

# Royal



# Gazette

## Part II Regulations under the Regulations Act

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**Halifax, Nova Scotia**

**Vol. 27, No. 16**

**August 22, 2003**

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**The third issue of the 2003 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 subscription 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)>.**

**N.S. Reg. 137/2003**

Made: July 25, 2003

Filed: July 30, 2003

Municipal Elections Act Forms

Order dated July 25, 2003  
made by the Minister of Service Nova Scotia and Municipal Relations  
pursuant to subsection 167(1) of the *Municipal Elections Act*

***Regulations Amending the Forms Prescribed Pursuant to  
Subsection 167(1) of the Municipal Elections Act***

The regulations prescribing forms pursuant to subsection 167(1) of the *Municipal Elections Act* are amended as follows:

- 1 Form 3 is repealed and replaced with Form 3 in Schedule "A" attached.
- 2 Form 10 is amended by
  - (a) striking out the second line of the title and substituting "Section 37(2)"; and
  - (b) striking out "official" in the sixth line and substituting "preliminary".
- 3 Form 10A is prescribed in the form in Schedule "A" attached.
- 4 Form 10B is prescribed in the form in Schedule "A" attached.
- 5 Form 11 is amended by
  - (a) adding "Note: Nomination forms are open for inspection by the public once signed by the Returning Officer." after "(Note: these electors must be qualified to vote at the election of the school board candidate.)"; and
  - (b) striking out the paragraph beginning with "5." and substituting:
    5. I am (He/She is) not indebted to the Town/Municipality/Regional Municipality of \_\_\_\_\_ for any charges that are liens on property or taxes and a certificate from the \_\_\_\_\_ to this effect is attached.
- 6 Form 11A is amended by adding "Note: Nomination forms are open for inspection by the public once signed by the Returning Officer." after "(Note: these electors must be qualified to vote at the election of the school board candidate.)".
- 7 Form 11B is amended by adding "Note: Nomination forms are open for inspection by the public once signed by the Returning Officer." after "(Note: these electors must be qualified to vote at the election of the school board candidate.)".
- 8 Form 11C is amended by adding "Note: Nomination forms are open for inspection by the public once signed by the Returning Officer." after "(Note: these electors must be qualified to vote at the election of the school board candidate.)".
- 9 Form 12 is amended by adding after the paragraph beginning with "3." the following:
  4. I have returned all copies of the list of electors in my possession.
- 10 Form 21 is repealed and replaced with Form 21 in Schedule "A" attached.

- 11 Form 22 is amended by adding “or having certificate of eligibility number \_\_\_\_” after “electors” in the eighth line.
- 12 Form 26 is repealed and replaced with Form 26 in Schedule “A” attached.
- 13 Form 26A is prescribed in the form in Schedule “A” attached.
- 14 Form 30 is amended by
  - (a) adding “/Certificate of Eligibility” after “Electors” in the second column;
  - (b) striking out “..... or Signed Statement” in the eleventh column; and
  - (c) striking out “or statement signed” in the sixteenth column.
- 15 Form 31A is amended by striking out the sentence beginning “(Note:”.
- 16 Form 31B is amended by striking out the sentence beginning “Note:”.
- 17 Form 32 is amended by adding “or who has a certificate of eligibility” after “electors” in the third line.
- 18 Form 36 is repealed.
- 19 Form 37 is amended by adding “or Number of Elector’s Certificate of Eligibility” after “List” in the heading of the third column.
- 20 Form 42 is repealed.
- 21 Form 43 is repealed.

Sgd: *P. G. Christie*  
 Peter G. Christie  
 Minister of Service Nova Scotia and Municipal Relations

July 25, 2003

### Schedule “A”

#### Form 3

#### Sections 17, 44, 45

#### Certificate in Respect to Charges That Are Liens/Taxes

I certify that as of the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
(nomination day) (name of candidate)  
 has fully paid all the charges that are liens on property that are due and all the taxes that are due to the  
 Town/Municipality/Regional Municipality of \_\_\_\_\_ from him/her.

\_\_\_\_\_  
 Clerk, Treasurer, Collector or other official  
 having knowledge of the facts

I, the above named, \_\_\_\_\_ swear (or solemnly affirm) that to the best of  
 my knowledge and belief the above statement is true and correct.

Sworn (or affirmed) at \_\_\_\_\_  
 in the County of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_,  
 \_\_\_\_\_, before me

\_\_\_\_\_  
 (see Section 146)

\_\_\_\_\_  
 Candidate (or Agent if authorized and the  
 authorization is attached)

**Form 10A  
 Section 41A  
 Oath or Affirmation of Elector  
 Applying for Certificate of Eligibility**

I swear (or solemnly affirm) that

1. On this date I actually reside in Polling Division Number \_\_\_\_\_ of Polling District Number \_\_\_\_\_ of the Town/Municipality/Regional Municipality of \_\_\_\_\_.
2. I have been ordinarily resident in the municipality for a period of three months immediately preceding ordinary polling day in this election and continue to so reside.
3. I am a Canadian citizen and am of the full age of eighteen years, or will be on ordinary polling day.

Name of Elector (Please Print)	Address of Elector	Signature of Elector	Consents to Name being added to Voters List*

\* write yes or no

Sworn (or affirmed) at \_\_\_\_\_  
 in the County of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_,  
 \_\_\_\_\_, before me

\_\_\_\_\_  
 Returning Officer/Assistant Returning Officer

**The Voters List may be used in future municipal, provincial or federal elections.**

**Form 10B  
 Section 41A  
 Certificate of Eligibility  
 No. \_\_\_\_\_**

I certify that the voter named below is entitled under Section 41A of the *Municipal Elections Act* to a certificate of eligibility permitting him/her to vote at Polling Station Number \_\_\_\_\_ and I grant this certificate so authorizing him/her.

\_\_\_\_\_  
 (Name of Elector)

\_\_\_\_\_  
 (Address)

Dated \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Returning Officer or  
Assistant Returning Officer**Note: Complete in triplicate**

**Form 21**  
**Section 76**  
**Application for a Proxy Vote**

**(This form is to be submitted to the Returning Officer before 5:00 p.m. on Friday, the eighth day before ordinary polling day.)**

I declare that

1. I am number \_\_\_\_\_ on the list of electors of, or have a certificate of eligibility for, Polling Division Number \_\_\_\_\_ in Polling District Number \_\_\_\_\_ of the Town/Municipality/Regional Municipality of \_\_\_\_\_.

2. I am applying to vote by proxy because **(place a check mark next to the applicable statement)**

\_\_\_\_\_ I will be absent from the municipality on the advance poll days and on ordinary polling day,

OR

\_\_\_\_\_ I cannot attend at the polling station because of illness or physical disability.

3. I appoint as my proxy voter \_\_\_\_\_  
(give full name)

who is **(place a check mark next to the applicable statement)**

\_\_\_\_\_ an elector and whose number on the list of electors or his/her certificate of eligibility for the Town/Municipality/Regional Municipality of \_\_\_\_\_ is \_\_\_\_\_,

OR

\_\_\_\_\_ related to me as \_\_\_\_\_,  
(give relationship: child/grandchild/brother/  
sister/parent/grandparent/husband/wife)

and who is an elector on the list of electors of, or has a certificate of eligibility for, the Town/Municipality/Regional Municipality of \_\_\_\_\_.

OR

**(FOR RESIDENTS OF HOMES FOR THE AGED APPROVED OR NURSING HOMES  
LICENSED UNDER THE *HOMES FOR SPECIAL CARE ACT* ONLY)**

\_\_\_\_\_ related to me as \_\_\_\_\_,  
(give relationship: child/grandchild/brother/  
sister/parent/grandparent/husband/wife)

and who is eighteen years of age or will be on ordinary polling day.

I declare that the above statements have been read by me or read to me and are true.

I also understand that I cannot vote in person on ordinary polling day unless I cancel the proxy paper before five o'clock on the afternoon of Friday, the eighth day before ordinary polling day.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Signature of the Elector

### Certificate of Proxy Voter

I, \_\_\_\_\_ certify that  
(name of proxy voter)

1. To the best of my knowledge, information and belief, all the information contained on the above appointment of proxy voter is correct; and

2. **(Place a check mark next to the applicable statement)**

\_\_\_\_\_ I have not previously been appointed as proxy voter for any other elector during the pending election.

OR

\_\_\_\_\_ I have only previously been appointed as proxy voter for one other elector during the pending election, who is not related to me, and I am related to the elector to whom this appointment relates as \_\_\_\_\_  
(give relationship: child/grandchild/brother/sister/parent/grandparent/husband/wife).

OR

\_\_\_\_\_ I have only previously been appointed as proxy voter during the pending election for:

\_\_\_\_\_  
\_\_\_\_\_  
(name and full address)

who is/are related to me as follows:

\_\_\_\_\_  
(give relationship: child/grandchild/brother/sister/parent/grandparent/husband/wife)

3. I am **(place a check mark next to the applicable statement)**

\_\_\_\_\_ an elector on the list of electors or with a certificate of eligibility for the same municipality as the elector for whom I have been appointed as proxy voter,

OR

**(FOR PROXY VOTERS FOR RESIDENTS OF HOMES FOR AGED APPROVED OR NURSING HOMES LICENSED UNDER THE HOMES FOR SPECIAL CARE ACT)**

\_\_\_\_\_ related to the elector for whom I have been appointed as proxy voter as

\_\_\_\_\_  
(give relationship: child/grandchild/brother/sister/parent/grandparent/husband/wife)  
and am of eighteen years of age or will be on ordinary polling day.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Signature of Proxy Voter

**NOTE:** A person may act as proxy voter for one unrelated elector and any number of electors who are a child, grandchild, brother, sister, parent, grandparent, husband or wife of the proxy voter.

**NOTICE:** This form must be presented to the Returning Officer by the elector or proposed proxy voter in person before five o'clock on the afternoon of Friday the eighth day before

ordinary polling day so that a Proxy Paper in Form 22 may be issued.

**CAUTION: APPOINTING A PROXY VOTER MEANS THAT THE ELECTOR CANNOT VOTE OTHER THAN BY PROXY. THIS APPLICATION FORM DOES NOT PERMIT AN ELECTOR TO VOTE ON ELECTION DAY.**

**Form 26  
Section 86  
Oath or Affirmation of Friend of Elector  
Requiring Assistance (Unrelated)**

*(For use by a person who is not a candidate and who is not related to the elector)*

You swear (or solemnly affirm) that you have not previously acted as a friend for any other elector in the election who is not a child, grandchild, brother, sister, parent, grandparent, husband or wife, that you will carry out the wishes of the elector on whose behalf you act and that you will keep secret the name of the candidate or candidates for whom you mark the ballot paper.

**Note:** A candidate may not act as friend of an elector who is not a child, grandchild, brother, sister, parent, grandparent, husband or wife of the candidate. A person who is not a candidate may act as friend for one unrelated elector and any number of electors who are a child, grandchild, brother, sister, parent, grandparent, husband or wife of the friend.

**Form 26A  
Section 86  
Oath or Affirmation of Friend of Elector  
Requiring Assistance (Candidate/relative)**

*(For use by a person, including a candidate, who is related to the elector)*

You swear (or solemnly affirm) that the elector on whose behalf you act is a child, grandchild, brother, sister, parent, grandparent, husband or wife, that you will carry out the wishes of the elector and that you will keep secret the name of the candidate or candidates for whom you mark the ballot paper.

**Note:** A candidate may not act as friend of an elector who is not a child, grandchild, brother, sister, parent, grandparent, husband or wife of the candidate. A person who is not a candidate may act as friend for one unrelated elector and any number of electors who are a child, grandchild, brother, sister, parent, grandparent, husband or wife of the friend.



**N.S. Reg. 138/2003**

Made: August 1, 2003

Filed: August 5, 2003

Board Gas Marketers Regulations (Nova Scotia)

Order dated August 1, 2003  
made by the Nova Scotia Utility and Review Board  
pursuant to Section 41 of the *Gas Distribution Act*

**Order****NSUARB****Nova Scotia Utility and Review Board****In the Matter of the Gas Distribution Act****- and -****In the Matter of a Motion to Adopt  
Board Gas Marketers Regulations (Nova Scotia)**

Before: John A. Morash, C.A., Chair  
John L. Harris, Q.C., Member  
David J. Almon, Member  
Wayne D. Cochrance, Q.C., Member  
Kulvinder S. Dhillon, P. Eng., Member  
Peter W. Gurnham, Q.C., Member

**Order**

The Nova Scotia Utility and Review Board at a meeting of the Board held on the 1<sup>st</sup> day of August, 2003, passed a motion, pursuant to **Section 41** of Chapter 4 of the Statutes of Nova Scotia, 1997, the **Gas Distribution Act**, to adopt **Board Gas Marketers Regulations (Nova Scotia)** in the form attached to and forming part of this Order.

**Dated** at Halifax, Nova Scotia, this 1<sup>st</sup> day of August, 2003.

Sgd: *Nancy McNeil*  
Nancy McNeil, Clerk

**Board Gas Marketers Regulations (Nova Scotia)  
made under subsection 41(1) of the Gas Distribution Act  
S.N.S. 1997, c. 4**

- 1** These Regulations may be cited as the **Board Gas Marketers Regulations (Nova Scotia)**.
- 2** In these regulations, unless the context indicates otherwise, words and expressions have the same meaning as in the **Gas Distribution Act** and the **Gas Distribution Regulations (Nova Scotia)** enacted under **s. 42(1)** of the **Act**.

**PART I - Requirement for Gas Marketers Licence**

- 3** In accordance with the **Gas Distribution Act, s. 24**, any person who acts or purports to act as a gas marketer must hold a valid licence issued by the Nova Scotia Utility and Review Board (Board).

**PART II - Application for Gas Marketers Licence**

- 4.1** An application for a gas marketers licence shall be in the form attached (Appendix "A") and shall be accompanied by the following:

- i a cheque in the required amount of \$5,000 payable to the Board;
- ii an irrevocable letter of credit from a recognized financial institution in the amount of \$150,000.00 payable to the Board to secure performance and anticipated financial obligations of the proposed licence holder, or equivalent financial instrument in the same amount payable to the Board if such substitution is pre-approved by the Board;
- iii proof of registration under the **Corporations Registration Act, R.S.N.S. 1989, c. 101**;
- iv full legal name, address, phone, fax and e-mail contact information of any partner(s) or parent company(s) or organization(s);
- v a listing of the company or organization principals with applicable titles (proprietor, partner, officer, director or controlling shareholder);
- vi written consents signed by each proprietor, partner, officer, director and controlling shareholder authorizing the Board to conduct a credit review, in accordance with standard business practices;
- vii written consents signed by each proprietor, partner, officer, director and controlling shareholder authorizing the Board to consult with all law enforcement agencies and obtain copies of any records pertaining to criminal convictions for which a pardon has not been granted, records of discharge and records of outstanding criminal charges, such consents to release all such agencies, their members and employees from any and all actions, claims and demands, loss or injury which may result from the disclosure of information provided by them;
- viii audited financial statements covering the two immediately preceding fiscal years or, if the company or organization has been formed within the preceding twelve months and audited financial statements are not available for at least one year, *pro forma* financial statements signed by the directors or principals of the company or organization may be substituted;
- ix a letter of intent from a gas supplier to enter into contract(s) for gas supply;
- x a written description of the applicant's business background and experience relating to gas marketing;
- xi a written description of the applicant's general plans with respect to gas marketing; and
- xii any other information which may be deemed necessary by the Board.

#### **4.2 Variance from Section 4.1**

Any variance from the requirements set out in sections 4.1 shall be formally requested from and approved by the Board prior to an application being submitted.

#### **4.3 Term of Licence**

A gas marketers licence shall have no expiration date but licencees shall be required to file annual statements on or before the anniversary date of the licence to confirm the accuracy of information previously filed with the Board regarding that licencee or provide advice of any changes.

#### **4.4 Transfer of Licence**

A gas marketers licence may not be transferred without the written consent of the Board.

#### **4.5 Fees and Costs**

- i The fee for a gas marketers licence application and first year of operation is \$5,000.00 with annual filing fees of \$1,000.00 in each successive year.
- ii Fees are payable to the Board when the application for licence or annual statement is filed with the Board.
- iii Costs relating to processing, investigations, infractions, inquiries or enforcement activities which are incurred by the Board and exceed the fees received from a licencee shall be reimbursed to the Board by the licencee involved.

**PART III - Customer Contracts**

- 5 For customers using 500 gigajoules per year or less, gas marketers shall only use customer contracts which are approved for use by the Board.

**PART IV - Adherence to Codes of Conduct**

- 6 A gas marketer shall adhere to the most recent applicable code of conduct which has been approved by the Board.

These Regulations under the **Gas Distribution Act** were made by the Nova Scotia Utility and Review Board on the 1<sup>st</sup> day of August, 2003.

Signed \_\_\_\_\_  
Clerk of the Board

**Appendix "A"**

**Nova Scotia Utility and Review Board  
in the Matter of the Gas Distribution Act**

**Application for a Gas Marketers Licence  
made Pursuant to the Board Gas Marketers Regulations**

By: \_\_\_\_\_  
(Full legal name of the company or organization making this application)

\_\_\_\_\_  
(Business location address in Nova Scotia)

\_\_\_\_\_  
(Mailing address - if different from above)

(telephone number) \_\_\_\_\_

(fax number) \_\_\_\_\_

(email address) \_\_\_\_\_

(web site) \_\_\_\_\_

1. Has the applicant or any proprietor, partner, officer, director or controlling shareholder ever filed for bankruptcy?  
No \_\_\_ Yes \_\_\_ (If so, provide full disclosure)
2. Are any judgments unpaid or outstanding against the applicant or any proprietor, partner, officer, director or controlling shareholder?  
No \_\_\_ Yes \_\_\_ (If so, provide full disclosure)
3. Are any civil, criminal or regulatory proceedings pending against the applicant or any proprietor, partner, officer, director or controlling shareholder?  
No \_\_\_ Yes \_\_\_ (If so, provide full disclosure)

The information provided in making this application in accordance with the **Board Gas Marketers Regulations (Nova Scotia)** is accurate and complete to the best of our knowledge.

Signed and sealed at \_\_\_\_\_ in the Province of \_\_\_\_\_ this \_\_\_ of \_\_\_\_\_, 200\_\_

---

(Signature and Title)

---

(Signature and Title)

(Seal)

Note: Application must: (A) provide, in full detail, all information required by the Board Gas Marketers Regulations using attachments as necessary; and  
(B) be signed by two (2) officers of the applying company or organization.

**N.S. Reg. 139/2003**

Made: August 1, 2003

Filed: August 7, 2003

Proclamation, S. 3, S.N.S. 2003, c. 5

Order in Council 2003-340 made August 1, 2003  
Proclamation made by the Governor in Council  
pursuant to Section 3  
of the *Firefighters' Compensation Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated July 28, 2003, and pursuant to Section 3 of Chapter 5 of the Acts of 2003, the *Firefighters' Compensation Act*, is pleased to order and declare by proclamation that Chapter 5 of the Acts of 2003, the *Firefighters' Compensation Act*, come into force on July 30, 2003.

PROVINCE OF NOVA SCOTIA

Sgd: M. 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 3 of Chapter 5 of the Acts of 2003, the *Firefighters' Compensation Act*, it is enacted as follows:

- 3** 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 5 of the Acts of 2003, the *Firefighters' Compensation Act*, come into force on and not before July 30, 2003;

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 5 of the Acts of 2003, the *Firefighters' Compensation Act*, come into force on and not before July 30, 2003, 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 1<sup>st</sup> day of August, in the year of  
Our Lord two thousand and three and in the fifty-  
second year of Our Reign.

BY COMMAND:

Sgd: *J. Muir*  
Provincial Secretary  
Minister of Justice and Attorney General

**N.S. Reg. 140/2003**

Made: August 1, 2003

Filed: August 7, 2003

Firefighters' Compensation Regulations

Order in Council 2003-341 dated August 1, 2003  
Regulations made by the Governor in Council  
pursuant to subsection 35A(5) of the *Workers' Compensation Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated July 11, 2003, and pursuant to subsection 35A(5) of Chapter 10 of the Acts of 1994-95, the *Workers' Compensation Act*, is pleased to make regulations respecting compensation for firefighters in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after July 30, 2003.

**Schedule "A"**

**Regulations Respecting Compensation for Firefighters  
made by the Governor in Council pursuant to subsection 35A(5) of  
Chapter 10 of the Acts of 1994-95, the *Workers' Compensation Act***

**Citation**

1 These regulations may be cited as the *Firefighters' Compensation Regulations*.

**Prescribed diseases and minimum periods**

2 The diseases and corresponding minimum periods of employment or volunteer work set out in the following table are prescribed for the purposes of subsections 35A(2) and (3) of the *Workers' Compensation Act*:

Disease	Minimum Period of Employment or Volunteer Work
Primary-site brain cancer	10 years
Primary-site bladder cancer	15 years
Primary-site kidney cancer	20 years
Primary non-Hodgkin's lymphoma	20 years
Primary leukemia	5 years
Primary site colon cancer	20 years

**Volunteer firefighters**

- 3 A firefighter who is or has been a member of a volunteer fire department is deemed to meet a minimum period of volunteer work prescribed by Section 2 if the firefighter
- (a) participated in at least 20% of all activities of the volunteer fire department each year, including fire calls and training, conducted during the minimum period; and
  - (b) has written confirmation of active member status for the minimum period in a form approved by the Workers' Compensation Board and signed by the Chief or Deputy Chief of the volunteer fire department for which the firefighter worked.

**N.S. Reg. 141/2003**

Made: August 1, 2003

Filed: August 7, 2003

Equity Tax Credit Regulations

Order in Council 2003-342 dated August 1, 2003  
Amendment to regulations made by the Governor in Council  
pursuant to subsection 13A(2) and Section 27 of the *Equity Tax Credit Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated July 2, 2003, and pursuant to subsection 13A(2) and Section 27 of Chapter 3 of the Acts of 1993, the *Equity Tax Credit Act*, is pleased to amend the *Equity Tax Credit Regulations* made by the Governor in Council by Order in Council 94-86 dated February 24, 1994, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after August 1, 2003.

**Schedule "A"**  
**Amendments to the *Equity Tax Credit Regulations***  
**made by the Governor in Council pursuant to subsection 13A(2) and Section 27**  
**of Chapter 3 of the Acts of 1993, the *Equity Tax Credit Act***

- 1 Subclause 2(b)(i) of the *Equity Tax Credit Regulations* made by the Governor in Council by Order in Council 94-86 dated February 2, 1994, is amended by striking out "\$50,000,000.00" and substituting "\$25 000 000.00".
- 2 Section 10 of the regulations is repealed and the following Section substituted:
  - 10 (1)** For the purpose of clause 9(2)(b) of the Act,
    - (a) no repayment of the amount referred to in clause 9(2)(a) of the Act is required where the disposition is
      - (i) a result of the death of the person who held the share,
      - (ii) with respect to a share that was purchased as part of a specified issue of shares by a corporation only to its employees, a result of involuntary loss of employment,
      - (iii) to a registered retirement savings plan or a registered retirement income fund pursuant to the *Income Tax Act* (Canada), or
      - (iv) a result of the corporation that issued the share ceasing to conduct business because of, in the opinion of the Minister, the financial failure of the corporation;
    - (b) no repayment of the amount referred to in clause 9(2)(a) of the Act is required if, with respect to a labour-sponsored venture-capital corporation, the tax credit is not claimed

against taxes payable and the tax credit receipt is returned to the labour-sponsored venture-capital corporation within 60 days of issue;

- (c) where the disposition is a result of the wind-up or dissolution of the corporation that issued the share for reasons other than as provided in subclause (a)(iv), repayment to the Minister shall be in the amount that is determined by multiplying the total amount of the tax credits received in respect of the shares by 48 minus the number of months the shares have been held, divided by 48 months.

- (2) Upon application, the Minister may waive or prorate repayment of an amount referred to in subsection 9(2) of the Act.

3 Section 13 of the regulations is amended by adding the following subsection immediately after subsection (1):

**(1A)** For the purposes of clauses 1(a) and 1(aa), investments

- (a) disposed of by the labour-sponsored venture-capital corporation are deemed to be invested for only 9 months after disposal;
- (b) do not include any portion of any publicly traded company whose cost exceeds 15% of the total equity capital raised in the Province by the corporation unless the investment was held prior to the investment becoming a publicly traded company.

4 Clause 15(c) of the regulations is amended by adding “, including financial statements of investees,” immediately after “investments”.

5 The regulations are further amended by renumbering Section 16 as subsection 16(1) and

(a) striking out “and” in subclause 16(1)(a)(ii) and substituting “or”; and

(b) adding the following subsections immediately after subsection 16(1):

- (2) In lieu of revoking a certificate under subsection (1) the Minister may, if a corporation does not meet the requirements of clause 1(a), do any or all of the following:

- (a) impose a 1% per month reduction of the guarantee provided pursuant to Section 13A of the Act;
- (b) assess a penalty equal to 1/6 of any shortfall unless imposition of the penalty would result in the bankruptcy of the corporation.

- (3) A corporation may apply to the Minister for a reinstatement of the full amount of the guarantee reduced pursuant to clause 2(a), or a refund of the penalty amount imposed pursuant to clause (2)(b), as the case may be, if the corporation subsequently meets the requirements of clause 1(a).

6 The regulations are further amended by adding the following Section immediately after Section 18:

**19** For the purposes of Section 19 of the Act, the register must contain the name, address and registration certificate number of each corporation registered pursuant to the Act.

**N.S. Reg. 142/2003**

Made: August 1, 2003

Filed: August 7, 2003

## Legal Aid General Regulations and Tariff of Fees

Order in Council 2003-346 dated August 1, 2003  
Amendment to regulations made by the Governor in Council  
pursuant to Section 27 of the *Legal Aid Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated July 10, 2003, and pursuant to Section 27 of Chapter 252 of the Revised Statutes of Nova Scotia, 1989, the *Legal Aid Act*, is pleased to amend the legal aid general regulations and tariff of fees made by the Governor in Council by Order in Council 77-954 dated August 9, 1977, in the manner set forth in Schedule "A", attached to and forming part of the report and recommendation, effective on and after August 1, 2003.

**Schedule "A"**

**Amendments to the Legal Aid General Regulations and Tariff of Fees  
made by the Governor in Council pursuant to Section 27 of  
Chapter 252 of the Revised Statutes of Nova Scotia, 1989, the *Legal Aid Act***

- 1 Section 16 of the legal aid general regulations and tariff of fees made by the Governor in Council by Order in Council 77-954 dated August 9, 1977, is repealed and the following Section substituted:
  - 16 Compensation pursuant to a certificate of eligibility issued in a non-criminal matter shall be paid at the rate set out in the Family and Civil Tariff for Preparation Times and Appearances, as set out in Schedule B to Appendix "II", that is in force on the date of issue of the certificate.
- 2 Section 17 of the regulations is repealed and the following Section substituted:
  - 17 Compensation pursuant to a certificate of eligibility issued in a criminal matter shall be paid at the rate set out in the Criminal Tariff for Preparation Times and Appearances, as set out in Schedule A to Appendix "II", that is in force on the date of issue of the certificate.
- 3
  - (1) The introductory paragraph of Schedule A of Appendix "II" of the regulations is amended by striking out "50" and substituting "60".
  - (2) Paragraph 1 of Schedule A of Appendix "II" is repealed and the following paragraph substituted:
    1. A solicitor with 5 or more completed years of seniority at the Bar will be paid at the rate of \$70 per hour for preparation and court appearances.
  - (3) Schedule A of Appendix "II" of the regulations is further amended by adding the following paragraph immediately after paragraph 1:
    - 1A. A solicitor with 10 or more completed years of seniority at the Bar will be paid at the rate of \$85 per hour for preparation and court appearances if the offence carries a mandatory life sentence (e.g. murder).
- 4 The introductory paragraph of Schedule B of Appendix "II" of the regulations is repealed and the following paragraphs substituted:

Preparation and counsel fees for court appearances will be paid at the rate of \$60 per hour, except that if the solicitor has 5 or more completed years of seniority at the Bar, the rate is \$70 per hour.



Court appearance fees will be paid for actual court time, subject to a maximum billing of 6 hours per day.

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**N.S. Reg. 143/2003 to 144/2003**

Made: August 1, 2003

Filed: August 7, 2003

Exemption from the Act of IWK-Grace Health Centre and  
Qualification and Professional Accountability Regulations

Order in Council 2003-348 dated August 1, 2003  
Repeal of regulations and regulations approved by the Governor in Council  
pursuant to subsection 80(1) of the *Pharmacy Act*

The Governor in Council on the report and recommendation of the Minister of Health dated July 14, 2003, and pursuant to subsection 80(1) of Chapter 36 of the Acts of 2001, the *Pharmacy Act*, is pleased to

- (a) approve the repeal by the Council of the Nova Scotia College of Pharmacists of the regulations respecting the exemption of the IWK-Grace Health Centre from the Act, made by Order in Council 2000-564 dated November 9, 2000; [**N.S. Reg. 143/2003**]
- (b) approve the repeal by the Council of the Nova Scotia College of Pharmacists of regulations respecting pharmacists approved by the Governor in Council by Order in Council 81-1312 dated October 27, 1981; and
- (c) approve the making by the Council of the Nova Scotia College of Pharmacists of new regulations respecting qualifications and professional accountability in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after September 1, 2003.

**Schedule "A"**

**I certify** that the Council of the Nova Scotia College of Pharmacists, at its meeting on November 20<sup>th</sup>, 2002 carried a motion to approve the *Pharmacy Regulations*, in the manner attached, to be effective July 1, 2003.

**I further certify** that the Council of the Nova Scotia College of Pharmacists, at its meeting on November 20<sup>th</sup>, 2002, carried a motion to repeal the regulations made pursuant to the former *Pharmacy Act*, Chapter 343 of the Revised Statutes of Nova Scotia 1989, made by the former Council of the Nova Scotia Pharmaceutical Society and approved by the Governor in Council, such repeal to be effective July 1<sup>st</sup>, 2003.

**Signed** at Halifax, in the Halifax Regional Municipality, Nova Scotia, on March 6<sup>th</sup>, 2003.

Council of the Nova Scotia College of Pharmacists

Per: Sgd: S. M. Wedlake  
Susan M. Wedlake, Registrar

**N.S. Reg. 144/2003**

## Qualification and Professional Accountability Regulations

**Regulations Respecting Qualification and Professional Accountability  
made by the Council of the Nova Scotia College of Pharmacy  
subject to the approval of the Governor in Council pursuant to subsection 80(1)  
of Chapter 36 of the Acts of 2001, the *Pharmacy Act***

**Interpretation****Citation**

**1** These regulations may be cited as the *Qualification and Professional Accountability Regulations*.

**Definitions**

**2** In these regulations,

- (a) “accredited degree program in pharmacy” means a degree program in pharmacy accredited pursuant to clause 13(5)(a) of the Act or clause 1(a) of the Practice Regulations;
- (b) “Act” means the *Pharmacy Act*;
- (c) “Agreement on Internal Trade” means the agreement signed by the federal, provincial and territorial governments of Canada, which came into force on July 1, 1995, to facilitate the free movement of persons, goods, services and investments throughout Canada;
- (d) “Practice Regulations” means the regulations respecting the practice of pharmacy made by the Council pursuant to Section 77 of the Act;
- (e) “graduate intern” means an intern who has never been licensed to practise pharmacy in Nova Scotia or another jurisdiction;
- (f) “Mutual Recognition Agreement” means the agreement respecting labour mobility requirements for the profession of pharmacy in Canada pursuant to the Agreement on Internal Trade;
- (g) “practice experience” includes both structured practice experience pursuant to the Practice Regulations and unstructured practice experience;
- (h) “qualifying intern” means an intern who is not licensed as a pharmacist but either
  - (i) is licensed to practise pharmacy in another jurisdiction, or
  - (ii) was formerly licensed as a pharmacist,and is registered in accordance with Section 9;
- (i) “unstructured practice experience” means practical experience under the guidance of a preceptor in a direct patient care setting in a licensed pharmacy or hospital pharmacy, or other institution approved by the Council.

**Registration and Licensing****Registration of pharmacists - graduate interns**

**3** To be eligible for registration as a pharmacist in Nova Scotia, a graduate intern must, in addition to having successfully completed the requirements of clauses 13(5)(a) to (e) of the Act,

- (a) be registered as a graduate intern in accordance with subsection 7(8) or Section 8;
- (b) complete and submit the application form prescribed by the Practice Regulations;
- (c) provide the Registrar with
  - (i) a statement of disclosure regarding any previous criminal convictions, disciplinary convictions or civil remedies relating to the practice of pharmacy obtained against the applicant, and
  - (ii) proof of liability insurance coverage as required by subsection 12(1),and any other information required by the application form;
- (d) have successfully completed 16 weeks of unstructured practice experience, 8 of which must have been completed after the graduate intern's graduation from an accredited degree program in pharmacy; and
- (e) pay the applicable fee prescribed by the Practice Regulations.

**Registration of pharmacists - Mutual Recognition Agreement transfers**

- 4 (1)** To be eligible for registration as a pharmacist, a person who is licensed to practise pharmacy in a jurisdiction that is a signatory to the Mutual Recognition Agreement must, in addition to having successfully completed the requirements of clauses 13(5)(a) to (e) of the Act,
- (a) complete and submit the application form prescribed by the Practice Regulations;
  - (b) provide the Registrar with a letter of standing from the applicant's regulatory authority pursuant to subsection 13(7) of the Act, including confirmation that there are no outstanding complaints against the applicant;
  - (c) meet the requirements of clause 3(c) with respect to the application form required by this Section;
  - (d) have successfully completed the examination in jurisprudence prescribed by the Practice Regulations; and
  - (e) pay the applicable fee prescribed by the Practice Regulations.
- (2)** A person licensed to practise pharmacy in another jurisdiction who applies for registration as a pharmacist in Nova Scotia and meets the requirements of this Section must be licensed in the same or an equivalent or comparable membership classification as the membership classification in which the person was licensed in the other jurisdiction.

**Registration of pharmacists - non-Mutual Recognition Agreement transfers**

- 5 (1)** To be eligible for registration as a pharmacist, a person who is licensed to practise pharmacy in a jurisdiction that is not a signatory to the Mutual Recognition Agreement must, in addition to having successfully completed the requirements of clauses 13(5)(a) to (e) of the Act,
- (a) be registered as a qualifying intern in accordance with Section 9;
  - (b) complete and submit the application form prescribed by the Practice Regulations;
  - (c) provide the Registrar with any information required by the application form;
  - (d) provide the Registrar with proof of liability insurance coverage as required pursuant to

subsection 12(1); and

- (e) pay the applicable fee prescribed by the Practice Regulations.
- (2) A person licensed to practise pharmacy in another jurisdiction who applies for registration as a pharmacist in Nova Scotia and meets the requirements of this Section must be licensed in the same or an equivalent or comparable membership classification as the membership classification in which the person was licensed in the other jurisdiction.

### **Resumption of practice**

**6 (1)** In this Section,

- (a) “applicant” means a pharmacist who is a non-practising member of the College or a person who has retired from the College and who seeks to resume practice, and in subsections (5) and (6) includes a person whose registration is cancelled pursuant to subsection 15(9) of the Act;
  - (b) “eligible applicant” means an applicant who has complied with subsection (2).
- (2) To be eligible for registration as a pharmacist, an applicant must
- (a) complete and submit the application form prescribed by the Practice Regulations;
  - (b) provide the Registrar with
    - (i) a statement of disclosure regarding any previous criminal convictions, disciplinary convictions or civil remedies relating to the practice of pharmacy obtained against the applicant, and
    - (ii) proof of liability insurance coverage as required pursuant to subsection 12(1),and any other information required by the application form.
- (3) If an eligible applicant has been licensed to practise pharmacy in Nova Scotia within the 2 years preceding their application, the applicant may resume practice upon
- (a) complying with the requirements for continuing competence pursuant to Section 11 and the Practice Regulations; and
  - (b) paying the current year’s annual licence fee and the reinstatement fee prescribed by the Practice Regulations.
- (4) If an eligible applicant has not been licensed to practise pharmacy in Nova Scotia within the 2 years preceding their application but has been so licensed within the preceding 5 years, the applicant may resume practice upon
- (a) being registered as a qualifying intern in accordance with Section 9;
  - (b) complying with the requirements for continuing competence pursuant to Section 11 and the Practice Regulations;
  - (c) successfully completing the examination in jurisprudence prescribed by the Practice Regulations;
  - (d) successfully completing 1 month of unstructured practice experience as determined by the Practice Regulations for each year or part of a year since the applicant was last licensed; and

- (e) paying the current year's annual licence fee, any required examination fees and the reinstatement fee as prescribed by the Practice Regulations.
- (5) If an eligible applicant has not been licensed to practise pharmacy in Nova Scotia within the 5 years preceding their application, the applicant may resume practice upon
- (a) being registered as a qualifying intern in accordance with Section 9;
  - (b) complying with the requirements for continuing competence pursuant to Section 11 and the Practice Regulations;
  - (c) successfully completing the examination in jurisprudence prescribed by the Practice Regulations;
  - (d) successfully completing a structured practice-experience program as determined by the Practice Regulations; and
  - (e) paying the current year's annual licence fee, all required examination fees, and the reinstatement fee as prescribed by the Practice Regulations.
- (6) If an applicant was at any time licensed to practise pharmacy in another jurisdiction, the applicant must provide the Registrar with a letter of standing from the regulatory authority in the other jurisdiction confirming the applicant's standing and discipline record, including confirmation that there are no outstanding complaints against the applicant.
- (7) An applicant may apply to Council to waive or reduce any requirement of this Section, and the Council may waive or reduce the requirement if the Council considers that the applicant's experience during the 5-year period preceding the application is equivalent to the requirement that is sought to be waived or reduced.

### **Registered students**

- 7 (1) If an applicant for registration as a registered student
- (a) completes and submits the application form prescribed by the Practice Regulations;
  - (b) provides the Registrar with
    - (i) a birth certificate or certificate of Canadian citizenship,
    - (ii) proof of enrolment in an accredited degree program in pharmacy, and
    - (iii) proof of liability insurance coverage as required pursuant to subsection 12(2),and any other information required by the application form; and
  - (c) pays the fee prescribed by the Practice Regulations,
- the Registrar will enter the applicant's name in the register respecting students maintained pursuant to subsection 12(8) of the Act.
- (2) The Registrar must not register a person as a registered student pursuant to subsection (1) unless the person is currently enrolled in an accredited degree program in pharmacy.
- (3) The registration of a registered student continues until the student graduates from an accredited degree program in pharmacy, unless revoked pursuant to these regulations.

- (4) A registered student is subject to the same requirements of professional responsibility, professional ethics and professional accountability as a pharmacist.
- (5) The registration of a registered student must be revoked if the student is expelled from or refused readmission to an accredited degree program in pharmacy.
- (6) The registration of a registered student must be revoked if the student fails to complete an accredited degree program in pharmacy within 6 years after the student's initial enrolment in an accredited degree program in pharmacy, unless the Council, on application by the student, extends the time to complete the program.
- (7) If a registered student's registration is revoked for any reason,
  - (a) any practice experience completed by the student up to the date of revocation is not counted towards the fulfillment of the requirements of these regulations; and
  - (b) the student must not be registered again without the permission of the Council.
- (8) Upon graduation from an accredited degree program in pharmacy, a registered student is qualified and will be registered as a graduate intern without further application or payment of any additional fee.

#### **Registration of graduate interns**

##### **8** If an applicant for registration as a graduate intern

- (a) completes and submits the application form prescribed by the Practice Regulations;
- (b) provides the Registrar with
  - (i) a birth certificate or certificate of Canadian citizenship,
  - (ii) proof of graduation from an accredited degree program in pharmacy, and
  - (iii) proof of liability insurance coverage as required pursuant to subsection 12(1),and any other information required by the application form; and
- (c) pays the fee prescribed in the Practice Regulations,

the Registrar will enter the applicant's name in the register respecting graduate interns maintained pursuant to subsection 12(8) of the Act.

#### **Registration of qualifying interns**

##### **9 (1)** If an applicant for registration as a qualifying intern

- (a) completes and submits the application form prescribed in the Practice Regulations;
- (b) in addition to meeting the requirement of subsection 13(7) of the Act for a record of complaints and discipline matters, provides the Registrar with a letter of standing from the applicant's regulatory authority confirming that there are no outstanding complaints or discipline matters against the applicant;
- (c) provides the Registrar with
  - (i) a birth certificate or certificate of Canadian citizenship,

- (ii) proof of graduation from an accredited degree program in pharmacy,
- (iii) a statement of disclosure regarding any previous criminal convictions, disciplinary convictions or civil remedies relating to the practice of pharmacy obtained against the applicant, and

- (ii) proof of liability insurance coverage as required pursuant to subsection 12(1),

[\*Note: numbering as in original.]

and any other information required by the application form;

- (d) successfully completes a qualifying assessment approved by the Council based on the required professional competencies for Canadian pharmacists at entry-to-practice;
- (e) has met the language requirements prescribed by the Practice Regulations;
- (f) successfully completes the examination in jurisprudence prescribed by the Practice Regulations; and
- (g) pays the fees prescribed by the Practice Regulations,

the Registrar will enter the applicant's name in the Register respecting qualifying interns maintained pursuant to subsection 12(8) of the Act.

- (2) The requirement of clause (1)(d) may be waived for an applicant by the Council.
- (3) Clause (1)(d) does not apply to an applicant pursuant to subsection 6(4).

#### **Requirements for graduate interns and qualifying interns**

- 10** (1) No person except a registered student is permitted to undertake a period of practice experience before the person is registered as a graduate intern or a qualifying intern.
- (2) A graduate intern or a qualifying intern is subject to the same requirements of professional responsibility, professional ethics and professional accountability as a pharmacist.
  - (3) The registration of a graduate intern or a qualifying intern must be revoked if the intern fails to complete the practice experience required by the Practice Regulations within the 18 months immediately following the date of the registration.
  - (4) If a graduate intern's or qualifying intern's registration is revoked for any reason,
    - (a) any practice experience completed by the intern up to the date of revocation is not counted towards the fulfillment of the requirements of these regulations; and
    - (b) the intern must not be registered again without the permission of the Council.

#### **Continuing competence**

- 11** (1) Every pharmacist and certified dispenser must in each year complete 15 units of continuing education, approved pursuant to standards established and applied by Dalhousie University, in order to qualify for a licence for the following year.
- (2) A pharmacist is not required to comply with the requirements of this Section in the year of graduation from an accredited degree program in pharmacy or in the year of transfer to Nova Scotia from a jurisdiction that is a signatory to the Mutual Recognition Agreement.
  - (3) A pharmacist transferring from another jurisdiction in Canada may apply to the Registrar for credit

for any continuing education completed in the other jurisdiction, and the Registrar will allow credit for any continuing education credits that meet the criteria established for continuing education in the other jurisdiction.

- (4) A pharmacist transferring from a jurisdiction outside Canada may apply to the Registrar for credit for any continuing education completed in the other jurisdiction, and the Registrar must determine whether and to what extent the continuing education completed in that jurisdiction satisfies the requirements of this Section.

#### **Insurance coverage**

- 12 (1) Every pharmacist practising direct or indirect patient care, every certified dispenser, every graduate intern and every qualifying intern must obtain and maintain professional liability insurance in an amount not less than \$2 000 000.00 through an insurance policy approved by the Council that covers all members of the College.
- (2) Every registered student must obtain and maintain professional liability insurance in an amount not less than \$2 000 000.00 through an insurance policy approved by the Council.

#### **Preservation of Patient Information**

##### **Retention of prescriptions**

- 13 (1) A dispensed prescription must be retained in the dispensing pharmacy for at least 2 years following the date of the last transaction with respect to the prescription.
- (2) A prescription must be retained in the pharmacy where it was dispensed or in a successor pharmacy.

##### **Storage of patient records**

- 14 A pharmacy's patient records must be stored on the pharmacy premises in a secure manner sufficient to protect patient confidentiality.

##### **Retention of patient records**

- 15 (1) A pharmacy's patient records must be retained by the pharmacy for at least 2 years following the date of the last transaction with respect to the patient.
- (2) Patient records must be retained in the pharmacy in which they were created or in a successor pharmacy.
- (3) Despite subsection (1), in the event of an audit or investigation, relevant patient records must be retained until the completion of the audit or investigation.

##### **Disposal of records**

- 16 Patient records must be disposed of only in a manner that preserves patient confidentiality.

#### **Professional Accountability**

##### **Definitions**

- 17 (1) In this Section and Sections 20 to 23, "member" and "pharmacy" have the same meaning as set out in Section 36 of the Act.
- (2) In the Act, this Section and Section 20,
  - (a) "disciplinary matter" includes, but is not limited to,
    - (i) professional misconduct,
    - (ii) any breach of the Act or the regulations made under the Act,



- (iii) alleged lack of competence,
  - (iv) unprofessional conduct,
  - (v) violation of the Code of Ethics of the College,
  - (vi) the provision of unsatisfactory patient care, and
  - (vii) the jeopardizing of the health or safety of patients and the public,
- by a member or a pharmacy;
- (b) “professional misconduct” includes, but is not limited to,
    - (i) falsifying a record in respect of a prescription or the sale of a drug,
    - (ii) knowingly submitting a false or misleading account or a false or misleading charge for a drug or for the compounding or dispensing of a prescription,
    - (iii) signing or issuing a certificate or similar document that contains a statement that the person signing or issuing knows or ought to know is false or misleading,
    - (iv) acting as a pharmacist while the ability to perform any action required of a pharmacist is impaired by alcohol or a drug,
    - (v) conduct or an act relevant to the practice of pharmacy that, having regard to the circumstances, would reasonably be regarded by the other members of the profession as disgraceful, dishonourable or unprofessional, and
    - (vi) any of the following acts or omissions if it jeopardizes the health or safety of any person or the quality of patient care:
      - (A) a violation of any provision of the Act, the regulations made under the Act, or any other enactment of Canada or the Province,
      - (B) a failure to abide by the terms, conditions or limitations of a licence, or
      - (C) a failure to maintain the standards of practice of the profession.
- (3) In Sections 18 to 21,
    - (a) “hearing committee” means a hearing committee appointed pursuant to the Act;
    - (b) “investigation committee” means an investigation committee appointed pursuant to the Act.

**Conflict of interest**

**18** A person must not be a member of both an investigation committee and a hearing committee during the same term of appointment.

**Records**

- 19 (1)** A record must be kept of any findings of and any action taken pursuant to the Act by an investigation committee or a hearing committee.
- (2)** A record must contain written reasons, including, if applicable, the reasons why a complaint was dismissed.

- (3) Records of an investigation committee or a hearing committee must be retained for at least 2 years following the conclusion of the investigation or hearing that is the subject of the record.

**Determination of disposition by hearing committee**

**20** In determining a disposition to be imposed pursuant to subsections 53(2) and (3) of the Act, a hearing committee must consider any relevant previous disciplinary decision regarding the person who is the subject of the proceedings, including undertakings and consents given as part of a settlement agreement pursuant to Section 46 of the Act.

**Publication**

- 21** (1) If a hearing committee revokes or suspends a licence, the College must publish the name of the party who has been found guilty and the details of the disposition made by the hearing committee.
- (2) Unless otherwise ordered by the hearing committee, if a hearing committee revokes or suspends a licence, fines a member or a pharmacy, or reprimands a member or a pharmacy, the College must communicate to the members of the College the name of the party who has been found guilty and the details of the disposition made by the hearing committee.

**Custodian of patient records**

- 22** (1) A custodian appointed pursuant to Section 31 of the Act must give notice to patients, physicians and the general public that the custodian has possession of the patient records of a member or pharmacy.
- (2) The notice required by subsection (1) must be given by newspaper advertisements and notices affixed to the pharmacy premises unless the Council directs that additional notice be given.
- (3) On the first anniversary date of a custodian's appointment pursuant to Section 31 of the Act, or such earlier date as the Council may require, the custodian must report to the Council concerning the notices provided and action taken during the custodianship.
- (4) Upon receipt of a custodian's report required by subsection (3), the Council may discharge the custodian, or make any order it considers appropriate regarding any patient records remaining in the hands of the custodian.
- (5) The custodian's compliance with an order of the Council discharges the custodian in respect of those patient records affected by the Council's order.

**Professional obligation**

- 23** (1) Every member must advise the Registrar if that member has been charged or convicted of an offence pursuant to the *Controlled Drugs and Substances Act* (Canada), the *Food and Drug Act* (Canada) or any other statute relating to the practice of pharmacy, or any offence that could reasonably be considered to affect a person's ability to practise pharmacy.
- (2) A pharmacy manager must report to the Registrar any charge or conviction referred to in subsection (1) that to the manager's knowledge affects an employee of the pharmacy.

**N.S. Reg. 145/2003**

Made: August 1, 2003

Filed: August 7, 2003

## Dispensing Opticians Regulations

Order in Council 2003-349 dated August 1, 2003  
Amendment to regulations approved by the Governor in Council  
pursuant to Section 20 of the *Dispensing Opticians Act*

The Governor in Council on the report and recommendation of the Minister of Health dated July 23, 2003, and pursuant to Section 20 of Chapter 131 of the Revised Statutes of Nova Scotia, 1989, the *Dispensing Opticians Act*, is pleased to approve the making by the Board of Dispensing Opticians of amendments to the regulations approved by the Governor in Council by Order in Council 70-940 dated October 6, 1970, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after August 1, 2003.

**Schedule "A"**

I certify that the Board of Dispensing Opticians at its meeting on June 25, 2003, carried motions to amend the Dispensing Opticians Regulations made by the Board on August 28, 1970, and approved by the Governor-in-Council by Order-in-Council 70-940 on October 6, 1970, in the manner attached

Signed in Halifax, in the Halifax Regional Municipality, Nova Scotia on the 1<sup>st</sup> day of July, 2003.

**Board of Dispensing Opticians**Per: *Marlene Bayers*

Marlene Bayers, Board Chair

**Amendments to the Regulations Respecting Dispensing Opticians  
made by the Board of Dispensing Opticians pursuant to Section 20 of  
Chapter 131 of the Revised Statutes of Nova Scotia, 1989, the *Dispensing Opticians Act***

The regulations made by the Board of Dispensing Opticians and approved by the Governor in Council by Order in Council 70-940 dated October 6, 1970, are amended by striking out "from the Scotia Career Academy" in subsection IV(4) and substituting "delivered by an academic institution approved by the Board".

**N.S. Reg. 146/2003**

Made: August 1, 2003

Filed: August 7, 2003

## Early Retirement Eligibility Designation and Regulations

Order in Council 2003-352 dated August 1, 2003  
Amendment to regulations made by the Governor in Council  
pursuant to Section 88 of the *Public Service Act*

The Governor in Council, on the report and recommendation of the Minister of the Public Service Commission dated March 6, 2003, and pursuant to Section 88 of Chapter 376 of the Revised Statutes of Nova Scotia, 1989, the *Public Service Act*, is pleased to amend the regulations respecting designation of a class of persons for the purposes of eligibility for early retirement made by the Governor in Council by Order in Council 1998-332 dated June 30, 1998, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after August 1, 2003.

**Amendments to the Regulations Respecting Designation of a Class of Persons  
For the Purposes of Eligibility for Early Retirement  
made by the Governor in Council pursuant to Section 88 of  
Chapter 376 of the Revised Statutes of Nova Scotia, 1989, the *Public Service Act***

- 1 The regulations respecting designation of a class of persons for the purposes of eligibility for early retirement made by the Governor in Council by Order in Council 1998-332 dated June 30, 1998, are amended by
  - (a) striking out “April 1, 1998 through May 31, 2003” in clause 1(b) and substituting “from April 1, 1998, until such time as all eligible employees reach their eligibility dates for early retirement”;
  - (b) striking out “and” at the end of subclause 1(c)(iv);
  - (c) renumbering subclause 1(c)(v) as 1(c)(vi); and
  - (d) adding the following subclause immediately after subclause 1(c)(iv):
    - (v) is a person designated by the Governor in Council for the purpose of subsection 88(1) of the Act; and
  
- 2 The regulations are further amended by striking out “unless an extension is granted by the Minister in writing,” in clause 3(a).

**N.S. Reg. 147/2003**

Made: August 7, 2003

Filed: August 12, 2003

Bulk Haulage Regulations

Order dated August 7, 2003  
made by Dairy Farmers of Nova Scotia and  
approved by the Natural Products Marketing Council  
pursuant to clause 15(1)(b) of the *Dairy Industry Act*

**Dairy Farmers of Nova Scotia**

The Dairy Farmers of Nova Scotia, pursuant to clause 15(1)(b) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, at a meeting held on July 3, 2003, amended the *Bulk Haulage Regulations* in the manner set out in the form attached to this certificate as Schedule “A”, effective on and after August 1, 2003.

**Dated and signed** at Truro, Nova Scotia, August 1, 2003

Sgd: *Brian Cameron*  
**Brian Cameron**  
**General Manager**  
**Dairy Farmers of Nova Scotia**

**Approved by** the Natural Products Marketing Council at Truro, Nova Scotia, August 7, 2003.

Sgd: *G. Burris*  
**George D. Burris**  
**General Manager**  
**Natural Products Marketing Council**

**Schedule "A"****Amendments to the *Bulk Haulage Regulations*  
made by the Dairy Farmers of Nova Scotia pursuant to clause 15(1)(b) and 15(1)(e)  
of Chapter 24 of the Acts of 2000, the *Dairy Industry Act***

Clause 7(a) of the *Bulk Haulage Regulations* made by the Dairy Farmers of Nova Scotia and approved by the Natural Products Marketing Council on August 13, 2002, is amended by

- (a) striking out "\$2.22" directly opposite "Bedford Transport Limited" and substituting "\$2.16";
- (b) striking out "\$2.57" directly opposite "Scotsburn Co-op Services Limited" and substituting "\$2.48"
- (c) striking out "\$1.93" directly opposite "Fisher Transport Limited" and substituting "\$1.89";
- (d) striking out "\$2.56" directly opposite "Rudy Burghardt" and substituting "\$2.48"; and
- (e) striking out "\$2.23" directly opposite "Cook's Dairy Farm Limited" and substituting "\$2.21"

**N.S. Reg. 148/2003**

Made: July 15, 2003

Filed: August 12, 2003

Total Production Quota Regulations

Order dated July 15, 2003  
made by Dairy Farmers of Nova Scotia and  
approved by the Natural Products Marketing Council  
pursuant to clause 14(1)(e) of the *Dairy Industry Act*

**Dairy Farmers of Nova Scotia**

The Dairy Farmers of Nova Scotia, pursuant to clause 14(1)(e) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, at a meeting held on July 3, 2003, amended the *Total Production Quota Regulations* in the manner set out in the form attached to this certificate as Schedule "A", effective on and after August 1, 2003.

**Dated and signed** at Truro, Nova Scotia, August 1, 2003.

Sgd: *Brian Cameron*  
**Brian Cameron**  
**General Manager**  
**Dairy Farmers of Nova Scotia**

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**Approved as to form only** by the Natural Products Marketing Council at Truro, Nova Scotia, July 15, 2003.

Sgd: *G. Burris*  
**George D. Burris**  
**General Manager**  
**Natural Products Marketing Council**

## Schedule "A"

**Amendments to the *Total Production Quota Regulations* made by  
the Dairy Farmers of Nova Scotia pursuant to clause 14(1)(e)  
of Chapter 24 of the Acts of 2000, the *Dairy Industry Act***

- 1 (1) Subsection 3(7) of the *Total Production Quota Regulations* made by the Dairy Farmers of Nova Scotia and approved by the Natural Products Marketing Council on May 24, 2001, is amended by adding
  - (a) "Except as provided for in these regulations," immediately before "No producer";
  - (b) striking out "No" and substituting "no".
- (2) Section 3 is further amended by adding immediately following subsection 3(11):
  - (12) For the purpose of calculating producer payment and quota utilization, each producer's monthly TPQ shall be calculated by multiplying the producer's daily TPQ by the number of days of milk production shipped during that month.
- 2 Subsection 6(3) is amended by striking out "The limit of cumulative under-production is thirty times daily TPQ." and substituting the following:

The limit of cumulative under-production shall be twenty-eight times daily TPQ for August 2003, twenty-six times daily TPQ for September 2003, twenty-four times daily TPQ for October 2003, twenty-two times daily TPQ for November 2003 and twenty-times daily TPQ for December 2003 and thereafter.
- 3 Section 19 is repealed and the following is substituted:
  - 19 (1) No TPQ leases shall be effective until approved by the Board.
  - (2) Only active, registered milk producers may enter into a lease of TPQ and the maximum TPQ that they may lease shall be twenty-five percent of their entire TPQ.
  - (3) All TPQ leases shall be in writing, on the standard form supplied by the Board.
  - (4) All TPQ leases shall start at the beginning of a pay period, and end on the last day of that same pay period.
  - (5) Leased TPQ shall be transferred back to the original owner upon expiry of the lease.
  - (6) Any adjustments to Provincial TPQ will apply to all TPQ leased or owned.
  - (7) Subject to subsection (6), at the termination of a lease, the adjusted amount of the leased TPQ will be returned to the lessor.
  - (8) A producer cannot be both a lessor and a lessee at the same time.
  - (9) All TPQ leases submitted to the Board must be accompanied by a non-refundable administrative fee set by the Board.
- 4 Section 21 is amended by
  - (a) adding "Over Quota" immediately preceding the heading "Milk Price"

(b) repealing subsection 21(1) and renumbering subsection 21(2), 21(1).

5 The heading, "Seasonal incentives", immediately preceding Section 24, and Section 24, are repealed and the following is substituted:

**Additional Production Days**

- 24 (1)** Producers may receive an additional monthly allocation of TPQ, provided the producers are active and have utilized their entire TPQ for the current month.
- (2)** Despite subsection 6(3), an additional monthly allocation of TPQ which is not utilized in the month in which it is issued, may not be carried forward for future use.

**N.S. Reg. 149/2003**

Made: August 11, 2003

Filed: August 12, 2003

Proclamation, S. 89(4), S.N.S. 1996, c. 7

Order in Council 2003-354 made August 11, 2003  
 Proclamation made by the Governor in Council  
 pursuant to subsection 89(4)  
 of the *Occupational Health and Safety Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated April 25, 2003, pursuant to subsection 89(4) of Chapter 7 of the Acts of 1996, the *Occupational Health and Safety Act*, is pleased to order and declare by proclamation that Sections 86 and 87 of Chapter 7 of the Acts of 1996, the *Occupational Health and Safety Act*, come into force on and not before November 8, 2003.

PROVINCE OF NOVA SCOTIA

Sgd: *C. R. Glube*

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 89(4) of Chapter 7 of the Acts of 1996, the *Occupational Health and Safety Act*, it is enacted as follows:

- 89 (4)** Sections 86 and 87 come into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Sections 86 and 87 of Chapter 7 of the Acts of 1996, the *Occupational Health and Safety Act*, come into force on and not before November 8, 2003;

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 86 and 87 of Chapter 7 of the Acts of 1996, the *Occupational Health and Safety Act*, come into force on and not before November 8, 2003, 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 Constance R. Glube, Administrator of the Government of the Province of Nova Scotia.

AT Our Law Courts in the Halifax Regional Municipality, this 11<sup>th</sup> day of August, in the year of Our Lord two thousand and three and in the fifty-second year of Our Reign.

BY COMMAND:

Sgd: *J. Muir*  
Provincial Secretary  
Minister of Justice and Attorney General

**N.S. Reg. 150/2003 to 153/2003**

Made: August 11, 2003

Filed: August 12, 2003

General Blasting Regulations, Occupational Safety General Regulations,  
Occupational Health Regulations, Underground Mining Regulations

Order in Council 2003-355 dated August 11, 2003

Amendment to regulations, repeal of regulations and regulations made by the Governor in Council pursuant to Section 82 of the *Occupational Health and Safety Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated April 25, 2003, is pleased to, effective November 8, 2003:

- (a) pursuant to Section 82 of Chapter 7 of the Acts of 1996, the *Occupational Health and Safety Act*,
  - (i) amend the *General Blasting Regulations* made by the Governor in Council by Order in Council 90-195 dated February 20, 1990, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation,
  - (ii) amend the *Occupational Safety General Regulations* made by the Governor in Council by Order in Council 1999-195 dated April 28, 1999, by striking out "serving the underground at an underground mine" in clause 2(p) and substituting "that operates in a shaft in the underground at a mine", [N.S. Reg. 151/2003]
  - (iii) repeal all regulations respecting occupational health and safety made pursuant to Chapter 73 of the Revised Statutes of Nova Scotia, 1989, *Coal Mines Regulation Act* and pursuant to Chapter 284 of the Revised Statutes of Nova Scotia, 1989, *Metalliferous Mines and Quarries Act*, and [N.S. Reg. 152/2003]
  - (iv) make new regulations respecting underground mining in the form set forth in Schedule "B" attached to and forming part of the report and recommendation; and [N.S. Reg. 153/2003]



- (b) pursuant to subsection 4(3) of Chapter 393 of the Revised Statutes of Nova Scotia, 1989, the *Regulations Act*, dispense with the publication in the Royal Gazette, Part II, of the regulations respecting underground mining as set forth in Schedule "B" because of their length.

**N.S. Reg. 150/2003**

## General Blasting Regulations

**Schedule "A"**

**Amendments to the *General Blasting Regulations*  
made by the Governor in Council pursuant to Section 82 of  
Chapter 7 of the Revised Statutes of Nova Scotia, 1989,  
the *Occupational Health and Safety Act***

- 1 Section 2 of the *General Blasting Regulations* made by the Governor in Council by Order in Council 90-195 dated February 20, 1990, is amended by striking out "an underground mine" and substituting "underground at a mine".
- 2 The regulations are further amended by renumbering Section 2 as subsection 2(1) and adding the following subsection immediately following subsection (1):
  - (2) For greater certainty, these regulations apply to blasting activity at the surface of a mine.

**N.S. Reg. 154/2003**

Made: August 11, 2003

Filed: August 12, 2003

## Land Registration General Regulations

Order in Council 2003-357 dated August 11, 2003  
Amendment to regulations made by the Governor in Council  
pursuant to Section 128(2) of the *Land Registration Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated June 18, 2003, and pursuant to subsection 128(2) of Chapter 6 of the Acts of 2001, the *Land Registration Act*, is pleased to amend the *Land Registration General Regulations* made by the Governor in Council by Order in Council 2002-581 dated December 17, 2002, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after January 2, 2004.

**Schedule "A"**

**Amendments to the *Land Registration General Regulations*  
made by the Governor in Council pursuant to subsection 128(2)  
of Chapter 6 of the Acts of 2001, the *Land Registration Act***

The *Land Registration General Regulations* made by Governor in Council by Order in Council 2002-581 dated December 17, 2002, are amended by renumbering Section 4 as subsection 4(1) and adding the following subsection immediately after subsection (1):

- (2) Effective on and after November 24, 2003, the following counties are designated counties:
  - (a) the County of Antigonish;

- (b) the County of Cumberland; and
  - (c) the County of Pictou.
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**N.S. Reg. 155/2003**

Made: August 11, 2003

Filed: August 12, 2003

Amendment to O.I.C. 2003-348

Order in Council 2003-358 dated August 11, 2003  
Amendment to Order in Council 2003-348 made by the Governor in Council  
pursuant to the *Interpretation Act*

The Governor in Council on the report and recommendation of the Minister of Health dated August 7, 2003, pursuant to Chapter 235 of the Revised Statutes of Nova Scotia, 1989, the *Interpretation Act*, is pleased to amend Order in Council 2003-348 dated August 1, 2003, respecting regulations made pursuant to the *Pharmacy Act*, by adding “, effective September 1, 2003” immediately following the word “to” in line three thereof.