

# Royal Gazette

## Part II Regulations under the Regulations Act

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### *NOW AVAILABLE*

The first issue for the 2001 subscription year of the Folio®-based Nova Scotia Regulations CD-ROM, containing the consolidated regulations of Nova Scotia and the quarterly sectional index of regulations, is now available from the Office of the Registrar of Regulations. For information or subscriptions please call (902) 424-6723 or visit our website at [www.gov.ns.ca/just/regulations/cd](http://www.gov.ns.ca/just/regulations/cd).

\* These regulations are reprinted here because some of the text was unreadable as originally published in Volume 25, No. 3 dated February 9, 2001.

\*\* This page is reprinted here because the bottom portion of the ticket was cut off as originally published on page 27 of Vol. 25, No. 3 dated February 9, 2001.

Summary Offence Tickets Regulations

**REPRINT**  
(page 1 of Form A only)

**Schedule 1  
Tickets and Forms**

**Form A - Summary Offence Ticket**  
First Leaf (Front)  
(printed on white paper)

Canada  
Province of Nova Scotia **Summary Offence Information** CASE # \_\_\_\_\_

THE INFORMATION SAYS THAT ON OR ABOUT: 3350008

The \_\_\_\_\_ Day of \_\_\_\_\_ M A/C or P/C

LAST NAME \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_ TELEPHONE NO.

ADDRESS (Number & Street) \_\_\_\_\_

Municipality \_\_\_\_\_ Province \_\_\_\_\_ Postal Code \_\_\_\_\_

AT or NEAR (High # or Place of Offence) \_\_\_\_\_ County \_\_\_\_\_ **N.S.**

DID UNLAWFULLY COMMIT THE OFFENCE \_\_\_\_\_

---

Contrary to Section \_\_\_\_\_ Subsection \_\_\_\_\_ Name of Statute \_\_\_\_\_  
(Print)

**BY SIGNING BELOW, I CERTIFY THAT I HAVE REASONABLE AND PROBABLE GROUNDS TO BELIEVE THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENCE INDICATED.**

Signed \_\_\_\_\_ Informant This \_\_\_\_\_ Day of \_\_\_\_\_ 20 \_\_\_\_\_

THIS IS THEREFORE TO COMMAND YOU IN HER MAJESTY'S NAME TO APPEAR BEFORE THE PRESIDING JUDGE AT \_\_\_\_\_

on the \_\_\_\_\_ Day of \_\_\_\_\_ 20 \_\_\_\_\_ at \_\_\_\_\_ M.

**TO ANSWER THE ABOVE CHARGE AND BE FURTHER DEALT WITH ACCORDING TO THE LAW**

---

THE FOLLOWING DOES NOT FORM PART OF THE CHARGE

NOTICE RESPECTING VOLUNTARY PAYMENT WITHOUT COURT APPEARANCE. \$ \_\_\_\_\_ FINE PAYABLE  
The total penalty payable for out of court settlement as set by the regulations is: Municipal Provincial Federal

Driver's Order	BIRTH DATE			SEX _____	OCCUPATION _____		PROV.	CLASS
	YEAR	MONTH	DAY	Driver's Lic. No.				
CARRIER'S MASTER				INSO No.			PROV.	VEH CLASS
VEHICLE	MAKE	TYPE/COLOUR	YEAR	VEHICLE LIC. NO.		PROVINCE	YEAR	
	<input type="checkbox"/> BUS Seating Capacity _____		<input type="checkbox"/> TRUCK Gross Vehicle Weight _____				<input type="checkbox"/> lbs	<input type="checkbox"/> kgs
	Owner's Name (Print) _____							
	Address (Print) _____							

Peace Officer Issuing \_\_\_\_\_ Summons (Print) \_\_\_\_\_ Police Dept. or Agency \_\_\_\_\_

I Certify that I did personally deliver the Summons portion of this ticket to the Defendant.

I Certify that I did serve the summons portion of this ticket to the Defendant by way of registered mail.

on the \_\_\_\_\_ Day of \_\_\_\_\_ 20 \_\_\_\_\_ Attached is the receipt issued showing delivery.

\_\_\_\_\_  
Signature of Issuing Officer      Police Department or Agency      Unit or Detachment

N.S. Reg. 7/2001

Made: January 25, 2001

Filed: January 26, 2001

Tariff of Fees and Expenses

**REPRINT**

Order in Council 2001-40 made January 25, 2001

Tariff approved by the Governor in Council

pursuant to subsection 174(1)

of the *Elections Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated January 24, 2001, pursuant to subsection 174(1) of Chapter 140 of the Revised Statutes of Nova Scotia, 1989, as amended, the *Elections Act*, is pleased to:

- (a) revoke the tariff of fees and expenses approved by Order in Council 88-827C dated July 30, 1988; and
- (b) approve a new tariff of fees and expenses in the form of Schedule "A" attached to and forming part of the report and recommendation.

**Schedule "A"****Tariff of Fees and Expenses**

**made by the Governor in Council pursuant to subsection 174(1) of  
Chapter 140 of the Revised Statutes of Nova Scotia, 1989, the *Elections Act***

**Returning Officers**

- 1 For services provided between elections, at the request of the Chief Electoral Officer, a stipend to be determined by the Chief Electoral Officer, and a travel allowance as authorized under Section 20.
- 2 For attending a course on election procedure or a meeting arranged by the Chief Electoral Officer, travel and living expenses necessarily and reasonably incurred, supported by vouchers, and an allowance for each day of attendance and necessary absence from place of residence of \$100.00
- 3 For services during an election
  - (a) where a poll is held \$3900.00  
plus \$0.15 per name on the  
official list of electors
  - (b) where no poll is held 50% of the amount that is  
payable under clause (a)
- 4 For services attending at a recount, per day \$100.00
- 5 (1) For the rental of an office as a headquarters, the amount actually and reasonably paid, supported by vouchers.  
(2) In lieu of rent paid for an office, \$275.00 as an allowance for the use by the Returning Officer of his or her residence as a headquarters.

- (3) In lieu of rent paid for an office, \$330.00 as an allowance for the use by the Returning Officer of his or her own business premises as a headquarters.
- 6 For stationery, postage, rental of office equipment and office furniture, installation of telephone and service, long distance charges, cartage of election supplies, rental of a meeting hall or temporary office, and other incidental outlays necessary in conducting an election, the amount actually and reasonably spent, supported by vouchers.
- 7 During an election, the Chief Electoral Officer shall provide an amount per elector on the official list of electors in the electoral district, not to exceed \$0.28, from which the returning officer may pay persons for clerical assistance.
- 8 For the services of a messenger appointed by the Returning Officer to collect ballot boxes following the close of the polls \$7.00 per hour,  
with mileage documented, to be  
reimbursed to a maximum of \$25.00

**Election Clerks**

- 9 For assisting the Returning Officer in the performance of his or her duties in connection with an election,
- (a) where no poll is held 50% of the amount  
payable under clause (b)
- (b) where a poll is held \$2550.00  
plus \$0.10 per name on the  
official list of electors
- (c) for attending a course on election procedure or a meeting arranged by the Chief Electoral Officer, the amount established under Section 2
- 10 For services attending at a recount, per day \$100.00

**Enumerators**

- 11 (1) For all services and expenses required in the enumeration of electors, \$80.00, plus \$0.60 per name (urban polling division) or \$0.65 per name (rural polling division) of each elector properly included in the Enumerator's Index Sheets.
- (2) For attendance to receive instructions from the Returning Officer \$25.00

**Revising Agents**

- 12 (1) For all services he or she is directed to perform by the Returning Officer, including travel or other expenses in connection therewith, the sum of \$80.00 plus \$0.72 per name of electors checked or obtained by the revising agent.
- (2) A revising agent may claim travel expenses in accordance with clause 20(a), to a maximum of \$50.00.

**Supervising Deputy Returning Officers**

- |           |  |          |
|-----------|--|----------|
| <b>13</b> | (1) For all services and expenses  | \$110.00 |
|           | (2) For attendance to receive instructions from the Returning Officer, an additional | \$25.00  |

**Presiding Officers (special poll):**

- |           |   |          |
|-----------|---|----------|
| <b>14</b> | (1) For all services and expenses for presiding at a special poll     | \$275.00 |
|           | (2) For attendance to count the votes on ordinary polling day         | \$20.00  |
|           | (3) For attendance to receive instructions from the Returning Officer | \$25.00  |

**Deputy Presiding Officer**

- |           |   |          |
|-----------|---|----------|
| <b>15</b> | (1) For all services and expenses for presiding at a special poll     | \$225.00 |
|           | (2) For attendance to count the votes on ordinary polling day         | \$20.00  |
|           | (3) For attendance to receive instructions from the Returning Officer | \$25.00  |

**Deputy Returning Officer**

- |           |   |          |
|-----------|---|----------|
| <b>16</b> | (1) Ordinary polls - for all services and expenses  | \$120.00 |
|           | - for attendance to receive instructions from Returning Officer, an additional            | \$25.00  |
|           | (2) Advance polls - for all services, including attendance to count ballots, and expenses | \$190.00 |
|           | - for attendance to receive instructions from Returning Officer, an additional            | \$25.00  |

**Poll Clerks**

- |           |  |          |
|-----------|--|----------|
| <b>17</b> | (1) Ordinary polls - for all services and expenses                                       | \$95.00  |
|           | - for attendance to receive instructions from Returning Officer, an additional           | \$25.00  |
|           | (2) Advance polls - for all services including attendance to count ballots, and expenses | \$145.00 |
|           | - for attendance to receive instructions from Returning Officer, an additional           | \$25.00  |

**Constables**

- |           |  |                 |
|-----------|--|-----------------|
| <b>18</b> | For all services at ordinary polls, at advance polls and at the revisal office | \$7.00 per hour |
|-----------|--|-----------------|

or, for those appointed by the Returning Officer with the prior approval of the Chief Electoral Officer, the actual and reasonable amount of expenses, supported by vouchers.

**Polling stations**

- 19** (1) For the use of a building or part of a building including fuel, light, cleaning services and furniture, as 1 or more ordinary polling stations, per polling station \$80.00
- (2) For the use of a building or part of a building including fuel, light, cleaning that services and furniture, as an advance polling station for the 2 days the advance poll is open, and for the counting of the votes on ordinary polling day \$160.00

**Travel allowance**

**20** A Returning Officer, Election Clerk or Revising Officer is authorized to be paid a travel allowance in connection with the conduct of an election as follows:

- (a) for distance actually travelled by private car, supported by an itemized statement, the rate from time to time paid to civil servants of the Province
- (b) for travel by other means of transportation, the expenses necessarily and reasonably incurred, supported by vouchers
- (c) actual and reasonable living expenses, supported by voucher.

**Printing allowance**

- 21** For the printing and binding or stitching of ballot papers for the special poll:
- (a) first 1000 \$230.00
- (b) each additional 1000 \$53.00
- 22** For the printing, numbering and binding or stitching of ballot papers:
- (a) first 6000 \$449.00
- (b) each additional 1000 \$70.00
- 23** For the printing of election lists (including headings, certificates and other information to be printed thereon), per name \$0.58
- 24** For overprinting of Notice of Enumeration cards - \$100.00 set up fee for each electoral district, plus \$21.00 per poll.

Each claim must be supported by a voucher certified by the Returning Officer.

**Revising Officers**

- 25** For sitting 3 days as Revising Officer (including preparation and distribution of Notice and remuneration for clerk(s) for attendance, if required) an allowance of \$19.80 for every polling division in the revisal district to which the Revising Officer has been appointed.
- 26** For sitting 1 day as Revising Officer, if required to consider any applications made at the foregoing sittings to have names of persons struck off (including remuneration of clerk(s) for attendance, if required) \$100.00 plus all charges for the transmission of notices of objection supported by vouchers.

- 27** For preparation of record of revisions and statement of changes and additions, including all clerical assistance required, for each polling division in his or her revisal district; and allowance of \$3.60 per poll, plus \$0.25 per page for photocopying.
- 28** For the use of a place for sittings as Revising Officer (including fuel, light and furniture) the expenses actually and reasonably incurred (attach vouchers). Prior approval of the Chief Electoral Officer should be obtained for expenditure exceeding \$55.00.
- 29** For sitting on ordinary polling day, if required \$190.00
- 30** Where the revisal office is located more than 10 miles from the Revising Officer's usual place of business, an additional allowance of \$30.00
- Audit**
- 31** Reimbursement of candidate for actual expense for the audit required by the Elections Act, not to exceed \$300.00
- Sundry**
- 32** For the services of the 2 electors called upon by the Returning Officer to be witnesses at the official addition of the votes where no candidate is present nor represented, an allowance per day for each such elector of \$22.00

N.S. Reg. 8/2001

Made: February 2, 2001

Filed: February 5, 2001

Emergency 911 Cost Recovery Fee Regulations and  
Designation of the E911 Cost Recovery Fund

Order in Council 2001-44 made February 2, 2001  
Regulations made by the Governor in Council  
pursuant to Section 14 of the *Emergency "911" Act*  
and  
clause 2(n) of the *Provincial Finance Act*

The Governor in Council on the report and recommendation of the Minister responsible for the *Emergency Measures Act* dated January 16, 2001, and pursuant to Section 14 of Chapter 4 of the Acts of 1992, the *Emergency "911" Act*, is pleased to:

- (a) make regulations respecting the establishment of fees to recover costs for the provision of Emergency 911 services in the form set forth in Schedule "A" attached to and forming part of the report and recommendation; and
- (b) designate the E911 Cost Recovery Fund as a special fund as defined in clause 2(n) of Chapter 365 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Finance Act*,

effective on and after February 2, 2001, except for subsection 3(4) of the regulations, which is effective on and after April 1, 2001.

### Schedule "A"

**Regulations Respecting an Emergency 911 Cost Recovery Fee  
made by the Governor in Council pursuant to Section 14 of Chapter 4 of the  
Acts of 1992, the *Emergency "911" Act* and clause 2(n) of Chapter 365 of the  
Revised Statutes of Nova Scotia, 1989, the *Provincial Finance Act***

#### Citation

1 These regulations may be cited as the *Emergency 911 Cost Recovery Fee Regulations*.

#### Definitions

2 In these regulations,

- (a) "Act" means the *Emergency "911" Act*;
- (b) "Competitive Local Exchange Carrier" or "CLEC" means a company that provides local telecommunication services in competition with the ILEC in the Province;
- (c) "E911" means enhanced 911 and relates to the establishment by the Act of "911" as the primary emergency telephone number for use in the Province and the Province-wide system for the reporting of emergencies to emergency services agencies;



- (d) “E911 cost recovery fee” means the monthly fee prescribed in Section 3 in connection with the provision of E911 Services;
- (e) “E911 Cost Recovery Committee” or “Committee” means the committee established in Section 6;
- (f) “E911 Cost Recovery Fund” or “Fund” means the fund established in Section 5;
- (g) “E911 Services” means those services and materials provided by or on behalf of the Province related to the answering of an E911 call at a PSAP and the subsequent processing, routing or transfer of the call or related information to an emergency service agency, including but not limited to E911 equipment, operation and administration of the E911 program, public information and education, civic address database management, development of operating procedures and policies, and the costs, services and equipment of related programs;
- (h) “E911 System” means a telephone emergency system for the reporting of emergencies to public safety and emergency service agencies which automatically connects a person dialing the digits 9-1-1 to a PSAP through telephone network facilities;
- (i) “fiscal year” means the period from and including April 1 to and including March 31 in the next year;
- (j) “Incumbent Local Exchange Carrier” or “ILEC” means a company that provides local telecommunication services and that operates the E911 platform or switching station that connects the Province at its designated PSAPs, which, at the coming into force of these regulations is Maritime or its successors or assigns;
- (k) “Minister” means the Minister responsible for the *Emergency Measures Act*;
- (l) “PSAP” means a public safety answering point including a primary or secondary public safety answering point;
- (m) “Telecommunications Carrier” or “TC” includes the ILEC, CLECs, and Wireless Service Providers;
- (n) “TC Subscriber” means
  - (i) an end user subscriber who is located within the Province’s boundaries and who subscribes to the exchange service of the ILEC or any CLEC, or,
  - (ii) in the case of wireless technology, an end user subscriber who is assigned a telephone number associated with a geographic location within the Province’s boundaries and who subscribes to a WSP access service;
- (o) “Wireless Service Provider” or “WSP” means a provider of wireless telecommunications services that is registered to conduct business in the Province and whose wireless telecommunications services include access to E911 Services.

**E911 cost recovery fee**

- 3** (1) The E911 cost recovery fee is hereby established to recover the Province's costs in connection with the provision of E911 Services.
- (2) The amount of the fee is \$0.43 per month per
- (a) single-line residential access line;
  - (b) single-line business access line;
  - (c) multi-line outgoing access line;
  - (d) Centrex telephone number; and
  - (e) wireless telephone number,
- payable to the Province each month by each TC subscriber.
- (3) Where the billing period for which the TC subscriber has received E911 service is less than one full calendar month, the amounts prescribed shall be prorated to reflect the number of days in the month for which E911 service was provided.
- (4) Every TC subscriber shall pay the E911 cost recovery fee.

**Agreements**

- 4** (1) The Minister, or the Committee, may enter into agreements with any person, including a TC, for any matter related to these regulations.
- (2) Prior to the execution of any agreement by the Committee under subsection (1), a copy of the proposed agreement shall be approved by the Minister.

**E911 Cost Recovery Fund**

- 5** (1) There is hereby established a special fund as defined in clause 2(1)(n) of the *Provincial Finance Act* to be known as the E911 Cost Recovery Fund.
- (2) The Fund shall consist of the money remitted to the Committee from the collection of the E911 cost recovery fee and any income accruing from such money.
- (3) The Fund shall be used to provide E911 Services and without limiting the generality of the foregoing, the Fund may be used by the Province for
- (a) the management, administration and operation of the E911 program including civic addressing, public education and training components of the E911 program;
  - (b) the acquisition, installation, maintenance and operation of PSAP equipment;
  - (c) the maintenance, support and upgrading of databases owned and managed by the Province and related to the administration of the E911 System;
  - (d) the maintenance, support and upgrading of digitized civic address mapping;

- (e) the development, installation and maintenance of signage to assist in the reporting of, and response to, emergencies;
  - (f) support to the facilities responsible for the receipt and triage of calls reporting poison-related emergencies to the E911 System;
  - (g) support to municipalities in the administration of civic addressing programs;
  - (h) the payment of any costs, charges, audits, taxes, fees or other expenses incurred in the administration and management of the Fund; and
  - (i) the payment of such other things as the Minister may direct, in respect of the provision of E911 Services.
- (4) Subject to the approval of the Minister, the Committee shall administer and manage the Fund.
- (5) The Minister shall authorize expenditures from the Fund for the provision of E911 Services.

#### **E911 Cost Recovery Committee**

- 6 (1) The E911 Cost Recovery Committee is hereby established to advise the Minister respecting the administration of the collection and remittance of the E911 cost recovery fee and the administration of the distribution of the money from the Fund for the provision of E911 Services.
- (2) Without limiting the generality of subsection (1), the Committee shall provide advice to the Minister on matters including but not limited to
- (a) collecting and remitting the E911 cost recovery fee;
  - (b) overseeing and auditing the money collected and remitted into the Fund and any income accruing from such money;
  - (c) authorizing expenditures from the Fund for the provision of E911 Services;
  - (d) paying out of the Fund any costs, charges, audits, taxes, fees and other expenses involved in the administration and management of the Fund;
  - (e) doing any other matter or thing which relates to, or is incidental to the administration and management of the Fund or the E911 cost recovery fee.
- (3) The Minister may enter into agreements with the Committee or establish policies respecting any matter necessary for the prudent and efficient administration and operation of the Committee.
- (4) The Minister shall appoint the Committee members for a term not to exceed 5 years.
- (5) Despite subsection (4), the Minister may appoint and remove any or all of the members at any time, and the appointment or removal shall be effective on the date specified for the appointment or removal.

- (6) The Minister shall appoint as Committee members individuals who have suitable qualifications and experience and who have demonstrated suitable interest.
- (7) The Minister shall appoint one Committee member to be the Chair of the Committee.
- (8) The Minister shall appoint one member from the Union of Nova Scotia Municipalities.
- (9) Committee members not employed by the Public Service of the Province shall be reimbursed for reasonable expenses incurred in the performance of their duties as committee members and shall be remunerated for services provided in the carrying out of their duties at a rate to be determined by the Minister.
- (10) The Committee shall cause to be kept proper books of accounting respecting
  - (a) all money received and expended by the Committee in respect of the Fund and any matters in respect of which the receipt and expenditure of money occurred; and
  - (b) the assets and liabilities of the Fund.
- (11) The accounts of the Fund shall, from time to time, and at least annually, be audited by an auditor licensed under the *Public Accounts Act* and copies of the audit report shall be filed with the Minister on or before June 30 following the end of the fiscal year.
- (12) The Committee shall submit an annual report to the Minister which shall include but is not limited to
  - (a) a summary of work performed by the Committee during that fiscal year;
  - (b) an annual audited financial statement showing the assets and liabilities of the Fund and the receipts and expenditures of the Fund for that fiscal year; and
  - (c) any other information requested by the Minister.
- (13) No action for damages may be commenced or maintained and no cause of action lies against the Committee or its members if the action arises out of any act or omission of the Committee or its members while carrying out duties or exercising powers pursuant to these regulations in good faith.

**Offence**

7 Any person who fails to comply with any provision of these regulations is guilty of an offence.

**Application**

8 These regulations shall not apply before April 1, 2002, to any wireless working telephone number for which a TC subscriber is not billed monthly for services provided by the WSP, which is commonly referred to as "prepaid wireless services".

N.S. Reg. 9/2001

Made: February 9, 2001

Filed: February 12, 2001

Revenue Act Regulations

Order in Council 2001-60 made February 9, 2001  
Amendment to regulations made by the Governor in Council  
pursuant to Sections 43 and 92  
of the *Revenue Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated January 3, 2001, and pursuant to Sections 43 and 92 of Chapter 17 of the Acts of 1995-96, the *Revenue Act*, is pleased to amend the *Revenue Act Regulations* made by the Governor in Council by Order in Council 96-230 dated March 29, 1996, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after February 9, 2001.

**Schedule "A"**

**Amendments to the *Revenue Act Regulations*  
made by the Governor in Council pursuant to Sections 43 and 92 of  
Chapter 17 of the Acts of 1995-96, the *Revenue Act***

- 1 Section 3B of the *Revenue Act Regulations* made by the Governor in Council by Order in Council 96-230 dated March 29, 1996, is amended by repealing clause (g) and substituting the following clause:
  - (g) for issuing a single-trip permit, the greater of
    - (i) \$10, or
    - (ii) an amount equal to the tax estimated on the consumption of gasoline or diesel oil based on kilometers of travel in the Province;
- 2 Subsection 8(3) of the regulations is amended by striking out "subsection (3)" and substituting "subsection (2)".
- 3 Sections 17, 18 and 19 of the regulations are repealed.
- 4 Subsection 78(1) of the regulations is amended by
  - (a) striking out "equal to or" in clause (a); and
  - (b) repealing clause (b) and substituting the following clause:
    - (b) a quantity greater than 1000 g of fine cut or other tobacco or a combination of cigarettes, fine cut or other tobacco that exceeds 1000 g.
- 5 Subsection 78(2) of the regulations is amended by
  - (a) striking out "equal to or" in clause (a); and

(b) repealing clause (b) and substituting the following clause:

(b) a quantity greater than 1000 g of fine cut or other tobacco or a combination of cigarettes, fine cut or other tobacco that exceeds 1000 g,

6 Subsection 78(3) of the regulations is amended by

(a) striking out “equal to or” in clause (a); and

(b) repealing clause (b) and substituting the following clause:

(b) a quantity greater than 1000 g of fine cut or other tobacco or a combination of cigarettes, fine cut or other tobacco that exceeds 1000 g.

N.S. Reg. 10/2001

Made: February 9, 2001

Filed: February 12, 2001

Revenue Act Regulations

Order in Council 2001-61 made February 9, 2001  
Amendment to regulations made by the Governor in Council  
pursuant to Sections 12 and 92  
of the *Revenue Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated January 3, 2001, and pursuant to Sections 12 and 92 of Chapter 17 of the Acts of 1995-96, the *Revenue Act*, is pleased to amend the *Revenue Act Regulations* made by the Governor in Council by Order in Council 96-230 dated March 29, 1996, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after February 9, 2001.

**Schedule "A"**

**Amendments to the *Revenue Act Regulations*  
made by the Governor in Council pursuant to Sections 12 and 92 of  
Chapter 17 of the Acts of 1995-96, the *Revenue Act***

- 1 Section 3B of the *Revenue Act Regulations* made by the Governor in Council by Order in Council 96-230 dated March 29, 1996, is amended by adding the following clauses immediately after clause (j):
  - (k) \$25 for issuing an International Fuel Tax Agreement licence or renewal of such licence;
  - (l) \$5 for each International Fuel Tax Agreement decal.
- 2 The regulations are further amended by adding the following Section immediately after Section 31:

**International Fuel Tax Agreement**

**Definitions**

**31A (1)** In this Section,

- (a) "base jurisdiction", in relation to a carrier, means the jurisdiction
  - (i) in which the carrier's commercial vehicles are registered,
  - (ii) from which control of the operations of the carrier's commercial vehicles is exercised,
  - (iii) where the operational records of the carrier's commercial vehicles are maintained or can be made available, and
  - (iv) within which at least some of the carrier's commercial vehicles travel;

- (b) “commercial vehicle” means a motor vehicle that is used interprovincially or internationally for the commercial carriage of passengers or goods, and that
  - (i) has 2 axles and a gross vehicle weight or registered gross vehicle weight exceeding 11 797 kg or 26 000 lbs., or
  - (ii) has 3 or more axles, regardless of weight, or
  - (iii) when combined with the trailer with which it is used, has a gross vehicle weight in excess of 11 797 kg or 26 000 lbs.;
- (c) “IFTA” means the International Fuel Tax Agreement that the Commissioner has joined pursuant to subsection 9(3) and includes the Articles of Agreement, the Procedures Manual and the Audit Manual;
- (d) “IFTA decal” means a carrier decal issued to a carrier who is registered and licensed in accordance with IFTA;
- (e) “IFTA jurisdiction” means a jurisdiction that is a member of IFTA;
- (f) “IFTA licence” means a licence issued to a carrier who is registered in accordance with IFTA;
- (g) “IFTA licensee” means a holder of an IFTA licence;
- (h) “interjurisdictional carrier” means a person who engages in the commercial transportation of goods or passengers inside and outside the Province and who operates one or more commercial vehicles.

#### **Application for IFTA licence**

- (2) An interjurisdictional carrier whose base jurisdiction is Nova Scotia and who seeks to obtain or renew an IFTA licence, must submit an application for an IFTA licence to the Commissioner in the form approved by the Commissioner and containing the content prescribed by IFTA.

#### **Issuance of licence and decals**

- (3) On approval of an IFTA licence application, the Commissioner or an authorized person shall issue to the applicant
  - (a) an IFTA licence, in the form established by IFTA; and
  - (b) 2 IFTA decals, in the form established by IFTA, for each commercial vehicle listed in the IFTA licence application.



**Audit and inspection**

- (4) Section 78 of the Act applies, with the necessary modifications, to any inspection, audit or assessment of an IFTA licensee.

**Conditions or restrictions**

- (5) The Commissioner may attach conditions or restrictions to an IFTA licence issued pursuant to subsection (3).

**Suspension or cancellation**

- (6) The Commissioner may refuse to issue or renew an IFTA licence, or may cancel or suspend the IFTA licence of a person who has failed to
- (a) comply with the terms, conditions and requirements of IFTA;
  - (b) comply with the Act or these regulations;
  - (c) comply with any conditions or restrictions attached to a licence by the Commissioner pursuant to subsection (5); or
  - (d) pay a required fee.

**Prerequisites to cancellation or suspension**

- (7) An IFTA licence issued by the Commissioner or an authorized person may not be cancelled or suspended without
- (a) prior written notice being served on the IFTA licensee, either by personal service or by mail; and
  - (b) providing the IFTA licensee with an opportunity to be heard by the Commissioner and to show cause why the IFTA licence should not be cancelled or suspended.
- (8) A notice served pursuant to subsection (7) is effective on the date the notice is served or, if served by mail, 5 days after mailing.

**Expiry of licence**

- (9) An IFTA licence expires on December 31 of the year in which it is issued.

**Requirement for single-trip fuel permit**

- (10) An interjurisdictional carrier that has commercial vehicles registered in an IFTA jurisdiction other than Nova Scotia and who is not in possession of an IFTA licence shall apply for a single-trip fuel permit under Section 11 of the Act before operating a vehicle on a trip that includes travel both in and outside the Province.

**Interest**

- (11) Section 3 does not apply to an IFTA licensee.

- (12) An IFTA licensee shall pay interest on its outstanding tax liability in any particular calendar quarter at a rate equal to the average yield expressed as a percentage per year, rounded up, on 90 day Government of Canada Treasury Bills during the first month of the preceding quarter plus 2%.

**Records located outside of Province**

- (13) If an IFTA licensee's business records are kept outside the Province, all costs incurred by the Commissioner to examine these records at the place where they are kept shall be reimbursed by the licensee within 30 days of notification by the Commissioner of the amount of these costs.

N.S. Reg. 11/2001

Made: February 9, 2001

Filed: February 12, 2001

Proclamation, S. 11(1), S.N.S. 2000, c. 33 - S. 7

Order in Council 2001-62 made February 9, 2001

Proclamation made by the Governor in Council

pursuant to subsection 11(1)

of the *Sydney Steel Corporation Sale Act*

The Governor in Council on the report and recommendation of the Minister of Finance and the Minister responsible for the *Sydney Steel Corporation Act* dated February 1, 2001, pursuant to subsection (1) of Section 11 of Chapter 33 of the Acts of 2000, the *Sydney Steel Corporation Sale 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 Section 7 of Chapter 33 of the Acts of 2000, the *Sydney Steel Corporation Sale Act*, come into force on and not before February 9, 2001.

PROVINCE OF NOVA SCOTIA

Sgd: *Myra A. Freeman*

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 11 of Chapter 33 of the Acts of 2000, the *Sydney Steel Corporation Sale Act*, it is enacted as follows:

- 11(1) Sections 6, 7 and 10 come into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Section 7 of Chapter 33 of the Acts of 2000, the *Sydney Steel Corporation Sale Act*, come into force on February 9, 2001;

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 Section 7 of Chapter 33 of the Acts of 2000, the *Sydney Steel Corporation Sale Act*, come into force on February 9, 2001, 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 Myra A. Freeman,  
Lieutenant Governor of the Province of  
Nova Scotia.

AT Our Government House in the Halifax Regional  
Municipality, this 9<sup>th</sup> day of February, in  
the year of Our Lord two thousand and one  
and in the fiftieth year of Our Reign.

BY COMMAND:

Sgd: *Michael G. Baker*  
Provincial Secretary  
Minister of Justice and Attorney General