

Royal



Gazette

Part II Regulations under the Regulations Act

Printed by the Queen's Printer

Halifax, Nova Scotia

Vol. 27, No. 9

May 16, 2003

Contents

Act	Reg. No.	Page
Motor Vehicle Act		
Helmet Regulations	99/2003	405
Motor Vehicle Act, An Act to Amend Chapter 293 of the Revised Statutes, 1989		
Proclamation, S. 13, S.N.S. 2002, c. 20 - S. 3	98/2003	404
Wildlife Act		
Bear Harvesting Regulations - amendment	103/2003	409
Deer Hunting Regulations - amendment	100/2003	406
Firearm and Bow Regulations - amendment	102/2003	408
Fur Harvesting Regulations - amendment	101/2003	407

NOW AVAILABLE

The second 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>.

N.S. Reg. 98/2003

Made: April 25, 2003

Filed: April 29, 2003

Proclamation, S. 13, S.N.S. 2002, c. 20 - S. 3

Order in Council 2003-174 made April 25, 2003

Proclamation made by the Governor in Council
pursuant to Section 13 of*An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated March 25, 2003, and pursuant to Section 13 of Chapter 20 of the Acts of 2002, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, and subsection (7) of Section 3 of Chapter 235 of the Revised Statutes, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Section 3 of Chapter 20 of the Acts of 2002, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, come into force on and not before May 1, 2003.

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 13 of Chapter 20 of the Acts of 2002, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, it is enacted as follows:

13. This Act, except Section 12, comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Section 3 of Chapter 20 of the Acts of 2002, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, come into force on and not before May 1, 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 Section 3 of Chapter 20 of the Acts of 2002, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, come into force on May 1, 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 25th day of April, in the
year of Our Lord two thousand and three and
in the 52nd year of Our Reign.

BY COMMAND:

sgd: *Jamie Muir*
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 99/2003

Made: April 25, 2003

Filed: April 29, 2003

Helmet Regulations

Order in Council 2003-175 dated April 25, 2003
Regulations and repeal of regulations made by the Governor in Council
pursuant to Sections 170, 170A and 170B of the *Motor Vehicle Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated March 25, 2003, and pursuant to Sections 170, 170A and 170B of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, is pleased, effective on and after May 1, 2003, to

- (a) repeal the *Motorcycle Safety Helmet Regulations, 1972*, made by the Governor in Council by Order in Council 71-644 dated June 23, 1971;
- (b) repeal the *Bicycle Helmet Regulations* made by the Governor in Council by Order in Council 97-358 dated June 10, 1997; and
- (c) make regulations respecting helmets in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"

**Regulations Respecting Helmets made by the Governor in Council
pursuant to Sections 170, 170A, and 170B of the Revised
Statutes of Nova Scotia, 1989, the *Motor Vehicle Act***

Citation

1 These regulations may be cited as the *Helmet Regulations*.

Motorcycle helmet

2 A person operating a motorcycle or motor scooter must wear a helmet that bears a mark indicating that the helmet is approved or certified as a motorcycle or motor scooter helmet by one or more of the following certification agencies:

- (a) the British Standards Institute;
- (b) the Snell Memorial Foundation;
- (b) the United States of America Department of Transportation.

Bicycle, in-line skates, roller skates, scooter, and skateboard helmets

3 A person riding or operating a bicycle, in-line skates, roller skates, a scooter or a skateboard must wear a helmet that bears a mark indicating that the helmet is approved or certified for use with one of those devices by one or more of the following certification agencies:

- (a) Canadian Standards Association;

- (b) Snell Memorial Foundation;
- (c) American Society for Testing and Materials;
- (d) U.S. Consumer Product Safety Commission.

General requirements

4 In addition to meeting the requirements of Section 2 or 3, as applicable, a helmet must, at all times:

- (a) have a smooth outer surface;
- (b) be constructed so that the helmet is capable of absorbing energy on impact;
- (c) be strongly attached to a strap designed to be fastened under the chin of the person wearing it;
- (d) be undamaged from use or misuse; and
- (e) properly fit the person wearing it.

Section 170A or 170B exemptions

5 The following persons are exempt from the requirement of Section 170A or 170B of the *Motor Vehicle Act* to wear a helmet:

- (a) a person who is in possession of, and produces on request to a peace officer, a valid and subsisting certificate issued by the Registrar of Motor Vehicles certifying that the Registrar is satisfied that the wearing of a helmet would interfere with the person's religious practices;
- (b) a person whose head is more than 66 cm in circumference; or
- (c) a person who is in possession of, and produces on request to a peace officer, a valid and subsisting certificate issued by the Registrar of Motor Vehicles on the recommendation of a medical practitioner certifying that the person is, for the period stated in the certificate, unable for medical reasons to wear a helmet.

N.S. Reg. 100/2003

Made: May 1, 2003

Filed: May 2, 2003

Deer Hunting Regulations

Order in Council 2003-184 dated May 1, 2003
Amendment to regulations made by the Governor in Council
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated April 4, 2003, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Deer Hunting Regulations* made by the Governor in Council by Order in Council 88-348 dated March 29, 1988, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after May 1, 2003.

Schedule "A"

**Amendments to the *Deer Hunting Regulations*
made by the Governor in Council pursuant to subsection 113(1) of Chapter 504 of the
Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

Schedule "A" to the *Deer Hunting Regulations* made by the Governor in Council by Order in Council 88-348 dated March 29, 1988, is amended by adding the following immediately before "Deer Management Zone 3":

Deer Management Zone 2A includes certain lands within Lunenburg and Queens Counties, Nova Scotia, being more particularly described as follows:

Beginning at a point on the centreline of the East River, Lunenburg County, where it intersects with the northernmost edge of the multi-line power transmission corridor running from Halifax County to Queens County and being approximately 1 km south of Whistler Lake; **thence** southwesterly along the northernmost edge of the said power transmission corridor to an angle point where the corridor separates into 2 lines; **thence** following the north branch of the said power transmission corridor southwesterly, passing the Gold River Indian Reserve to the north, continuing on past Lower New Cornwall to an angle point about a half mile west of the LaHave River near Cookville; **thence** southerly along the western edge of the said power transmission corridor, to a juncture point with the transmission line running westerly from Maitland; **thence** southwesterly along the northern edge of the said power transmission corridor, passing to the north of Wiles Lake and Lapland, and extending to the western bank of the Medway River; **thence** southeasterly downstream following the western bank of the Medway River and the western shoreline of Medway Harbour to a point on the ordinary high water mark (OHWM) east of the navigation light at Medway Head; **thence** northeasterly in a straight line to a point on the OHWM of the most southerly part of Toby Island; **thence** northeasterly in a straight line to a point on the OHWM of the most southerly part of Cape LaHave Islands at Cape LaHave Point; **thence** northeasterly in a straight line to a point on the OHWM of the most eastern point of West Ironbound Island; **thence** northeasterly in a straight line to a point on the OHWM of the most eastern point of Cross Island; **thence** northerly in a straight line to a point on the OHWM of the most westerly part of Big Tancook Island near Southwest Cove; **thence** northerly in a straight line to the mid-point of the mouth of East River Bay northwest from East River Point; **thence** northeasterly in a straight line to a point at the centreline of the mouth of East River; **thence** northerly following the centreline of East River to the **point of beginning**, together with all inland and offshore islands.

N.S. Reg. 101/2003

Made: May 1, 2003

Filed: May 2, 2003

Fur Harvesting Regulations

Order in Council 2003-185 dated May 1, 2003
Amendment to regulations made by the Governor in Council
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated April 4, 2003, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Fur Harvesting Regulations* made by the Governor in Council by Order in Council 87-956 dated August 18, 1987, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after May 1, 2003.

Schedule "A"**Amendments to the *Fur Harvesting Regulations*
made by the Governor in Council pursuant to subsection 113(1) of Chapter 504 of
the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

- 1 Subsection 3(5) of the *Fur Harvesting Regulations* made by the Governor in Council by Order in Council 87-956 dated August 18, 1987, is repealed.
 - 2 Section 13 of the regulations is amended by
 - (a) striking out "card" in clause (a); and
 - (b) repealing clause (b).
-

N.S. Reg. 102/2003

Made: May 1, 2003

Filed: May 2, 2003

Firearm and Bow Regulations

Order in Council 2003-186 dated May 1, 2003
Amendment to regulations made by the Governor in Council
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated April 4, 2003, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Firearm and Bow Regulations* made by the Governor in Council by Order in Council 89-837 dated July 18, 1989, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after May 1, 2003.

Schedule "A"**Amendments to the *Firearm and Bow Regulations*
made by the Governor in Council pursuant to subsection 113(1) of Chapter 504 of
the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

- 1 Subsection 5(1) of the *Firearm and Bow Regulations* made by the Governor in Council by Order in Council 89-837 dated July 18, 1989, is amended by
 - (a) striking out "or" at the end of clause (a); and
 - (b) adding the following clause immediately following clause (a):
 - (aa) a rifle/shotgun combination firearm, provided the person does not carry or use rifle ammunition during a season in which the use of a rifle is not permitted; or
- 2 Subsection 6(1) of the regulations is amended by
 - (a) striking out "or" at the end of clause (b);
 - (b) striking out the period at the end of clause (c) and substituting "; or"; and
 - (c) adding the following clause immediately following clause (c):

- (d) a rifle/shotgun combination firearm, provided the person does not carry or use rifle ammunition during a season in which the use of a rifle is not permitted.
-

N.S. Reg. 103/2003

Made: May 1, 2003

Filed: May 2, 2003

Bear Harvesting Regulations

Order in Council 2003-187 dated May 1, 2003
Amendment to regulations approved by the Governor in Council
pursuant to subsection 113(1) of the *Wildlife Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated April 4, 2003, and pursuant to subsection 113(1) of Chapter 504 of the Revised Statutes of Nova Scotia, 1989, the *Wildlife Act*, is pleased to amend the *Bear Harvesting Regulations* made by the Governor in Council by Order in Council 88-349 dated March 29, 1988, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after May 1, 2003.

Schedule "A"

**Amendments to the *Bear Harvesting Regulations*
made by the Governor in Council pursuant to subsection 113(1) of Chapter 504 of the
Revised Statutes of Nova Scotia, 1989, the *Wildlife Act***

- 1 Section 5 of the *Bear Harvesting Regulations* made by the Governor in Council by Order in Council 88-349 dated March 29, 1988, is amended by striking out "last Saturday of October" and substituting "end of the general open season for hunting deer specified in the *Deer Hunting Regulations*".
- 2 The regulations are further amended by adding the following Section immediately following Section 7:

7A Despite Section 5 and subsection 7(1), no person who holds a Bear Hunting Licence shall take, hunt or kill or attempt to take, hunt or kill a female bear that is accompanied by one or more cubs.
- 3 The regulations are further amended by striking out "last Thursday of October" in clause 10(4)(b) and substituting "end of the general open season for hunting deer specified in the *Deer Hunting Regulations*".
- 4 The regulations are further amended by striking out "Clause (a) of subsection (2)" in subsection 10(5) and substituting "Clauses (2)(a) and (f)".