

# Royal Gazette

## Part II Regulations under the Regulations Act

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### Contents

Act	Reg. No.	Page
<b>Environment Act</b>		
Proclamation of amendments to Act, S. 52, S.N.S. 2006, c. 30 .....	221/2006	750
<b>Financial Measures (2006) Act</b>		
Proclamation, S. 63(1), S.N.S. 2006, c. 2 – S. 57 and 58 .....	216/2006	738
<b>Halifax Regional Water Commission Act</b>		
Proclamation of amendments to Act, S. 2, S.N.S. 2004, c. 49 .....	218/2006	745
<b>Liquor Control Act</b>		
Liquor Licensing Regulations – amendment .....	215/2006	737
<b>Motor Vehicle Act</b>		
Vehicle Inspection Regulations .....	214/2006	717
<b>Off-highway Vehicles Act</b>		
Off-highway Vehicles Designated Trails and Trail Permits Regulations .....	224/2006	753
Off-highway Vehicles Fees Regulations – amendment .....	223/2006	752
Off-highway Vehicles General Regulations – amendment .....	225/2006	756
<b>Petroleum Products Pricing Act</b>		
Prescribed Petroleum Products Prices .....	219/2006	747
<b>Sales Tax Act</b>		
Sales Tax Act Regulations – amendment .....	217/2006	739
<b>Trade Union Act</b>		
Proclamation of amendments to Act, S. 7, S.N.S. 2006, c. 48 .....	220/2006	749

**Volunteer Protection Act**

Designation of Non-profit Organizations Regulations – amendment . . . . .	222/2006	751
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**In force date of regulations:** As of March 4, 2005\*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

\*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

**N.S. Reg. 214/2006**

Made: October 25, 2006

Approved: November 28, 2006

Filed: November 29, 2006

## Vehicle Inspection Regulations

Order in Council 2006-505 dated November 28, 2006  
Regulations made by the Minister of Service Nova Scotia and Municipal Relations  
and approved by the Governor in Council  
pursuant to subsection 201(7) of the *Motor Vehicle Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated October 25, 2006, and pursuant to subsection 201(7) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, is pleased, effective on and after February 1, 2007,

- (a) to approve the repeal by the Minister of Service Nova Scotia and Municipal Relations of
  - (i) the regulations respecting vehicle inspections, N.S. Reg. 108/80, approved by Order in Council 80-925 dated July 2, 1980, and
  - (ii) regulations respecting the affixing of inspection stickers, N.S. Reg. 139/86, made by order of the Registrar of Motor Vehicles dated June 12, 1986; and
- (b) to approve new regulations respecting vehicle inspections made by the Minister of Service Nova Scotia and Municipal Relations in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

**Schedule "A"**

**In the Matter of subsection 201(7) of  
Chapter 293 of the Revised Statutes of Nova Scotia, 1989,  
the *Motor Vehicle Act***

- and -

**In the Matter of Regulations Respecting Vehicle Inspections  
made under the *Motor Vehicle Act***

**Order**

I, Jamie Muir, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, pursuant to subsection 201(7) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, hereby

- (a) repeal the regulations respecting vehicle inspections, N.S. Reg. 108/80, made by the Minister of Transportation and approved by the Governor in Council by Order in Council 80-925 dated July 2, 1980;
- (b) repeal the regulations respecting the affixing of inspection stickers, N.S. Reg. 139/86, made by the Registrar of Motor Vehicles by order dated June 12, 1986; and

- (c) make new regulations respecting vehicle inspections in the form attached.

This Order is effective on and after February 1, 2007, and approval by the Governor in Council.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on Oct. 25, 2006.

Sgd.: *Jamie Muir*  
Honourable Jamie Muir  
Minister of Service Nova Scotia and Municipal Relations

**Regulations Respecting Vehicle Inspections  
made by the Minister of Service Nova Scotia and Municipal Relations  
pursuant to subsection 201(7) of Chapter 293  
of the Revised Statutes of Nova Scotia, 1989,  
the *Motor Vehicle Act***

**Interpretation**

**Citation**

**1** These regulations may be cited as the *Vehicle Inspection Regulations*.

**Definitions**

**2** In these regulations,

- (a) “Act” means the *Motor Vehicle Act*;
- (b) “approval sticker” means a sticker issued by a tester or a vehicle inspector under Section 21;
- (c) “business day” means any day other than a Saturday, Sunday or statutory holiday;
- (d) “certificate of qualification” for a tester means a certificate of qualification under the *Apprenticeship and Trades Qualifications Act*;
- (e) “Department” means Service Nova Scotia and Municipal Relations;
- (f) “inspection” means an inspection of a vehicle in accordance with these regulations;
- (g) “inspection certificate” means a certificate issued under Section 20 or 21 that sets out the results of an inspection;
- (h) “inspection sticker” means an approval sticker or a rejection sticker;
- (i) “licensee” means a person to whom an official testing station license is issued under subsection 201(2A) of the Act;
- (j) “Official Inspection Station Manual” means a manual prepared and distributed by the Registry of Motor Vehicles, as updated from time to time, that sets out the procedures approved by the Registrar of Motor Vehicles for inspecting a vehicle, and specifies acceptance and rejection criteria;
- (k) “official testing station” means a facility licensed in accordance with Section 201(2A) of the Act and these regulations;

- (l) “rejection sticker” means a sticker issued by a tester or a vehicle inspector under Section 20;
- (m) “roadworthy”, in describing a vehicle, means not unroadworthy;
- (n) “tester” means a person licensed under Section 9;
- (o) “unroadworthy”, in describing a vehicle, means having a defect or defects that could result in loss of control of the vehicle or could jeopardize the health or safety of an occupant of the vehicle or another person;
- (p) “vehicle inspector” means a person appointed as a motor vehicle inspector under Section 6 of the Act;
- (q) “voided inspection sticker and certificate” means an inspection sticker and corresponding inspection certificate that are unusable for any of the reasons set out in Section 14.

### **Application of regulations**

**3** These regulations apply only to vehicles or classes of vehicles that must be tested at official testing stations by order of the Minister under subsection 201(3) of the Act.

### **Standards for Official Testing Stations**

#### **Facility and equipment requirements for official testing station**

**4** Every official testing station must meet all of the following facility and equipment requirements:

- (a) it must have an enclosed facility that, in the opinion of the Registrar, is large enough to permit the proper inspection of any class of vehicle that the licensee intends to be tested there;
- (b) it must have the tools and equipment listed in Schedule A for the class of vehicle to be inspected, or any other tools and equipment that the Registrar considers appropriate;
- (c) the tools and equipment required by clause (b) must be kept inside the station and must be maintained in good working order at all times;
- (d) it must have a secure area for storing inspection stickers;
- (e) it must be located in a facility that conforms with all applicable municipal by-laws;
- (f) it must be open during as many hours and with as much regularity as is reasonably necessary to provide service to its typical clients and to permit the Department to ensure that it complies with these regulations;
- (g) it must be located in a facility owned by or under lease to the licensee it is licensed to.

#### **Tester required to be employed at official testing station**

**5** For every official testing station licensed to a licensee, the licensee must employ at least one tester who has the qualifications set out in Section 6 that apply to the type of vehicle to be tested at the official testing station.

### Testers' Qualifications and Licensing

#### Vehicle-specific qualifications for testers

- 6 A tester must have the qualifications set out in the following table for the class of vehicle that the tester inspects:

	Class of Vehicle	Tester's Qualifications
1	Vehicle with registered gross weight of 4500 kg or less, other than a motorcycle or motor-driven cycle, or vehicle with registered gross weight of more than 4500 kg and equipped with hydraulic brakes	Valid certificate of qualification in either of the following trades: <ul style="list-style-type: none"> <li>– service station mechanic</li> <li>– automotive service technician</li> </ul> <b>or</b> Certification by Department before August 1, 2000, as a tester of vehicles with a registered gross weight of 4500 kg or less
2	Vehicle with registered gross weight of more than 4500 kg and not equipped with hydraulic brakes	Valid certificate of qualification in the truck and transport mechanic trade
3	Motorcycle or motor-driven cycle	Valid certificate of qualification in the motorcycle mechanic trade <b>or</b> Certification by Department before August 1, 2000, as a tester of motorcycles
4	Trailer with registered gross weight of under 4500 kg	Before January 1, 2007: Valid certificate of qualification in any of the following trades: <ul style="list-style-type: none"> <li>– truck and transport mechanic</li> <li>– automotive service technician</li> <li>– service station mechanic</li> <li>– motorcycle mechanic</li> <li>– recreation vehicle service technician</li> </ul> <b>or</b> Certification by Department before August 1, 2000, as a tester of trailers equipped with electric or hydraulic brakes  January 1, 2007, and after: Valid certificate of qualification in either of the following trades: <ul style="list-style-type: none"> <li>– truck and transport mechanic</li> <li>– recreation vehicle service technician</li> </ul> <b>or</b> Completion of an appropriate training program recognized by the Registrar
5	Trailer with registered gross weight of over 4500 kg and equipped with air brakes	Valid certificate of qualification in either of the following trades: <ul style="list-style-type: none"> <li>– truck and transport mechanic</li> <li>– transport trailer technician</li> </ul>

**Application for tester's license or renewal**

- 7 (1) An application for a tester's license, or renewal of a tester's license, must be made on the form prescribed by the Registrar and must be submitted to the Department together with all of the following:
- (a) the fee for a tester's license or renewal of a tester's license payable under subsection 9(5);
  - (b) proof of qualification under Section 6 that is satisfactory to the Registrar.
- (2) An applicant for a tester's license, or renewal of a tester's license, must take any examinations and tests that the Registrar requires.
- (3) If one year or more has elapsed since the date that the tester's license expired or was suspended, the tester must apply for a new tester's license.
- (4) In addition to being required to apply for a new tester's license, a tester described in subsection (3) who was certified by the Department before August 1, 2000, must complete an appropriate training program recognized by the Registrar.

**False statement in tester's license application**

- 8 A person must not make a false statement in an application for a tester's license or renewal of a tester's license.

**Issue or renewal of tester's license**

- 9 (1) The Registrar may issue or renew a tester's license in accordance with these regulations.
- (2) A tester's license is valid for the calendar year for which it is issued or renewed.
- (3) A tester's license must state all of the following:
- (a) the name of the tester;
  - (b) the class of vehicle the tester is qualified to inspect;
  - (c) the expiry date of the license.
- (4) A tester's license may contain any conditions that the Registrar requires.
- (5) The fee for a tester's license, or renewal of a tester's license, is \$10.
- (6) The fee for a duplicate tester's license is \$5.

**Refusal to issue or renew tester's license**

- 10 The Registrar may refuse to issue or renew a tester's license for any of the following reasons:
- (a) the application is not complete, in accordance with subsection 7(1);
  - (b) the Registrar determines that the application contains a false statement;
  - (c) the applicant does not take an examination or test that the Registrar requires, or the applicant does not complete an examination or test in a manner satisfactory to the Registrar;
  - (d) the Registrar is not satisfied as to the applicant's ability or fitness to be a tester.

**Cancellation or suspension of tester's license**

**11** The Registrar may cancel or suspend a tester's license for any of the following reasons:

- (a) the Registrar determines that the tester's application contains a false statement;
- (b) the tester's license was issued on the basis of incorrect or false information;
- (c) the tester is not in compliance with the Act, these regulations or any condition of the tester's license;
- (d) the Registrar is not satisfied as to the tester's ability or fitness to continue as a tester.

**Inspection Stickers and Inspection Certificate****Forms of inspection stickers and inspection certificate**

- 12** (1) An approval sticker must be in Form 1 of Schedule B.
- (2) A rejection sticker must be in Form 2 of Schedule B.
- (3) An inspection certificate must be in Form 3 of Schedule B.

**Sale of inspection stickers and inspection certificates to official testing stations**

- 13** (1) The Department must sell inspection stickers to official testing stations at a fee of \$3 each, which includes the corresponding inspection certificate.
- (2) The Department may refuse to sell inspection stickers and certificates to an official testing station if the Registrar believes that the official testing station
- (a) does not have adequate security for the inspection stickers and certificates; or
  - (b) is not returning the Department's copies of issued certificates to the Department in a timely manner.
- (3) A person must not sell an inspection sticker or an inspection certificate unless they are authorized to do so by these regulations.

**Voided inspection sticker and certificate**

**14** An inspection sticker and corresponding inspection certificate are void and unusable if any of the following occur:

- (a) an incorrect date is punched on the inspection sticker;
- (b) an error is made in completing the inspection certificate;
- (c) either the inspection sticker or the corresponding inspection certificate is materially damaged or defaced.



## Inspection Procedures

### Who may inspect vehicles

- 15** (1) Only a tester or a vehicle inspector may inspect vehicles and issue inspection stickers and inspection certificates.
- (2) A tester may inspect only those vehicles that are in a class of vehicle that the tester is qualified to inspect under Section 6.
- (3) Despite any other provision of these regulations, a tester who is licensed to inspect a vehicle with a registered gross weight of 4500 kg or less, other than a motorcycle or motor-driven cycle, solely on the basis of having been certified by the Department before August 1, 2000, may issue an inspection sticker or inspection certificate for that class of vehicle only if the tester's inspection of the vehicle's brakes was done in the presence of a person who holds one of the certificates of qualification required for a tester of a vehicle of that class.
- (4) No person other than one of the following may affix an inspection sticker to a vehicle or remove an inspection sticker from a vehicle:
- (a) a vehicle inspector;
  - (b) a tester who inspected the vehicle and who is qualified under Section 6 to inspect that class of vehicle.

### Where inspections must be conducted

- 16** (1) An inspection must be conducted and an inspection sticker issued, affixed or removed only at an official testing station.
- (2) Despite subsection (1), a vehicle inspector may inspect a vehicle and issue, affix or remove an inspection sticker at any location.

### Duties of tester and vehicle inspector

- 17** (1) A tester or a vehicle inspector must do all of the following:
- (a) conduct and certify an inspection in accordance with these regulations;
  - (b) complete and issue an inspection certificate and inspection sticker for each vehicle inspected;
  - (c) check vehicle registration information for each vehicle inspected and notify the Registrar no later than 3 business days after the inspection date, on the form prescribed by the Registrar, if the information on the vehicle's permit, including any of the following, does not correspond with the actual vehicle in any respect:
    - (i) the number plates,
    - (ii) the vehicle identification number,
    - (iii) the make and year of the vehicle;
  - (d) provide true, accurate and complete information to the Registrar for each vehicle inspected and each inspection sticker and inspection certificate issued.

- (2) Any discrepancy referred to in clause (1)(c) between the vehicle permit information and the actual vehicle is not sufficient reason for the tester or vehicle inspector to refuse to inspect the vehicle or refuse to issue an inspection sticker and inspection certificate.
- (3) A tester or a vehicle inspector must not do any of the following:
  - (a) falsely certify an inspection;
  - (b) knowingly issue a rejection sticker for a vehicle that should be approved;
  - (c) knowingly issue an approval sticker for a vehicle that should be rejected;
  - (d) issue a voided inspection certificate or voided inspection sticker for a vehicle or affix a voided inspection sticker to a vehicle.

**Vehicle parts that must be inspected**

- 18 (1)** All of the following parts of a vehicle, except a motorcycle or motor-driven cycle, must be inspected:
- (a) windshield and window glass;
  - (b) horn;
  - (c) brakes;
  - (d) windshield wipers;
  - (e) steering system;
  - (f) suspension system;
  - (g) exhaust system;
  - (h) fuel system;
  - (i) lights;
  - (j) tires and wheels;
  - (k) mirrors;
  - (l) coupling devices and towing connections, if applicable;
  - (m) body components.
- (2)** All of the following parts of a motorcycle or motor-driven cycle must be inspected:
- (a) horn;
  - (b) brakes;
  - (c) steering system;
  - (d) handlebars;
  - (e) suspension system;
  - (f) frame and forks;
  - (g) exhaust system;
  - (h) foot rests;

- (i) chain or drive-shaft protection;
  - (j) fuel system;
  - (k) lights;
  - (l) tires and wheels;
  - (m) mirrors;
  - (n) windshield or windscreen, if applicable;
  - (o) body components.
- (3) All of the following parts of a trailer must be inspected:
- (a) for a trailer of over 3000 kg registered gross weight, brakes;
  - (b) coupling devices and towing connections;
  - (c) suspension system;
  - (d) lights;
  - (e) tires and wheels;
  - (f) frame;
  - (g) glass, if applicable;
  - (h) body components.
- (4) A tester and a vehicle inspector must follow the Official Inspection Station Manual in conducting an inspection.

#### **Issue of inspection stickers and inspection certificates**

**19** After inspecting a vehicle, a tester or a vehicle inspector must

- (a) remove and destroy the existing inspection sticker and destroy the existing inspection certificate; and
- (b) issue an approval sticker or a rejection sticker for the vehicle, together with an inspection certificate signed by the tester or vehicle inspector, and affix the inspection sticker to the vehicle in accordance with Section 23.

#### **When rejection sticker must be issued**

- 20 (1)** A tester or vehicle inspector must issue a rejection sticker and a corresponding inspection certificate for a vehicle if any part that is required to be inspected by subsection 18(1), (2) or (3)
- (a) does not meet the standards of the Act, any regulations made under the Act or the Official Inspection Station Manual; or
  - (b) is missing, and the vehicle was designed by its manufacturer to be equipped with the part.
- (2) Despite clause 19(b) and subsection (1), a rejection sticker issued for a vehicle must not be affixed to the vehicle if the tester or vehicle inspector who inspected the vehicle believes that the vehicle is unroadworthy.

- (3) If a tester or a vehicle inspector believes that a vehicle is unroadworthy, the tester or vehicle inspector must record that the vehicle is unroadworthy on the copy of the inspection certificate to be returned to the Department and must affix a rejection sticker to that copy of the inspection certificate.

**When approval sticker must be issued**

- 21 If a vehicle is not issued a rejection sticker, the tester or vehicle inspector must issue an approval sticker and a corresponding inspection certificate for the vehicle.

**Issue of replacement inspection sticker or inspection certificate**

- 22 (1) A tester or vehicle inspector may issue a replacement inspection sticker or replacement inspection certificate if the tester or inspector is satisfied that the existing sticker or certificate has been lost, damaged or stolen.
- (2) A replacement inspection sticker or inspection certificate must be issued with the same expiry date as the lost, damaged or stolen inspection sticker or inspection certificate and must be clearly marked "replacement only" by the tester or inspector.
  - (3) A tester or vehicle inspector is not required to inspect a vehicle before issuing a replacement inspection sticker or inspection certificate for the vehicle.
  - (4) A licensee may charge a maximum fee of \$5 for a replacement inspection sticker or inspection certificate.

**Location of inspection stickers**

- 23 (1) On a vehicle equipped with a windshield, an inspection sticker must be securely affixed to the lower left-hand interior of the windshield.
- (2) On a trailer, an inspection sticker must be securely affixed to the lower left-hand side of the trailer as near the front as possible, and must be easily visible.
  - (3) On a motorcycle or motor-driven cycle, an inspection sticker must be securely affixed in any one of the following places:
    - (a) top of front mudguard forward of the forks;
    - (b) lower left-hand fork leg;
    - (c) lower left-hand exterior of the windshield.

**Validity of inspection stickers**

- 24 (1) An approval sticker is valid until the end of the anniversary month of its issue in the next year following its issue.
- (2) A rejection sticker is valid for 10 days following the date it is issued.
  - (3) Despite subsection (1), the Registrar or a person designated by the Registrar may, in writing, extend the expiry date of an approval sticker.
  - (4) Despite subsection (2), the owner or operator of a vehicle may apply to the Registrar for an extension of the expiry date of a rejection sticker issued to the vehicle, and the Registrar or a person designated by the Registrar may extend the expiry date.

**Inspection fees**

- 25 (1) For each completed inspection, an official testing station may charge a fee up to the applicable maximum fee set out in the following table:

	<b>Class of Vehicle</b>	<b>Maximum Fee</b>
1	Vehicle with single rear axle designed for 2 wheels, including passenger car, station wagon, truck or motorized home	\$25.00
2	Motorcycle or motor-driven cycle	\$14.00
3	Truck or truck tractor, bus or motorized home with hydraulic brakes and single rear axle designed for 4 wheels (4500 kg or less)	\$35.00
4	Truck or truck tractor, bus or motorized home (over 4500 kg)	\$85.00
5	Trailer or semi-trailer equipped with 1 axle (4500 kg or less)	\$10.00
6	Trailer or semi-trailer equipped with 2 or more axles and registered weight of 4500 kg or less	\$15.00
7	Trailer or semi-trailer with registered weight of over 4500 kg	\$35.00

- (2) An additional inspection fee must not be charged for a rejected vehicle that is returned to the official testing station where the vehicle was inspected while the rejection sticker is still valid or the extension period granted by the Registrar or the Registrar's designate under subsection 24(4) has not expired.

**Duties of Owner or Operator of Vehicle****Ensuring vehicle is inspected**

- 26 (1) An owner or operator of a vehicle that is a vehicle or a member of a class of vehicles ordered by the Minister to be inspected in a specified time period under subsection 201(3) of the Act must
- ensure that an inspection of the vehicle is conducted and certified by a tester or a vehicle inspector; and
  - produce the valid inspection certificate for the vehicle at the request of a peace officer.
- (2) Except as provided in subsection 28(6) and (7), an owner or operator of a vehicle described in subsection (1) must not operate the vehicle without a valid inspection sticker in place and a valid inspection certificate for the vehicle in their possession.

**Repairs to rejected vehicle**

- 27 If a vehicle is inspected at an official testing station and is issued a rejection sticker, the owner or operator of the vehicle must
- have the necessary repairs made to the vehicle to bring it into conformity with the standards of the Act, any regulations made under the Act and the Official Testing Station Manual; and
  - return the vehicle to an official testing station before the expiry date of the rejection sticker or the expiry of the extension period granted under subsection 24(4).

**Inspection on sale of vehicle**

- 28** (1) A person must not sell a vehicle that has not been inspected and certified by a tester or vehicle inspector while in the registered owner's possession and that does not have a valid approval sticker and corresponding inspection certificate.
- (2) The cost of an inspection is the responsibility of the seller.
- (3) Despite subsection (1), a person may sell a vehicle that has not been inspected and certified by a tester or vehicle inspector if the buyer and seller give written acknowledgment of the absence of an inspection to the Department in a form acceptable to the Department.
- (4) For the purposes of this Section, a vehicle that is assigned or consigned to or in the possession of a licensed dealer for sale or resale purposes is deemed to be registered in the name of that dealer.
- (5) Despite subsection (1), a vehicle sold between licensed dealers does not require inspection before sale.
- (6) A vehicle operating with an in-transit permit does not require an inspection sticker.
- (7) A new vehicle being delivered by a licensed dealer from a distribution area to the dealer's principal or supplemental place of business, or to the place of business of a sub-dealer of the dealer, does not require an inspection sticker.

**Inspection of vehicle purchased or registered outside the Province**

- 29** (1) Subject to subsection (2), a vehicle that is purchased outside the Province and that is required to be registered in the Province must be inspected at an official testing station no later than 10 days after the date of the vehicle's entry into the Province.
- (2) If a vehicle has passed an inspection to determine its roadworthiness and a valid certificate of inspection has been issued for it by a jurisdiction that is a party to a reciprocal agreement with the Province in this respect, the vehicle does not have to be inspected at an official testing station or to display an inspection sticker while the certificate of inspection issued by the reciprocating jurisdiction remains in force and the corresponding inspection sticker issued by the reciprocating jurisdiction is displayed.
- (3) Despite subsections (1) and (2), a vehicle must not be operated in the Province if it is not equipped in accordance with the Act, any regulations made under the Act and the Official Testing Station Manual.

**Exemption for vehicle with certificate of inspection under *Motor Carrier Act***

- 30** Despite any other provisions of these regulations, as long as a valid certificate of inspection is in force for a vehicle under the *Motor Carrier Act* or any regulations made under that Act, the vehicle does not have to be inspected at an official testing station or otherwise comply with these regulations.

**Official Testing Station Licensing****Application for official testing station license**

- 31** An application for an official testing station license must be made on the form prescribed by the Registrar and must be submitted to the Department together with all of the following:

- (a) an application fee of \$53.50;

- (b) the official testing station license fee payable under subsection 37(4);
- (c) verification from the appropriate municipal authority that the facility in which the official testing station is to be located conforms with all applicable municipal by-laws;
- (d) proof that the applicant owns or leases the facility in which the official testing station is to be located;
- (e) proof that the applicant has employed a tester in accordance with Section 5;
- (f) if applicable, proof of the applicant's incorporation, or partnership or business name registration;
- (g) if the applicant is a body corporate or a partnership, or does business under another name, proof that the applicant has made all required filings and registrations with the Registry of Joint Stock Companies, and is in good standing with the Registry of Joint Stock Companies;
- (h) a declaration, made by a person familiar with the business operations of the applicant and who has authority to bind the applicant, that certifies all of the following:
  - (i) that the information in the application is true,
  - (ii) that the facility in which the official testing station is to be located meets the requirements of clauses 4(a), (b) and (c) and will be open as required by clause 4(e),
  - (iii) that all inspections at the official testing station will be conducted in accordance with these regulations;
- (i) any information or documentation in addition to that described in clauses (a) to (h) that the Registrar requires to establish to the Registrar's satisfaction that the applicant is able and fit to operate an official testing station.

#### **Application for renewal of official testing station license**

- 32 (1)** An application for renewal of an official testing station license must be made on the form prescribed by the Registrar and must be submitted to the Department together with all of the following:
- (a) the official testing station license fee payable under subsection 37(4);
  - (b) proof that the licensee employs a tester in accordance with Section 5;
  - (c) if applicable, proof of the licensee's incorporation, or partnership or business name registration;
  - (d) if the licensee is a body corporate or a partnership, or does business under another name, proof that the licensee has made all required filings and registrations with the Registry of Joint Stock Companies, and is in good standing with the Registry of Joint Stock Companies;
  - (e) a declaration, made by a person familiar with the business operations of the licensee and who has authority to bind the licensee, that certifies all of the following:
    - (i) that the information in the application is true,

- (ii) that the facility in which the official testing station is located continues to conform with all applicable municipal by-laws and to meet the requirements of clauses 4(a), (b), (c) and (e),
  - (iii) if applicable, that the licensee has complied and will continue to comply with any condition of their license,
  - (iv) that the licensee continues to own or lease the facility in which the official testing station is located,
  - (v) that all inspections at the official testing station have been, and will continue to be, conducted in accordance with these regulations;
  - (f) any information or documentation in addition to that described in clauses (a) to (e) that the Registrar requires to establish to the Registrar's satisfaction that the licensee continues to be able and fit to operate an official testing station.
- (2) If one year or more has elapsed since the expiry date of a licensee's license, the licensee must apply for a new official testing station license.

**False statement in application for official testing station license**

**33** A person must not make a false statement in an application for an official testing station license or renewal of an official testing station license.

**Designation of Registrar for purposes of subsection 201(2B) of the Act**

**34** The Registrar is designated as a person who may cancel, suspend or refuse to issue or renew an official testing station license in accordance with subsection 201(2B) of the Act.

**Registrar may inspect premises before official testing station license issued or renewed**

**35** Before an official testing station license is issued or renewed, the Registrar or persons authorized by the Registrar may inspect the official testing station premises, the security measures proposed for or used at the official testing station, and the equipment to be used or being used for inspections at the official testing station.

**Refund of license fee on refusal to issue or renew official testing station license**

**36** If the Registrar refuses to issue or renew an official testing station license, any license fee that accompanied the application for the license or renewal must be refunded to the applicant.

**Terms and conditions of official testing station license**

- 37** (1) An official testing station license must state all of the following:
- (a) the name of the licensee;
  - (b) the address of the official testing station;
  - (c) the expiry date of the license.
- (2) An official testing station license may contain any conditions that the Registrar requires.
- (3) An official testing station license is valid for the calendar year for which it is issued or renewed.
- (4) The fee for an official testing station license is \$107.



**Official testing station license not transferable**

- 38 (1)** An official testing station license is not transferrable.
- (2)** Despite subsection (1), if a licensee dies, the licensee's estate may continue to operate the official testing station under the licensee's license as long as all other requirements of the Act and these regulations for operating an official testing station are complied with.

**Licensee must return documents if license cancelled or suspended**

**39** If the Registrar cancels or suspends an official testing station license, the licensee must immediately return all of the following to the Department:

- (a) the original official testing station license;
- (b) all unused inspection stickers and inspection certificates;
- (c) all voided inspection stickers and inspection certificates;
- (d) any material given to the licensee by the Department other than that described in clauses (a) to (c).

**Licensee name change and license replacement**

- 40 (1)** If a licensee changes their name, the licensee must give the Registrar details of the name change no later than 10 days after the date of the change.
- (2)** When the Registrar is notified of a licensee's name change, the Registrar may issue a replacement official testing station license at no fee.
- (3)** A replacement official testing station license is valid until the expiry date of the license that is being replaced.
- (4)** When a replacement official testing station license is issued, the licensee must destroy the license that is being replaced along with all copies of it.

**Filings and registrations with Registry of Joint Stock Companies**

**41** If a licensee is a body corporate or a partnership or does business under another name, the licensee must make all required filings and registrations with the Registry of Joint Stock Companies and be in good standing with the Registry of Joint Stock Companies.

**Licensee's duties**

**42** A licensee must do all of the following:

- (a) provide true, accurate and complete information to the Registrar;
- (b) ensure that all inspections are conducted in accordance with these regulations;
- (c) allow the Registrar or Department staff or persons authorized by the Registrar to inspect the equipment, premises and any materials used for inspections at any time during the hours the official testing station is open;
- (d) notify the Registrar if ownership of the official testing station is changing, or if its operation is being suspended or terminated, at least 14 days before the date of either occurrence;

- (e) notify the Registrar at least 5 business days before the start date or end date of a tester's employment with the licensee;
- (f) maintain a record of each inspection conducted at the official testing station for 3 years following the inspection date;
- (g) promptly provide any inspection records or relevant information requested by the Registrar or by a peace officer;
- (h) display all signs and licenses issued to the licensee in the manner required by the Registrar;
- (i) notify the Registrar in writing of the names of persons authorized by the licensee to buy inspection stickers and inspection certificates on behalf of the licensee;
- (j) take all necessary precautions to safeguard inspection stickers and inspection certificates from loss or theft;
- (k) immediately forward all of the following to the Department:
  - (i) the Department's copies of issued certificates,
  - (ii) voided inspection stickers and voided inspection certificates;
- (l) report lost or stolen inspection stickers or certificates to the Registrar, and stolen inspection stickers or certificates to the local police authorities, no later than 2 business days after the date they became aware of the loss or theft.

### Penalties

#### Category A offences

**43** Any person who violates clause 42(d), (e), (h) or (i) is guilty of an offence and liable on summary conviction to the penalties provided for a category A offence in the *Summary Proceedings Act*.

#### Category B offences

**44** Any person who violates any of the following is guilty of an offence and liable on summary conviction to the penalties provided for a category B offence in the *Summary Proceedings Act*:

- (a) clause 26(1)(b);
- (b) subsection 26(2);
- (c) subsection 29(1);
- (d) clause 42(c) or (g) or subclause 42(k)(i).

#### Category C offences

**45** Any person who violates any of the following is guilty of an offence and liable on summary conviction to the penalties provided for a category C offence in the *Summary Proceedings Act*:

- (a) clause 17(1)(c);
- (b) clause 26(1)(a);
- (c) subclause 42(k)(ii).

**Category E offences**

**46** Any person who violates any of the following is guilty of an offence and liable on summary conviction to the penalties provided for a category E offence in the *Summary Proceedings Act*:

- (a) subsection 16(1);
- (b) clause 17(1)(d);
- (c) clause 17(3)(d);
- (d) Section 39;
- (e) clause 42(b), (f), (j) or (l).

**Category G offences**

**47** Any person who violates any of the following is guilty of an offence and liable on summary conviction to the penalties provided for a category G offence in the *Summary Proceedings Act*:

- (a) Section 8;
- (b) subsection 13(3);
- (c) subsection 15(1), (2) or (4);
- (d) clause 17(1)(a) or (b);
- (e) subsection 17(3)(a), (b) or (c);
- (f) subsection 20(2);
- (g) subsection 28(1);
- (h) Section 33;
- (i) clause 42(a).

**Schedule A****List of Tools and Equipment Required for Official Testing Stations****Vehicles with registered gross weight of 4500 kg or less, other than motorcycles and motor-driven cycles**

1. Hoist or axle stands
2. Floor jack (heavy duty)
3. Trouble light
4. Hand tools
5. Air compressor
6. Tire pressure gauge (hand)
7. Tire tread depth gauge
8. HD/LP aiming device
9. Suspension gauge/dial indicator
10. Micrometer
11. Drum gauge
12. Torque wrench/sockets for wheel replacement
13. Pry bar (ball joints)

**Vehicles with registered gross weight over 4500 kg**

1. Truck/bus hoist and axle stands
2. Heavy duty floor jack capable of lifting class of vehicle

3. Fifth wheel dummy pin
4. Long pry bar
5. HD/LP aiming device
6. Suspension gauge/dial indicator
7. Tire pressure gauge
8. Tread gauge
9. Air compressor
10. Wheel jack
11. Torque wrench/sockets for wheel replacement
12. Trouble light
13. Hand tools
14. Drum gauge
15. Micrometer
16. Wheel chocks
17. Axle seal/sleeve installation tool

**Motorcycles or motor-driven cycles**

1. Floor jack (heavy duty)
2. Trouble light
3. Hand tools
4. Tire pressure gauge (hand)
5. Tire tread depth gauge
6. HD/LP aiming device

**Trailers with registered gross weight of 4500 kg or less without brakes or equipped with electric or hydraulic brakes**

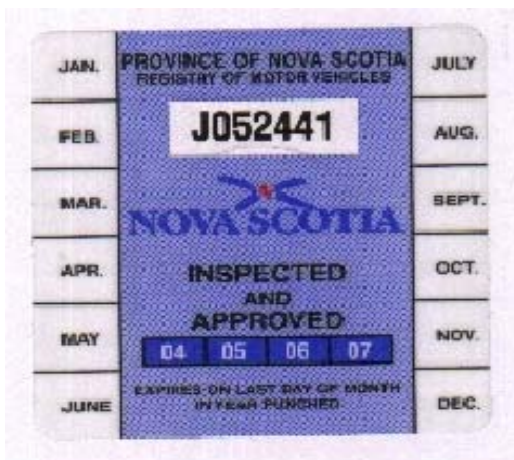
1. Floor jacks or axle stands
2. Pry bar
3. Suspension tester
4. Hand tools
5. Trouble light
6. Tire pressure gauge
7. Tire tread gauge
8. Test panel for lights and brake operation

**Trailers with registered gross vehicle weight over 4500 kg and equipped with electric, hydraulic or air brakes**

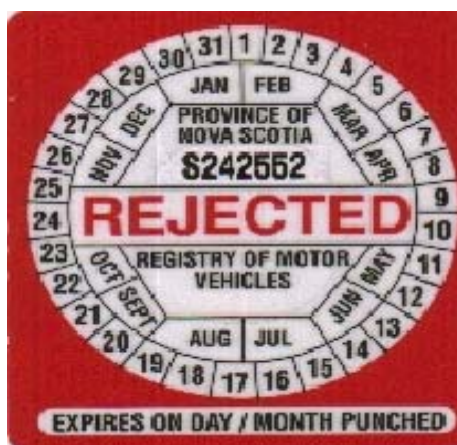
1. Heavy duty floor jack and axle stands
2. Long pry bar
3. Tire pressure gauge
4. Tire tread gauge
5. Suspension tester/dial indicator
6. No-go gauge (king pin)
7. Air compressor, hoses and couplings adequate to conduct brake check
8. Wheel jack
9. Wheel chocks
10. Test panel for lights and electric brakes, if applicable

Schedule B

Form 1 - Approval Sticker



Form 2 - Rejection Sticker



**Form 3 - Vehicle Inspection Certificate**

**Form 3 - Vehicle Inspection Certificate**



**MOTOR VEHICLE INSPECTION CERTIFICATE**      **E 000000**      **Service Nova Scotia and Municipal Relations**

DATE	PLATE #	PROV.	VIN # (Complete)	OWNER (Last Name & Initials)

**Type Vehicle**

	P		R		P		R	
Passenger	Glass	Suspension	Coupling					Odometer Reading
Light Commercial	Mirrors	Exhaust	Body					Last Sicker#
Heavy Commercial	Horn	Fuel	Power Train					<b>SAFE DRIVERS AND SAFE CARS</b>
Motorcycle	Brakes	Lights	Gauges					<b>PREVENT ACCIDENTS</b>
Trailer	Wipers	Electrical	Speedometer					
C Dolly	Steering	Tires/Wheels	Aux. Equipment					

I certify this vehicle has been tested and approved by me in accordance with the *Motor Vehicle Act* and regulations.

Owner's copy to remain in vehicle at all times.      Station #      Tester Signature

**IMPORTANT NOTICE**  
This report of inspection is not a guarantee or warranty as to the future condition or operation of the motor vehicle described herein nor does it authorize the operation of an unsafe vehicle or an illegally equipped vehicle at any time.

The owner or operator of a rejected vehicle has ten days from date of inspection to have defects corrected. Re-inspection of the rejected items at the original station will eliminate an additional inspection fee.

Keep this report in your vehicle - should your inspection sticker become defaced or damaged it may be replaced for a nominal fee upon proof of inspection with this form.

It is an offence to sell any registered motor vehicle unless inspected and approved while in your possession. In the event of transfer or sale, deliver this report to the new owner and record the inspection sticker number and date of inspection on the application for registration.

**N.S. Reg. 215/2006**

Made: November 28, 2006

Filed: November 29, 2006

Liquor Licensing Regulations

Order in Council 2006-506 dated November 28, 2006  
Amendment to regulations made by the Governor in Council  
pursuant to Section 50 of the *Liquor Control Act*

The Governor in Council on the report and recommendation of the Minister responsible for the *Liquor Control Act* and the Minister of Environment and Labour dated November 2, 2006, and pursuant to Section 50 of Chapter 260 of the Revised Statutes of Nova Scotia, 1989, the *Liquor Control Act*, is pleased to amend the regulations respecting liquor licensing made by the Liquor License Board and approved by the Governor in Council by Order in Council 83-755 dated July 12, 1983, to eliminate the license fee based on the gross value of liquor purchased by a liquor licensee, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after January 1, 2007.

**Schedule "A"**

**Amendment to the Regulations Respecting Liquor Licensing  
made pursuant to Section 50 of Chapter 260 of  
the Revised Statutes of Nova Scotia, 1989,  
the *Liquor Control Act***

- 1 Clause 14(g) of the regulations respecting liquor licensing, N.S. Reg. 156/83, made by the Liquor License Board and approved by the Governor in Council by Order in Council 83-755 dated July 12, 1983, is amended by striking out "and on which the additional charge as provided by these regulations has been paid" and substituting a comma.
- 2 Subsection 58(2) of the regulations is repealed.
- 3 Subsection 64(2) of the regulations is repealed.
- 4 The regulations are further amended by amending Schedule "A" - Fees by
  - (a) striking out "All licenses issued by the Board, with the exception of special occasion license Class I, require a 3.5% license fee on the gross value of liquor purchased on the license to be paid to the board in addition to the fees outlined below:"; and
  - (b) striking out "THE 3.5% LICENSE FEE SHALL BE REFUNDED ON ACCEPTABLE UNUSED LIQUOR WHICH HAS BEEN PURCHASED ON A LICENSE AND RETURNED TO THE NOVA SCOTIA LIQUOR COMMISSION."



**N.S. Reg. 216/2006**

Made: November 30, 2006

Filed: November 30, 2006

Proclamation, S. 63(1), S.N.S. 2006, c. 2

Order in Council 2006-513 dated November 30, 2006

Proclamation made by the Governor in Council

pursuant to subsection 63(1)

of the *Financial Measures (2006) Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated November 23, 2006, pursuant to subsection (1) of Section 63 of Chapter 2 of the Acts of 2006, the *Financial Measures (2006) Act*, and subsection (7) of Section 3 of Chapter 235 of the Revised Statutes of Nova Scotia, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Sections 57 and 58 of Chapter 2 of the Acts of 2006, the *Financial Measures (2006) Act*, do come into force on and not before November 30, 2006.

PROVINCE OF NOVA SCOTIA

**sgd: J. Michael MacDonald**

G/S

ELIZABETH THE SECOND, by the Grace of God,  
of the United Kingdom, Canada and Her Other  
Realms and Territories, Queen, Head of the  
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE  
CONCERN,

GREETING:

**A PROCLAMATION**

WHEREAS in and by subsection (1) of Section 63 of Chapter 2 of the Acts of 2006, the *Financial Measures (2006) Act*, it is enacted as follows:

- 63 (1)** This Act, except Sections 2, 10, 11, 18, 19 and 21, subsections 25(2) and (3), Section 26, clauses 27(1)(a), (b) and (d) and Sections 52 and 53, comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Sections 57 and 58 of Chapter 2 of the Acts of 2006, the *Financial Measures (2006) Act*, come into force on and not before November 30, 2006;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Sections 57 and 58 of Chapter 2 of the Acts of 2006, the *Financial Measures (2006) Act*, do come into force on and not before November 30, 2006 of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these  
our Letters to be made Patent and the  
Great Seal of Nova Scotia to be  
hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour  
the Honourable J. Michael MacDonald,  
Administrator of the Government of the Province  
of Nova Scotia.



AT Our Law Courts in the Halifax Regional Municipality, this 30th day of November, in the year of Our Lord two thousand and six and in the fifty-fifth year of Our Reign.

BY COMMAND:

**sgd: Murray K. Scott**  
Provincial Secretary  
Minister of Justice and Attorney General

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**N.S. Reg. 217/2006**

Made: November 30, 2006

Filed: November 30, 2006

Sales Tax Act Regulations

Order in Council 2006-514 dated November 30, 2006  
Amendment to regulations made by the Governor in Council  
pursuant to Section 13 of the *Sales Tax Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated November 17, 2006, and pursuant to Section 13 of Chapter 31 of the Revised Statutes of Nova Scotia, 1989, the *Sales Tax Act*, is pleased to amend the *Sales Tax Act Regulations*, N.S. Reg. 33/97, made by the Governor in Council by Order in Council 97-208 dated April 1, 1997, to implement the household energy rebate program in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after November 30, 2006.

**Schedule "A"**

**Amendment to the *Sales Tax Act Regulations*  
made by the Governor in Council pursuant to  
Section 13 of Chapter 31 of the Acts of 1996,  
the *Sales Tax Act***

- 1 Section 13 of the *Sales Tax Act Regulations*, N.S. Reg. 33/97, made by the Governor in Council by Order in Council 97-208 dated April 1, 1997, is repealed and Section 14 is renumbered as Section 13.
- 2 The regulations are further amended by adding the following headings and Sections immediately after Section 13:

**Household Energy Rebate Program**

**Definitions**

**14** In Sections 15 to 25,

- (a) "bulk metering" means using a device to establish a charge for the supply of electricity to a multiple unit residential complex or condominium complex;

- (b) “commercial electricity customer” means a non-residential or non-industrial electricity customer who purchases electricity service under a general service tariff, as approved by the Nova Scotia Utility and Review Board under the *Public Utilities Act* for electric utilities in Nova Scotia;
- (c) “condominium complex” means a condominium complex as defined in subsection 123(1) of the *Excise Tax Act* (Canada);
- (d) “condominium corporation” means a corporation as defined in Section 3 of the *Condominium Act*;
- (e) “designated fuel” means any of the following:
  - (i) light fuel oil,
  - (ii) natural gas,
  - (iii) propane delivered by a supplier to a purchaser at a residential complex or a condominium complex,
  - (iv) kerosene delivered by a supplier to a purchaser at a residential complex or a condominium complex;
- (f) “designated fuel cost” means a charge for designated fuel, and does not include a charge for a service related to providing the designated fuel, including all of the following:
  - (i) an after-hour charge,
  - (ii) a collection visit charge,
  - (iii) a delivery charge,
  - (iv) an equipment lease or rental charge,
  - (v) an equipment maintenance or insurance charge,
  - (vi) a late payment charge;
- (g) “electricity cost” means only a base charge and a charge for electric current actually used, and does not include a charge for a service related to providing an electric current, including all of the following:
  - (i) an after-hour charge,
  - (ii) a collection visit charge,
  - (iii) a connect charge,
  - (iv) a seasonal disconnect fee,
  - (v) a street light charge,

- (vi) the Cowie Hill surtax,
- (vii) a late payment charge;
- (h) “heating fuel” means any of the following:
  - (i) coal,
  - (ii) firewood,
  - (iii) wood pellets,
  - (iv) propane not delivered by a supplier to a purchaser at a residential complex or a condominium complex,
  - (v) kerosene not delivered by a supplier to a purchaser at a residential complex or a condominium complex,
  - (vi) any fuel that is intended for residential use, is similar to fuel described in subclauses (i) to (v) and is not a designated fuel;
- (i) “heating fuel cost” means a charge for heating fuel, and does not include a charge for a service related to providing the heating fuel, including all of the service charges listed in clause (f);
- (j) “landlord” means a landlord as defined in Section 2 of the *Residential Tenancies Act*;
- (k) “mixed use property” means a property that is designated under Section 26 of the *Assessment Act* as partly residential and is classified as partly “residential taxable” based on the current assessment for the property issued under that Act;
- (l) “multiple unit residential complex” means a multiple unit residential complex as defined in subsection 123(1) of the *Excise Tax Act* (Canada);
- (m) “purchaser” means a person who acquires designated fuel, heating fuel or electricity at a sale for any of the following purposes:
  - (i) the person’s own consumption or use,
  - (ii) the consumption or use by another person at that person’s expense,
  - (iii) on behalf of or as agent for a principal who desires the designated fuel, heating fuel or electricity for consumption or use by the principal or another person at the principal’s expense;
- (n) “rebate” means a rebate paid or credited under these regulations to a purchaser in an amount equal to the tax paid or payable by the purchaser on a designated fuel cost, heating fuel cost or electricity cost;
- (o) “rebate application” means an application for a rebate made to the Minister under subsection 15(4) or Section 16, 17 or 19;

- (p) “residential electricity customer” means a customer who purchases electricity service under a domestic service tariff, as approved by the Nova Scotia Utility and Review Board under the *Public Utilities Act* for electric utilities in Nova Scotia;
- (q) “residential complex” means a residential complex as defined in subsection 123(1) of the *Excise Tax Act* (Canada);
- (r) “residential condominium unit” means a residential condominium unit as defined in subsection 123(1) of the *Excise Tax Act* (Canada);
- (s) “residential unit” means a residential unit as defined in subsection 123(1) of the *Excise Tax Act* (Canada);
- (t) “residential use property” means a property that is designated under Section 26 of the *Assessment Act* as entirely residential and is classified as “residential taxable” based on the current assessment for the property issued under that Act;
- (u) “supplier” means a supplier as defined in subsection 123(1) of the *Excise Tax Act* (Canada);
- (v) “supply” means a supply as defined in subsection 123(1) of the *Excise Tax Act* (Canada);
- (w) “tax” means tax under subsection 165(2) of the *Excise Tax Act* (Canada).

**Designated fuel point-of-sale rebate for residential use property**

- 15** (1) On behalf of Her Majesty in right of the Province, a designated fuel supplier shall pay or credit a point-of-sale rebate to a purchaser in an amount equal to the tax on a supply of designated fuel, other than natural gas, made to the purchaser on or after December 1, 2006, for a residential use property.
- (2) On behalf of Her Majesty in right of the Province, a designated fuel supplier shall pay or credit a point-of-sale rebate to a purchaser in an amount equal to the tax on a supply of natural gas invoiced to the purchaser on or after January 1, 2007, for a residential use property.
- (3) A point-of-sale rebate to a designated fuel purchaser must be shown on the invoice or receipt issued to the purchaser in a manner that clearly indicates the amount of the rebate.
- (4) If a purchaser who is eligible for a point-of-sale rebate is not paid or credited the amount of the rebate by the supplier, the purchaser may apply to the Minister in accordance with Section 20 for payment of that amount.

**Heating fuel rebate for residential use property**

- 16** A person who purchases heating fuel for a residential use property may apply to the Minister in accordance with Section 20 for a rebate in an amount equal to the tax payable on or after December 1, 2006, that the person paid on the heating fuel cost.

**Designated fuel or heating fuel rebate for mixed use property**

- 17** A person who purchases designated fuel or heating fuel for a mixed use property may apply to the Minister in accordance with Section 20 for a rebate in an amount equal to the tax payable on or after the following dates that the purchaser paid on the designated fuel cost or heating fuel cost for the

proportion of the mixed used property that comprises a residential complex or condominium complex:

- (a) for designated fuel other than natural gas and for heating fuel, December 1, 2006;
- (b) for natural gas, on or after January 1, 2007.

**Point-of-sale rebate for residential electricity customer**

- 18 (1)** On behalf of Her Majesty in right of the Province, an electricity supplier shall pay or credit a point-of-sale rebate to a residential electricity customer in an amount equal to the tax on a supply of electricity invoiced to the residential electricity customer on or after January 1, 2007.
- (2)** A point-of sale rebate to a residential electricity customer must be shown on the invoice or receipt issued to the customer in a manner that clearly indicates the amount of the rebate.

**Commercial electricity customer rebate**

- 19 (1)** A commercial electricity customer who pays tax on an electricity cost and who meets all of the criteria in subsection (2) may apply to the Minister in accordance with Section 20 for a rebate
- (a) in an amount equal to the tax paid; or
  - (b) if the application is for a mixed use property, in an amount equal to the tax paid in respect of the proportion of the mixed use property that comprises a residential complex or condominium complex.
- (2)** The eligibility criteria for a commercial electricity customer rebate are as follows:
- (a) the purchaser is a commercial electricity customer;
  - (b) the tax to which the rebate application applies is payable on or after January 1, 2007;
  - (c) the purchaser is one of the following:
    - (i) a landlord acquiring the electricity for use by tenants of residential units in a multiple unit residential complex with bulk metering,
    - (ii) a condominium corporation acquiring the electricity for use by occupants of residential condominium units in a condominium complex with bulk metering,
    - (iii) a person other than a landlord or a condominium corporation acquiring the electricity for use by occupants of residential units in a multiple unit residential complex with bulk metering,
    - (iv) an occupant of a residential complex in a mixed use property with bulk metering.

**Rebate application procedure and limitations**

- 20 (1)** A rebate application must meet all of the following requirements:
- (a) it must be made in the form and manner prescribed by the Minister;

- (b) if for a mixed use property, it must specify the proportion of the property that comprises a residential complex or condominium complex, as applicable;
  - (c) it must be accompanied by
    - (i) the original receipts for the designated fuel cost, heating fuel cost or electricity cost to which the application applies, and
    - (ii) any information, documents and material that the Minister requires;
  - (d) subject to subsection (3), it must be received by the Minister no later than 24 months after the date of the supply of the designated fuel, heating fuel or electricity to which it applies.
- (2) The amount that may be requested in a rebate application must be determined as follows:
- (a) if the rebate application is for a period of at least 12 months, the amount requested may be any amount of tax paid;
  - (b) if the rebate application is for a period that is shorter than 12 months, the amount requested must be at least \$30.00 in tax paid.
- (3) A purchaser described in clause 19(2)(c) who purchases electricity or heating fuel for use in a mixed use property or a residential use property may submit a rebate application only in April, July, October or January of each year within the 24-month period specified in clause (1)(d), and shall not submit a rebate application earlier than April 1, 2007.

**Minister may pay or credit rebate**

- 21 (1) On receipt of a purchaser's rebate application under subsection 15(2) or Section 16, 17 or 19, the Minister may, on behalf of Her Majesty in right of the Province, pay or credit the amount of the rebate to the purchaser.
- (2) A rebate in respect of a mixed use property applies only to the proportion of the mixed use property that comprises a residential complex or condominium complex, and must be calculated in accordance with the formula  $R = (TRA \div TA) \times T$ , in which
- (a) R is the rebate;
  - (b) TRA is the area comprising the residential complex or condominium complex within the mixed use property;
  - (c) TA is the total area of the mixed use property; and
  - (d) T is the tax paid by the purchaser on the designated fuel cost, heating fuel cost or electricity cost to which the application applies.

**Reimbursement of rebate paid by supplier**

- 22 (1) A supplier may apply to the Minister in accordance with subsection (2) for reimbursement of the total rebates paid or credited by the supplier under Section 15 or 18.
- (2) A supplier's reimbursement application must meet all of the following requirements:

- (a) it must be made in the form and manner prescribed by the Minister;
  - (b) it must be accompanied by any information, documents and material that the Minister requires to determine that the supplier is entitled to reimbursement;
  - (c) it must be received by the Minister no later than 24 months after the supply of designated fuel, heating fuel or electricity to which it applies.
- (3) On receipt of a reimbursement application that meets the requirements of subsection (2), the Minister shall pay or credit the amount of the reimbursement to the supplier.
- (4) A supplier shall not submit a reimbursement application more often than once per calendar month.

**Supplier's rebate records**

- 24 (1) A supplier shall keep a record of each rebate made to a purchaser under Section 15 or 18, and shall promptly give copies of their rebate records to the Minister on request.
- (2) A record of a rebate must be kept for 72 months following the date of the rebate.

**Repayment by supplier of excess rebate reimbursement**

- 25 (1) If the amount of a reimbursement made by the Minister to a supplier under Section 22 is greater than the amount of the rebate for which the reimbursement was sought, the supplier shall pay to the Minister, or the Minister may deduct from any reimbursement of rebates subsequently to be made to the supplier, an amount equal to the difference between the reimbursement and the rebate.
- (2) A supplier shall pay to the Minister an amount equal to any portion of a reimbursement made by the Minister to the supplier that is subsequently recovered by the supplier from the Receiver General under Section 231 of the *Excise Tax Act* (Canada).

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**N.S. Reg. 218/2006**

Made: December 4, 2006

Filed: December 5, 2006

Proclamation, S. 2, S.N.S. 2004, c. 49

Order in Council 2006-519 dated December 4, 2006

Proclamation made by the Governor in Council  
pursuant to Section 2of *An Act to Amend Chapter 55 of the Acts of 1963,*  
*the Halifax Regional Water Commission Act*

The Governor in Council on the report and recommendation of the Honourable Barry Barnet dated November 20, 2006, pursuant to Section 2 of Chapter 49 of the Acts of 2004, *An Act to Amend Chapter 55 of the Acts of 1963, the Halifax Regional Water Commission Act*, is pleased to order and declare by proclamation that Chapter 49 of the Acts of 2004, *An Act to Amend Chapter 55 of the Acts of 1963, the Halifax Regional Water Commission Act*, do come into force on and not before December 4, 2006.

PROVINCE OF NOVA SCOTIA

sgd: **Mayann E. Francis**

G/S

ELIZABETH THE SECOND, by the Grace of God,  
of the United Kingdom, Canada and Her Other  
Realms and Territories, Queen, Head of the  
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE  
CONCERN,

GREETING:

**A PROCLAMATION**

WHEREAS in and by Section 2 of Chapter 49 of the Acts of 2004, *An Act to Amend Chapter 55 of the Acts of 1963, the Halifax Regional Water Commission Act*, it is enacted as follows:

- 2 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 49 of the Acts of 2004, *An Act to Amend Chapter 55 of the Acts of 1963, the Halifax Regional Water Commission Act*, do come into force on and not before December 4, 2006;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 49 of the Acts of 2004, *An Act to Amend Chapter 55 of the Acts of 1963, the Halifax Regional Water Commission Act*, do come into force on and not before December 4, 2006, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these  
our Letters to be made Patent and the  
Great Seal of Nova Scotia to be  
hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour  
the Honourable Mayann E. Francis, Lieutenant  
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional  
Municipality, this 4<sup>th</sup> day of December in the year  
of Our Lord two thousand and six and in the fifty-  
fifth year of Our Reign.

BY COMMAND:

**sgd: Murray K. Scott**  
Provincial Secretary  
Minister of Justice and Attorney General



**N.S. Reg. 219/2006**

Made: December 1, 2006

Filed: December 7, 2006

Prescribed Petroleum Products Prices

Order dated December 1, 2006  
made by the Minister of Service Nova Scotia and Municipal Relations  
pursuant to Section 14 of the *Petroleum Products Pricing Act*

**In the Matter of Section 14 of Chapter 11 of the Acts of 2005  
the *Petroleum Products Pricing Act***

- and -

**In the Matter of Sections 14 to 18 of the *Petroleum Products Pricing Regulations*  
made by the Governor in Council  
pursuant to Section 14 of the *Petroleum Products Pricing Act***

- and -

**In the Matter of an Order Prescribing Prices for Petroleum Products  
made by the Minister of Service Nova Scotia and Municipal Relations  
pursuant to Section 14 of the *Petroleum Products Pricing Act* and  
Sections 14 to 18 of the *Petroleum Products Pricing Regulations***

**Order**

I, Jamie Muir, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, pursuant to Section 14 of Chapter 11 of the Acts of 2005, the *Petroleum Products Pricing Act*, and Sections 14 to 18 of the *Petroleum Products Pricing Regulations*, hereby

- (a) repeal the Order dated November 15, 2006, which prescribed prices for petroleum products in the Province effective on and after 12:01 a.m. on November 16, 2006; and
- (b) prescribe prices for petroleum products in the Province as set forth in the tables in Schedule "A".

This Order is effective on and after 12:01 a.m. on December 1, 2006.

Made at Halifax, in the Halifax Regional Municipality, Nova Scotia, on December 1, 2006.

Sgd.: *Jamie Muir*  
Honourable Jamie Muir  
Minister of Service Nova Scotia and Municipal Relations

**Schedule "A"**  
**Prices Prescribed for Petroleum Products**  
**under the *Petroleum Products Pricing Act* and the**  
***Petroleum Products Pricing Regulations***  
**effective on and after 12:01 a.m. on December 1, 2006**

Regular unleaded gasoline	50.2
Mid-grade unleaded gasoline	53.2
Premium unleaded gasoline	56.2
Ultra low-sulfur diesel oil	55.9

				Retail Mark-up				Retail Price (includes all taxes)			
				Self-Service		Full-Service		Self-Service		Full-Service	
	Wholesale Margin (excludes GST)	Fixed Wholesale Price (excludes GST)	Min	Max	Min	Max	Min	Max	Min	Max	
<b>Zone 1</b>											
Regular Unleaded	6.3	82.0	4.0	5.5	4.0	7.5	98.0	99.8	98.0	102.0	
Mid-Grade Unleaded	9.3	85.0	4.0	5.5	4.0	7.5	101.5	103.2	101.5	105.5	
Premium Unleaded	12.3	88.0	4.0	5.5	4.0	7.5	104.9	106.6	104.9	108.9	
Ultra Low-Sulfur Diesel	6.3	81.6	4.0	5.5	4.0	7.5	97.6	99.3	97.6	101.6	
<b>Zone 2</b>											
Regular Unleaded	6.7	82.4	4.0	5.5	4.0	7.5	98.5	100.2	98.5	102.5	
Mid-Grade Unleaded	9.7	85.4	4.0	5.5	4.0	7.5	101.9	103.6	101.9	105.9	
Premium Unleaded	12.7	88.4	4.0	5.5	4.0	7.5	105.3	107.0	105.3	109.3	
Ultra Low-Sulfur Diesel	6.7	82.0	4.0	5.5	4.0	7.5	98.0	99.8	98.0	102.0	
<b>Zone 3</b>											
Regular Unleaded	7.2	82.9	4.0	5.5	4.0	7.5	99.1	100.8	99.1	103.1	
Mid-Grade Unleaded	10.2	85.9	4.0	5.5	4.0	7.5	102.5	104.2	102.5	106.5	
Premium Unleaded	13.2	88.9	4.0	5.5	4.0	7.5	105.9	107.6	105.9	109.9	
Ultra Low-Sulfur Diesel	7.2	82.5	4.0	5.5	4.0	7.5	98.6	100.3	98.6	102.6	
<b>Zone 4</b>											
Regular Unleaded	7.2	82.9	4.0	5.5	4.0	7.5	99.1	100.8	99.1	103.1	
Mid-Grade Unleaded	10.2	85.9	4.0	5.5	4.0	7.5	102.5	104.2	102.5	106.5	
Premium Unleaded	13.2	88.9	4.0	5.5	4.0	7.5	105.9	107.6	105.9	109.9	
Ultra Low-Sulfur Diesel	7.2	82.5	4.0	5.5	4.0	7.5	98.6	100.3	98.6	102.6	
<b>Zone 5</b>											
Regular Unleaded	7.2	82.9	4.0	5.5	4.0	7.5	99.1	100.8	99.1	103.1	
Mid-Grade Unleaded	10.2	85.9	4.0	5.5	4.0	7.5	102.5	104.2	102.5	106.5	
Premium Unleaded	13.2	88.9	4.0	5.5	4.0	7.5	105.9	107.6	105.9	109.9	
Ultra Low-Sulfur Diesel	7.2	82.5	4.0	5.5	4.0	7.5	98.6	100.3	98.6	102.6	
<b>Zone 6</b>											
Regular Unleaded	8.0	83.7	4.0	5.5	4.0	7.5	100.0	101.7	100.0	104.0	
Mid-Grade Unleaded	11.0	86.7	4.0	5.5	4.0	7.5	103.4	105.1	103.4	107.4	
Premium Unleaded	14.0	89.7	4.0	5.5	4.0	7.5	106.8	108.5	106.8	110.8	
Ultra Low-Sulfur Diesel	8.0	83.3	4.0	5.5	4.0	7.5	99.5	101.2	99.5	103.5	

**N.S. Reg. 220/2006**

Made: December 8, 2006

Filed: December 11, 2006

Proclamation, S. 7, S.N.S. 2006, c. 48

Order in Council 2006-525 dated December 8, 2006  
Proclamation made by the Governor in Council  
pursuant to Section 7  
of *An Act to Amend Chapter 475 of the Revised Statutes, 1989,*  
*the Trade Union Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated November 30, 2006, pursuant to Section 7 of Chapter 48 of the Acts of 2006, *An Act to Amend Chapter 475 of the Revised Statutes, 1989, the Trade Union Act*, is pleased to order and declare by proclamation that Chapter 48 of the Acts of 2006, *An Act to Amend Chapter 475 of the Revised Statutes, 1989, the Trade Union Act*, do come into force on and not before December 8, 2006.

PROVINCE OF NOVA SCOTIA

sgd: **Mayann Francis**

G/S

ELIZABETH THE SECOND, by the Grace of God,  
of the United Kingdom, Canada and Her Other  
Realms and Territories, Queen, Head of the  
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE  
CONCERN,

GREETING:

**A PROCLAMATION**

WHEREAS in and by Section 7 of Chapter 48 of the Acts of 2006, *An Act to Amend Chapter 475 of the Revised Statutes, 1989, the Trade Union Act*, it is enacted as follows:

- 7 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 48 of the Acts of 2006, *An Act to Amend Chapter 475 of the Revised Statutes, 1989, the Trade Union Act*, come into force on and not before December 8, 2006;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 48 of the Acts of 2006, *An Act to Amend Chapter 475 of the Revised Statutes, 1989, the Trade Union Act*, come into force on and not before December 8, 2006, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these  
our Letters to be made Patent and the  
Great Seal of Nova Scotia to be  
hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour  
the Honourable Mayann E. Francis, Lieutenant  
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 8<sup>th</sup> day of December in the year of Our Lord two thousand and six and in the fifty-fifth year of Our Reign.

BY COMMAND:

**sgd: Murray K. Scott**  
Provincial Secretary  
Minister of Justice and Attorney General

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**N.S. Reg. 221/2006**

Made: December 8, 2006

Filed: December 11, 2006

Proclamation, S. 52, S.N.S. 2006, c. 30

Order in Council 2006-526 dated December 8, 2006  
Proclamation made by the Governor in Council  
pursuant to Section 52  
of *An Act to Amend Chapter 1 of the Acts of 1994-95, the Environment Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated November 30, 2006, pursuant to Section 52 of Chapter 30 of the Acts of 2006, *An Act to Amend Chapter 1 of the Acts of 2006, the Environment Act*, is pleased to order and declare by proclamation that Chapter 30 of the Acts of 2006, *An Act to Amend Chapter 1 of the Acts of 1994-95, the Environment Act*, do come into force on and not before December 8, 2006.

PROVINCE OF NOVA SCOTIA

**sgd: Mayann Francis**

G/S

ELIZABETH THE SECOND, by the Grace of God,  
of the United Kingdom, Canada and Her Other  
Realms and Territories, Queen, Head of the  
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE  
CONCERN,

GREETING:

**A PROCLAMATION**

WHEREAS in and by Section 52 of Chapter 30 of the Acts of 2006, *An Act to Amend Chapter 1 of the Acts of 1994-95, the Environment Act*, it is enacted as follows:

**52** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 30 of the Acts of 2006, *An Act to Amend Chapter 1 of the Acts of 1994-95, the Environment Act*, come into force on and not before December 8, 2006;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 30 of the Acts of 2006, *An Act to Amend Chapter 1 of the Acts*

of 1994-95, the *Environment Act*, come into force on and not before December 8, 2006, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these  
our Letters to be made Patent and the  
Great Seal of Nova Scotia to be  
hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour  
the Honourable Mayann E. Francis, Lieutenant  
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional  
Municipality, this 8<sup>th</sup> day of December in the year  
of Our Lord two thousand and six  
and in the fifty-fifth year of Our Reign.

BY COMMAND:

**sgd: Murray K. Scott**  
Provincial Secretary  
Minister of Justice and Attorney General

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**N.S. Reg. 222/2006**

Made: December 8, 2006

Filed: December 11, 2006

Designation of Non-profit Organizations Regulations

Order in Council 2006-528 dated December 8, 2006  
Amendment to regulations made by the Governor in Council  
pursuant to Section 5 of the *Volunteer Protection Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated November 2, 2006, and pursuant to Section 5 of Chapter 14 of the Acts of 2002, the *Volunteer Protection Act*, is pleased to amend the *Designation of Non-profit Organizations Regulations*, N.S. Reg. 158/2005, made by the Governor in Council by Order in Council 2005-327 dated July 29, 2005, to designate the Nova Scotia Voluntary Planning Board as a non-profit organization for the purposes of the Act, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 8, 2006.

**Schedule "A"**

**Amendment to the *Designation of Non-Profit Organizations Regulations*  
made under Section 5 of Chapter 14 of the Acts of 2002,  
the *Volunteer Protection Act***

The *Designation of Non-profit Organizations Regulations*, N.S. Reg. 158/2005, made by the Governor in Council by Order in Council 2005-327 dated July 29, 2005, are amended by repealing Section 2 and the immediately preceding heading and substituting the following heading and Section:

**Designated non-profit organizations**

2 The following bodies are designated as non-profit organizations for the purposes of the *Volunteer Protection Act*:

- (a) the Canadian Mental Health Association, Nova Scotia Division;
- (b) the Nova Scotia Voluntary Planning Board.

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**N.S. Reg. 223/2006**

Made: December 8, 2006

Filed: December 11, 2006

Off-highway Vehicles Fees Regulations

Order in Council 2006-533 dated December 8, 2006  
Amendment to regulations made by the Governor in Council  
pursuant to Section 25 of the *Off-highway Vehicles Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated November 28, 2006, and pursuant to Section 25 of Chapter 323 of the Revised Statutes of Nova Scotia, 1989, the *Off-highway Vehicles Act*, is pleased to amend the *Off-highway Vehicles Fees Regulations*, N.S. Reg. 103/2004, made by the Governor in Council by Order in Council 2004-138 dated March 30, 2004, to add fees for the use of certain off-highway vehicle trails in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 8, 2006.

**Schedule "A"**

**Amendment to the *Off-highway Vehicles Fees Regulations*  
made by the Governor in Council pursuant to Section 25 of  
Chapter 323 of the R.S.N.S. 1989, the *Off-highway Vehicles Act***

The *Off-highway Vehicles Fees Regulations*, N.S. Reg. 103/2004, made by the Governor in Council by Order in Council 2004-138 dated March 30, 2004, are amended by adding the following Section immediately after Section 2:

**Trail permit fees**

3 (1) In this Section,

- (a) "Act" means the *Off-highway Vehicles Act*;
  - (b) "designated trail" means a designated trail as defined in clause 2(b) of the *Off-highway Vehicles Designated Trails and Trail Permits Regulations* made under the Act;
  - (c) "snow vehicle" means a snow vehicle as defined in clause 2(2)(e) of the *Off-highway Vehicles Safety and Training Regulations* made under the Act.
- (2) The fees as set out in the following table are prescribed as payable to the Snowmobilers Association of Nova Scotia by operators of snow vehicles for the use of designated trails for which the Association has been authorized to issue trail permits under the *Off-highway Vehicles Designated Trails and Trail Permits Regulations*:

Type of Trail Permit	Fee per Snow Vehicle
Full season	\$125.00
Full season if purchased before December 15	\$100.00
Full season for 3rd or subsequent snow vehicle registered to persons at the same residence	\$50.00
3-day visitor	\$50.00

**N.S. Reg. 224/2006**

Made: December 8, 2006

Filed: December 11, 2006

Off-highway Vehicles Designated Trails and Trail Permits Regulations

Order in Council 2006-534 dated December 8, 2006  
 Regulations made by the Governor in Council  
 pursuant to Section 25 of the *Off-highway Vehicles Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources and the Minister of Transportation and Public Works dated November 24, 2006, and pursuant to Section 25 of Chapter 323 of the Revised Statutes of Nova Scotia, 1989, the *Off-highway Vehicles Act*, is pleased to make regulations respecting designated trails and trail permits for off-highway vehicles in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 8, 2006.

**Schedule "A"**

**Regulations Respecting Designated Trails and Trail Permits for  
 Off-highway Vehicles  
 made under Section 25 of Chapter 323 of  
 the Revised Statutes of Nova Scotia, 1989,  
 the *Off-highway Vehicles Act***

**Citation**

1 These regulations may be cited as the *Off-highway Vehicles Designated Trails and Trail Permits Regulations*.

**Definitions**

2 In these regulations,

- (a) "Act" means the *Off-highway Vehicles Act*;
- (b) "designated trail" means a trail or any part of a trail on public or private land designated by the Minister under subsection 12D(1) of the Act;
- (c) "highway" means a highway as defined in the *Motor Vehicle Act*;
- (d) "landowner" means an owner or occupier of private land;
- (e) "Minister" means the Minister of Natural Resources;

- (f) “OHV” means an off-highway vehicle as defined in the Act;
- (g) “SANS” means the Snowmobilers Association of Nova Scotia;
- (h) “sign” includes a notice, plaque, or marker;
- (i) “trail permit” means a sticker, label or other tag used to identify OHVs permitted to travel on a designated trail.

**Designated trails****3** A trail designation

- (a) must include a map of the designated trail that identifies the location of the trail without ambiguity; and
- (b) must not include privately-owned land if the landowner has not given written permission for the land to be designated as a designated trail.

**Designated trails on highways****4** The Minister may authorize the operation of an OHV on a highway if the highway forms part of the designated trail and is any of the following:

- (a) private property that is designed to be and is accessible to the public, if the landowner has given written permission for it to be used as part of the designated trail;
- (b) a forest access road that is under the administration and control of the Minister, if the Minister has given permission for it to be used as part of the designated trail;
- (c) a road that is under the administration and control of the Department of Transportation and Public Works and is classified by the Minister of Transportation and Public Works as a K-Class Road, if the Minister of Transportation and Public Works has given permission for it to be used as part of the designated trail.

**Revocation of landowner’s written permission**

- 5** (1) A landowner may revoke the written permission given to designate any part of the landowner’s property as a designated trail by giving the Minister written notice of the revocation.
- (2) A revocation of a landowner’s written permission takes effect on the 31st day after the date the Minister receives written notice of it, or on a later day if specified in the notice.

**No compensation for revoking trail designation**

- 6** A person is not entitled to compensation, financial or otherwise, for any losses that result directly or indirectly from the revocation of a trail designation.

**Signs for designated trails**

- 7** (1) The Minister must authorize the form and placement of signs on a designated trail indicating activities that are permitted, restricted or prohibited under the Act or the regulations made under the Act.
- (2) A person must not
  - (a) deface or, except as authorized by the Minister, remove a sign posted for a designated trail; or



(b) post a sign for a designated trail except in accordance with the Act or the regulations made under the Act.

(3) Evidence that a sign was posted for a designated trail is *prima facie* proof that the sign was posted.

#### **Minister may close designated trail**

8 (1) The Minister may temporarily close a designated trail or a portion of a designated trail by issuing a notice in writing that specifies the portion of the designated trail that is closed.

(2) A sign indicating that a designated trail or a portion of a designated trail is closed must be conspicuously posted at each end of the closed portion of the designated trail.

#### **No compensation for closing designated trail**

9 A person is not entitled to compensation, financial or otherwise, for any losses that result directly or indirectly from the closing of a designated trail.

#### **No unauthorized OHVs on closed trail**

10 Only a person who is authorized by the Minister may operate an OHV on a closed portion of a designated trail.

#### **Designated trail symbol**

11 The Minister must approve a symbol to be used to identify designated trails.

#### **Trail permit**

12 (1) A trail permit may be issued only by one of the following:

(a) the Minister;

(b) a person authorized in writing by the Minister to issue trail permits;

(c) a club or association recognized by the Minister under the *Off-highway Vehicles General Regulations* with which the Minister has entered into an agreement under the Act.

(2) A trail permit may be issued for a fixed or indefinite term.

(3) A trail permit must be in a form approved by the Minister.

(4) A valid trail permit must be displayed on an OHV in a manner and location approved by the Minister.

#### **Revocation of trail permit**

13 A trail permit may be revoked only by the Minister or the issuer of the permit.

#### **No compensation for revoking trail permit**

14 A person is not entitled to compensation, financial or otherwise, for any losses that result directly or indirectly from the revocation of a trail permit.

#### **Classes of persons exempt from trail permit**

15 A person who is a member of a class of persons listed in the following table is not required to have a trail permit when operating an OHV on a designated trail and carrying the required documents in accordance with the following table:

Class of Persons	When Operating OHV	Documents Required
peace officers or emergency workers	while engaged in activities relating to their duties	identification issued by their employer
municipal, Provincial or federal government employees	while engaged in activities relating to their duties	identification issued by their employer
employees or self-employed persons, as defined in the <i>Occupational Health and Safety Act</i> , but not including guides	while engaged in activities relating to their employment, if the trail is the only access route from the closest road to the area of work or the only safe access route to the area of work	a dated document that names the employee and specifies why the employee must use the trail
licensed commercial fishers	while engaged in commercial fishing activities, if the trail is the only access route from the closest road to the area of work or the only safe access route to the area of work	an original or a legible copy of a valid commercial fishing license
landowners whose land lies directly along the continuous route of the designated trail as shown on the map referred to in clause 3(a), their tenants, and the immediate family members of landowners and their tenants	while on the landowner's property, or while travelling directly to or from the landowner's property if the trail is the only access route from the closest road to the property or is the only safe access route to the property	landowners: proof of ownership of or title to the property in the form of a government form, deed, or registry or other document of land transfer  tenants: a copy of the lease for the property, if one exists
registered Indians under the <i>Indian Act</i> (Canada)	while operating an OHV on a reserve as defined in the <i>Indian Act</i> (Canada)	proof of registration under the <i>Indian Act</i> (Canada)

#### Exemption from written permission until December 31, 2007

**16** Until December 31, 2007, a person who is issued a trail permit by SANS for a snowmobile is not required to obtain permission from a landowner in writing as required by subsection 14(1) of the Act to use a designated trail.

#### N.S. Reg. 225/2006

Made: December 8, 2006

Filed: December 11, 2006

Off-highway Vehicles General Regulations

Order in Council 2006-535 dated December 8, 2006  
Amendment to regulations made by the Governor in Council  
pursuant to Section 25 of the *Off-highway Vehicles Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated November 28, 2006, and pursuant to Section 25 of Chapter 323 of the Revised Statutes of Nova Scotia, 1989, the *Off-highway Vehicles Act*, is pleased to amend the *Off-highway Vehicles General Regulations*, N.S. Reg.

13/88, made by the Governor in Council by Order in Council 88-66 dated January 21, 1988, to define “written permission” and to provide for the recognition of clubs and associations that may, on behalf of their members, receive written permission from landowners, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after December 8, 2006.

### Schedule “A”

Amendment to the *Off-highway Vehicles General Regulations*  
made by the Governor in Council pursuant to Section 25 of  
Chapter 323 of the Revised Statutes of Nova Scotia, 1989,  
the *Off-highway Vehicles Act*

1 The *Off-highway Vehicles General Regulations*, N.S. Reg. 13/88, made by the Governor in Council by Order in Council 88-66 dated January 21, 1988, are amended by

- (a) redesignating Section 1A as Section 1B; and
- (b) adding the following Section immediately before Section 1B:

#### Definition

**1A** In the Act and these regulations, “written permission” of an owner or occupier includes all of the following:

- (a) a sign posted by or on behalf of the owner or occupier on the parcel of real property to which the permission applies;
- (b) a letter, map or other document signed by the owner or occupier indicating the parcel of real property to which the permission applies.

2 The regulations are further amended by adding the following Sections immediately after Section 14:

#### Recognized clubs and associations

- 15 (1)** The Minister may recognize a club or association for the purpose of Section 14 of the Act and must keep a current list of recognized clubs and associations.
- (2)** The Minister may revoke the recognition of a club or association for any reason the Minister considers appropriate.
- (3)** A recognition or a revocation of recognition must be in the form of a letter to the club or association.

#### No compensation for revoking recognition

**15A** A person is not entitled to compensation, financial or otherwise, for any losses that result directly or indirectly from the revocation of the recognition of a club or association.