349 to 358.
- 2 Schedule 15 of the regulations is amended by adding the following item after item 29:
 30. Operating vehicle or combination of vehicles 6(9) \$107.50+
exceeding dimensions or weight (specify)
prescribed in special permit
- 3 The regulations are further amended by repealing Schedules 15A, 15B and 15C, and substituting Schedules 15A, 15B and 15C attached hereto, respectively.

**Schedule 15A
Commercial Vehicle Driver's Hours of Work Regulations**

Offence	Section	Out of Court Settlement
1. Driving more than 13 hours	4(1)(a)	\$107.50
2. Driving after being on duty 15 hours	4(1)(b)	\$107.50
3. Driving after completing 60 hours on duty in 7 consecutive days	4(1)(c)	\$107.50

Schedule 15A (cont.)
Commercial Vehicle Driver's Hours of Work Regulations

Offence	Section	Out of Court Settlement
4. Driving after completing 70 hours on duty in 8 consecutive days	4(1)(d)	\$107.50
5. Driving after completing 120 hours on duty in 14 consecutive days	4(1)(e)	\$107.50
6. Driver failing to be off duty for 24-hour period prior to accumulating 75 hours on duty	4(2)	\$107.50
7. Failing to comply with number of hours off duty specified by inspector	6	\$90.25
8. Carrier failing to comply with conditions on permit	8(2)	\$90.25
9. Carrier permitting driver to drive, or driver driving, when driver declared out of service	10	\$90.25
10. Failing to maintain daily log in duplicate	13	\$107.50
11. Driver failing to maintain graph grid and record information in daily log	15	\$90.25
12. Failing to retain and produce required receipts, bills of lading and documents issued during current trip	16	\$280.00
13. Failing to have possession of copies of driver's daily log for the preceding 7 days	17(a)	\$165.00
14. Failing to have possession of copies of driver's daily log for the preceding 14 consecutive days while on a 14 day cycle	17(b)	\$165.00
15. Failing to complete driver's current daily log to last change in duty status	17(c)	\$107.50
16. Driver failing to enter total hours on duty in log	20	\$90.25
17. Failing to sign hard copy of daily log	21(f)	\$280.00
18. Driver failing to forward copy of daily log to carriers	22	\$90.25
19. Driver failing to forward daily log to home terminal or carrier's principal place of business in Nova Scotia	23	\$90.25

Schedule 15A (cont.)
Commercial Vehicle Driver's Hours of Work Regulations

Offence	Section	Out of Court Settlement
20. Carrier failing to keep logs or documents for 6 months at carrier's principal place of business in Nova Scotia	24(1)	\$90.25
21. Failure to forward daily logs to carrier's principal place of business in Nova Scotia after 30 days	25	\$90.25
22. Maintaining more than 1 daily log in respect of a day	26(1)	\$280.00
23. Falsifying or permitting falsification of daily log, information stored in automatic recording device, supporting document or other information required by the regulations	26(2)	\$280.00

Schedule 15B
Commercial Vehicle Trip Inspection and Records Regulations

Offence	Section	Out of Court Settlement
1. Driver failing to perform or cause to be performed pre-trip inspection	3	\$90.25
2. Failing to inspect items set out in Schedules that are part of the commercial vehicles	4	\$107.50
3. Driver or designated person failing to record defects noted in inspection	5	\$90.25
4. Failing to record in the inspection report any defects observed while in charge of the vehicle	6	\$107.50
5. Failing to repair items listed on the vehicle inspection report affecting safety	8	\$107.50
6. Failing to maintain vehicle and inspection records	11	\$165.00
7. Failing to retain vehicle and inspection records for 6 months following release of the vehicle from the carrier's control	12(a)	\$165.00
8. Failing to retain the required vehicle inspection report for a period of 3 months	12(b)	\$165.00

Schedule 15C
Commercial Vehicle Maintenance Standards

Offence	Section	Out of Court Settlement
1. Failing to systematically inspect, repair and maintain a commercial vehicle	4(1)	\$395.00
2. Failing to comply with the commercial vehicle component performance standards set forth in Appendix "A"	4(1)(a)	\$395.00
3. Improper use or installation of replacement parts	4(1)(b)	\$395.00
4. Failing to maintain required commercial vehicle records	4(2)	\$1200.00
5. Carrier failing to retain records at principal place of business in Nova Scotia for specified time	4(3)	\$165.00
6. Carrier failing to ensure vehicle is properly lubricated and free of leaks	5	\$165.00
7. Refusing to allow inspector access to records or produce records for inspection (specify)	6(3)	\$165.00
8. Failing to assist an inspector when requested	7(2)	\$625.00

N.S. Reg. 97/99

Made: October 6, 1999

Filed: October 7, 1999

Private Career Colleges General Regulations

Order in Council 1999-482 made October 6, 1999

Regulations made by the Governor in Council

pursuant to Section 37

of the *Private Career Colleges Regulation Act*

The Governor in Council on the report and recommendation of the Minister of Education dated September 14, 1999, pursuant to Section 37 of the Acts of 1998, the *Private Career Colleges Regulation Act*, is pleased to make regulations respecting private career colleges in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on, from and after October 6, 1999.

Schedule "A"

Regulations respecting private career colleges made by the Governor in Council pursuant to Section 37 of Chapter 23 of the Acts of 1998, the *Private Career Colleges Regulation Act*

Citation

- 1 These regulations may be cited as the *Private Career Colleges General Regulations*.

Application

- 2 (1) These regulations apply to all occupations as defined by clause 2(1) of the Act, or as designated pursuant to clause 37(1)(h) of the Act.
- (2) All training programs for occupations are required to be registered with the Department, unless otherwise exempted in these regulations.
- 3 Any organization, college, or other like entity offering a non-occupational training program is exempt from the Act.

Definitions

- 4 In these regulations,

- (a) "Act" means the *Private Career Colleges Regulation Act*;
- (b) "apprenticeship trade" means any trade to which the *Apprenticeship and Trades Qualification Act* applies;
- (c) "college" means a private career college, as defined in clause 2(p) of the Act, that is registered under the Act;
- (d) "Fund Working Committee" means the committee established pursuant to Section 33;

- (e) "Minister" means the Minister of Education;
- (f) "program" means an occupational-training program approved pursuant to these regulations, unless the context otherwise requires;
- (g) "security" means a surety bond or irrevocable letter of credit that is in full force and effect for the purpose of securing the performance of student contracts entered into by the operator and the fulfillment of the obligations imposed by these regulations, from a surety company or financial institution acceptable to the Minister;
- (h) "third party sponsor" means a person, agency, association or corporation that has a written contract with a college to provide for a student to enroll in a program and that has paid the required fees on behalf of the student;
- (i) "tuition refund policy" means the policy set out in Schedule "A";
- (j) "unearned tuition fees" means tuition fees collected by the college for training paid for but not received by a student.

Advertising

- 5** (1) The use by an operator of any advertising that is capable of misleading the public is prohibited, and the Manager may order the operator to discontinue the use of any specified advertisement or means of advertisement relating to any college.
- (2) An advertisement for a college shall include the name, address and telephone number of the college.
- (3) No operator shall use the words "Registered under the *Private Career Colleges Regulation Act*, Province of Nova Scotia" in an advertisement unless
- (a) the operator has a valid certificate of registration issued pursuant to the Act; and
 - (b) the program to which the advertisement refers has been registered with the Department.
- (4) An advertisement shall not guarantee employment to a student or prospective student unless there is a written contract between the college and an employer as described in clause 20(a) of the Act.

Student contracts

- 6** (1) No person shall commence instruction in a college until a student contract has been executed.
- (2) A separate student contract shall be executed for each program.

- (3) Prior to a person signing a student contract, the operator shall provide the person with the following information:
- (a) an outline of the content of the program;
 - (b) a breakdown of the duration of the program by subject;
 - (c) the total cost of the program to a student, indicating separately the tuition fee, total cost of instructional materials, textbooks and equipment, and other fees associated with the program;
 - (d) a copy of the college's policies, rules and regulations, including the tuition refund policy, the complaint resolution policy required by Section 13, the payment Schedule described in subsection (4)(f), and the attendance policy.
- (4) A student contract shall contain at least the following information in the body of the student contract, or on a separate sheet that is annexed to and forms part of the student contract:
- (a) name, address, telephone and fax number of the college;
 - (b) name, address and telephone number of the student;
 - (c) name of the program;
 - (d) a statement that the student has received the information required by subsection (3);
 - (e) the commencement and completion date of the program;
 - (f) a payment schedule for tuition and other related fees;
 - (g) the equipment to be provided to the student in respect of the program;
 - (h) a statement that the student has been advised of the prerequisites for admission to the program and that the student meets those prerequisites;
 - (i) a statement that the student contract is subject to the Act and these regulations;
 - (j) where the college has not entered into a contract with an employer as described in clause 20(a) of the Act, a statement that completion of the program does not guarantee employment;
 - (k) a statement that financial assistance in the form of a loan may be available and it is the sole responsibility of the student to repay the loan;

- (l) a statement setting out the requirements for completing the program, including passing grade and work term requirements and the attendance policy;
 - (m) a statement that the operator shall make employment statistics relating to the program available to the student;
 - (n) the date the student contract is entered into;
 - (o) the signature of the student;
 - (p) a statement that a diploma or certificate will be issued by the college no later than 30 days after a student has completed the program;
 - (q) tuition refund policy; and
 - (r) any other information that the operator considers necessary.
- (5) A student contract is deemed to be cancelled when
- (a) notice is given pursuant to Sections 3, 4 and 5 of the tuition refund policy; or
 - (b) a college dismisses a student pursuant to Section 8 of the tuition refund policy.

Student contract to be given to student

7 An operator shall ensure that every student has a fully executed original of their student contract prior to the program start date and in any case not later than the commencement of classes.

Prerequisite to entry

8 A person shall not be admitted to a program unless the person has

- (a) successfully completed grade 12;
- (b) passed the grade 12 equivalency GED test;
- (c) achieved academic upgrading level 4;
- (d) completed a standardized test verifying grade 12 level; or
- (e) met any entrance requirements that have been prescribed by the appropriate professional, occupational or other association and that are recognized by the Minister.

Admittance of persons of compulsory school age

9 Despite Section 8, an operator may permit a person who is of compulsory school age, as prescribed by the *Education Act*, to attend or be admitted to a program if the prior written consent of the person's parent or guardian has been submitted to the operator and the person is attending after school hours.

Attendance register

- 10** An operator shall maintain an attendance register for each program showing the attendance record of each student in the program and shall provide the Manager with a copy of the register when required pursuant to subsection 16(3) of the Act.

Student registration fee

- 11 (1)** An operator may charge a student registration fee for each program in an amount not to exceed 5% of the tuition or \$100, whichever is the lesser amount.
- (2)** A student registration fee paid by a student or a third party sponsor shall be credited to the tuition fee for the program.

Refund of student fees

- 12 (1)** An operator shall, within 30 days of the execution of the student contract, refund to a student or third party sponsor, all amounts paid to the college by or on behalf of the student where, at the time the student contract was entered into,
- (a)** the private career college did not have a valid certificate of registration;
 - (b)** the program contracted for had not been approved by the Manager; or
 - (c)** the program instructors or instructor assistants had not been approved by the Manager.
- (2)** Where, in the opinion of the Manager, the operator has failed to fully deliver a program for which a student has contracted, the Manager may require the operator to
- (a)** refund unearned tuition fees and the cost of materials paid by a student or third party sponsor; or
 - (b)** make up the deficiency in the program.
- (3)** All other refunds shall be as prescribed by the tuition refund policy.
- (4)** Nothing in this Section shall be construed as limiting in any way the rights and remedies that a student otherwise has with respect to an operator's breach of contract with the student.

Complaint resolution policy

- 13 (1)** An operator shall have a complaint resolution policy to ensure the proper and efficient resolution of all student complaints.
- (2)** A copy of the complaint resolution policy shall be forwarded to the Manager upon request.

- (3) A complaint resolution policy shall set out
 - (a) the procedure respecting the making and receiving of a complaint;
 - (b) the college official to whom a complaint must be given;
 - (c) the process to be followed when a complaint is received;
 - (d) the manner in which a complaint and the resolution of the complaint will be recorded.
- (4) An operator shall maintain a record of all complaints received and the resolution of those complaints and shall make the record available to the Manager for inspection.

Mediation

- 14 (1)** Where a student and an operator have been unable to resolve a dispute either on their own or with the assistance of the Department, the student or the operator may, with the consent of the other party, apply to the Minister for the appointment of a mediator by filing written notice setting out the details of the dispute with both the Minister and the other party.
- (2) If the Minister appoints a mediator, the mediator shall endeavour to assist the parties to settle the dispute that is the subject of the mediation.
 - (3) Evidence arising from anything said, evidence of anything said or evidence of an admission or communication made in the course of mediation pursuant to this Section is not admissible in any action or proceeding, except with the consent of the mediator, the student and the operator.

Retention of student records

- 15 (1)** An operator shall maintain a file with respect to each student including but not limited to
- (a) exams;
 - (b) assignments;
 - (c) transcripts;
 - (d) attendance records;
 - (e) records of complaints;
 - (f) payment records;
 - (g) correspondence;
 - (h) copies of certificates or diplomas; and
 - (i) a copy of the student contract.
- (2) An operator shall keep a file maintained pursuant to subsection (1) for at least 1 year after the student has completed or left the program in which the student was enrolled, except that transcripts and copies of certificates or diplomas must be kept for 5 years after the student has completed or left the program.

- (3) After the time specified in subsection (2), the transcripts and copies of certificates or diplomas shall be transferred to the Manager for retention, unless the Manager and the operator have made arrangements to retain them in a different manner.
- (4) Where an operator's certificate of registration expires and the operator has not applied for re-registration within 30 days of the expiry date, the operator shall, immediately upon the expiry of the 30-day period, forward to the Manager the remaining original student files and any other information that the Manager may request.
- (5) Upon closure of a college, the operator of the college shall immediately forward to the Manager the remaining original student files and any other information that the Manager may request.
- (6) Where an operator's certificate of registration is not renewed or is cancelled or suspended, the operator shall,
 - (a) after the time for filing a notice of appeal pursuant to subsection 31(1) of the Act has expired; or
 - (b) where a hearing is held pursuant to subsection 31(3) of the Act and the Board has confirmed the Minister's decision to not renew or to cancel or suspend the certificate of registration,immediately forward to the manager the remaining original student files and any other information that the manager may request.

Student rendered services

- 16** No operator shall permit a student to perform services for any person in connection with a program unless
- (a) the instructor considers the student fit to perform the service;
 - (b) the person for whom the service is performed signs a written acknowledgment that the service is to be performed by a student; and
 - (c) a price schedule is posted in accordance with Section 18.

Record of student-rendered services

- 17** An operator that offers services to the public shall
- (a) maintain a record of services performed by students for the public; and
 - (b) provide a copy of the record to the Manager upon request.

Price schedule for public services

- 18 (1)** An operator that offers services to the public shall
- (a) maintain a price schedule for the services; and

- (b) post the price schedule in a prominent place at the entrance of the college.
- (2) The price schedule maintained pursuant to subsection (1) shall state that services are performed by students.

Expiry of certificate of registration

19 A certificate of registration issued pursuant to the Act shall expire on March 31 in each year.

Premises

20 An operator shall provide the Manager with written notice that the premises, equipment and other facilities used in the delivery of a program comply with industry standards and with all applicable building, fire, health, sanitary and safety laws respecting the premises.

Registration fees for college and programs

- 21** (1) The registration fee for a college shall be \$500.00 and shall accompany the application.
- (2) The registration fee for each program shall be \$100.00 and shall accompany the application.

Registration continued

- 22** Where an operator has filed a renewal application and has paid the fees required pursuant to Section 21, the registration shall,
- (a) where the Minister renews the certificate of registration, be continued;
 - (b) where the Minister refuses to renew the certificate of registration, be deemed to continue until
 - (i) the time for filing a notice of appeal pursuant to subsection 31(1) of the Act has expired, or
 - (ii) where a hearing is held pursuant to subsection 31(3) of the Act, the Board has rendered a decision.

Appeal

23 A notice of appeal filed pursuant to subsection 31(1) of the Act shall be in Form "J".

Instructors

24 (1) An instructor in a college shall

- (a) possess a bachelor's degree from a Canadian university or an equivalent degree from a university outside of Canada in a subject directly related to the subject or vocation to be taught, and have 12 months' actual occupational experience in the subject or vocation to be taught; or
- (b) be a graduate of a program from a Nova Scotia Community College established under the *Community College Act* or an equivalent institution outside Nova Scotia in a subject directly related to the subject or vocation to be taught, and have 24 months' actual occupational experience in the subject or vocation to be taught; or
- (c) be a graduate of a program from a college, or a trade or vocational school registered in Nova Scotia, or an equivalent institution outside of Nova Scotia in a subject directly related to the subject or vocation to be taught, and have 24 months' actual occupational experience in the subject or vocation to be taught; or
- (d) be the holder of a Bachelor of Education degree or a valid Nova Scotia teacher's licence and have 24 months' actual occupational experience in the subject or vocation to be taught; or
- (e) have 60 months' occupational experience in the subject or vocation to be taught;

before being approved by the Manager for employment as an instructor at the college.

- (2) The Minister may approve the employment of an instructor who does not have the qualifications prescribed if the Minister is satisfied that the person is otherwise qualified to instruct or meets the requirements stated in another Act or by another industry body.
- (3) No operator shall employ an instructor who does not have the qualifications or experience prescribed in subsection (1) without obtaining the prior written approval of the Minister pursuant to subsection (2).
- (4) In addition to the requirements of subsection (1), an instructor in an apprenticeship trade must hold the appropriate certificate of provincial/interprovincial qualification and have 2 years' experience at the journeyman level in the trade.
- (5) An instructor who does not possess a minimum of 1 year teaching experience is required to

- (a) enroll in an instructional methods or train-the-trainer program in their first year of employment and have completed the program within 3 years; and
 - (b) provide to the Manager written verification of enrollment and completion.
- (6) A guest lecturer or workshop leader is not required to be approved if delivering program curriculum that is less than 8 hours in duration.

Instructor assistants

- 25 (1) An instructor assistant must possess at least one of the educational requirements or qualifications set out in clauses 24(1)(a), (b) and (c).
- (2) An instructor assistant may assist students but shall not prepare, instruct or evaluate any program.

Programs

- 26 (1) No operator shall deliver, sell or offer for sale a program unless
- (a) the operator has submitted to the Manager
 - (i) a description of the program,
 - (ii) a detailed outline of the program, and
 - (iii) the registration fee required pursuant to Section 21;
 - (b) a review of the curriculum of the program has been conducted in accordance with subsection 6(4) of the Act, and a report of the review in Form "C" is filed with the Manager and is acceptable to the Manager; and
 - (c) the program has been approved by the Manager and the Manager has notified the operator in writing that the registration of the program has been granted.
- (2) Where the Manager does not approve a program based on the information filed pursuant to clauses 1(a) and (b), the Manager may request an additional review or additional information at the college's expense.
- (3) The Manager may require that a program be reviewed by appropriate professional, occupational or other associations.
- (4) Despite subsection (1), no operator shall start a program unless an instructor has been approved by the Manager to instruct the program.
- (5) No operator shall modify or alter any portion of a program without first obtaining the written approval of the Manager.

Change of ownership

27 For the purposes of the Act and these regulations, "change of ownership" means

- (a) where the college is a corporation, any change of officers, directors or shareholders holding more than 50% of the voting shares of the corporation;
- (b) where the college is a partnership, any change of partners;
- (c) any change in the operation of the college resulting in a material difference from that described in the original application; and
- (d) any proposed change of operator.

Security

28 (1) An operator shall deposit and maintain with the Minister security in an amount equal to

- (a) the product of the number of students enrolled in the college multiplied by the tuition fee per student; or
- (b) in the case of a new college, the product of the number of student places multiplied by the tuition fee per student.

(2) Despite subsection (1), the amount of the security shall not be less than \$10 000 or more than \$75 000.

(3) The Manager may access the security if the operator fails to immediately pay any amount owing to any student or third party sponsor that arises out of a student contract or a contract with a third party sponsor, respectively.

(4) A student or third party sponsor who has a claim against an operator for failure to pay any amount described in subsection (3) may make a claim against the security by notifying the Manager in writing.

(5) Where the aggregate of all claims made against the security accessed pursuant to subsection (3) exceeds the amount recovered under the security, the claimants shall be paid on a proportional basis.

(6) The Minister may at any time, in the Minister's absolute discretion, suspend or cancel the registration of any college whose operator does not keep the security in full force and effect.

Cancellation of bond

29 Where security in the form of a bond has been cancelled or an operator's registration has been terminated and the bond has not been forfeited, the Manager may, 1 year following the termination of the registration to which the bond relates or 1 year after the cancellation of the bond, as the case may be, deliver the bond to the person bound by it.

Purpose of Fund

- 30** The purpose of the Fund is to provide for the completion of training of a student enrolled in a college who prepaid tuition and suffered loss as a result of the closure of the college, or withdrew from the college within 30 days prior to a student's knowledge of college closure.

Administration and other fees

- 31** Annual payments for the expenses of administering and auditing the Fund made pursuant to clause 33(4)(c) of the Act shall not exceed 10% of the Fund balance.
- 32** The Fund shall be exempt from all license fees or income, franchise, privilege, occupation, or other taxes levied or assessed by the Province or by any municipality of the Province.

Fund Working Committee

- 33** The Minister shall establish the Fund Working Committee for the purpose of advising the Minister on the amount in the Fund, and making recommendations respecting the assessment process set out in Section 37.
- 34** The Minister shall, in consultation with the Fund Working Committee, following the initial 5 years and every 5 years thereafter, assess the state of the Fund, and may make changes to address Fund excess or Fund deficiencies.
- 35** The Minister may, in consultation with the Fund Working Committee, reduce the deposits whether by adjusting the schedule of payments or the amount, or both and may also entertain proposals from among the registrants with regard to disbursing surplus funds for such purposes as scholarships.

Claims against Fund

- 36 (1)** An operator of a college shall, with respect to students enrolled in the college at the time of the college's closure, immediately provide to the Minister
- (a) the students' names, addresses and telephone numbers;
 - (b) if any portion of the tuition was paid from the proceeds of a loan, the name and address of the lender and any Province or federal agency that guaranteed or reinsured the loan;
 - (c) programs in which the students are registered, including program start date, expected end date and the date the college closed; and
 - (d) any other information required by the Minister to determine eligibility for making claims against the Fund.
- (2)** The Minister shall notify the students referred to in subsection (1), within 30 days after the college's closure, of their rights under the Fund and how to make a claim.

- (3) A claim application shall be filed within 1 year of the notice served pursuant to subsection (2).
- (4) A claim application filed after the time specified in subsection (3) will not be acknowledged, and the Minister shall be relieved of further duty or action on behalf of the claimant with respect to that application.
- (5) No liability accrues to the Province from claims made against the Fund.
- (6) A third party sponsor is eligible to make a claim against the Fund.

Deposits to Fund

- 37** (1) The Minister shall deposit in the Fund all money paid by operators in accordance with the assessment process set out in this Section pursuant to clause 33(2)(a) of the Act.
- (2) The Fund shall be capitalized at no fixed amount for a period of 5 years.
 - (3) The fixed contribution rate for operators shall be determined by factoring the student's tuition liability with a fixed rate of 1.0%.
 - (4) The total amount of the operator's contribution shall be payable on the 15th day of each month for all intakes during the previous month.
 - (5) Where payments owed by an operator are determined by the Minister to be in arrears, the Minister shall give notice to the operator to remit all outstanding payments within 10 days of receipt of notice, and if the total outstanding amount is not paid within the prescribed time, the Minister may cancel or suspend the operator's certificate of registration.
- 38** No payments made into the Fund by an operator are transferable.
- 39** No vested right or interest in deposited funds is created or implied for an operator, either at any time during the operation of the Fund or at any such future time that the Fund may be dissolved.
- 40** If the majority ownership interest in a college is conveyed through sale or other means into different ownership, all payments made to the date of transfer accrue to the Fund and the new operator shall commence payments under provisions applying to a new applicant.

Program summary report

- 41** An operator shall, within 30 days of a program completion date, submit to the Manager a program summary report, which shall contain the following information with respect to each student enrolled in a program or graduated student:

- (a) the student's
 - (i) full name,

- (ii) gender,
 - (iii) date of birth,
 - (iv) residential address and permanent address, and
 - (v) residential telephone number and permanent telephone number;
- (b) the program(s) the student was enrolled in;
 - (c) the enrollment date for each program;
 - (d) the completion or discontinuance date for each program;
 - (e) reasons for discontinuing the program;
 - (f) the academic or equivalent qualifications of the student at the time of enrollment for each program;
 - (g) any other information the Manager might require.

Financial reports

42 An operator shall provide to the Manager

- (a) within 180 days after the end of the college's fiscal year, a copy of the college's financial statements for the previous fiscal year; and
- (b) any other information, in a form satisfactory to the Manager, that the Manager may request.

Posting regulations

43 An operator shall display a copy of these regulations in a prominent place at the entrance of the college.

Display of information

44 An operator shall display the certificate of registration of the college at the entrance to the college and, if applicable, on the Internet site home page, where it can be readily observed by the students and the public.

Board meetings

45 The Board shall meet at least once a year or when required to hear appeals pursuant to subsection 31(3) of the Act.

Notice

46 Notice required pursuant to these regulations shall be in writing and by

- (a) mail, postage prepaid; or
- (b) courier or other means of hand delivery.

Schedule "A"**Private Career Colleges Regulation Act
Tuition Refund Policy**

1. Pursuant to Section 11 of the regulations, the operator of a Private Career College may charge a student registration fee for each program in an amount not to exceed 5% of the tuition or \$100.00, whichever is the lesser amount.
2. Pursuant to Section 11 of the regulations, the student registration fee paid by a student or a third party sponsor shall be credited to the tuition fee for the program.
3. Where a student gives a Private Career College notice prior to the commencement date of a program of the student's intention not to commence the program, the operator of the Private Career College shall refund to the student or third party sponsor all fees paid except the student registration fee referred to in Section 1.
4. Where a student gives a Private Career College notice after the commencement of a program, but within the first 20 school days, of the student's intention to cease taking the program, the operator of the Private Career College shall refund to the student or third party sponsor all fees paid except
 - (a) the student registration fee referred to in Section 1; and
 - (b) the proportion of the tuition fee for the whole program that the part of the program taken to the date of termination bears to the whole program.
5. Where a student gives a Private Career College notice after the first 20 school days have been completed of the student's intention to cease taking the program, the operator of the Private Career College shall refund to the student or third party sponsor all fees paid except
 - (a) the student registration fee referred to in Section 1; and
 - (b) the proportion of the tuition fee for the whole program that the part of the program taken to the date of termination bears to the whole program; and
 - (c) 10% of the difference between the tuition fee for the whole program and the amount calculated under clause (b).
6. Despite Section 5 where a student completes 2/3 or more of a program in accordance with the terms of a student contract, the operator of the Private Career College is not required to refund any fee or part thereof.

7. Where an operator of a Private Career College provides material to a student for a program and the Private Career College receives a notice under Sections 3, 4 or 5, or the operator dismisses a student, the operator of the Private Career College may charge the student for the material and deduct it from the amount of any refund otherwise payable in an amount not exceeding the cost to the Private Career College of the material, except where the student returns all of the material to the Private Career College unopened or as issued.
8. Where an operator of a Private Career College dismisses a student and the operator satisfies the Minister that the dismissal is for just cause, the operator of the Private Career College may retain a portion of the fees calculated in the following manner:
 - (a) the student registration fee referred to in Section 1;
 - (b) the proportion of the tuition fee for the whole program that the part of the program taken to the date of dismissal bears to the whole program; and
 - (c) 10% of the difference between the tuition fee for the whole program and the amount calculated under clause (b).
9. All refunds are to be made 30 days after receiving notice in writing from the student or dismissal.
10. Pursuant to Section 45 of the regulations, notice shall be in writing and by
 - (a) mail, postage prepaid; or
 - (b) courier or other means of hand delivery.

N.S. Reg. 98/99

Made: October 6, 1999

Filed: October 7, 1999

Governor in Council Education Act Regulations

Order in Council 1999-483 made October 6, 1999
Amendment to regulations made by the Governor in Council
pursuant to Section 146
of the *Education Act*

The Governor in Council on the report and recommendation of the Minister of Education dated September 14, 1999, and pursuant to Section 146 of Chapter 1 of the Acts of 1995-96, the *Education Act*, is pleased to amend the *Governor in Council Education Act Regulations* made by Order in Council 97-405 dated June 24, 1997, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on, from and after October 6, 1999.

Schedule "A"

Amendments to the *Governor in Council Education Act Regulations* made by the Governor in Council pursuant to Section 146 of Chapter 1 of the Acts of 1995-1996, the *Education Act*

The *Governor in Council Education Act Regulations* made by the Governor in Council by Order in Council 97-405 dated June 24, 1997, are amended by adding the following heading and Section immediately following Section 59:

Public/private sector development and service agreements

60 (1) For the purposes of this Section and the Act,

- (a) "acquire" or "acquired" includes the acquisition by lease, sublease, licence, permit or agreement or in any other manner either with or without payment or other consideration;
- (b) "convey title" includes conveyance by lease, sublease, licence, permit or agreement either with or without payment or other consideration;
- (c) "development agreement" means an agreement with a private sector developer pursuant to which the private sector developer, its successors or assigns, agrees to design, finance, plan, engineer, procure, construct, furnish, equip, commission, own or lease any real or personal property for the purposes of a learning centre;
- (d) "learning centre" means a learning centre
 - (i) constructed, commissioned or equipped or to be constructed, commissioned or equipped pursuant to a development agreement, or

- (i) managed, operated or maintained pursuant to a service agreement,

and includes the land on which the learning centre is situate;
 - (e) “private sector developer” means a person or association of persons, including but not limited to a joint venture or limited partnership, other than the Province or a school board;
 - (f) “school property” includes a learning centre;
 - (g) “service agreement” means an agreement with a private sector developer pursuant to which the private sector developer, its successors or assigns, agrees to manage, operate, maintain, repair or keep safe any real or personal property for the purposes of a learning centre.
- (2) The Minister may, with the approval of the Governor in Council, enter into and carry out a development agreement or a service agreement.
- (3) Where the Minister enters into a development agreement or a service agreement, a school board may, upon terms and conditions consistent with the terms and conditions of the development agreement or the service agreement,
- (a) acquire all or part of any real or personal property of the learning centre for the purposes of a public school or community facility;
 - (b) enter into and carry out an agreement with the Minister, a private sector developer or a municipality respecting the use, control, management, operation, maintenance, repair or keeping safe of all or any part of any real or personal property of the learning centre acquired for the purposes of a public school or community facility.
- (4) Where a school board acquires property or enters into an agreement pursuant to clauses (3)(a) or (b),
- (a) the school board shall control the property in accordance with the terms of the acquisition and the agreement with the Minister;
and
 - (b) a superintendent of the school board shall operate and maintain the buildings, equipment and supplies forming part of the property in accordance with the terms of the acquisition and the agreement with the Minister.

