

Royal



Gazette

Part II

Regulations under the Regulations Act

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N.S. Reg. 109/2001

Made: August 23, 2001

Filed: August 24, 2001

REPRINT

West Mabou Beach Provincial Park Designation

Order in Council 2001-415 made August 23, 2001

Designation made by the Governor in Council

pursuant to Section 8

of the *Provincial Parks Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated July 25, 2001, and pursuant to Section 8 of Chapter 367 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Parks Act*, is pleased, with respect to the designation of provincial parks, to:

- (a) designate land at West Mabou Harbour, Inverness County, owned by Her Majesty in right of the Province of Nova Scotia, to be a provincial park, the said land being described in Schedule "A" and shown outlined in bold line on a copy of Provincial Crown Lands Record Centre Plan No. E-15-59 marked Schedule "B", both schedules attached to and forming part of the report and recommendation;
- (b) declare that the provincial park is to be known by the name "West Mabou Beach Provincial Park"; and
- (c) authorize the Minister of Natural Resources to execute such documents as may be necessary to achieve the purposes of this Order.

Schedule "A"

All those certain lots, pieces, or parcels of land and land covered by water situate, lying, and being at West Mabou Harbour, County of Inverness, Province of Nova Scotia, shown on a compiled plan showing West Mabou Beach Provincial Park having a Field Plot Number P-022/98 and filed in the Provincial Crown Lands Record Centre, Halifax under CLR No. E-15-59, the said parcels being more particularly described as follows:

PARCEL I

BEGINNING at a survey marker set at the intersection of the northern boundary of the South West Mabou Road with the western boundary of lands now or formerly of Sidney MacEachern, said **Point of Beginning** being N 88° 11' 39" W a distance of 2,204.19 feet from Nova Scotia Coordinate Monument Number 14116;

THENCE (from the Point of Beginning) northwesterly along the arc of a circular curve to the right 252.9 feet to a survey marker set N 81° 24.1' W, 250.6 feet measured along the subchord of the curve having a radius of 540.7 feet, from the last previously described survey marker;

THENCE N 68° 00.0' W a distance of 170.0 feet to a survey marker set;

THENCE northwesterly along the arc of a circular curve to the right 160.8 feet, to a survey marker set N 63° 00.0' W, 160.6 feet measured along the subchord of the curve having a radius of 921.6 feet, from last previously described survey marker;

THENCE N 58° 00.0' W a distance of 225.0 feet to a survey marker set;

THENCE northwesterly along the arc of a circular curve to the left 143.8 feet to a survey marker set N 62° 45.0' W a distance of 143.6 feet, measured along the subchord of the curve having a radius of 867.0 feet from last previously described survey marker;

THENCE N 29° 21.1' E a distance of 777.9 feet to a survey marker set;

THENCE N 29° 21.3' E a distance of 492.8 feet to a survey marker set;

THENCE S 79° 29.8' W a distance of 1,589.9 feet to a survey marker set;

THENCE S 28° 15.6' W a distance of 164.9 feet to a survey marker set;

THENCE N 67° 28' 20" W a distance of 694.66 feet to a survey marker set;

THENCE S 28° 45.0' W a distance of 400.0 feet to a survey marker set;

THENCE N 87° 05.8' W a distance of 451.2 feet to a survey marker set;

THENCE S 28° 45.6' W a distance of 199.9 feet to a survey marker set on the northern boundary of the South West Mabou Road;

THENCE southwesterly along the arc of a circular curve to the left 380.2 feet to a survey marker set S 57° 44.8' W a distance of 371.9 feet, measured along the subchord of the curve having a radius of 525.0 feet, from the last previously described survey marker;

THENCE N 65° 03.3' W a distance of 793.8 feet to a survey marker set;

THENCE S 25° 55.9' W a distance of 1,015.5 feet to a survey marker set on the northern boundary of the South West Mabou Road;

THENCE N 79° 24.4' W a distance of 357.4 feet to a survey marker set at the beginning of a circular curve to the left;

THENCE southwesterly along the arc of a circular curve to the left 241.7 feet to a survey marker set S 86° 45.2' W a distance of 239.4 feet, measured along the subchord of the curve having a radius of 500.4 feet, from [the] last previously described survey marker;

THENCE N 60° 05.8' W, 851.5 feet to a survey marker and continuing on the same bearing approximately 200 feet to the ordinary high water mark of the waters of the Northumberland Strait;

THENCE continuing on the same bearing seaward to a point, said point being 300 feet perpendicularly distant from the Ordinary High Water Mark (OHWM) of the Northumberland Strait;

THENCE northeasterly parallel to and 300 feet perpendicularly distant from the OHWM of the Northumberland Strait a distance of 7,700 feet more or less to a point, said point being at the entrance of Mabou Harbour;

THENCE easterly a distance of 400 feet more or less to the ordinary high water mark of the entrance to Mabou Harbour;

THENCE easterly along the OHWM of the entrance of Mabou Harbour a distance of 870 feet more or less;

THENCE continuing easterly seaward into Mabou Harbour, a distance of 300 feet more or less;

THENCE southeasterly and along the various other courses of an irregular line as shown on the aforementioned Field Plot Number P-022/98, which line is generally parallel to the OHWM of Mabou Harbour and passes 300 feet from the eastern tip of Parcel III (Sand Bar) and 300 feet from the northeastern boundary of Parcel IV (The Flats), a total distance of 7,050 feet more or less to a point, said point being situate 300 feet seaward from the OHWM of Mabou Harbour;

THENCE southwesterly to a point on the OHWM mark of Mabou Harbour, said point situate east of Sams Cove;

THENCE from the OHWM of Mabou Harbour S 77° 30.0' W a distance of 36 feet more or less to a survey marker set;

THENCE S 77° 30.0' W a distance of 3.5 feet to the northeastern boundary of the Old Ferry Road;

THENCE along the arc of a circular curve to the left, 203.3 feet to a survey marker set S 81° 22.4' W a distance of 173.6 feet measured along the subchord of the curve having a radius of 106.0 feet from the last previously described point;

THENCE S 26° 25.3' W a distance of 300.0 feet to a survey marker set;

THENCE southwesterly along the arc of a circular curve to the right 223.0 feet to a survey marker set S 32° 13.9' W a distance of 222.6 feet measured along the subchord of the curve having a radius of 1,099.9 feet, from the last previously described survey marker;

THENCE S 38° 02.3' W a distance of 14.2 feet to a survey marker set;

THENCE N 58° 36' W a distance of 308.6 feet to a survey marker set;

THENCE N 43° 07' 12" W a distance of 481.6 feet to a witness survey marker;

THENCE S 46° 52' 48" W a distance of 196.59 feet to a survey marker set;

THENCE S 05° 29' 48" E a distance of 73.08 feet to a survey marker set;

THENCE S 05° 29' 48" E a distance of 608.45 feet to a survey marker set;

THENCE S 02° 45' 50" E a distance of 518.30 feet to a survey marker set;

THENCE S 28° 15.5' W a distance of 399.8 feet to a survey marker set;

THENCE N 61° 44.7' W a distance of 50 feet to a survey marker set;

THENCE N 61° 44.7' W a distance of 1,383.4 feet to a survey marker set;

THENCE S 28° 15.2' W a distance of 2,031.6 feet to the **Point of Beginning**.

Included within Parcel I are Parcel III and Parcel IV, described as follows:

PARCEL III

A certain sand bar oblong in shape and situate within the bounds of Mabou Harbour in proximity to the entrance of said Harbour and containing approximately one acre.

PARCEL IV

A certain tidal flat commonly called The Flats, and situate within the bounds of Mabou Harbour, containing 8 (eight) acres more or less.

Parcel I, including Parcel III and Parcel IV contains 672 acres more or less.

SUBJECT TO RIGHTS OF INGRESS AND EGRESS, reserved unto Roderick Alexander MacLean and Myrna MacLean, over an “existing travelled Roadway 10 feet in width” which crosses the southern portion of the lands described in Book 233 at Page 293 and leads to a brook emptying into Sams Cove and over an “existing travelled path ten (10) feet in width” located adjacent to or near the northeastern boundary of the lands described in Book 233 at Page 293 and leading to the shore of Sams Cove so-called, shown on the aforementioned plan (Field Plot Number P-022/98).

ALSO SUBJECT TO RIGHTS RESERVED to the said Roderick Alexander MacLean and Myrna MacLean to enter over a strip of land to a WELL with the right to lay pipes and repair same for the purpose of drawing water from the Well and the right to work in a circular area ten (10) feet around the Well for the purpose of drawing water from it or fixing, constructing or repairing the Well so as to make it useable. Approximate location of the said Well and strip of land being show on the aforementioned plan (Field Plot Number P-022/98).

ALSO SUBJECT TO A WATER PIPELINE EASEMENT granted to Lawrence J. Connors and Elizabeth A. Connors, dated January 15th, 1992 and recorded in Book 314 at Page 219, shown on aforementioned plan and also on Field Plot P-120/91 and being more particularly described as follows:

COMMENCING at a survey marker located at the northeast corner of lands now or formerly of Lawrence J. Connors and Elizabeth A. Connors (Book 304, Page 794);

THENCE N 67° 28' 20" W a distance of 368.12 feet along the northern boundary of lands now or formerly of Lawrence J. Connors and Elizabeth A. Connors to survey marker IN 4069, hereinafter referred to as the **Point of Beginning**;

THENCE N 67° 28' 20" W a distance of 10.06 feet along the northern boundary of lands now or formerly of Lawrence J. Connors and Elizabeth A. Connors to survey marker IN 4066;

THENCE N 28° 55' 20" E a distance of 114.09 feet to survey marker IN 4067;

THENCE S 61° 04' 40" E a distance of 10.00 feet to survey marker IN 4068;

THENCE S 28° 55' 20" W a distance of 112.97 feet to the **Point of Beginning**.

Containing an area of 1,135 square feet.

PARCEL II

Commencing at Nova Scotia Coordinate Monument No. 14116;

THENCE N 34° 59.5' E a distance of 2,225.1 feet to a survey marker set and being the **Point of Beginning**.

THENCE (from the **Point of Beginning**) so determined, N 30° 45.4' W a distance of 631.0 feet to a survey marker set on the southeastern boundary of Old Ferry Road;

THENCE northeasterly along the arc of a circular curve to the left 178.4 feet to a survey marker set, said survey marker being N 30° 48.1' E a distance of 178.2 feet measured along the subchord of the curve having a radius of 1,165.9 feet from the last previously described survey marker;

THENCE N 26° 25.3' E a distance of 300.0 feet to a survey marker;

THENCE northeasterly along the arc of a circular curve to the right a distance of 56.4 feet to a survey marker set, said survey marker being N 66° 46.5' E a distance of 51.8 feet measured along the subchord of the curve having a radius of 40 feet from the last previously described survey marker;

THENCE S 28° 00.0' E a distance of 192.1 feet to a survey marker set;

THENCE N 50° 00.0' E a distance of 83.1 feet to a survey marker set;

THENCE S 57° 00.0' E, approximately 15 feet to the ordinary high water mark of the waters of Mabou Harbour;

THENCE easterly along the ordinary high water and into Mabou Harbour to a point, said point being 300 feet, more or less, perpendicularly distant from the Ordinary High Water Mark (OHWM) of Mabou Harbour;

THENCE southeasterly parallel to and 300 feet, more or less, perpendicularly distant from the OHWM of Mabou Harbour a distance of 485 feet, more or less, to a point;

THENCE westerly to the OHWM of Mabou Harbour;

THENCE S 29° 51.8' W a distance of 10 (ten) feet to a survey marker set, said survey marker set being S 28° 12.0' E, a distance of 432.8 feet from the last previously mentioned survey marker;

THENCE S 29° 51.8' W a distance of 579.5 feet to a survey marker;

THENCE N 51° 04.3' W a distance of 25.1 feet to the **Point of Beginning**.

Containing 11 acres more or less.

The above described lands, Parcels I through IV being shown on the attached plan marked Schedule "B" and being subject to easements existing for pole and/or pipelines.

[Note: To view the Plan referred to as Schedule "B" please contact the Department of Natural Resources.]

N.S. Reg. 110/2001

Made: August 7, 2001

Filed: August 30, 2001

Fluid Milk Categories and Classes Regulations

Order dated August 7, 2001
made under clauses 3(a), 8(d) and 9(r) of the
Dairy Industry Act

**Nova Scotia Natural Products Marketing Council
Fluid Milk Categories and Classes**

The Natural Products Marketing Council, pursuant to clauses 3(a), 8(d) and 9(r) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*,

Hereby orders, effective on August 7, 2001, that:

- 1 “concentrated milk” means whole fluid milk that has had a part of its water content removed so that it has a higher concentration of all other components.
- 2 Fluid milk may only be processed, labeled, distributed or sold in categories that have been approved by the Council.
- 3 The following categories of fluid milk, including UHT, Kosher and enriched versions, are approved by the Council:
 - (a) Class 1(a):
 - Homogenized or whole milk
 - 2% milk
 - 1% milk
 - 0.5% milk
 - Skim milk
 - (b) Class 1(b):
 - Light Cream
 - Blend
 - Coffee Cream
 - Whipping Cream
 - (c) Class 1(c):
 - Chocolate or flavoured milk
 - Chocolate or flavoured partly skimmed milk
 - Egg nog
 - Buttermilk
 - Concentrated milk
- 3 (1) Class 1(a) milk shall be the volume of milk equal to total litre sales of the following milk products:
 - (a) Homogenized or whole milk;
 - (b) 2% milk;
 - (c) 1% milk;
 - (d) 0.5% milk;
 - (e) Skim milk

- (2) Class 1(b) milk shall be the volume of milk equal to total litre sales of the following milk products:
- (a) Light cream;
 - (b) Blend;
 - (c) Coffee cream;
 - (d) Whipping Cream.
- (3) Class 1(c) milk shall be the volume of milk equal to the total litre sales of the following products:
- (a) 92% of the volume of milk equal to the total litre sales of two percent (2%) partly skimmed chocolate or flavoured milk;
 - (b) 99% of the volume of milk equal to the total litre sales of one percent (1%) partly skimmed chocolate or flavoured milk;
 - (c) 80% of the volume of milk equal to the total litre sales of eggnog;
 - (d) Buttermilk;
 - (e) 300% of the volume of milk equal to the total litre sales of concentrated milk.
- 4 These regulations are made in addition to Section 1 of Schedule 1 and in substitution for Section 26 of Schedule 1 and Subsections 3(1), 3(2) and 3(3) of Schedule 8 of regulations made pursuant to the *Dairy Commission Act*.

N.S. Reg. 111/2001

Made: August 30, 2001

Filed: August 31, 2001

Livestock Health Services Regulations

Order in Council 2001-420 made August 30, 2001
Amendment to regulations made by the Governor in Council
pursuant to Section 8
of the *Livestock Health Services Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated May 23, 2001, and pursuant to Section 8 of Chapter 262 of the Revised Statutes of Nova Scotia, 1989, the *Livestock Health Services Act*, is pleased to amend the *Livestock Health Services Regulations* made by the Governor in Council by Order in Council 98-216 dated May 19, 1998, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after April 1, 2001.

Schedule "A"

**Amendments to the *Livestock Health Services Regulations* made
by the Governor in Council pursuant to Section 8 of Chapter 262 of the
Revised Statutes of Nova Scotia, 1989, the *Livestock Health Services Act***

- 1 (1) The *Livestock Health Services Regulations* made by the Governor in Council by Order in Council 98-216 dated May 19, 1998, is amended by repealing clause 5(1)(a) and substituting the following clause:
 - (a) a basic call fee assistance of \$5.00 per service event for farm service or in clinic service to eligible livestock owners, regardless of when the service is rendered, effective April 1, 2001; and
- (2) Subclause 5(1)(b)(i) of the regulations is amended by striking out "78.5" and substituting "94.5".
- (3) Subclause 5(1)(b)(ii) of the regulations is amended by striking out "39.2" and substituting "47.2".
- 2 (1) Subsection 5(2) of the regulations is amended by striking out "subclause" and substituting "clause".
 - (2) Clause 5(2)(a) of the regulations is amended by striking out "39.2" and substituting "47.2".
 - (3) Clause 5(2)(b) of the regulations is amended by striking out "19.6" and substituting "23.6".

N.S. Reg. 112/2001

Made: August 30, 2001

Filed: August 31, 2001

District Health Authorities General Regulations

Order in Council 2001-423 made August 30, 2001
Amendment to regulations made by the Governor in Council
pursuant to Section 84
of the *Health Authorities Act*

The Governor in Council on the report and recommendation of the Minister of Health dated July 26, 2001, and pursuant to Section 84 of Chapter 6 of the Acts of 2000, the *Health Authorities Act*, is pleased to, effective on and after June 29, 2001, amend the *District Health Authorities General Regulations* made by the Governor in Council by Order in Council 2000-565 dated November 9, 2000, by adding “**Authority**” immediately after “**Pictou County District Health**” in clause 4(f).

N.S. Reg. 113/2001

Made: August 30, 2001

Filed: August 31, 2001

Proclamation, S. 4, S.N.S. 2001, c. 17

Order in Council 2001-424 made August 30, 2001
Proclamation made by the Governor in Council
pursuant to Section 4
of *An Act to Amend Chapter 328 of the Revised Statutes, 1989,*
the Optometry Act

The Governor in Council on the report and recommendation of the Minister of Health dated August 22, 2001, pursuant to Section 4 of Chapter 17 of the Acts of 2001, *An Act to Amend Chapter 328 of the Revised Statutes, 1989, the Optometry Act*, is pleased to order and declare by proclamation that Chapter 17 of the Acts of 2001, *An Act to Amend Chapter 328 of the Revised Statutes, 1989, the Optometry Act*, come into force on and not before August 31, 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 Section 4 of Chapter 17 of the Acts of 2001, *An Act to Amend Chapter 328 of the Revised Statutes, 1989, the Optometry Act*, it is enacted as follows:

- 4 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 17 of the Acts of 2001, *An Act to Amend Chapter 328 of the Revised Statutes, 1989, the Optometry Act*, come into force on and not before August 31, 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 Chapter 17 of the Acts of 2001, *An Act to Amend Chapter 328 of the Revised Statutes, 1989, the Optometry Act*, come into force on and not before August 31, 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 30th day of August, in the
year of Our Lord two thousand and one and
in the 50th year of Our Reign.

BY COMMAND:

Sgd: Jamie Muir
Acting Provincial Secretary
Acting Minister of Justice
and Attorney General

N.S. Reg. 114/2001

Made: August 30, 2001

Filed: August 31, 2001

Trade Union Act Definition Regulations

Order in Council 2001-432 made August 30, 2001

Regulations made by the Governor in Council

pursuant to Section 10

of the *Trade Union Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated August 22, 2001, and pursuant to Section 10 of Chapter 475 of the Revised Statutes of Nova Scotia, 1989, the *Trade Union Act*, is pleased to make regulations respecting the definition of certain terms used in the Act in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and from August 30, 2001.

Schedule “A”

Regulations Respecting the Definition of Certain Terms Used in the Trade Union Act made by the Governor in Council pursuant to Section 10 of Chapter 475 of the Revised Statutes of Nova Scotia, 1989, the *Trade Union Act*

- 1 These regulations may be cited as the *Trade Union Act Definition Regulations*.
- 2 For the purposes of the Act, “structures” and “other works” as used in clause 92(c) of the Act do not include the Eirik Raude marine drilling rig or any of its components.
- 3 These regulations shall come into force on the date of the order of the Governor in Council under which they are made, and they shall remain in force for 9 months from the date of the order.

N.S. Reg. 115/2001

Made: August 30, 2001

Filed: August 31, 2001

Crane Operators Regulations

Order in Council 2001-434 made August 30, 2001
Regulations approved by the Governor in Council
pursuant to Section 19
of the *Crane Operators and Power Engineers Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated August 29, 2001, and pursuant to Section 19 of Chapter 23 of the Acts of 2000, the *Crane Operators and Power Engineers Act*, is pleased to approve of regulations made by the Minister of Environment and Labour respecting crane operators in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after September 1, 2001.

**In the matter of Section 19 of Chapter 23 of the Acts of 2000,
the *Crane Operators and Power Engineers Act***

- and -

**In the matter of Regulations Respecting Cane Operators
made by the Minister of Environment and Labour pursuant to
Section 19 of the *Crane Operators and Power Engineers Act***

ORDER

I, David Morse, Minister of Environment and Labour for the Province of Nova Scotia, pursuant to Section 19 of Chapter 23 of the Acts of 2000, the *Crane Operators and Power Engineers Act*, do hereby make new regulations respecting crane operators in the form set forth in Schedule “A”, effective on and after September 1, 2001.

Dated and made at Halifax, Nova Scotia, August 29, 2001.

(Sgd) *David Morse*
Honourable David Morse
Minister of Environment and Labour

Schedule “A”

**Regulations Respecting Crane Operators approved by the Governor
in Council pursuant to Section 19 of Chapter 23 of the Acts of 2000,
the *Crane Operators and Power Engineers Act***

Citation

1 These regulations may be cited as the *Crane Operators Regulations*.

Interpretation

2 In these regulations,

(a) “Act” means the *Crane Operators and Power Engineers Act*;

- (b) “ASME” means American Society of Mechanical Engineers;
- (c) “boom truck “ means a hydraulically powered mechanical device or structure that
 - (i) raises, lowers or moves a load suspended from the boom by a hook, cable, or rope,
 - (ii) is equipped with a boom that is capable of moving in
 - (A) the vertical plane,
 - (B) the horizontal plane, or
 - (C) both the vertical and horizontal planes at the same time,and is mounted on a truck or other chassis to provide mobility, and
 - (iii) has a rated lifting capacity of greater than 5 tons (4.5 tonnes) but not greater than 19 tons (17 tonnes);
- (d) “crane log” means a bound book with numbered pages that is used for keeping a record of the inspection, testing, and maintenance performed on each crane;
- (e) “immediate supervision” means, in relation to a lift, that the person who is supervising and responsible for the lift is on the plant site and in direct communication with the person who is assisting in the lift;
- (f) “mobile crane” has the same meaning as “boom truck” except that
 - (i) it is not usually mounted on a truck chassis, and
 - (ii) it has a rated lifting capacity of greater than 19 tons (17 tonnes);
- (g) “old Act and regulations” means the *Stationary Engineers Act* and regulations in force immediately before the coming into force of the Act and these regulations;
- (h) “overhead travelling crane” means any mechanical device or structure incorporating a power-driven drum, bridge and cable or rope that
 - (i) is of the overhead travelling type,
 - (ii) is used for raising, lowering, transporting or moving material, and
 - (iii) has a rated lifting capacity greater than 10 tons (9.1 tonnes);
- (i) “restricted certificate” means a certificate issued under Section 21; and
- (j) “tower crane” means any mechanical device or structure that incorporates a power-driven drum and cable or rope and a vertical mast or tower and jib, and that
 - (i) is of the travelling, fixed or climbing type, and
 - (ii) is used exclusively for raising, lowering, transporting or moving material.

3 These regulations do not apply to

- (a) a crane that is used exclusively for raising, lowering or towing motor vehicles;
- (b) a crane that is mounted on a motor vehicle that is used exclusively for fire fighting; and
- (c) a machine that has been converted or adapted for a use that is not considered to be that of a lifting device including a power shovel, an excavator, a dragline, a concrete pump, a conveyor, an auger, a drill and an amusement ride.

Examination Committee**4 (1)** Members of the Committee shall consist of the following:

- (a) one crane operator;
 - (b) an owner, or the representative of an owner, of a firm that employs crane operators;
 - (c) one professional engineer experienced in the inspection, testing, design or fabrication of cranes; and
 - (d) the Chief Examiner.
- (2)** Members of the Committee shall be actively employed in their field at the time of their appointment to the Committee.
- (3)** Every member of the Committee shall hold office for a term not greater than 3 years and may be reappointed.
- (4)** The professional engineer appointed to the Committee shall be a mechanical engineer and shall be employed in a field related to cranes on the date of their appointment to the Committee.
- (5)** The crane operator appointed to the Committee shall be employed as a crane operator on the date of their appointment to the Committee.
- (6)** The Committee shall
- (a) hold meetings
 - (i) at the request of the Chair, or
 - (ii) where it is communicated in writing to the Chair, at the request of a majority of the members of the committee; and
 - (b) submit a copy of the minutes of a meeting to the Department within 30 days after the meeting.
- (7)** The responsibilities of the Committee are as follows:
- (a) to assist the Department in assessing examinations;

- (b) to assist the Department in determining whether an applicant for a certificate has the necessary experience and education to become a candidate for examination;
- (c) to assist the Department in developing and adopting examination questions to be used to test persons taking examinations for certificates,
- (d) to advise the Department as to the effectiveness of the Act and these regulations in ensuring public safety in connection with the examination, certification and duties of crane operators.

Classification of Cranes

5 (1) Cranes shall be classified as follows:

- (a) mobile crane - class A, that has a rated lifting capacity of greater than 50 tons (45 tonnes);
 - (b) mobile crane - class B, that has a rated lifting capacity of not greater than 50 tons (45 tonnes);
 - (c) boom truck - class A, that has a rated lifting capacity of greater than 12 tons (11 tonnes) but not greater than 19 tons (17 tonnes);
 - (d) boom truck - class B, that has a rated lifting capacity of greater than 5 tons (4.5 tonnes) but not greater than 12 tons (11 tonnes);
 - (e) tower crane that has an unlimited lifting capacity; and
 - (f) overhead travelling crane that has a lifting capacity of greater than 10 tons (9.1 tonnes).
- (2)** For purposes of all other types of cranes that do not fit any of the descriptions in the classifications of cranes set out in subsection (1), the crane shall be classified in the class of crane set out in subsection (1) that most closely describes the crane where the crane meets the rated lifting capacity requirements of that class.

Certificates

6 (1) The certificates are as follows:

- (a) Mobile Crane Operator - Class A Certificate;
 - (b) Mobile Crane Operator - Class B Certificate;
 - (c) Boom Truck Operator - Class A Certificate;
 - (d) Boom Truck Operator - Class B Certificate;
 - (e) Tower Crane Operator Certificate; and
 - (f) Overhead Travelling Crane Operator Certificate.
- (2)** Where a person is the holder of a valid certificate as a Stationary Engineer (Hoisting Plant)-Mobile Crane issued under the old Act and regulations, the Chief Examiner shall issue to that person, in accordance with the person's working experience, a Mobile Crane Operator - Class A or - Class B certificate or a Boom Truck Operator - Class A or - Class B certificate without the requirement of an examination and, for the initial issue of the certificate, without payment of a fee.

Scope of Qualifications

- 7 (1) The holder of a Mobile Crane Operator - Class A Certificate may operate any class of mobile crane or boom truck or an overhead travelling crane.
- (2) The holder of a Mobile Crane Operator - Class B Certificate may operate a mobile crane - class B, any class of boom truck, or an overhead travelling crane.
- (3) The holder of a Boom Truck Operator - Class A Certificate may operate any class of boom truck.
- (4) The holder of a Boom Truck Operator - Class B Certificate may operate a boom truck - class B.
- (5) The holder of a Tower Crane Operator Certificate may operate a tower crane.
- (6) The holder of an Overhead Travelling Crane Operator Certificate may operate an overhead travelling crane.
- (7) Despite subsections (1) to (6), the holder of a restricted certificate may only operate the class of crane for which the restricted certificate has been issued.

Examinations

Application and eligibility for examination

- 8 (1) Upon application to the Chief Examiner and payment of the appropriate fee set out in the Schedule, every candidate for examination leading to certification under the Act shall
- (a) submit documents verifying their educational qualifications; and
- (b) submit documents showing verification by the owner of the crane on which the applicant obtained the practical experience that the applicant has fulfilled the practical experience requirements for the class of certificate for which they are applying.
- (2) The documents referred to in clause (1)(b) shall include the following information, as applicable:
- (a) actual seat time;
- (b) rigging time;
- (c) pre-lift planning time;
- (d) time spent assembling and disassembling the crane;
- (e) time spent in equipment inspection and maintenance;
- (f) time spent in site preparation; and
- (g) any other information that demonstrates the practical experience required for the class of certificate being applied for.

Passing grade

9 The passing grade for every examination shall be 65%.

Re-marking and re-examination

- 10 (1) Any person who fails an examination may, within 30 days of the date of receiving their examination results, apply to the Chief Examiner to have their examination re-marked.
- (2) Any person who fails an examination may, 60 days after the date of their examination, apply in writing to the Chief Examiner for a re-examination.
- (3) The Chief Examiner shall re-mark an examination referred to in subsection (1) and shall notify the applicant in writing of their results at their last known address.
- (4) Any person who makes an application under subsection (1) or (2) shall pay the fee set out in the Schedule.

Practical Experience Requirements**Mobile Crane Operator - Class A Certificate**

11 Every applicant for a Mobile Crane Operator - Class A Certificate shall have the following practical experience:

- (a) 4000 hours of practical experience on a class A mobile crane under the immediate supervision of a person who holds a valid Mobile Crane Operator - Class A Certificate; or
- (b) hold a valid Mobile Crane Operator - Class B Certificate and have 1000 hours of practical experience on a class A mobile crane under the immediate supervision of a person who holds a valid Mobile Crane Operator - Class A Certificate.

Mobile Crane Operator - Class B Certificate

12 Every applicant for a Mobile Crane Operator - Class B Certificate shall have the following practical experience:

- (a) 3000 hours of practical experience on any class A or class B mobile crane under the immediate supervision of a person who holds a valid Mobile Crane Operator - Class A or - Class B Certificate; or
- (b) hold a valid Boom Truck Operator - Class A Certificate and have 1000 hours of practical experience on any class A or class B mobile crane under the immediate supervision of a person who holds of a valid Mobile Crane Operator - Class A or - Class B Certificate.

Boom Truck Operator - Class A Certificate

13 Every applicant for a Boom Truck Operator - Class A Certificate shall have the following practical experience:

- (a) 2000 hours of practical experience on a class A boom truck under the immediate supervision of a person who holds a valid Boom Truck Operator - Class A Certificate or higher classification; or

- (b) hold a valid Boom Truck Operator - Class B Certificate and have 1000 hours of practical experience on a class A boom truck under the immediate supervision of a person who holds a valid Boom Truck Operator - Class A Certificate or higher classification.

Boom Truck Operator - Class B Certificate

14 Every applicant for a Boom Truck Operator - Class B Certificate shall have 1000 hours of practical experience on a class B boom truck under the immediate supervision of a person who holds a valid Boom Truck Operator - Class B Certificate or higher classification.

Tower Crane Operator Certificate

15 Every applicant for a Tower Crane Operator Certificate shall have 2000 hours of practical experience on a tower crane under the immediate supervision of a person who holds a valid Tower Crane Operator Certificate.

Overhead Travelling Crane Operator

16 Every applicant for an Overhead Travelling Crane Operator Certificate shall have 2000 hours of practical experience on an overhead travelling crane under the immediate supervision of a person who holds a valid Overhead Travelling Crane Operator Certificate or a Mobile Crane Operator - Class A or - Class B Certificate.

Composition of practical experience requirement

- 17 (1)** Subject to subsection (2), the practical experience requirement for every class of certificate shall consist of 50% actual operating experience as referred to in clause 8(2)(a) and the other 50% of the practical experience requirement shall be made up of the items referred to in clauses 8(2)(b) to (g).
- (2)** The practical experience requirement for overhead travelling cranes that do not have an operator's seat shall be the total of the time required to control the lift and, where applicable, the experience referred to in clauses 8(2)(b) to (g).

Training program equivalency

18 Successful completion of a training program in the operation of cranes that meets the approval of the Committee shall be considered equivalent to up to 1000 hours of practical experience.

Practical test

19 Every applicant for certification under the Act shall successfully pass a practical test to demonstrate the safe operation of the crane for the level of classification for which they are applying.

Education Requirement

- 20 (1)** Subject to subsection (2), every applicant for certification under the Act shall have successfully completed grade 11 from a Nova Scotia high school or the equivalent.
- (2)** The Committee may approve as equivalent to the requirement in subsection (1), the successful completion of a course in crane operation at the same level as the class of certificate for which the person is applying.

Restricted Certificate

- 21 (1)** Upon application to the Chief Examiner by an employer on behalf of a person who is an employee of that employer, the Chief Examiner shall issue a restricted certificate to the person,
- (a) where the employer provides, in writing, adequate justification why the person is unable to undertake the required written examinations for certification as a crane operator;
 - (b) where the person meets the practical experience requirements under the Act and these regulations;
 - (c) where the person is successful in passing an oral examination, administered by an inspector, relating to the operation of the crane for which the restricted certificate is to apply; and
 - (d) upon payment of the fee set out in the Schedule.
- (2)** Upon application to the Chief Examiner by an employer on behalf of a person who is an employee of that employer, the Chief Examiner shall issue a restricted certificate to a person who operates an overhead travelling crane that was exempt under the old Act and regulations, where
- (a) the person meets the educational requirements set out in Section 20;
 - (b) the person has successfully completed a course in overhead travelling cranes approved by the Committee;
 - (c) the rated lifting capacity of the crane does not exceed 20 tons (18.2 tonnes);
 - (d) the person has passed the examination for overhead travelling cranes required under the Act;
 - (e) the weight of the load is not greater than 10 tons (9.1 tonnes);
 - (f) the employer has a written procedure in place that sets out the requirements for the safe operation of the crane and the requirements of clauses (a) to (e); and
 - (g) the fee set out in the Schedule is paid.
- (3)** A restricted certificate issued under subsection (1) or (2) shall be
- (a) restricted to one or more cranes or a specific site;
 - (b) non-transferable; and
 - (c) valid for a period of 1 year from date of issue, and may be renewed upon re-application.

- (4) Upon application by a person who is an operator of an overhead travelling crane that is exempt under the old Act and regulations, the Chief Examiner shall issue a restricted certificate to the person, without examination, where the person verifies that they have at least 24 months experience with the owner of the crane in the operation of overhead travelling cranes.
- (5) A restricted certificate issued under subsection (4) is valid for a period of 1 year after the coming into force of the Act and these regulations but may not be renewed.
- (6) This Section does not apply to a crane operator who holds a valid restricted certificate issued under the old Act and regulations and a holder of that certificate may not apply for a higher level of restricted certificate under these regulations.

Recognition of Other Jurisdictions and Agencies

- 22** Upon application from a person who holds a certificate from another jurisdiction or organization, the Chief Examiner shall issue an equivalent certificate where the person
- (a) verifies that they hold a valid certificate;
 - (b) provides evidence that their experience and qualifications are sufficiently equivalent to the requirements for the certificate for which they are applying;
 - (c) provides evidence of their identity; and
 - (d) pays the fee set out in the Schedule.

Renewal, Reinstatement and Validity of Certificates

- 23** The annual renewal fee for a certificate shall be the amount set out in the Schedule and shall be paid 1 year after the date of issue or the date of the most recent renewal.
- 24 (1)** Subject to subsection (2), where a certificate has expired, the holder of the expired certificate may reapply under the Act and shall pay the annual renewal fee and the reinstatement fee set out in the Schedule.
- (2)** Where a certificate has been expired for a period of more than 4 years, the holder of the expired certificate shall
- (a) reapply under the Act;
 - (b) write an examination prepared by the Chief-Examiner; and
 - (c) pay the annual renewal fee and reinstatement fee set out in the Schedule.

Crane Log

- 25 (1)** Every owner shall provide a crane log for every crane.
- (2)** The crane log required under subsection (1) shall remain with the crane that it pertains to or within easy access by a crane operator of the crane or an inspector.

- (3) Every owner shall ensure that the crane log is used to record information with respect to the crane and to provide comments by a crane operator of the crane in relation to the safe operation, maintenance and servicing of the crane.

Load Chart

- 26 (1) Every owner shall, where required by the manufacturer, provide for every crane a load chart that is specific to the crane.
- (2) The load chart required under subsection (1) shall remain with the crane that it pertains to.
- (3) Every owner shall immediately replace a load chart that has become damaged or soiled in such a manner as to render the information on the chart not clearly legible to a crane operator.

Codes and Standards

- 27 (1) Every owner shall ensure that a crane operator has access to the following applicable standards that will assist in safe installation, operation and maintenance procedures:
 - (a) ANSI/ASME B30.3-1996 Construction Tower Cranes, as amended from time to time;
 - (b) ANSI/ASME B30.4-1996 Portal, Tower and Pedestal Cranes, as amended from time to time;
 - (c) ANSI/ASME B30.5-1994 Mobile and Locomotive Cranes, as amended from time to time;
 - (d) ANSI/ASME B30.9-1996 Slings, as amended from time to time;
 - (e) ANSI/ASME B30.11-1998 Monorails and Underhung Cranes, as amended from time to time;
 - (f) ANSI/ASME B30.16-1998 Overhead Hoists (Underhung), as amended from time to time;
 - (g) ANSI/ASME B30.17-1998 Overhead and Gantry Cranes (Top Running Bridge, Single Girder, Underhung Hoists), as amended from time to time;
 - (h) ANSI/ASME B30.18-1998 Stacker Cranes (Top or Under Running Bridge, Multiple Girder With Top or Under Running Trolley Hoist), as amended from time to time;
 - (i) ANSI/American Welding Society D14.1-97 Specification for Welding of Industrial and Mill Cranes and other Material Handling Equipment, as amended from time to time; and
 - (j) CSA Z248-1975 Code For Tower Cranes, as amended from time to time.
- (2) Every owner shall ensure that a crane operator complies with CSA Z150-98 Safety Code on Mobile Cranes, as amended from time to time.

Reporting of Accident

28 Where an accident occurs involving equipment to which the Act and these regulations apply, the owner or crane operator shall send a written report of the accident to the Chief Examiner within 24 hours of the occurrence of the accident.

Appeals

Appeal Board

- 29 (1)** Members of the Appeal Board shall possess the qualifications set out in clauses 4(1)(a), (b) and (c) and subsections 4(4) and (5).
- (2) The Minister shall designate one of the members of the Appeal Board as Chair.
- (3) Every member of the Appeal Board shall hold office for a term not exceeding 3 years and may be reappointed.
- (4) No person shall serve on the Appeal Board who is concurrently an employee of the Department or a member of the Committee.

Filing an appeal

- 30 (1)** Any person aggrieved by a decision of the Chief Examiner or an inspector with respect to a matter referred to in subsection (2) may make an appeal in writing to the Chair of the Appeal Board.
- (2) An appeal may be made with respect to the following matters:
- (a) suspension or cancellation of a certificate; or
- (b) an application for a certificate.
- (3) An appeal shall be submitted to the Chair of the Appeal Board within 30 days of the date of the decision being appealed from.
- (4) An appeal of an order or decision does not suspend the operation of the order or decision.

Appeal hearing

- 31 (1)** The Appeal Board may conduct the hearing orally or in writing.
- (2) The Appeal Board may
- (a) refer a matter back to the Chief Examiner or an inspector for reconsideration with or without directions; or
- (b) make any decision that the Chief Examiner or an inspector could have made.
- (3) A decision of the majority of the members of the Appeal Board is a decision of the Appeal Board.
- (4) A decision of the Appeal Board shall be in writing.

Coming into Force

32 These regulations come into force on September 1, 2001.

N.S. Reg. 116/2001

Made: August 7, 2001

Filed: August 31, 2001

Fluid Milk Pricing Regulations

Order dated August 7, 2001
made under clauses 9(c) and (d) of the
Dairy Industry Act

Nova Scotia Natural Products Marketing Council
Fluid Milk Pricing

The Natural Products Marketing Council, pursuant to clauses 9(c) and 9(d) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*,

Hereby orders, effective on August 7, 2001, that:

- 1 Except as otherwise provided in this regulation, the price of milk described below, sold in Nova Scotia from processors to retailers shall be:

Concentrated milk
1 L carton

Minimum wholesale and minimum retail price
\$3.22

N.S. Reg. 117/2001

Made: September 7, 2001

Filed: September 7, 2001

Maintenance Enforcement Regulations

Order in Council 2001-437 made September 7, 2001
Amendments to regulations made by the Governor in Council
pursuant to Section 61
of the *Maintenance Enforcement Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated August 17, 2001, and pursuant to Section 61 of Chapter 6 of the Acts of 1994-95, the *Maintenance Enforcement Act*, is pleased to amend Order in Council 2001-364 dated July 26, 2001, respecting regulations made under the *Maintenance Enforcement Act*, to correct certain errata by

- (a) striking out “(k)” and “(l)” in item 4 of Schedule “A” and substituting “(a)” and “(b)” respectively; and
- (b) renumbering the second item 2, and items 3 and 4 in Form 8 to Schedule “A” as items 3 to 5 respectively.

N.S. Reg. 118/2001

Made: September 7, 2001

Filed: September 7, 2001

Chartered Accountants By-laws

Order in Council 2001-439 made September 7, 2001
Amendment to by-laws approved by the Governor in Council
pursuant to Section 25
of the *Chartered Accountants Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated August 15, 2001, and pursuant to Section 25 of Chapter 154 of the Acts of 1900, the *Chartered Accountants Act*, is pleased to approve the making by the Institute of Chartered Accountants of Nova Scotia of amendments to the By-laws of the Institute approved by the Governor in Council by Order in Council dated November 23, 1964, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after September 7, 2001.

Schedule "A"

**Amendments to the By-laws of the
Institute of Chartered Accountants of Nova Scotia made pursuant to
Section 25 of Chapter 154 of the Acts of 1900,
the *Chartered Accountants Act***

- 1 Subsection 15(2) of the By-laws of the Institute of Chartered Accountants of Nova Scotia approved by the Governor in Council by Order in Council dated November 23, 1964, is amended by repealing clause (f) and substituting the following clause:
 - (f) a Professional Development Committee; and
- 2 By-laws 41(A) and 41(B) of the By-laws are amended by striking out "professional conduct section" wherever it appears and substituting "Complaints Committee".
- 3 Subsection 41(A)(4) of the By-laws is further amended by
 - (a) striking out "a section of the Professional Conduct Committee" and substituting "the Complaints Committee"; and
 - (b) striking out "any meeting of the Professional Conduct Committee" and substituting "any meeting of the Complaints Committee".
- 4 Subsection 41(B)(3) of the By-laws is further amended by
 - (a) striking out "a section of the Professional Conduct Committee" and substituting "the Complaints Committee"; and
 - (b) striking out "any meeting of the Professional Conduct Committee" and substituting "any meeting of the Complaints Committee".
- 5 By-law 43 of the By-laws is amended by striking out "Professional Conduct Committee" and substituting "Complaints Committee or Conduct Committee".

- 6 By-law 44 of the By-laws is amended by striking out “Professional Conduct Committee” and substituting “Complaints Committee or Conduct Committee”.
- 7 By-law 70 of the By-laws is repealed and the following By-law substituted:

Professional Development Committee

- 70 (1)** The Professional Development Committee shall be responsible for ensuring that members engage in continuing professional development on an annual basis.
- (2)** In the execution of its duties the Professional Development Committee shall have the power
- (a) to determine from time to time what activities qualify as continuing professional development;
 - (b) to determine the manner in which members shall report their continuing professional development;
 - (c) to determine members or classes of members, in addition to those members described in subsection (3), who may be exempted from the requirements of this By-law;
 - (d) to review member compliance with the requirements of this By-law.
- (3)** A member:
- (a) who is exempt from annual fees pursuant to By-law 7C; or
 - (b) whose fees have been waived pursuant to By-law 7D;
- shall be exempt from the requirements of this By-law.
- (4)** Every member shall complete at least 25 hours of continuing professional development annually.
- (5)** Every member shall on or before May 1 of each year complete a continuing professional development report respecting the member’s continuing professional development hours for the preceding calendar year in the manner prescribed by the Professional Development Committee.
- (6)** If a member’s properly completed continuing professional development report required by subsection (5) is not received on or before June 30 of any year, the Secretary shall forthwith send by registered mail to the member’s address as shown on the register of members a notice to the effect that unless the continuing professional development report is completed and filed within 15 days from the date of the notice the member shall be suspended from membership in the Institute.

- (7) If the continuing professional development report is not received before the expiration of the time limit specified in subsection (6), the member shall automatically be suspended from membership in the Institute until the Council revokes the member's suspension upon such terms as the Council shall determine.
- (8) A member who has not filed a continuing professional development report within 9 months after the date of the member's suspension pursuant to subsection (7) shall be deemed to have terminated his or her membership in the Institute and the member's name shall be removed from the register of members.
- (9) A member terminated pursuant to subsection (8) may be re-admitted to the Institute upon such terms as the Council may approve.
- (10) A member who fails to complete the minimum required hours of continuing professional development prescribed by subsection (4) shall be referred to the Professional Development Committee, which may
- (a) waive a portion or all of the continuing professional development requirement;
 - (b) consider and approve a plan proposed by the member to complete any deficiency in an appropriate manner over a reasonable period of time; or
 - (c) file a complaint with the Complaints Committee.
- (11) Where a member fails to complete a plan approved pursuant to clause (10)(b), the Professional Development Committee may exercise any of its powers under subsection (10).