

Royal



Gazette

Part II

Regulations under the Regulations Act

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N.S. Reg. 119/99

Made: October 27, 1999

Filed: November 1, 1999

Sydney Casino Profits Charities Trust Fund Regulations

Order in Council 1999-524 made October 27, 1999
Revocation of regulations made by the Governor in Council
pursuant to Section 127 of the *Gaming Control Act*
and Sections 2 and 17 of the *Provincial Finance Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated September 23, 1999, pursuant to Section 127 of Chapter 4 of the Acts of 1994-95, the *Gaming Control Act*, Sections 2 and 17 of Chapter 365 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Finance Act*, and clause 19(f) of Chapter 235 of the said Revised Statutes, the *Interpretation Act*, is pleased to:

- (a) revoke the appointments of all persons appointed to the Sydney Casino Profits Charities Trust Fund Board of Directors, which appointments were made by Order in Council 1999-205, dated May 5, 1999;
- (b) revoke the Sydney Casino Profits Charities Trust Fund Regulations, which regulations were made by Order in Council 98-89, dated February 18, 1998; and
- (c) revoke the establishment of the Sydney Casino Profits Charities Trust Fund, which Fund was established by Order in Council 98-88, dated February 18, 1998, and order that all revenues heretofore deposited to the credit of the Sydney Casino Profits Charities Trust Fund shall be part of the Consolidated Fund of the Province.

N.S. Reg. 120/99

Made: October 27, 1999

Filed: November 1, 1999

Fuel Safety Regulations

Order in Council 1999-525 made October 27, 1999
Regulations made by the Governor in Council
pursuant to Section 3
of the *Fire Prevention Act*

The Governor in Council on the report and recommendation of the Minister of Labour dated October 4, 1999, pursuant to Section 3 of Chapter 171 of the Revised Statutes of Nova Scotia, 1989, the *Fire Prevention Act*, is pleased, effective on, from and after November 30, 1999, to:

- (a) approve the repeal by the Minister of Labour of
 - (i) the regulations respecting liquefied petroleum gas installation and equipment made by the Minister of Labour and approved by Order in Council 78-156 dated February 21, 1978, and
 - (ii) the regulations respecting the sale, installation, and maintenance of equipment or appliances using flammable liquids or gases as fuels made by the Minister of Labour and approved by Order in Council 76-140 dated February 10, 1976; and
- (b) approve of new regulations respecting fuel safety made by the Minister of Labour in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

SCHEDULE "A"

**Regulations Respecting Fuel Safety Made Pursuant to Section 3 of
Chapter 171 of the Revised Statutes of Nova Scotia, 1989,
the *Fire Prevention Act***

Citation

1 These regulations may be cited as the *Fuel Safety Regulations*.

Interpretation

2 (1) In these regulations

- (a) "Act" means the *Fire Prevention Act*;
- (b) "Board" means the Fuel Safety Board established under Section 41 of these regulations;
- (c) "Btu/h" means British Thermal Units per hour;

- (d) “certificate” means a certificate issued by the Board under Section 32;
- (e) “certified person” means a person who holds a valid Certificate of Qualification as a Gas Fitter under the *Apprenticeship and Trades Qualifications Act*;
- (f) “Chief Inspector” means the person designated as Chief Inspector under Section 5;
- (g) “Class A certificate holder” means a person who holds a valid Class A certificate issued by the Board under Section 32;
- (h) “Codes” means the latest issue of the following codes published by the Canadian Standards Association, and as supplemented, amended or added to from time to time by the Canadian Standards Association:
 - (i) *CAN/CGA-B149.1 Natural Gas Installation Code*,
 - (ii) *CAN/CGA-B149.2 Propane Installation Code*,
 - (iii) *CAN/CGA-B149.3 Code for the Field Approval of Fuel Related Components on Appliances and Equipment*,
 - (iv) *CAN/CGA B105 Code for Digester Gas and Landfill Gas Installations*, and
 - (v) *CAN/CGA B108 NGV Refuelling Stations Installation Code*;
- (i) “direct supervision” means the person providing supervision is on site and available to assist and supervise the person requiring supervision;
- (j) “dispensing unit” means a propane container filling facility utilizing storage tanks not exceeding an aggregate capacity of 5000 USWG (U.S. Water Gallons) and includes the facility commonly known to the propane industry as a service station;
- (k) “gas” means propane, natural gas, digester gas and landfill gas except where the context otherwise requires;
- (l) “Gas Fitter I” means a person who holds a valid Gas Fitter I Certificate of Qualification issued under the *Apprenticeship and Trades Qualifications Act*;
- (m) “Gas Fitter II” means a person who holds a valid Gas Fitter II Certificate of Qualification issued under the *Apprenticeship and Trades Qualifications Act*;

- (n) “Gas Fitter III” means a person who holds a valid Gas Fitter III Certificate of Qualification issued under the *Apprenticeship and Trades Qualifications Act*;
- (o) "Inspector" means the Fire Marshal, the Chief Inspector or any other Fuel Safety Inspector designated under Section 5;
- (p) “licence” means a licence issued by the Chief Inspector under Section 25;
- (q) “licensee” means a person who holds a valid licence issued by the Chief Inspector under Section 25;
- (r) “Minister” means the Minister of Labour;
- (s) “permit” means a permit issued by an Inspector under Section 14;
- (t) “propane” means any material that is composed predominantly of propane, propylene, normal butane, isobutane or butylene hydrocarbons or any mixture of those hydrocarbons;
- (u) “recognized certification agency” means a certification agency accredited by the Standards Council of Canada;
- (v) “supervision” means the person requiring supervision is able to get in immediate contact with the person providing supervision; and
- (w) “unacceptable condition” with respect to an appliance, container or gas piping system, means a condition in which the appliance, container or gas piping system
 - (i) is used for a purpose other than that for which it is approved,
 - (ii) is altered by the addition of a device or attachment or is deteriorated to an extent that is likely to impair its safe operation or void its approval under Section 11,
 - (iii) is likely to be impaired in its safe operation by the condition of the piping, tubing or hoses, the venting of products of combustion, the supply of air for combustion or the clearance from adjacent combustible matter, or
 - (iv) does not meet the requirements of these regulations.
- (2) The date of coming into force of the latest issue of any of the Codes, including any supplement, amendment or addition to the Codes, shall be the first clear day of the fourth month following the publication of the Code or any supplement, amendment or addition to the Code.

- 3 Unless the context otherwise requires, words defined in the Act and the Codes have the same meaning when used in these regulations.
- 4 Except as varied or modified by these regulations or where inconsistent with the Act, the Codes are hereby adopted and constituted as regulations with respect to matters enumerated in Section 3 of the Act in addition to any other regulations made under Section 3 of the Act.

Inspectors

- 5 For the purpose of administering and enforcing these regulations, the Fire Marshal shall designate members of the staff of the Fire Marshal's Office as Fuel Safety Inspectors, one of whom shall be designated as Chief Inspector.

Special requirements

- 6 The Chief Inspector may issue bulletins advising all interested persons of hazards created by non-compliance with the requirements of these regulations and the Codes and other matters of interest or concern to the gas industry.
- 7 Upon request, an Inspector may make special inspections, which shall be subject to a fee as prescribed under Section 59.
- 8 An Inspector may require that any test prescribed by these regulations or a Code be witnessed by the Inspector or a person representing the Inspector.
- 9
 - (1) In any case where a deviation from or postponement of the application of a requirement of a Code may be necessary respecting a particular appliance, container, or gas piping system, no person shall commence work on the appliance, container, or gas piping system until the Chief Inspector grants special permission in writing for commencement of the work.
 - (2) The Chief Inspector, upon request, may grant special permission referred to in subsection (1).
 - (3) The special permission shall apply only to the particular appliance, container or gas piping system for which it is given.
- 10 Where a gas explosion, leak, fire, accident or a propane-transporting vehicle upset occurs, the distributor, agent or installer shall immediately report it to an Inspector by telephone, fax or e-mail and shall, within 24 hours, submit a written report respecting the matter by mail, fax, or e-mail to the Chief Inspector.

Approved equipment

- 11
 - (1) No person shall sell, offer for sale, lease, rent, display, advertise, install, use, repair, service or maintain any appliance or container using gas as a fuel, unless the appliance or container is of a type and rating approved by the Chief Inspector.

- (2) For the purpose of this Section, any appliance or container that does not bear a nameplate or label indicating that it is approved or certified by a recognized certification agency shall be deemed uncertified by the Chief Inspector unless the contrary is proven.
- (3) Uncertified equipment for which there is no recognized national standard and that conforms with the requirements of *CAN/CGA-B149.3 Code for the Field Approval of Fuel Related Components on Appliances and Equipment* may, upon application to the Chief Inspector, be field approved by a recognized certification agency.
- (4) A field approval made under subsection (3) shall be valid only while the equipment remains on the site for which the field approval was given.

Submission of plans for approval

- 12 (1)** Every licensee shall submit plans and specifications to an Inspector for approval before commencing construction or removal of or an alteration or addition to
- (a) storage or transfer equipment in a propane filling plant or dispensing unit;
 - (b) gas processing and gas utilizing equipment at a digester gas or landfill gas facility;
 - (c) a propane cylinder storage location;
 - (d) a natural gas vehicle refuelling station; or
 - (e) any equipment field approved under subsection 11(4).
- (2) Plans and specifications required to be submitted under subsection (1) shall be in a format acceptable to the Chief Inspector.
- (3) No person shall commence any construction, removal, alteration or addition referred to in subsection (1) unless the plans and specifications are approved in writing by an Inspector.
- 13 (1)** Every licensee shall submit plans and specifications to an Inspector for approval before commencing
- (a) construction of any new gas installation having a total input exceeding 3 000 000 Btu/h;
 - (b) any addition to an existing gas installation that will cause the installation to exceed 3 000 000 Btu/h; or
 - (c) any alteration or addition to a gas installation that has a total input exceeding 3 000 000 Btu/h.

- (2) Plans and specifications required to be submitted under subsection (1) shall be in a format acceptable to the Chief Inspector.
- (3) No person shall commence any construction, alteration or addition referred to in subsection (1) unless the plans and specifications are approved in writing by an Inspector.

Permits

- 14** (1) Every licensee shall apply to an Inspector for a permit before installing, altering or removing
- (a) a propane or natural gas system in a building other than residential premises having 4 dwelling units or less;
 - (b) storage or transfer equipment in a propane filling plant or dispensing unit;
 - (c) gas processing and gas utilizing equipment at a digester gas or landfill gas facility;
 - (d) a propane cylinder storage location;
 - (e) a natural gas vehicle refuelling station; or
 - (f) any equipment field approved under subsection 11(4).
- (2) An application required to be submitted under subsection (1) shall be
- (a) in a form determined by the Chief Inspector; and
 - (b) accompanied by the fee prescribed in Section 58.
- (3) No person shall commence an installation, alteration or removal referred to in subsection (1) without a valid permit.
- (4) A permit
- (a) shall be in such form and may contain such terms and conditions as the Chief Inspector may determine;
 - (b) may be issued by an Inspector;
 - (c) shall be for a term of 1 year; and
 - (d) may be extended or renewed by the Chief Inspector.
- 15** (1) Where a person who holds a permit fails to comply with any provision of the Act or these regulations, or with any term or condition of the permit, the Chief Inspector may revoke the permit.
- (2) Where, in the opinion of an Inspector, a holder of a permit issued for an appliance, container or gas piping system is delinquent in remedying a deficiency, the Chief Inspector may decline to issue any other permit to the holder until the deficiency is remedied by the holder of the permit.

Green tag system

- 16 (1)** On completion of the work authorized by a permit for the installation of an appliance, container or gas piping system, and before charging the appliance, container or gas piping system with gas, a Gas Fitter I, Gas Fitter II or Class A certificate holder shall immediately complete and post an installation tag at the interior entry point of the gas piping system into a building or, if outdoors, at or near the meter or second stage regulator.
- (2)** The installation tag posted under subsection (1) shall be green in colour and shall include the following information:
- (a) the civic address of the premises where the work was completed;
 - (b) the permit number issued respecting the particular installation, if applicable;
 - (c) the total system Btu/h load;
 - (d) a statement that the installation complies with the requirements of the Codes and these regulations;
 - (e) the date the work was completed;
 - (f) the certificate number, class of certificate held and signature of the Gas Fitter I, Gas Fitter II or Class A certificate holder who performed the installation; and
 - (g) the certificate number, class of certificate held and signature of a second Gas Fitter I, Gas Fitter II or Class A certificate holder who performed the final inspection of the installation.
- (3)** The Gas Fitter I, Gas Fitter II or Class A certificate holder shall send a copy of the installation tag posted under subsection (1) to the gas supplier within 1 week of completion of the work.

Yellow tag system

- 17 (1)** A Gas Fitter I, Gas Fitter II, Class A certificate holder, gas supplier or an Inspector shall affix a yellow "B" tag to any appliance, container or gas piping system that that person reasonably believes is a potential hazard to life and safety.
- (2)** In affixing a yellow "B" tag to an appliance, container or gas piping system, the gas fuel source shall not be shut off.
- (3)** A yellow "B" tag shall bear a 30-day expiry date during which repairs must be completed.

- (4) The Gas Fitter I, Gas Fitter II, Class A certificate holder, gas supplier or Inspector shall immediately notify the Chief Inspector by phone, fax or e-mail and forward a copy of the yellow “B” tag affixed under subsection (1) to the Chief Inspector and the gas supplier.
- (5) If the problem identified on a yellow “B” tag is not corrected by the end of the 30-day expiry date, the gas supplier shall affix a red “A” tag to the appliance, container or gas piping system and subsections 18(2) and (3) shall apply with all necessary changes.

Red tag system

- 18 (1)** A Gas Fitter I, Gas Fitter II, Class A certificate holder or an Inspector shall affix a red “A” tag to any appliance, container or gas piping system if it has been removed from service or if that person considers it to be
- (a) in an unacceptable condition;
 - (b) unsafe; or
 - (c) an imminent hazard to life and property.
- (2) In affixing a red “A” tag to an appliance, container or gas piping system, the gas fuel source shall be shut off.
- (3) The Gas Fitter I, Gas Fitter II or Class A certificate holder shall immediately notify an Inspector by phone, fax or e-mail and forward a copy of the red “A” tag affixed under subsection (1) to the Chief Inspector and the gas supplier.
- 19** No person shall knowingly supply gas to an appliance, container or gas piping system to which a red “A” tag is affixed except a Gas Fitter I, Gas Fitter II or Class A certificate holder for the purpose of making the appliance, container or gas piping system comply with these regulations and the applicable Codes.
- 20** No person shall use an appliance, container or gas piping system to which a red “A” tag is affixed.

Information required on red and yellow tags

- 21** A red “A” tag and yellow “B” tag shall include the following information:
- (a) the civic address of the premises where the appliance, container or gas piping system is situated;
 - (b) the permit number issued respecting the particular installation, if applicable;
 - (c) a statement regarding the reasons for affixing the red “A” tag or yellow “B” tag;
 - (d) the date the red “A” tag or yellow “B” tag was affixed; and

- (f) the certificate number, class of certificate held, and signature of the person who affixed the tag.

Removal of red or yellow tag

- 22 (1)** Where a red “A” tag or yellow “B” tag is affixed to an appliance, container or gas piping system, the tag shall not be removed except by an Inspector, a Gas Fitter I, Gas Fitter II or Class A certificate holder who shall verify that the problem or hazard is corrected.
- (2)** When a red “A” tag or yellow “B” tag is removed, the Gas Fitter I, Gas Fitter II or Class A certificate holder shall endorse their certificate number, name and removal date and time upon the tag and forward a copy of the tag to the Chief Inspector.

Licence requirements

23 A person engaged in the business of

- (a) storing or distributing propane; or
- (b) installing, repairing, servicing or maintaining appliances, containers, gas equipment or gas piping systems

shall apply to the Chief Inspector for a licence.

24 There shall be the following classes of licences:

- (a) Class 1 (Gas Distribution) Licence authorizing the holder
 - (i) to distribute propane in bulk or in cylinders not including the retail sale or exchange of cylinders of 20 lbs. (9 kg) propane capacity or less,
 - (ii) to operate a propane bulk plant or propane container refill centre, or
 - (iii) to operate a propane dispensing unit for the purpose of filling portable cash and carry type cylinders and motive fuel or recreational vehicle containers permanently mounted on vehicles;
- (b) Class 2 (Contractor) Licence authorizing the holder
 - (i) to transport, for the purposes of making installations, propane by means of approved containers,
 - (ii) to install gas equipment and gas piping systems, or
 - (iii) to repair, service and maintain appliances, containers, gas equipment and gas piping systems;

- (c) Class 3 (Industrial) Licence authorizing the holder
 - (i) to repair, service and maintain industrial gas-fired equipment on the premises of the licensee,
 - (ii) to repair, service and maintain propane motive fuel systems on off-highway vehicles operated by the licensee,
 - (iii) to operate a dispensing unit for the purpose of filling cylinders used only by the licensee; and
 - (d) Class 4 Licence authorizing the holder to operate a natural gas vehicle refuelling station of any size.
- 25 (1)** A licence may be issued by the Chief Inspector upon receipt of the licence fee prescribed in Section 57 and the following information:
- (a) the name and mailing address of the applicant;
 - (b) the civic address of the applicant if different from the mailing address;
 - (c) a list of the officers of the applicant;
 - (d) a list of certified persons or persons who hold certificates, who are employed with or contracted by the applicant; and
 - (e) verification of public liability insurance in the amount of \$2 000 000 or such other amount as the Chief Inspector considers appropriate.
- (2)** A licence shall be in such form and may contain such terms and conditions as the Chief Inspector determines.
- (3)** Where a licence is issued by the Chief Inspector, an Inspector may carry out any inspection the Inspector considers necessary as a result of the issue of the licence for the proper administration of the licence or these regulations.
- 26** Where a person who is an applicant for a licence or who holds a licence
- (a) violates any provision of the Act or these regulations;
 - (b) fails to comply with any term or condition of the licence held by the person; or
 - (c) fails to comply with an order or requirement of an Inspector,
- the Chief Inspector may refuse to issue a licence or suspend or cancel the licence.
- 27 (1)** A licence must be produced by a person on demand of an Inspector.

- (2) Non-production of a licence upon demand under subsection (1) shall be *prima facie* evidence that the person does not hold a licence.

28 No person shall engage in the business of

- (a) storing or distributing propane; or
- (b) installing, repairing, servicing or maintaining appliances, containers, gas equipment, or gas piping systems,

unless the person holds a valid licence.

Certification of personnel

29 Except as provided in Section 30 or 31, no person shall perform the installation, repair, service or maintenance of gas utilizing appliances, containers, piping or equipment.

30 (1) A Gas Fitter I may perform the installation, repair, service and maintenance of any size of gas utilizing appliances, containers, piping and equipment to the extent that a Gas Fitter I is authorized to do so pursuant to the *Gas Fitter Trade Regulations* under the *Apprenticeship and Trades Qualifications Act*.

(2) A Gas Fitter II may perform the installation, repair, service and maintenance of gas utilizing appliances, containers, piping and equipment up to and including 400 000 Btu/h input and, under the continuous and direct supervision of a Gas Fitter I, the installation, service and maintenance of gas utilizing appliances and equipment larger than 400 000 Btu/h input to the extent that a Gas Fitter II is authorized to do so pursuant to the *Gas Fitter Trade Regulations* under the *Apprenticeship and Trades Qualifications Act*.

(3) A Gas Fitter III may perform the installation, service, maintenance, conversion or activation of a natural gas or propane appliance with an input of 400 000 Btu/h or less under the supervision of a Gas Fitter I or Gas Fitter II to the extent that a Gas Fitter III is authorized to do so pursuant to the *Gas Fitter Trade Regulations* under the *Apprenticeship and Trades Qualifications Act*.

(4) A person who is registered under the *Apprenticeship and Trades Qualifications Act* as a Gas Fitter apprentice may perform the tasks referred to in subsections (1), (2) and (3) under the direct supervision of a certified person who is permitted under this Section to perform the respective tasks.

(5) A Class A certificate holder may perform the installation, repair, service and maintenance of any size of propane utilizing appliances, containers and propane piping systems.

31 (1) No person shall

- (a) repair, service or maintain an appliance, container or gas piping system in-house in an industrial setting;
- (b) repair, service or maintain a propane appliance, container or piping system in a recreational vehicle;
- (c) deliver propane in a portable container;
- (d) operate a tank truck or cargo liner transporting or delivering propane;
- (e) operate a propane bulk plant;
- (f) operate a propane dispensing unit;
- (g) install or service a propane motive fuel system in an off-highway vehicle;
- (h) install a gas piping system, or
- (i) perform any other task referred to in Section 32,

unless the person holds a valid certificate authorizing the person to perform the tasks.

(2) Where

- (a) a certified person; or
- (b) a person registered under the *Apprenticeship and Trades Qualifications Act* as a Gas Fitter apprentice and under the direct supervision of a certified person

performs the tasks referred to in clauses (1)(a), (b), (c) or (h), neither the certified person nor the registered apprentice is required to hold a certificate.

32 A certificate may be issued by the Board upon the application of a candidate and receipt of the certification fee prescribed in Section 57, for the following classes of authorization:

- (a) Class A - authorizing the holder to install, repair, service or maintain propane appliances, containers and piping systems;
- (b) Class B - authorizing the holder to operate a propane bulk plant;
- (c) Class C - authorizing the holder to deliver propane in portable containers;

- (d) Class D - authorizing the holder to operate a tank truck transporting or delivering propane;
- (e) Class E - authorizing the holder to operate a cargo liner transporting or delivering propane;
- (f) Class F - authorizing the holder to operate a propane dispensing unit;
or
- (g) Class G - restricted certificate, authorizing the holder to install, repair, service or maintain an appliance, container or gas piping system on a restricted basis as designated on the certificate as follows:
 - (i) G-1 - restricted to the service and installation of propane systems for recreational vehicles and mobile homes,
 - (ii) G-2 - restricted to the service and installation of propane-fired construction heaters and portable cylinders, excluding supply tanks and building piping,
 - (iii) G-3 - restricted to the servicing of propane-fired domestic barbeque grills,
 - (iv) G-4 - restricted to the conversion and servicing of systems where propane is used as a motive fuel to power motor vehicles,
 - (v) G-5 - restricted to the servicing only of propane-fired cooking appliances, laundry appliances and water heaters with a maximum input of 300 000 Btu/h,
 - (vi) G-6 - restricted to the servicing only of industrial in-house gas-fired appliances and equipment at the location designated on the certificate and not including installation,
 - (vii) G-7 - restricted to the conversion and servicing of systems where propane is used as a motive fuel to power off-highway vehicles,
 - (viii) G-8 - restricted to the servicing only of propane-fired roof top heating appliances, make-up air heaters and suspended unit heaters and not including installation,
 - (ix) G-9 - restricted to the installation of gas piping systems of any size from the outlet of the meter or second stage regulator to the last shut off valve.

33 (1) Certificates shall be issued and renewed annually.

- (2) Effective February 1, 2000, no new certificates in Class A, G-4, G-5 and G-8 shall be issued.
- (3) Effective January 1, 2003, certificates in Class A, G-4, G-5, G-8 and G-9 shall expire and shall not be renewed.

Qualifications of candidates for certificates

- 34** (1) No person may be a candidate for a Class A certificate unless the person, in the opinion of the Board, has at least 6 months continuous working experience assisting in the installation, repairing, servicing and maintenance of propane appliances, containers and piping systems and has completed a training course approved by the Board.
- (2) No person may be a candidate for a Class B certificate unless the person, in the opinion of the Board, has at least 30 days continuous experience assisting in the operation of a propane bulk plant and has completed a training course approved by the Board.
- (3) No person may be a candidate for a Class C certificate unless the person, in the opinion of the Board, has at least 30 days experience in the delivery of propane by cylinder and has completed a training course approved by the Board.
- (4) No person may be a candidate for a Class D certificate unless the person, in the opinion of the Board, has at least 60 days experience in the propane industry, 30 days of which must be experience on a tank truck under the direct supervision of a person holding a valid Class D certificate, and has completed a training course approved by the Board.
- (5) No person may be a candidate for a Class E certificate unless the person, in the opinion of the Board, has at least 6 months experience in the handling of tractor trailers, 30 days of which must be experience on propane cargo liners under the direct supervision of a person holding a valid Class E certificate, and has completed a training course approved by the Board, or, in the opinion of the Board, has sufficient propane experience and has completed a recognized driver training course in the handling of tractor trailers.
- (6) No person may be a candidate for a Class F certificate unless the person has completed and passed the Propane Gas Association of Canada 100-1 Dispenser Operator's Course.
- (7) No person may be a candidate for a Class G certificate unless the person has completed a training course and passed a certification exam approved by the Board.
- (8) The experience requirements of subsections (1), (2), (3), (4) and (5) must be fulfilled during the 12-month period immediately preceding the date of application for certification.

(9) A person who fails to renew a certificate for 2 consecutive years shall be required to pass an examination for certification.

35 No person may be a candidate for any class of certificate under these regulations unless the person

- (a) is 16 years of age or older;
- (b) furnishes the Board with references and information as to their training, experience and qualifications; and
- (c) completes and files with the Board an application form prescribed by the Board.

Examination of candidates

36 A candidate for a certificate or for an endorsement to an existing certificate shall be examined by

- (a) a member of the Board; or
- (b) at the discretion of the Board, a person or accredited body acceptable to the Board.

37 The Board shall

- (a) prescribe the examination to be given a candidate for any certificate or endorsement provided for under these regulations;
- (b) approve the course of instruction to be given an applicant; and
- (c) approve the degree of competency that a candidate shall display to pass the examination.

38 Subject to these regulations, the Board shall determine the qualifications required of a candidate for examination and may set the time and place at which the examination shall be held.

39 Upon completion of an examination

- (a) the Board shall notify the Chief Inspector of the name of a successful candidate; and
- (b) the Chief Inspector shall issue a certificate to the successful candidate with the applicable endorsement or shall further endorse an existing certificate, as applicable.

Suspension or cancellation of certificate

40 (1) When, after due inquiry, the Board is satisfied that a certificate or endorsement on a certificate has been issued on the basis of incorrect or false information or that the holder of a certificate has failed to comply with any provision of these regulations, the Board may recommend to the

Chief Inspector the suspension or cancellation of the certificate, but not before giving the person who holds the certificate notice of the matters alleged against the person and an opportunity to be heard and to give testimony on the person's own behalf.

- (2) Upon receipt of a recommendation from the Board that a certificate be suspended or cancelled, the Chief Inspector may suspend or cancel the certificate.

Fuel Safety Board

41 (1) The Minister, with the approval of the Governor in Council,

- (a) shall appoint a Fuel Safety Board consisting of not fewer than 5, nor more than 9 members, as follows:
- (i) 1 representative from the Apprenticeship Training division of the Department of Education who shall be a non-voting member of the Board,
 - (ii) 1 person employed in the propane industry,
 - (iii) 1 person employed in the natural gas industry,
 - (iv) 1 person active in education and training for the gas industry,
 - (v) 1 person who is a consumer or user of gas products,
 - (vi) 4 other persons as the Minister considers necessary for the efficient and effective operation of the Board; and
- (b) shall appoint one of the members to be chair of the Board.

- (2) Each member of the Board shall be appointed for a term of 2 years and may be reappointed to the Board.
- (3) The members of the Board shall serve without remuneration but shall be reimbursed for the expenses necessarily and reasonably incurred by them in attending meetings of the Board.
- (4) The Chief Inspector shall serve as secretary to the Board.

42 It shall be the function of the Board to

- (a) advise the Minister and the Fire Marshal on matters within the scope of these regulations;
- (b) advise the Department of Education with respect to matters within the scope of these regulations;

- (c) serve as a board of examiners for those classes of certification set out in these regulations;
- (d) advise or make recommendations to the Minister concerning the general administration of these regulations or any matter that, in the opinion of the Board, may require amendment of these regulations; and
- (e) carry out any additional duties prescribed by these regulations.

Prohibitions

- 43** No person shall order or permit any person to perform any work or other act that is prohibited by these regulations from being performed by a person who is not the holder of a certificate unless the person
- (a) is the holder of a certificate authorizing the person to perform the work or other act;
 - (b) performs the work or other act as an assistant to and under the direct supervision of a person who is the holder of a certificate authorizing the person to perform the work or other act;
 - (c) is a certified person who performs any work or other act referred to in clauses 31(1) (a), (b), (c) or (h); or
 - (d) is registered under the *Apprenticeship and Trades Qualifications Act* as a Gas Fitter apprentice and performs any work or other act referred to in clause (c) under the direct supervision of a certified person.
- 44** No person shall convert an appliance from one fuel to another unless the appliance is converted with a conversion kit approved by the Chief Inspector for conversion of the appliance.
- 45** No person shall supply or connect gas to any installation until the person verifies that the installation has an appropriate tag and complies with these regulations and the Codes.
- 46** No person shall use, install or deliver gas to a propane cylinder or a pressure vessel of 1000 lbs. water capacity or less for the storage, supply or distribution of propane that is due for inspection and re-qualification until the cylinder or pressure vessel is re-qualified by an inspector who is certified by Transport Canada.
- 47** No person shall use, install or deliver gas to a propane container that shows signs of corrosion, dents, bulges, or other damage until the container is repaired and re-qualified in accordance with the requirements of the applicable Code.
- 48** No person shall install or permit a permanently installed propane container upon the roof of a building or structure.

Orders

- 49** When, in the opinion of an Inspector, a fire emergency or a hazard of fire or explosion that may cause injury or damage to persons or property exists in or about any building, premises, place or area, resulting from a gas installation, the Inspector may
- (a) disconnect the gas supply until the hazard is remedied;
 - (b) order, orally or in writing, that the gas supply company disconnect the gas supply until the hazard is remedied; or
 - (c) upon completing an inspection, issue an inspection report requiring a person to carry out and complete repairs to or servicing of the gas installation.
- 50** An Inspector may, on knowledge of a hazard, order, orally or in writing, the discontinuance of the sale, advertising or offering for sale, leasing, rental, display, installation and use of a gas appliance or equipment that is hazardous, despite that the gas appliance or equipment bears an approval label from a recognized testing laboratory.

Appeals

- 51** Where an order is made by an Inspector under these regulations, the person to whom the order is directed may, within 10 days after receiving the order, appeal the order to the Chief Inspector.
- 52** Notice of the appeal may be served by leaving the notice at the office of the Fire Marshal or by sending the notice by registered letter addressed to the Chief Inspector at Halifax.
- 53** The Chief Inspector shall promptly investigate or cause to be investigated every appeal under Section 51 and shall affirm, modify, or revoke the order appealed from and communicate the Chief Inspector's decision and the reasons for the decision in writing to the person affected by the order and to the Inspector who made the order.
- 54** Where the Chief Inspector
- (a) refuses to issue a licence;
 - (b) suspends or cancels a licence;
 - (c) makes an order; or
 - (d) makes a decision under Section 53,

the applicant for the licence, licensee or person affected by the order or decision may, within 15 days of service upon the person of notice of the refusal, suspension or cancellation or of a copy of the decision or order, appeal from the refusal, suspension, cancellation, order or decision to the Board.

55 (1) The Board shall

- (a) hear and determine an appeal under Section 54; and
- (b) make such decision or order as the Board considers just.

(2) Any decision or order of the Board shall be conclusive and not subject to any appeal.

Offences and penalties

56 (1) Every person who

- (a) contravenes, neglects, refuses, omits or fails to observe any provision of these regulations;
- (b) makes a false statement respecting information required by these regulations;
- (c) contravenes or fails to comply with a term or condition of a permit, certificate or licence issued under these regulations; or
- (d) contravenes or fails to comply with an order issued under these regulations,

is guilty of an offence and liable on summary conviction to a penalty, if an individual, not exceeding \$1000 or if a corporation, not exceeding \$10 000.

(2) Where an offence referred to 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.

Licence and certification fees

57 The following fees shall be paid annually:

- (a) licence fees (includes cost of inspection services under subsection 25(3))
 - (i) for a Class 1 licence
 - (A) bulk plant/dispenser (aggregate storage capacity) \$0.04/USWG
minimum fee - \$100.00
 - (B) cylinder handling only \$100.00
 - (C) bulk transporter only. \$100.00
 - (ii) for a Class 2 licence \$100.00

- (iii) for a Class 3 licence \$100.00
- (b) fees for certificates
 - (i) for a certificate
 - (A) other than Class F \$ 50.00
 - (B) Class F \$ 25.00
 - (ii) for annual renewal of a certificate
 - (A) other than Class F \$ 40.00
 - (B) Class F \$ 25.00
 - (iii) for a duplicate certificate (any class) \$ 15.00

Permit fees

58 The following fees shall be paid:

- (a) for a permit respecting an installation having a total load of not greater than 3 000 000 Btu/h. \$ 25.00
- (b) for a permit respecting an installation having a total load of greater than 3 000 000 Btu/h,
 - (i) new installation \$.06/1000 Btu/h of total load
 - (ii) addition or change to an existing installation \$50.00
- (c) for a permit to install or alter a digester gas or landfill gas installation (as determined and charged by the certification agency)
- (d) for a permit to install or alter a propane dispenser having less than 5000 USWG aggregate capacity. \$50.00
- (e) for a permit to build a new propane bulk plant. \$.005 per USWG of total storage
- (f) for a permit to alter or modify a propane bulk plant. \$50.00
- (g) for a permit to install or alter a natural gas vehicle refuelling station \$50.00

Special inspection fees

59 The following fees shall be paid:

- (a) for a special inspection requested under Section 7,
a fee at an hourly rate of \$60.00
- (b) minimum fee for a requested special inspection \$60.00

MADE by the Minister of Labour on October 4th, 1999.

Signed: *Ron Russell*
Honourable Ronald Russell
Minister of Labour

N.S. Reg. 121/99

Made: October 27, 1999

Filed: November 1, 1999

Motive Fuel and Fuel Oil Approval Regulations

Order in Council 1999-526 made October 27, 1999
Amendment to regulations made by the Governor in Council
pursuant to Sections 25 and 84
of the *Environment Act*

The Governor in Council on the report and recommendation of the Minister of the Environment dated October 7, 1999, pursuant to Sections 25 and 84 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, is pleased to amend the Motive Fuel and Fuel Oil Approval Regulations made by Order in Council 96-57 dated January 31, 1996, in the manner set forth in Schedule "A" attached to and forming part of this report and recommendation, effective on, from and after October 27, 1999.

SCHEDULE "A"

**Amendments to the *Motive Fuel and Fuel Oil Approval Regulations*
made by the Governor in Council pursuant to Sections 25 and 84
of Chapter 1 of the Acts of 1994-95, the *Environment Act***

- 1 Section 2 of the *Motive Fuel and Fuel Oil Approval Regulations* made by the Governor in Council by Order in Council 96-57 dated January 31, 1996, is amended by relettering clauses (j) to (t) as (k) to (u), respectively, and by adding the following clause immediately after clause (i):
 - (j) "merchandise" means anything of value and includes, but is not limited to, goods, services and anything that may be redeemed for goods or services;
- 2 Section 15 of the regulations is repealed and the following Section substituted:
 - 15** No wholesaler shall claim or recover in any manner, directly or indirectly, from a retailer or a retailer's agent the cost or any portion of the cost of a promotional activity that is sponsored by the wholesaler and that includes the sale or giving of merchandise for the purpose of promoting the sale of motive fuel.

N.S. Reg. 122/99

Made: November 10, 1999

Filed: November 15, 1999

Minimum Wage Order (General)

Order in Council 1999-567 made November 10, 1999
Amendment to regulations made by the Governor in Council
pursuant to Sections 50 and 52
of the *Labour Standards Code*

The Governor in Council on the report and recommendation of the Minister of Labour dated October 29, 1999, and pursuant to Sections 50 and 52 of Chapter 246 of the Revised Statutes of Nova Scotia, 1989, the *Labour Standards Code*, is pleased to amend the *Minimum Wage Order (General)* made by Order in Council 1999-56 dated February 17, 1999, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective November 10, 1999, subject to the publication requirement in Section 52 of the *Labour Standards Code*.

Schedule "A"

Amendments to the *Minimum Wage Order (General)* made pursuant to Sections 50 and 52 of Chapter 246 of the Revised Statutes of Nova Scotia, 1989, the *Labour Standards Code*

- 1 Subsection 10(3) of the *Minimum Wage Order (General)* made by the Governor in Council by Order in Council 1999-56 dated February 17, 1999, is repealed and the following subsection substituted:
 - (3) Despite subsection (1), the employer of an employee who is required to work in excess of 48 hours in a week and who is employed in a building which includes his or her place of residence as a watch, janitor or building superintendent, may pay at the minimum rate for the hours worked in excess of 48 hours.
- 2 Subsection 11(2) of the *Minimum Wage Order (General)* is amended by striking out "an ambulance driver or attendant or".