

# Royal Gazette

## Part II Regulations under the Regulations Act

---

*Printed by the Queen's Printer*

Halifax, Nova Scotia

Vol. 29, No. 18

September 30, 2005

### Contents

Act	Reg. No.	Page
<b>Education Act</b>		
Designation of Facilities for French-first Language Instruction Regulations - amendment .....	183/2005	517
<b>Elections Act</b>		
Tariff of Fees and Expenses – amendment .....	182/2005	517
<b>Employment Support and Income Assistance Act</b>		
Employment Support and Income Assistance Regulations – amendment .....	179/2005	494
<b>Farm Registration Act</b>		
Proclamation of amendments to Act, S. 3, 2005, c. 18 .....	178/2005	493
<b>Highway 104 Western Alignment Act</b>		
Proclamation of amendments to Act, S. 2, 2004, c. 35 .....	175/2005	489
<b>Liquor Control Act</b>		
Public Education About Fetal Alcohol Syndrome Regulations .....	181/2005	516
<b>Motor Vehicle Act</b>		
Proclamation of amendments to Act, S. 2, 2004, c. 41 .....	176/2005	490
Proclamation of amendments to Act, S. 17, 2004, c. 42 – S. 10 .....	177/2005	491
<b>Occupational Health and Safety Act</b>		
Occupational Diving Regulations .....	174/2005	450
<b>Private Investigators and Private Guards Act</b>		
Private Investigators and Private Guards Regulations .....	180/2005	495

**N.S. Reg. 174/2005**

Made: September 9, 2005

Filed: September 9, 2005

## Occupational Diving Regulations

Order in Council 2005-403 dated September 9, 2005  
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 July 14, 2005, and pursuant to Section 82 of Chapter 7 of the Acts of 1996, the *Occupational Health and Safety Act*, is pleased to make regulations respecting occupational diving in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after May 1, 2006.

**Schedule "A"**

**Regulations Respecting Occupational Diving  
made by the Governor in Council  
pursuant to Chapter 7 of the Acts of 1996  
the *Occupational Health and Safety Act***

**Interpretation and Application****Citation**

1 These regulations may be cited as the *Occupational Diving Regulations*.

**Definitions**

2 In these regulations,

- (a) "Act" means the *Occupational Health and Safety Act*;
- (b) "adequate" means sufficient to protect a person from injury or damage to health or safety, and "inadequate" has the opposite meaning;
- (c) "ADS" or "atmospheric diving system" means a diving system that is capable of withstanding external pressures greater than atmospheric pressure and in which the internal pressure remains at or near 101 kPa, and includes a 1 person submarine and the atmospheric diving system component of a lock-out submersible;
- (d) "ADS operator" means a person who operates an ADS;
- (e) "bail-out system" means a secondary breathing system worn by a diver that supplies the diver with breathing mixture in an emergency;
- (f) "bottom time" means the total elapsed time, rounded to the next whole minute, from the time a diver leaves the surface to the time the diver begins their final ascent;
- (g) "breathing mixture" means a mixture of gases or pure oxygen intended for human respiration;
- (h) "breathing mixture supply line" means a hose that is part of an umbilical bundle that supplies breathing mixture to a diver;

- (i) “certificate of fitness” means a certificate signed by a physician that certifies that a person is medically fit to perform their work;
- (j) “competent person” means a person who is
  - (i) qualified because of the person’s knowledge, training and experience to do the assigned work in a manner that will ensure the health and safety of every person in the workplace,
  - (ii) knowledgeable about the provisions of the Act and the regulations that apply to the person’s assigned work, and
  - (iii) knowledgeable about the potential or actual hazards to health or safety associated with the person’s assigned work;
- (k) “compressed gas” means a gas or a gas mixture that has an absolute pressure greater than or equal to 280 kPa at 20 °C;
- (l) “compression chamber” means a pressurized chamber used for diving that is suitable for human occupancy at internal pressures greater than atmospheric pressure;
- (m) “CSA” means the Canadian Standards Association;
- (n) “deep dive” means a dive to a depth greater than 40 m;
- (o) “dive base” means the surface location used as a base for conducting diving;
- (p) “dive conducted in a contaminated environment” means
  - (i) a dive that is conducted at or near a point of discharge of noxious effluent, whether the effluent is being discharged or not,
  - (ii) a dive conducted to clean up or contain a noxious contaminant, or
  - (iii) a dive that is conducted within 100 m of residue from a noxious contaminant spill;
- (q) “dive site” means the area in which a dive is conducted, consisting of the dive base, the underwater work site and any area in between them;
- (r) “dive team” means all divers, diving supervisors, standby divers, diver’s tenders, ADS operators and SCC attendants who participate in a dive or are required to participate in a dive under Section 9;
- (s) “diver” means a person who works underwater at a pressure greater than the air pressure at the dive base and includes a standby diver, but does not include an ADS operator or an SCC attendant;
- (t) “diver’s tender” means a person at a dive base who assists a diver by monitoring the diver’s equipment, communicating with the diver, and otherwise monitoring the diver’s health and safety;

- (u) “diving supervisor” means a person designated by an employer under Section 7 to have overall supervision of all dives conducted at a dive site;
- (v) “dynamically positioned vessel dive” means a dive conducted from a vessel being held in position through the use of its propulsion system;
- (w) “emergency services dive team” means a dive team trained and equipped to perform rescues during a health or safety emergency;
- (x) “hyperbaric chamber” means a compression chamber that is used for decompression and recompression of divers and in the treatment of pressure-related ailments;
- (y) “in-line gas blender” means a device that continuously mixes and proportions gases at a dive site to produce a breathing mixture;
- (z) “lifeline” means a rope that
  - (i) is secured to a diver at one end and to the dive base or a float at the surface or to an SCC or a lock-out submersible at the other end, and
  - (ii) can be used to retrieve a diver;
- (aa) “liveboating” means a dive conducted while a diver is tethered directly to a vessel under way;
- (ab) “locked-out” means to have done all of the following:
  - (i) isolated an energy source or sources from a machine, equipment, tool or electrical installation,
  - (ii) dissipated any residual energy in a system,
  - (iii) secured the isolation of the energy source or sources by an inhibiting device that is operated by a key or other process;
- (ac) “lock-out submersible” means a self-propelled submersible vessel that is fitted with
  - (i) an SCC from which dives are conducted, and
  - (ii) an ADS from which the submersible vessel is operated;
- (ad) “rebreather” means a breathing apparatus that recycles the useable components of a diver’s exhaled breath for the diver to breathe;
- (ae) “saturation chamber” means a compression chamber used for a saturation dive that is equipped to permit divers to remain at greater than atmospheric pressure for an unlimited period of time;
- (af) “saturation dive” means a dive performed after a diver’s body is fully saturated with nitrogen;
- (ag) “SCC” or “submersible compression chamber” means a compression chamber that
  - (i) has an internal pressure of greater than the air pressure at the dive base,

- (ii) is intended to be submerged,
- (iii) is designed to transport divers at pressures greater than atmospheric pressure from the surface to an underwater work site and back,  
and includes the SCC component of a lock-out submersible;
- (ah) “scientific dive” means a dive conducted to collect specimens or data for scientific use in a program managed by an educational or research institute but does not include the following:
  - (i) a dive conducted to construct, excavate, salvage, demolish, destroy, maintain, inspect or repair underwater structures,
  - (ii) a dive conducted to collect organisms for consumption or commercial use;
- (ai) “SCUBA” means self-contained underwater breathing apparatus;
- (aj) “stage” means a cage, basket, platform or other device in or on which a diver is transported to and from, into, out of or through the water, but does not include an SCC, an ADS, or a lock-out submersible;
- (ak) “standard first aid certificate” has the same meaning as in the *Occupational Health and Safety First Aid Regulations* made under the Act;
- (al) “standby diver” means a diver who stands by at a dive base ready to rescue a submerged diver in a health or safety emergency;
- (am) “surface-supplied dive” means a dive in which a diver or ADS operator is supplied with a breathing mixture originating at the surface through a breathing mixture supply line;
- (an) “umbilical bundle” means a number of separate hoses, cables, lines or ropes made up of the following:
  - (i) a breathing mixture supply line,
  - (ii) a lifeline, and
  - (iii) hoses, cables, lines or ropes that are capable of supplying power, heat, communications and other services, as required;
- (ao) “underwater work site” means a below-surface location at which work conducted during a dive is performed;
- (ap) “water control structure” means a structure designed to hold back or control water and includes a dam, a head gate, a stop log, a turbine intake gate, a turbine outfall gate, a pump intake gate and a pump discharge gate;
- (aq) “wet bell” means a stage that is equipped with a dry upper compartment; and
- (ar) “work zone” means a zone required by Section 79 that is used to designate specific areas of a dive base when a dive is conducted in a contaminated environment.

**Application**

**3** These regulations apply to all dives conducted at a workplace, except the following:

- (a) a dive using only a snorkel;
- (b) a scientific dive conducted by an organization that is a member of the Canadian Association for Underwater Science (CAUS), in accordance with the "Standard of Practice for Scientific Diving" 3<sup>rd</sup> edition (1998), published by the Canadian Association for Underwater Science.

**Inconsistency with incorporated standard**

**4** If there is an inconsistency between these regulations and a standard incorporated by reference in these regulations, these regulations prevail over the standard to the extent of the inconsistency.

**Compliance with specified editions of standards**

**5** Where these regulations require that an object, or activity in relation to an object, comply with an edition of a standard published in a specified year,

- (a) if the requirement is to ensure that an object physically conforms to the standard, the object shall be deemed to comply with the standard if
  - (i) it conforms to the physical specifications contained in the latest version of the standard published at the object's date of manufacture, or
  - (ii) in the event that no version of the standard existed at the object's date of manufacture, it conforms to generally accepted engineering principles prevailing at the object's date of manufacture,

unless there is evidence raising a reasonable doubt as to whether the object is adequate;

- (b) if the requirement is to ensure that inspection, maintenance, use or other activity in relation to an object is carried out in accordance with the standard, compliance with the standard is required unless it is established that compliance with a different version of the standard, or with generally accepted engineering principles prevailing at the object's date of manufacture, is more likely to ensure adequate performance of the object.

**Duties of parties**

**6 (1)** Every person at a dive site must ensure they perform all duties and meet all requirements of these regulations if

- (a) the duties or requirements are placed directly upon them; or
- (b) the duties and requirements are not placed directly upon them, they have the greatest degree of control over the matters that are the subject of the duties or requirements.

**(2)** Every person at a dive site must ensure that all of the following persons meet all requirements of these regulations:

- (a) a person in their employ;
- (b) a person under their supervision; or
- (c) a person with whom they have a contract.

- (3) A diver must not dive if any of the regulatory duties or requirements are not met, regardless of upon whom the regulations placed the duty or requirement.
- (4) A member of a dive team must comply with all procedures, plans and codes developed for the purposes of these regulations.
- (5) A written procedure, plan or code that is developed for the purpose of these regulations must be adequate and implemented.

### **Diving Supervisor and Dive Team**

#### **Designation of diving supervisor**

7 An employer must designate, in writing, 1 competent person to be the diving supervisor for a dive site at any one time.

#### **General duties of diving supervisor**

- 8
- (1) A diving supervisor must supervise all dives conducted at a dive site and ensure that the Act and these regulations are complied with before a dive, during a dive, and after a dive.
  - (2) A diving supervisor must be at the dive site for which they are the supervisor while a dive is being conducted.
  - (3) A diving supervisor must not dive except in the following circumstances:
    - (a) when it is necessary to do so in a health or safety emergency;
    - (b) when the diving supervisor has delegated the duties of the diving supervisor in writing to another person who is present at the dive site and who is competent to perform the duties of a diving supervisor.

#### **Composition of dive team**

- 9
- (1) Before a dive is conducted, a dive team must be present and composed of the number of members required by this Section.
  - (2) Except for a dive that is specifically provided for in subsection (3), (4), (5), (6) or (7), a dive team must consist of the following minimum members:
    - (a) 1 diving supervisor;
    - (b) 1 diver's tender;
    - (c) 1 standby diver;
    - (d) 1 diver.
  - (3) Except as provided in subsections (4) and (5), a dive team for a SCUBA dive or a surface-supplied dive must consist of a minimum of 3 members as follows:
    - (a) 1 diving supervisor who also acts as a standby diver or as a diver's tender;
    - (b) 1 diver's tender or standby diver, whichever position is not performed by the diving

- supervisor under clause (a);
- (c) 1 diver.
- (4) A dive team for a SCUBA dive conducted for seafood harvesting, in which the divers are in immediate proximity to each other, must consist of a minimum of 3 members as follows:
- (a) 1 diving supervisor who also acts as a diver's tender;
- (b) 2 divers.
- (5) A dive team for a surface-supplied deep dive without an SCC must consist of a minimum of 5 members as follows:
- (a) 1 diving supervisor;
- (b) 1 standby diver;
- (c) 1 diver's tender;
- (d) 1 diver;
- (e) 1 hyperbaric chamber operator.
- (6) Except as provided in subsection (7), a dive team for a dive using an SCC must consist of a minimum of 4 members as follows:
- (a) 1 diving supervisor who also acts as a standby diver or diver's tender;
- (b) 1 standby diver or diver's tender;
- (c) 1 diver;
- (d) 1 SCC attendant.
- (7) A dive team for a deep dive using an SCC must consist of a minimum of 6 members as follows:
- (a) 1 diving supervisor;
- (b) 1 diver's tender;
- (c) 1 standby diver;
- (d) 1 diver;
- (e) 1 SCC attendant;
- (f) 1 hyperbaric chamber attendant.

**Standby diver**

- 10 (1) A standby diver must not dive except in a health or safety emergency.



- (2) A standby diver must wear and have all appropriate diving and communication equipment necessary for the depths and circumstances planned for a dive they are participating in and the equipment must be checked before the dive so that the standby diver can quickly perform a rescue in a health or safety emergency.

#### **Submersible compression chamber attendant**

- 11 (1) An SCC attendant who is required as a member of a dive team must be assigned to attend a diver and the assigned SCC attendant must be in the SCC when the diver is in the water.
- (2) An SCC attendant must meet the following requirements:
  - (a) they are trained to conduct a rescue;
  - (b) they are dressed to dive;
  - (c) they have the appropriate diving equipment and communication equipment for the depth and circumstances of the dive checked to ensure they operate adequately and are readily available.
- (3) An SCC attendant must not dive except in a health or safety emergency.
- (4) An SCC attendant must monitor the health and safety of a diver who is conducting a dive from the SCC and must be ready to rescue the diver in a health or safety emergency.

#### **Certificate of fitness**

- 12 (1) Except for a person who has had a pressure-related ailment, a person may act as a diver only if they meet the following fitness requirements:
  - (a) during the 24 months immediately before the dive or during such shorter period of time before a dive as is recommended by their physician, they have undergone a medical examination to determine their fitness to dive;
  - (b) they have a certificate of fitness from the physician who performed their most recent medical examination required by clause (a) stating that they are fit to dive and what limitations, if any, are placed on their fitness to dive.
- (2) A person who has had a pressure-related ailment may only act as a diver if they meet the following fitness requirements:
  - (a) after the date the pressure-related ailment was diagnosed and during the 24 months immediately before the dive, they have undergone a medical examination to determine their fitness to dive;
  - (b) they have a certificate of fitness from the physician who performed their most recent medical examination required by clause (a) stating that they are fit to dive and what limitations, if any, are placed on their fitness to dive.
- (3) A person may act as an ADS operator only if they meet the following fitness requirements:
  - (a) during the 24 months immediately before a dive or during such shorter period of time before a dive as is recommended by their physician, they have undergone a medical examination to determine their fitness to operate an ADS;

- (b) they have a certificate of fitness from the physician who performed their most recent medical examination required by clause (a) stating that they are fit to operate an ADS and what limitations, if any, are placed on their fitness to operate an ADS.
- (4) A person may act as an SCC attendant only if they meet the following fitness requirements:
- (a) during the 24 months immediately before a dive or during such shorter period of time before a dive as is recommended by their physician, they have undergone a medical examination to determine their fitness to perform the duties of an SCC attendant and operate an SCC;
  - (b) they have a certificate of fitness from the physician who performed their most recent medical examination required by clause (a) stating that they are fit to perform the duties of an SCC attendant and operate an SCC and what limitations, if any, are placed on their fitness to perform the duties of an SCC attendant and operate an SCC.
- (5) A certificate of fitness must include the date of the medical examination and the examining physician's name, address and signature.

#### **Certificate of fitness confirmed and available**

- 13 (1) A diver, ADS operator or SCC attendant must have their most recent certificate of fitness available for inspection by an officer within 24 hours of receiving an order from an officer.
- (2) Before permitting a diver, ADS operator or SCC attendant to participate in a planned dive or dives, an employer and a diving supervisor must ensure that their certificate of fitness
- (a) is confirmed as valid by the diving supervisor; and
  - (b) clears the diver, ADS operator or SCC attendant to do any work they may be called upon to perform during a dive.

#### **Medical examination standard**

- 14 A medical examination required by subsection 12(1), (2), (3) or (4) must be carried out by a physician considering the factors listed in the "Occupational Diver's Medical Fitness Examination," Annex B of CSA standard Z275.2-04 "*Occupational Safety Code for Diving Operations*".

#### **Person who is unfit must not dive**

- 15 A diver, ADS operator or SCC attendant who is ill, fatigued, impaired, injured or otherwise unfit to dive must not dive and must notify the diving supervisor of their condition.

#### **Competency of diving supervisor, diver and diver's tender**

- 16 Each diving supervisor, diver and diver's tender must meet the competency requirements set out in CSA Standard Z275.4-02, "Competency Standard for Diving Operations" for their position and the depths and circumstances of the dive.

#### **First aid certificate**

- 17 (1) All members of a dive team must hold a valid standard first aid certificate before a dive is conducted at a dive site.
- (2) A member of a dive team must have their standard first aid certificate available for inspection by an officer within 24 hours of receiving an order from an officer.

**Oxygen therapy training**

**18** All members of a dive team must be trained in the use of oxygen therapy equipment that is provided at a dive site.

**Photo identification at dive site**

**19** All members of a dive team must have photo identification available at a dive site.

**Dive Plan and Emergency Arrangements****Dive plan**

- 20** (1) Before a dive is conducted at a dive site, a written dive plan that meets the requirements of this Section must be prepared for the dive.
- (2) Except for a dive plan for a dive conducted by an emergency services dive team engaged in a health or safety emergency rescue operation, a dive plan must be tailored to the specific dive site at which the dive will be conducted.
- (3) A dive plan must be prepared in consultation with the dive team for the dive.
- (4) A dive plan must include all of the following for every dive covered by the dive plan that is conducted at a dive site:
- (a) a description of the tasks to be performed at the dive site and how they are to be performed;
  - (b) work procedures for each type of dive in which a diver or ADS operator is likely to be engaged at the work site, including the diving equipment to be used in each type of dive;
  - (c) estimated and maximum time to be spent at each depth;
  - (d) decompression tables and procedures to be used;
  - (e) procedures for the identification and control of any known or anticipated health or safety hazards at the dive site;
  - (f) a list of industrial plants and water control facilities in the immediate area of the dive site;
  - (g) instructions for getting medical assistance in a health or safety emergency, including instructions for contacting a physician with whom arrangements have been made under Section 24;
  - (h) emergency procedures for evacuating an ill or injured diver or ADS operator from the dive site;
  - (i) emergency procedures for responding to a loss of any communication required by these regulations;
  - (j) emergency procedures for responding to a diving equipment malfunction;
  - (k) emergency procedures for responding to hazardous weather or water conditions;
  - (l) emergency procedures for aborting a dive;

- (m) emergency procedures for responding to any difficulties in keeping the dive base stationary;
- (n) emergency procedures for accessing a back-up SCC required by Section 62; and
- (o) emergency procedures for accessing a back-up ADS required by Section 65.

**Briefing dive team**

**21** Before a planned dive or dives are conducted, the diving supervisor for the planned dive or dives must brief the rest of the dive team on all of the following for the planned dive or dives:

- (a) the dive plan;
- (b) the tasks to be performed;
- (c) the estimated time and maximum time to be spent at each depth;
- (d) the maximum depth to be reached;
- (e) the decompression procedures to be used;
- (f) the planned location of all divers;
- (g) the communication signals to be used;
- (h) if a dive in a contaminated environment is planned, the contaminant management plan required by Section 80.

**Maximum time of dive as in dive plan**

**22** Except in a health or safety emergency, a diver must not remain at any depth longer than the maximum time set out in the dive plan for that depth in the dive.

**List of hyperbaric chambers and hospitals**

**23** An up-to-date list must be kept at a dive site that contains all of the following:

- (a) the location of nearby hyperbaric chambers and a contact telephone number for each location;
- (b) the name, location and telephone number of the hospital nearest the dive site.

**Arrangements with physician for health or safety emergency**

**24 (1)** Written arrangements must be made with 1 or more physicians, as necessary, so that any medical advice or support that may be required is available in a health or safety emergency for any of the following:

- (a) a deep dive that is conducted without the use of an ADS;
  - (b) a dive in which the total time required for in-water decompression is greater than 10 minutes and decompression occurs at a depth greater than 3.5 m.
- (2)** An effective means of communication between a physician and a diving supervisor must be available during a dive for which arrangements with a physician are required under subsection (1) and for at least 48 hours after the dive is completed.

## Decompression and Post-Dive Care of Diver

### Decompression tables and procedures

- 25 (1) Decompression must be conducted in accordance with adequate decompression tables and procedures.
- (2) Decompression tables and procedures to be used in a dive must be kept at the dive site.

### Observation period after dive

- 26 A diver who has completed a dive in which decompression is used for a total in-water decompression time greater than 10 minutes and at a depth greater than 3.5 m, must remain near a hyperbaric chamber under the observation of a competent person for the following time periods:
- (a) at least 1 hour immediately after a dive other than a saturation dive;
- (b) at least 2 hours immediately after a saturation dive.

### Air travel after dive

- 27 (1) A diver who has conducted a dive in which decompression is not used must not fly in an aircraft with a cabin pressure lower than the equivalent of 300 m above the dive site where the dive was conducted for at least 12 hours immediately after the dive.
- (2) A diver who has completed a dive in which decompression is used for a total in-water decompression time greater than 10 minutes and at a depth greater than 3.5 m must not fly in an aircraft with a cabin pressure lower than the equivalent of 300 m above the dive site where the dive was conducted for at least 24 hours immediately after the dive.
- (3) Subsections (1) and (2) do not apply if emergency evacuation of the diver is required.

### Care of diver with pressure-related ailment

- 28 (1) A diver, ADS operator or SCC attendant who shows any symptom of a pressure-related ailment or who requires therapeutic recompression for any reason must be immediately given first aid and a physician must be notified of the situation.
- (2) A diver who is placed in a hyperbaric chamber to treat a diving ailment must stay in the hyperbaric chamber until a physician approves the diver's removal from the chamber.
- (3) If a diver with a diving ailment is transported by aircraft, all of the following must be met:
- (a) the flight altitude must be as prescribed by a physician;
- (b) oxygen must be available for therapeutic purposes during the flight;
- (c) the diver must be accompanied by a person, other than the pilot or co-pilot, who is competent to do all of the following:
- (i) administer oxygen,
- (ii) monitor the diver's condition,
- (iii) recognize changes in the diver's condition,

- (iv) initiate adequate intervention.

### **Dive Site and Dive Base**

#### **Dive site**

- 29 (1)** An adequate location must be selected for a dive site.
- (2) Buoys, lights, flags, lamps, barriers or placards must be placed and displayed to define the boundaries of a dive site.
  - (3) A notice clearly setting out the boundaries of a dive site must be posted on the bridge of each vessel at the dive site.
  - (4) Only equipment to be used in connection with a dive may be brought within the boundaries of a dive site.

#### **Dive base**

- 30 (1)** A dive base must meet all of the following requirements:
- (a) it must be adequate;
  - (b) it must be located at one of the following, or at another similar location:
    - (i) onshore,
    - (ii) on a stable platform,
    - (iii) on an adequate and seaworthy boat or watercraft;
  - (c) it must be of sufficient size to accommodate all persons and equipment that are to be at the dive base;
  - (d) it must be equipped with all of the following:
    - (i) for a deep dive, sufficient oxygen for use for therapeutic purposes in a health or safety emergency,
    - (ii) if the dive plan requires therapeutic oxygen to be present, sufficient oxygen for use for therapeutic purposes in a health or safety emergency,
    - (iii) if temperature conditions make it necessary, a climate-controlled facility for all persons,
    - (iv) a means to help members of a dive team into and out of the water,
    - (v) a means to immediately bring an unconscious member of a dive team out of the water.
  - (2) If a dive base is not onshore, the dive base must be equipped with at least 2 means of evacuating persons.
  - (3) If a boat or watercraft is used as a dive base, the boat or watercraft must be

- (a) capable of remaining stationary without posing a hazard to the health or safety of a diver or ADS operator; and
- (b) capable of moving without posing a hazard to the health or safety of a diver or ADS operator.

### Communications

#### Diving supervisor's communication with dive team

**31** There must be an effective means of communication between the diving supervisor and every other member of the diving supervisor's dive team.

#### 2-way communication between diving supervisor and diver, ADS operator or SCC attendant

- 32** (1) Each diver, ADS operator or SCC attendant on the diving supervisor's dive team must be connected to the diving supervisor during a dive by a 2-way communication system that meets the requirements of this Section.
- (2) A 2-way communication system must allow 2-way communication by voice between a diver and a diving supervisor, ADS operator or SCC attendant in all of the following circumstances:
- (a) a deep dive;
  - (b) a dive in which the total time required for in-water decompression is greater than 10 minutes and decompression occurs at a depth greater than 3.5 m;
  - (c) a dive in which the average currents during the dive are greater than 2 km per hour;
  - (d) a dive in which the diver uses a power tool, explosive, burning equipment or welding equipment;
  - (e) a dive in which the diver directs the use of a hoisting device to place material underwater while the diver is underwater;
  - (f) a dive in which the diver is in or near a pipe that is larger than 10 cm in diameter, a tunnel, duct, underwater intake or other confined space that may cause an entrapment hazard;
  - (g) a dive in which the diver is in or near a water control structure;
  - (h) a dive in which the diver places any material underwater in a way that may pose a hazard to the health or safety of a diver;
  - (i) a dive in which an ADS is used;
  - (j) a dive in which an SCC is used;
  - (k) a dive conducted in a contaminated environment, unless it is not reasonably practicable.
- (3) In circumstances other than those listed in subsection (2), a 2-way communication system must be adequate and must allow 2-way communication
- (a) by voice; or
  - (b) by pre-arranged communication signals on a lifeline or float.

**Communications for deep dive or dive using ADS or SCC**

- 33 (1)** The 2-way communication system required for a deep dive or a dive in which an ADS is used must
- (a) have sound reproduction that enables the diver's or an ADS operator's breathing to be heard clearly; and
  - (b) if a breathing mixture contains helium or any other gas that distorts voice transmissions, be equipped with an unscrambler.
- (2)** For a deep dive or a dive in which an ADS or SCC is used, all of the following must be met:
- (a) all communications through the 2-way voice communication system must be recorded;
  - (b) all recordings from the 2-way voice communication system must be kept for at least 48 hours;
  - (c) a diver, an ADS or an SCC must be connected to the dive base by a back-up 2-way communication system that is independent of the voice communication system required by Section 32.

**Communications used with a stage**

- 34 (1)** If a stage is used to transport a diver underwater, there must be a 2-way voice communication system in place that allows continuous communication between the diver and the diving supervisor during the transport.
- (2)** If a stage is used to transport a diver other than underwater, there must be a system of pre-arranged visual communication signals or a 2-way voice communication system in place that allows continuous communication between the diver and the diving supervisor during the transport.

**Breathing Mixtures and Breathing Equipment****Breathing mixture selected**

- 35 (1)** A breathing mixture used by a diver must
- (a) be appropriate for the depth and circumstances of the dive; and
  - (b) meet the requirements for purity of breathing mixtures set out in CSA Standard Z275.2-04, "*Occupational Safety Code for Diving Operations*."
- (2)** A breathing mixture used for a dive conducted using an ADS must contain the same proportions of nitrogen and oxygen as in air.
- (3)** Pure oxygen must not be used as a breathing mixture for a dive that is to a depth of greater than 7.5 m, except when it is necessary for therapeutic purposes or for decompression.

**Primary and secondary breathing mixture supplies**

- 36 (1)** The total supply of breathing mixture that is available at a dive site during a dive must consist of all of the following:
- (a) a primary breathing mixture supply sufficient to complete the dive as planned;
  - (b) an adequate secondary breathing mixture supply for use in an emergency.



- (2) A secondary breathing mixture supply must consist of the following:
- (a) for a SCUBA dive, a fully charged cylinder and a regulator;
  - (b) for a surface-supplied dive, an amount of breathing mixture sufficient to enable a diver to safely return to the surface in accordance with any decompression tables and procedures for the dive;
  - (c) for a dive in which an SCC or lock-out submersible is used, an amount of breathing mixture sufficient to safely meet the needs of the SCC's or lock-out submersible's occupants for at least 24 hours;
  - (d) for dive in which an ADS is used, an amount of breathing mixture sufficient to safely meet the needs of the ADS's occupants for at least 48 hours, except where the ADS is a component of a lock-out submersible;
  - (e) for a dive in which an in-line gas blender or rebreather is used, an amount of breathing mixture sufficient to enable the diver to safely return to the surface in accordance with any decompression tables and procedures for the dive;
  - (f) for a dive in which a hyperbaric chamber is required, an amount of breathing mixture sufficient to enable the diver to undergo any decompression required to treat any pressure-related illness.

#### **Breathing mixture supply system**

- 37 (1) A breathing mixture supply system used for a dive must be appropriate for the depths and circumstances of the dive.
- (2) A breathing mixture supply system must be designed so that an interruption of breathing mixture supply to
- (a) a diver will not affect the delivery of breathing mixture
    - (i) to any other diver,
    - (ii) from that diver's bail-out system,
    - (iii) from any secondary breathing mixture supply,
  - (b) an SCC or ADS will not affect the delivery of breathing mixture from any secondary breathing mixture supply.

#### **Compressors**

- 38 (1) A compressor used to supply a breathing mixture to a diver or ADS operator
- (a) must be able to maintain double the volume of breathing mixture required by the diver or ADS operator, at a pressure at least 25% greater than the maximum pressure required to supply the breathing mixture to the diver or ADS operator; and
  - (b) must discharge the breathing mixture through purification filters and into a receiver with adequate volume.

- (2) A compressor used to supply a breathing mixture must be operated by a competent person.

### **Oxygen supply system**

**39** An oxygen supply system used at the dive site must meet all of the following requirements:

- (a) it must be designed specifically to supply oxygen
  - (i) so that the possibility of contaminating the oxygen is minimized, and
  - (ii) at no greater than 1000 kPa above the pressure of the maximum diving depth;
- (b) it must be adequate for the circumstances in which it will be used;
- (c) it must be kept clean;
- (d) it must not include any quick-opening valves, except for valves used for emergency shut-off.

### **Oxygen storage facility**

**40** Any building or structure used to store oxygen at the dive site must meet all of the following requirements:

- (a) it must be mechanically ventilated;
- (b) it must be posted with warning signs indicating that it contains oxygen;
- (c) it must be equipped with an adequate means of extinguishing fire;
- (d) it must be maintained by a competent person;
- (e) it must be located away from combustible materials.

## **Diving Equipment and Use of Diving Equipment**

### **Condition and testing of diving equipment**

**41 (1)** All diving equipment that is necessary to health or safety must be in adequate condition and the equipment must be constructed in a way that ensures against malfunctions caused by any of the following:

- (a) low air temperatures;
- (b) low water temperatures;
- (c) the expansion of gas.

(2) All diving equipment that is necessary to health or safety must be

- (a) examined by a competent person at least once each day it is used; and
- (b) tested, repaired and maintained by a competent person, in accordance with the manufacturer's specifications.

(3) An owner of diving equipment must keep a record of any diving equipment test for at least 2 years after the date of the test or until the diving equipment is retested, whichever is longer.

**Equipment maintenance and operating materials at dive site**

42 All written material necessary for maintaining and operating the diving equipment to be used in a dive must be available at the dive site.

**Diving equipment malfunction**

43 (1) A member of a dive team who becomes aware of a diving equipment malfunction must

(a) immediately notify all of the following:

(i) the diving supervisor,

(ii) the diver's tender,

(iii) any other diver, ADS operator, or SCC attendant who may be affected by the malfunction; and

(b) if the malfunction occurs during a dive, immediately abort the dive in co-operation with the diving supervisor.

(2) Diving equipment that is malfunctioning

(a) must not be used until it is repaired; and

(b) must be clearly identified as malfunctioning until it is repaired.

(3) An owner of diving equipment must keep a record of a diving equipment repair for at least 2 years after the date of the repair.

**Personal diving equipment**

44 (1) Each diver must be equipped with all of the following diving equipment:

(a) a knife that is strong and sharp;

(b) weights that are sufficient to control buoyancy;

(c) a diving suit or other protective clothing if a diving suit is not necessary because of the circumstances of the dive;

(d) a diving harness.

(2) Immediately before conducting a dive, a diver must check that they have the diving equipment required by subsection (1) and that it is functioning properly.

**Head protection**

45 (1) A diver must wear adequate head protection while conducting a dive that exposes the diver to a hazard of falling objects or head injuries.

(2) Section 11 of the *Occupational Safety General Regulations* made under the Act, does not apply to a diver.

**Gauges and metering equipment**

**46** Any gauge or metering equipment that may affect the health or safety of a person must have been tested by a competent person within the 12 months immediately before it is used.

**Lifelines**

- 47 (1)** Except as provided in Section 49, a diver must be equipped with a lifeline, rings, hooks, and other attachment hardware that meet the requirements of this Section.
- (2)** A lifeline and any associated rings, hooks, or other attachment hardware used by a diver at a dive site must meet all of the following requirements:
- (a)** they must be securely attached to the diver's harness;
  - (b)** they must be free of knots, except for any knot needed to attach the lifeline to the diver's harness, the dive base or a float;
  - (c)** they must be free of joins that could lower the breaking strength below 14 kN;
  - (d)** they must be strong enough to support 10 times the weight of the diver and the diver's equipment;
  - (e)** they must have a breaking strength of at least 14 kN;
  - (f)** for a surface-supplied dive, they must be securely attached to the dive base;
  - (g)** for a SCUBA dive, they must be securely attached to the dive base or to a float that is visible to the diver's tender;
  - (h)** for a dive in which an SCC or a lock-out submersible is used, they must be securely attached to the SCC or the lock-out submersible;
  - (i)** for a dive in which an umbilical bundle is used, they are incorporated in the umbilical bundle and are attached to the diver's harness in a manner that prevents strain on the diver's helmet and hose.
- (3)** Any rings, hooks or other attachment hardware must meet the requirements for class I connectors as set out in CSA Standard CAN/CSA Z259.12-01, "*Connecting Components for Personal Fall Arrest Systems (PFAS)*".
- (4)** A standby diver must be equipped with a lifeline that is at least 3 m longer than the lifeline of any diver that the standby diver may need to rescue.
- (5)** An SCC attendant must be equipped with a lifeline that is at least 3 m longer than the lifeline of any diver performing a dive from the SCC.

**Monitoring lifelines**

**48** A diver's lifeline must be monitored by a diver's tender at all times during a dive.

**Safety precautions for dives conducted without a lifeline**

**49 (1)** A diver who is conducting a SCUBA dive is not required to be equipped with a lifeline if they use one of the following safety precautions:

- (a) a buddy system, in which 2 divers remain in constant visual or physical contact at all times and both divers surface immediately if they lose contact;
  - (b) constant audio communication with the surface.
- (2) A diver or SCC attendant is not required to be equipped with a lifeline if they are equipped with a device that offers a level of protection equivalent to the level of protection offered by a lifeline.
- (3) A diver conducting a dive in open water without a lifeline must carry an audio locating device or a visual locating device.

**Umbilical bundle**

**50** Except for an SCC attendant who dives in a health or safety emergency, a diver who exits from an SCC must not be equipped with an umbilical bundle that is longer than 50 m.

**Stages**

- 51** (1) A stage must be used to transport a diver to and from the water during a dive that is conducted from a dive base that is higher than 5 m above the water.
- (2) A stage must meet all of the following requirements:
- (a) it must be adequate;
  - (b) it must be designed for transporting persons;
  - (c) it must be secured against tipping and spinning;
  - (d) it must not contain any equipment capable of interfering with an occupant's foothold or handhold;
  - (e) it must be of sufficient size to accommodate all persons and equipment being lifted;
  - (f) it must be approved by an engineer;
  - (g) it must be constructed or equipped to prevent an occupant from falling out;
  - (h) it must be constructed or equipped with handholds arranged so that crushed hand injuries are avoided.
- (3) A stage that is used in a dive must be available throughout the dive for the immediate recovery of a diver in case of a health or safety emergency.

**Fall arrest system for stage**

- 52** (1) A fall arrest system that meets the requirements of this Section must be used for a dive in which a stage is used if there is a possibility that the stage might fall
- (a) farther than 3 m;
  - (b) into or onto machinery; or
  - (c) into or onto a hazardous substance or object.

- (2) A fall arrest system must meet all of the following requirements:
- (a) it must be designed so that the stage cannot free fall farther than 1.5 m;
  - (b) it must be secured to supports on both the stage and the hoisting device moving the stage that are capable of resisting any reasonably anticipated arrest force;
  - (c) it must be attached to secondary supports on both the stage and the hoisting device moving the stage that are of at least the same strength as the primary support required in clause (b).

**Hoisting device for stage**

- 53 (1)** A hoisting device that is used to move a stage carrying a diver must
- (a) be available throughout a dive for the immediate recovery of a diver in a health or safety emergency; and
  - (b) have a back-up means of recovering a diver if the primary hoisting mechanism fails.
- (2) Except in a health or safety emergency, all directions to the operator of a hoisting device must be given by the diving supervisor.

**Wet bell**

- 54** A wet bell that is used in a dive must meet all of the following requirements:
- (a) it must be large enough to safely accommodate all submerged divers;
  - (b) it must be equipped with a sufficient amount of breathing mixture to safely decompress the divers in a health or safety emergency.

**Condition of compression chamber**

- 55** A compression chamber must be examined in accordance with the manufacturer's specifications and must be found to be in good working condition some time in the 24 hours immediately before it is used.

**Pressure leak [test] on compression chamber**

- 56 (1)** A compression chamber must be subjected to a pressure leak test at all of the following times:
- (a) some time in the 90 days immediately before it is used;
  - (b) after the compression chamber is moved and assembled;
  - (c) after the compression chamber is repaired, altered or parts of it are replaced and the repair, alteration or replacement might affect its safety.
- (2) A pressure leak test on a compression chamber must be conducted using an appropriate breathing mixture to a pressure that is the greater of
- (a) the maximum working pressure that may be encountered during a planned dive or dives plus 100 kPa; and
  - (b) 600 kPa.

**Internal pressure test on compression chamber**

- 57 (1) A compression chamber must be subjected to an internal pressure test some time in the 5 years immediately before it is used.
- (2) An internal pressure test on a compression chamber must be conducted to a pressure of at least 1.25 times the maximum working pressure of the compression chamber.

**Breathing mixture required for compression chamber**

- 58 (1) The amount of breathing mixture required for using a compression chamber for a dive is the total of the following:
- (a) the amount required to pressurize the chamber to the greater of
    - (i) 500 kPa, and
    - (ii) the pressure at the greatest depth the chamber is planned to be used in a dive;
  - (b) the amount required to ventilate the chamber at the greater of
    - (i) 500 kPa, and
    - (ii) the pressure at the greatest depth the chamber is planned to be used in a dive.
- (2) Twice the amount of breathing mixture required for using a compression chamber must be available at a dive site when conducting a dive using a compression chamber.

**Pressurized container used to hold compressed gases**

- 59 (1) A pressurized container used to hold compressed gases must be examined in accordance with the manufacturer's specification and have been found to be in good working condition some time in the 24 hours immediately before it is used.
- (2) A pressurized container used to hold compressed gases that is intended to be immersed in water must be
- (a) tested on manufacture in accordance with CSA standard CAN/CSA B339-02, "Cylinders, Spheres and Tubes for the Transportation of Dangerous Goods"; and
  - (b) visually inspected, both internally and externally, some time in the year immediately before it is used.
- (3) An owner of diving equipment must keep a written record of a test or an inspection performed under subsection (2) for at least 1 year.
- (4) A pressurized container used to hold compressed gases that is not intended to be immersed in water must be
- (a) tested on manufacture in accordance with CSA standard CAN/CSA B339-02, "Cylinders, Spheres and Tubes for the Transportation of Dangerous Goods"; and
  - (b) visually inspected, both internally and externally, some time in the 5 years immediately before it is used.

- (5) An owner of diving equipment must keep a written record of a test or an inspection performed under subsection (4) for at least 2 years.

#### **Hyperbaric chamber at dive site**

- 60 (1) Except as provided in subsection (2) or unless a physician states in writing that a hyperbaric chamber is not required at a dive site, there must be a hyperbaric chamber at the dive site in any of the following circumstances:
- (a) when there is a significant chance of a pressure-related illness occurring;
  - (b) when a deep dive is conducted.
- (2) A hyperbaric chamber is not required for a dive conducted for seafood harvesting in either of the following circumstances:
- (a) when the total time planned for in-water decompression is less than 10 minutes;
  - (b) decompression of the divers occurs at a depth of less than 3.5 m.
- (3) A hyperbaric chamber used for a dive conducted at a dive site must be a Class A double-lock type hyperbaric chamber that is
- (a) in adequate operable condition; and
  - (b) tested on manufacture and conforms to CSA standard CAN/CSA Z275.1-93 (R2004), "Hyperbaric Facilities."
- (4) A hyperbaric chamber must be operated in accordance with CSA standard CAN/CSA Z275.1-93 (R2004), "Hyperbaric Facilities" by a person who
- (a) meets the qualifications for a hyperbaric chamber operator set out in CSA Standard Z275.4-02, "Competency Standard for Diving Operations"; and
  - (b) is assigned no other duties that would conflict with their operation of the hyperbaric chamber.

#### **Submersible compression chamber (SCC)**

- 61 (1) An SCC used at a dive site must have adequate depth capacity and must
- (a) conform to clauses (1) through (9) and (13) of CSA standard CAN/CSA Z275.1-93 (R2004), "Hyperbaric Facilities";
  - (b) have been tested on manufacture and be operated in accordance with clauses (1) through (9) and (13) of CSA standard CAN/CSA Z275.1-93 (R2004), "Hyperbaric Facilities"; and
  - (c) be capable of mating to a hyperbaric chamber in accordance with clauses (1) through (9) and, for a saturation dive, with clause (12) of CSA standard CAN/CSA Z275.1-93 (R2004), "Hyperbaric Facilities".
- (2) An SCC used at a dive site must be designed so that it is capable of all of the following:
- (a) transferring persons under pressure into and out of a hyperbaric chamber;



- (b) accommodating the number of occupants that the SCC is to carry without overcrowding;
  - (c) enabling a diver to enter and exit the SCC easily;
  - (d) enabling a diver or SCC attendant to disconnect or shear the umbilical bundle of the SCC in a health or safety emergency;
  - (e) enabling the secondary breathing mixture supply to be brought on-line from within the SCC;
  - (f) ensuring that the secondary breathing mixture supply system cannot be accidentally operated.
- (3) An SCC used at a dive site must be equipped with all of the following and all of the following must function adequately:
- (a) a mechanism for shedding ballast weights that
    - (i) can be operated from within the chamber, and
    - (ii) is designed to ensure against accidental shedding of ballast;
  - (b) doors and hatches that can act as pressure seals and can be opened from either side;
  - (c) valves, gauges, and other fittings that control pressure within the chamber and that clearly indicate internal and external pressures;
  - (d) pressurization valves and main exhaust valves that are spring-loaded to close when not held in the open position;
  - (e) primary internal lighting equipment and emergency back-up internal lighting equipment;
  - (f) hoisting equipment for recovering an unconscious or injured diver from the SCC;
  - (g) heating equipment;
  - (h) emergency thermal protection for all occupants;
  - (i) an emergency outside stroboscopic light;
  - (j) an emergency locating device;
  - (k) instruments that monitor the temperature, oxygen and carbon dioxide levels within the SCC;
  - (l) primary and emergency carbon dioxide scrubbers;
  - (m) hull shut-off valves on all gas and water penetrations into the SCC;
  - (n) a primary support adequate to support 4 times the weight of the SCC;
  - (o) a secondary support that is of at least the same strength as the primary support required;
  - (p) first aid supplies;

- (q) a blind port;
- (r) a tool kit.

**Back-up submersible compression chamber**

**62** For a dive in which an SCC is used, a back-up SCC that meets the requirements of these regulations must be available for deployment at the dive site within 24 hours of a health or safety emergency.

**Saturation chamber**

**63** A saturation chamber used at a dive site must

- (a) conform to clauses (1) through (9) and clause (12) of CSA standard CAN/CSA Z275.1-93 (R2004), "Hyperbaric Facilities"; and
- (b) have been tested on manufacture and be operated in accordance with clauses (1) through (9) and clause (12) of CSA standard CAN/CSA Z275.1-93 ( R2004), "Hyperbaric Facilities".

**Atmospheric diving system (ADS)**

**64 (1)** An employer and a diving supervisor must ensure that an ADS used at the dive site must be registered or certified under one of the following:

- (a) "DNV-OS-E402 - Offshore Standard for Diving Systems", 2004, published by Det Norske Veritas;
- (b) "Rules for Building and Classing Underwater Vehicles, Systems and Hyperbaric Facilities", 2002, published by the American Bureau of Shipping.

**(2)** An ADS used at a dive site must be designed so that it is capable of all of the following:

- (a) enabling a diver or an ADS operator to disconnect or shear the umbilical bundle of the system in a health or safety emergency;
- (b) enabling the secondary breathing mixture supply to be brought on-line from within the ADS;
- (c) ensuring that the secondary breathing mixture supply system cannot be accidentally operated.

**(3)** An ADS used at a dive site must be equipped with all of the following and all of the following must function adequately:

- (a) a mechanism to shed ballast weights that
  - (i) can be operated from within the ADS, and
  - (ii) is designed to ensure against accidental shedding of ballast;
- (b) doors and hatches that can act as pressure seals and can be opened from either side;
- (c) valves, gauges, and other fittings that can control pressure within the ADS and clearly indicate internal and external pressures;
- (d) pressurization valves and main exhaust valves that are spring-loaded to close when not held in the open position;

- (e) primary internal lighting equipment and emergency back-up internal lighting equipment;
- (f) hoisting equipment capable of recovering an unconscious or injured diver from the ADS;
- (g) heating equipment;
- (h) emergency thermal protection for all occupants;
- (i) an emergency outside stroboscopic light;
- (j) an emergency locating device;
- (k) instruments that monitor the temperature, oxygen, and carbon dioxide levels within the ADS;
- (l) primary and emergency carbon dioxide scrubbers;
- (m) hull shut-off valves on all gas and water penetrations into the ADS;
- (n) a primary support adequate to support 4 times the weight of the ADS;
- (o) a secondary support that is of at least the same strength as the primary support required;
- (p) first aid supplies;
- (q) a blind port;
- (r) a tool kit.

**Back-up ADS**

**65** For a dive in which an ADS is used, a back-up ADS that meets the requirements of these regulations must be available for deployment at the dive site within 24 hours of a health or safety emergency.

**Exiting from lock-out submersible**

**66** A diver must not exit from the SCC of a lock-out submersible underwater unless all of the following requirements are met:

- (a) the lock-out submersible is resting on the bottom or is adequately secured to the underwater work site;
- (b) the diving supervisor is in the ADS component of the lock-out submersible.

**Hoisting device for SCC or ADS**

- 67** (1) A hoisting device must be available at a dive site to move an SCC or an ADS and the hoisting device must be equipped with a primary lifting cable that permits the safe lowering and raising of the SCC or the ADS.
- (2) A secondary and independent means of recovering the SCC or ADS must be immediately available at a dive site.
- (3) Except in a health or safety emergency, all directions to the operator of a hoisting device that is used to move an SCC or an ADS, must be given by the diving supervisor.

- (4) A hoisting device that is used to move an SCC that is not a component of a lock-out submersible must be equipped with a safety rope that will stop the SCC in the calm area below the surface that is not affected by the action of the waves if the primary cable breaks during the transfer from water to air or air to water.

### Liveboating

#### Liveboating

- 68 (1) Liveboating must not occur in any of the following circumstances:
- (a) between sunset and sunrise;
  - (b) from a boat or watercraft with inadequate manoeuvrability;
  - (c) when weather or water conditions are unsafe;
  - (d) if in-water decompression procedures are planned;
  - (e) if a dive is planned to depth of greater than 50 m.
- (2) A procedure or device must be used when liveboating that prevents a diver's or ADS operator's umbilical bundle from coming in contact with any component of the vessel's propulsion system.
- (3) A vessel used for liveboating must be operated by a competent person.
- (4) The operator of a vessel used for liveboating must
- (a) have a continuous unobstructed view of a diver's tender; and
  - (b) not act as a diving supervisor, stand-by diver, or diver's tender while operating the vessel.

### Dynamically Positioned Vessel Dive

#### Dynamically positioned vessel dive

- 69 (1) A vessel used for a dynamically positioned vessel dive must meet all of the following requirements:
- (a) the vessel must be equipped with more than 1 prime mover for each fore, aft and thwart ship thruster;
  - (b) if a prime mover or maneuvering unit fails, the vessel can maintain its position for the time it takes to safely recover all divers and ADS operators;
  - (c) if 1 of the vessel's thrusters fails or is lost, the arrangement, size and number of thrusters enable the vessel to maintain its heading and position within the vessel's operational capacity limits for the time it takes to safely recover the stage required by clause (3)(a) or ADS used in the dive;
  - (d) the vessel must be equipped with a primary computer system that controls the dynamic positioning of the vessel and a back-up computer system that automatically takes control of the dynamic positioning of the vessel if the primary computer system fails;

- (e) there must be at least 2 geographic reference systems that are independently linked into each computer system that controls the dynamic positioning of the vessel;
  - (f) for each maneuvering unit that is necessary to hold the vessel in position, other than the propellers and energy plant units, there must be a duplicate back-up unit that can be turned on both automatically and manually;
  - (g) there must be a communication system between the control room of the vessel and the dive base.
- (2) A dynamically positioned vessel dive must only be conducted when all of the following conditions are met:
- (a) the vessel has been held in position through the use of an activated propulsion system for at least 30 minutes before a diver or ADS operator enters the water;
  - (b) the range of surge or sway movement of the water at the dive site must be less than 80% of the maximum operational capacity limit of the vessel;
  - (c) the operator of the vessel has been notified that a dive is about to be conducted.
- (3) All of the following requirements must be met during a dynamically positioned vessel dive:
- (a) a stage must be positioned as close as possible to the underwater work site;
  - (b) no change of heading or positioning of the vessel takes place until the diving supervisor has given permission for a change of heading or positioning and all divers and ADS operators have been notified;
  - (c) at any time a person involved in the dive is in the water
    - (i) the person navigating the vessel and the person controlling the dynamic positioning system are in the control room of the vessel,
    - (ii) the machinery spaces of the vessel are manned, other than machinery spaces designed to flood during normal operations, and
    - (iii) in any 1 manoeuvre, the vessel must be moved only the lesser of the following:
      - (A) 5 m,
      - (B) a 5 ° change in heading;
  - (d) the person controlling the dynamic positioning system tells the diving supervisor and the operator of the vessel of any difficulties in holding the vessel in position or any other problems that may affect health or safety at the dive site.
- (4) The operator of the vessel used for dynamically positioned vessel diving
- (a) must have at least 6 months experience using the automatic modes of the dynamic positioning system of the vessel; or

- (b) if the experience required by clause (a) is not reasonably practicable, must have 6 months experience on a similar system and have demonstrated their competence to the employer.
- (5) Divers and ADS operators involved in a dynamically positioned vessel dive must be protected from a health or safety hazard that may be caused by
- (a) the normal movements of the vessel and any movements caused by unexpected loss of power or stability;
  - (b) any suction or water current encountered or resulting from the operation of the vessel;
  - (c) equipment on the vessel involved in the dive.
- (6) In consultation with the dive team for a dynamically positioned vessel dive, plans must be made that provide for the protection and recovery of divers and ADS operators if the vessel used for the dive loses power.

### **Diving Hazards**

#### **Water flow hazards**

- 70 (1) A dive must not be conducted in hazardous water flow conditions.
- (2) Before a dive is conducted, any water flow that may pose a health or safety hazard to a diver or ADS operator must be identified and described to the diver or ADS operator, the diver or ADS operator must be provided with the means to identify the water flow hazard in such a manner as to differentiate it from any other similar water flow hazard in the location, and one of the following must occur:
- (a) the water flow must be stopped at the source and secured by a lock or other inhibiting device;
  - (b) the health and safety of a diver or ADS operator approaching the water flow hazard must be assessed by the determination of flow patterns using measures such as direct measurement or calculation and the water flow must be controlled in a way that
    - (i) ensures that the water flow is not a health or safety hazard to the diver or ADS operator, and
    - (ii) is satisfactory to the diving supervisor and the diver or ADS operator.

#### **Hazardous mechanisms**

- 71 (1) Before a dive is conducted, any mechanism that may pose a health or safety hazard to a diver or ADS operator must be
- (a) identified and described to the diver or ADS operator; and
  - (b) locked-out or controlled in a way that
    - (i) ensures that the mechanism is not a health or safety hazard to the diver or ADS operator, and
    - (ii) is satisfactory to the diving supervisor and the diver or ADS operator.

- (2) A dive must not be conducted if a health or safety hazard may be caused by equipment near the dive site, unless the divers and ADS operators are protected from the hazard.

**Blasting with explosives at dive site**

72 A blast from an explosive must not be initiated at a dive site until the diving supervisor

- (a) has determined that it is safe to initiate the blast; and
- (b) has informed the blaster responsible for initiating the blast that it is safe to initiate the blast.

**Low visibility**

73 During any period of darkness or low visibility at a dive site or underwater work site

- (a) each diver must be provided with a lamp or other suitable device that indicates the diver's position and that attaches to the diver's helmet or mask; and
- (b) the dive site or underwater work site must be adequately illuminated if the nature of a dive permits.

**Weather or water conditions**

74 Weather and water conditions in the area of a dive or a planned dive must be considered and diving must be suspended if weather or water conditions are hazardous or are likely to become hazardous.

**Sonar emissions**

75 A diver or ADS operator must be protected from health or safety hazards that may be caused by sonar emissions.

**Radiation**

76 A diver or ADS operator must be protected from health or safety hazards that may be caused by a device emitting electromagnetic or ionizing radiation.

**Impressed current cathode protection devices**

77 An impressed current cathode protection device that is within 5 m of an underwater work site must be deactivated and locked-out.

**Diving in Contaminated Environments****Application**

78 Sections 79 to 82 apply to a dive conducted in a contaminated environments.

**Work zones at dive base**

79 (1) All of the following work zones must be established at a dive base:

- (a) an exclusion work zone, where a diver or ADS operator must exit the water, that is designed and equipped for
  - (i) handling, storing and disposing of contaminants collected during a dive, and
  - (ii) initially decontaminating a diver or ADS operator when the diver or ADS operator exits the water;

- (b) a contaminant-reduction work zone, where a person must exit the exclusion zone, that must be designed and equipped for
    - (i) decontaminating personnel who have been exposed to a contaminant, and
    - (ii) cleaning equipment that has been exposed to a contaminant; and
  - (c) a support work zone that must be designed and equipped for storing and disposing of equipment that is exposed to a contaminant.
- (2) A work zone must only be used for the purposes that it is designed for.
  - (3) A work zone must be clearly marked.
  - (4) A person must exit the exclusion work zone only through the contaminant-reduction work zone.
  - (5) Only authorized persons may enter a work zone.
  - (6) No food, drink or tobacco may be brought into a work zone.

**Contaminant management plan**

- 80** (1) Before a dive is conducted, a written contaminant management plan for the dive must be developed that meets the requirements of this Section.
- (2) A contaminant management plan must be developed in consultation with
    - (a) the diving supervisor; and
    - (b) the committee or representative, if any.
  - (3) A contaminant management plan must include all of the following:
    - (a) the name of any contaminants that are identified through contaminant testing;
    - (b) a description of the health or safety hazards posed to an employee who may be exposed to an identified contaminant;
    - (c) a description of the protective equipment that must be used or worn by an employee;
    - (d) the locations of the work zones;
    - (e) the procedures to be followed by all persons moving between the work zones;
    - (f) the procedures to be followed if someone is exposed to a health or safety hazard resulting from an identified contaminant;
    - (g) the procedures for handling all contaminants that are likely to be encountered.
  - (4) A contaminant management plan must be posted at the dive site where the dives are conducted.



**Protective equipment to protect against contaminants**

- 81** (1) A diver must be equipped with the following protective equipment and a diver must use the following equipment:
- (a) a diving helmet designed for and adequate for the work that is performed;
  - (b) where reasonably practicable, a totally enclosed diving suit that is made of non-absorbent material and that mates to a diving helmet with a positive seal and locking device;
  - (c) protective devices that minimize the exposure of diving equipment to a contaminant.
- (2) A person at the dive site must be equipped with and use adequate apparel and protective devices to prevent exposure to a contaminant.

**Diving equipment exposed to contaminant**

- 82** (1) Diving equipment that is exposed to a contaminant must be inspected for deterioration and must be adequately cleaned before it is used again.
- (2) Diving equipment that is exposed to a contaminant must be adequately cleaned or must be stored in an adequate receptacle before it is removed from a dive site.

**Diving Records****Diver's and ADS operator's logbook**

- 83** (1) A diver and an ADS operator must each keep a logbook that
- (a) has the name of the diver or ADS operator written on it;
  - (b) is permanently bound; and
  - (~~b~~) [(c)] has consecutively numbered pages.
- (2) A diver and an ADS operator must keep their logbook at the dive site at all times when they are at the dive site.

**Entry in diver's or ADS operator's logbook**

- 84** (1) A diver or ADS operator must make and sign an entry in their logbook as soon as reasonably practicable after a dive and before leaving a dive site.
- (2) A diving supervisor must countersign an entry in a diver's or ADS operator's logbook and make note if they disagree.
- (3) An entry in the diver's or ADS operator's logbook must include all of the following:
- (a) the date of the dive;
  - (b) the geographic location of the dive;
  - (c) the name of the diver's employer;
  - (d) the name of the diving supervisor for the dive;

- (e) if applicable, the name, call number or other unique identifier of any vessel or installation from which the dive was conducted;
  - (f) the type of diving equipment used;
  - (g) the time the dive began;
  - (h) the bottom time of the dive;
  - (i) the duration of the dive;
  - (j) the work performed during the dive;
  - (k) the breathing mixture used;
  - (l) the maximum depth of the dive;
  - (m) any decompression table used;
  - (n) any decompression procedure followed;
  - (o) any accident, near miss or unusual incident with the potential to affect health or safety;
  - (p) any discomfort, illness or injury experienced by the diver or ADS operator;
  - (q) any other factor that the diver or ADS operator considers relevant to their health or safety.
- (4) An alteration to an entry in a diver's or ADS operator's logbook must be initialed by the diver or ADS operator and the diving supervisor.
- (5) A diver or ADS operator must produce their logbook for inspection on the request of an officer or a physician performing a medical examination required by Section 12.
- (6) A diver or ADS operator must retain the diver's or ADS operator's logbook for 2 years after the date of the last entry in the logbook.

**Diving supervisor's record**

- 85 (1) A diving supervisor must keep a diving supervisor's record.
- (2) A diving supervisor's record must include all of the following:
- (a) the name of the diving supervisor;
  - (b) the names of all employers;
  - (c) records of all equipment examinations required by these regulations;
  - (d) if used, confirmation of testing of hyperbaric chambers, SCCs and ADSs;
  - (e) an entry for each planned dive or dives conducted by a diver.
- (3) A diving supervisor must make and sign an entry as soon as reasonably practical after each dive.

- (4) An entry in the diving supervisor's record must include all of the following for each planned dive or dives:
- (a) the date of the dive;
  - (b) the geographic location of the dive;
  - (c) the name of each diver or ADS operator;
  - (d) the names of each standby diver and diver's tender;
  - (e) if applicable, the name, call number or other unique identifier of any vessel or installation from which the dive was conducted;
  - (f) the type of diving equipment used;
  - (g) the weather and water conditions;
  - (h) all underwater work site hazards;
  - (i) a notation indicating whether a dive was conducted in a contaminated environment;
  - (j) the time each diver or ADS operator left the surface;
  - (k) the time each diver or ADS operator arrived at the bottom of the dive;
  - (l) the time each diver or ADS operator left the bottom of the dive;
  - (m) the time each diver or ADS operator re-emerged at the surface;
  - (n) the times at which a stage, SCC or ADS used in the dive left the surface;
  - (o) the times at which a stage, SCC or ADS used in the dive returned to the surface;
  - (p) the work performed and procedures used during the dive;
  - (q) the breathing mixtures used;
  - (r) the maximum depth of the dive;
  - (s) any decompression table used;
  - (t) any decompression procedure followed;
  - (u) the certificate number of any hyperbaric chamber used and the expiration date of the record of certification;
  - (v) any accident, near miss or unusual incident with the potential to affect health or safety;
  - (w) any discomfort or illness experienced by a diver or ADS operator;

- (x) any other factor that the diving supervisor considers relevant to the health or safety of the divers or ADS operators.
- (5) If a dive involves a diver or ADS operator repeatedly submerging and returning to the surface without exiting the water, a dive entry must include the information required by clauses (4)(j) to (m) for each time that the diver or ADS operator leaves the surface.
- (6) A diving supervisor must file a signed copy of their diving supervisor's record with each employer within 7 days of the end of a planned dive or dives.
- (7) An employer with whom a diving supervisor's record is filed must retain the diving supervisor's record for at least 2 years after the date for which the last entry was made.

### Special Requirements for SCUBA Diving

#### When SCUBA not permitted

- 86** (1) SCUBA must be not used at construction or industrial underwater work sites that involve any of the following functions:
- (a) welding;
  - (b) burning or cutting;
  - (c) high-pressure jetting;
  - (d) explosives;
  - (e) hoisting;
  - (f) dredging;
  - (g) using power tools;
  - (h) working in a contaminated environment; or
  - (i) liveboating.
- (2) A written code of practice that includes the dive plan required by Section 20 must be adopted and written confirmation from the Director that the code of practice is acceptable to the Director must be obtained before SCUBA is used at construction or industrial underwater work sites involving
- (a) underwater intakes;
  - (b) entry into pipes or confined spaces;
  - (c) underwater approaches to operating intakes, or exhausts;
  - (d) water control structures;
  - (e) the use of enriched air as a breathing mixture.

- (3) The Director may consider, but is not limited to, the following in determining the acceptability of a code of practice required by subsection (2):
- (a) the nature of the work to be performed;
  - (b) the duration of the work to be performed;
  - (c) the training of diving personnel;
  - (d) the risk of diver entrapment;
  - (e) access to the surface;
  - (f) potential exposure to a contaminated environment;
  - (g) whether or not the use of surface-supplied air would reduce potential adverse effects from the work activity.

#### **Permitted use of SCUBA**

- 87 (1)** If it is integral to normal operations and the employer has implemented a written code of practice that includes the dive plan required by Section 20 and obtained written confirmation from the Director that the code of practice is acceptable to the Director, SCUBA is permitted to be used at non-construction underwater work sites, non-industrial underwater work sites and commercial seafood harvesting underwater work sites for
- (a) high-pressure jetting;
  - (b) hoisting;
  - (c) using power tools;
  - (d) diving near underwater intakes more than 10 cm in diameter.
- (2) SCUBA is permitted to be used at commercial seafood harvesting underwater work sites for
- (a) diving near underwater intakes less than 10 cm in diameter; or
  - (b) diving near pipes less than 10 cm in diameter.
- (3) The Director may consider, but is not limited to, the following in determining the acceptability of a code of practice required by subsection (2):
- (a) the nature of the work to be performed;
  - (b) the duration of the work to be performed;
  - (c) the training of diving personnel;
  - (d) the risk of diver entrapment;
  - (e) access to the surface;

- (f) potential exposure to a contaminated environment;
- (g) whether or not the use of surface-supplied air would reduce potential adverse effects from the work activity.

**Rebreathers**

- 88** (1) A carbon dioxide absorbent used in a rebreather must be a type recommended by the manufacturer of the rebreather.
- (2) A carbon dioxide absorbent used in a rebreather must be stored in accordance with the specifications of the manufacturer of the absorbent.
- (3) A rebreather in which the breathing loops are not sealed must be made up immediately before the dive in which it is used.
- (4) A rebreather in which the breathing loops are sealed must be made up some time in the 24 hours immediately before the dive in which it is used.

**Rebreather hazard training**

- 89** A diver who uses a rebreather during a dive must be trained about the health and safety hazards associated with the use of rebreathers, including carbon dioxide poisoning, oxygen toxicity, and hypoxia.

**Monitoring of time and depth of SCUBA dives**

- 90** The time and depths of all dives must be adequately monitored.

**Special Requirements for Surface-Supplied Dives****Helmets and masks**

- 91** A diver conducting a surface-supplied dive must wear a helmet or face mask that is all of the following:

- (a) adequate;
- (b) designed for its intended purpose;
- (c) fitted with a non-return valve;
- (d) fitted with an adequate locking or fastening device;
- (e) attached by a hose to the diver's bail-out system.

**Bail-out systems**

- 92** (1) A diver conducting a surface-supplied dive must wear a bail-out system that provides a sufficient amount of breathing mixture to enable the diver to safely reach one of the following:
- (a) the surface;
  - (b) the SCC, if an SCC is being used in the dive;
  - (c) the lock-out submersible, if a lock-out submersible is being used in the dive;
  - (d) a location at which breathing mixture can be obtained.

- (2) A bail-out system must not be used to inflate a diving suit.

**Breathing mixture supply line**

**93** A breathing mixture supply line used in surface-supplied diving must be all of the following:

- (a) capable of providing a sufficient breathing mixture supply for the circumstances of the dive;
- (b) free of couplings, other than those required to attach the breathing mixture supply line to
  - (i) the diver or ADS operator, and
  - (ii) the breathing mixture source;
- (c) fitted with a breathing mixture supply valve that is
  - (i) clearly marked to identify the diver or ADS operator whose breathing mixture supply it controls,
  - (ii) under the control of a diver's tender,
  - (iii) protected from interference, and
  - (iv) readily accessible;
- (d) fitted with a pressure gauge that is
  - (i) located downstream of the breathing mixture supply valve, and
  - (ii) positioned so that the gauge's dial and figures are clearly visible to the diver's tender.

**Breathing mixture supply line during dive**

**94** During a surface-supplied dive, a breathing mixture supply line used in surface-supplied diving must be protected against damage and kinking.

**Additional Requirements for Deep Dives****Maintaining decompression stop depths and times**

**95** An adequate stage, or other adequate means must be provided to enable a diver conducting a deep dive to maintain the decompression stop depths and times set out in the dive plan for the dive without undue exertion.

**When SCC required for deep dive**

**96** An SCC must be used in any of the following deep dives:

- (a) a deep dive that is conducted in environmental or marine conditions that pose a hazard to the health or safety of a diver or ADS operator;
- (b) a deep dive in which the maximum depth of the dive is greater than 50 m and the bottom time is longer than 30 minutes;
- (c) a deep dive in which the maximum depth of the dive is greater than 60 m and the bottom time is longer than 25 minutes;

- (d) a deep dive in which the maximum depth of the dive is greater than 70 m.

**Exposure limits for deep dives**

- 97 (1)** During a deep dive that has a maximum depth of 150 m or less,
- (a) the diver must spend no longer than 4 hours in the water; and
  - (b) the diver must spend no longer than 10 hours in the SCC.
- (2)** During a deep dive that has a maximum depth of more than 150 m,
- (a) the diver must spend no longer than 3 hours in the water; and
  - (b) the diver must spend no longer than 8 hours in the SCC.

**Rest period before and between deep dives**

- 98** A diver who is conducting a deep dive must have a rest period of at least
- (a) 12 consecutive hours before their first dive; and
  - (b) 12 hours in every 24 hours after their first dive starts.

**Restrictions on diving following deep dive**

- 99 (1)** A diver who conducts a deep dive, other than a saturation dive, must not work at a pressure greater than the air pressure at the dive base for 24 hours after the dive.
- (2)** A diver who conducts a saturation dive with a saturation period of shorter than 14 days must not work at a pressure greater than the air pressure at the dive base for 14 days after the dive.
- (3)** A diver who conducts a saturation dive with a saturation period of between 14 and 31 days must not work at a pressure greater than the air pressure at the dive base for a time period equal to the saturation period after the dive.
- (4)** A diver who conducts a saturation dive with a saturation period of more than 31 days must not work at a pressure greater than the air pressure at the dive base for 31 days after the dive.

**Back-up power source**

- 100** A back-up power source for all powered equipment related to the dive must be available at the dive base for immediate use during a deep dive.

**SCUBA and deep dives**

- 101** SCUBA must not be used in a deep dive.



**N.S. Reg. 175/2005**

Made: September 14, 2005

Filed: September 16, 2005

Proclamation, S. 2, S.N.S. 2004, c. 35

Order in Council 2005-404 dated September 14, 2005

Proclamation made by the Governor in Council

pursuant to Section 2 of

*An Act to Amend Chapter 4 of the Acts of 1995, the Highway 104 Western Alignment Act*

The Governor in Council on the report and recommendation of the Acting Minister of Transportation and Public Works dated August 19, 2005, pursuant to Section 2 of Chapter 35 of the Acts of 2004, *An Act to Amend Chapter 4 of the Acts of 1995, the Highway 104 Western Alignment Act*, is pleased to order and declare by proclamation that Chapter 35 of the Acts of 2004, *An Act to Amend Chapter 4 of the Acts of 1995, the Highway 104 Western Alignment Act*, come into force on and not before September 14, 2005.

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 2 of Chapter 35 of the Acts of 2004, *An Act to Amend Chapter 4 of the Acts of 1995, the Highway 104 Western Alignment Act*, it is enacted as follows:

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

AND WHEREAS it is deemed expedient that Chapter 35 of the Acts of 2004, *An Act to Amend Chapter 4 of the Acts of 1995, the Highway 104 Western Alignment Act*, come into force on and not before September 14, 2005;

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 35 of the Acts of 2004, *An Act to Amend Chapter 4 of the Acts of 1995, the Highway 104 Western Alignment Act*, come into force on and not before September 14, 2005, 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 14<sup>th</sup> day of September in the year of Our Lord two thousand and five and in the fifty-fourth year of Our Reign.

BY COMMAND:

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

---

**N.S. Reg. 176/2005**

Made: September 14, 2005

Filed: September 16, 2005

Proclamation, S. 2, S.N.S. 2004, c. 41

Order in Council 2005-405 dated September 14, 2005

Proclamation made by the Governor in Council

pursuant to Section 2 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 Acting Minister of Transportation and Public Works dated August 19, 2005, pursuant to Section 2 of Chapter 41 of the Acts of 2004, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, is pleased to order and declare by proclamation that Chapter 41 of the Acts of 2004, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, come into force on and not before October 1, 2005.

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 2 of Chapter 41 of the Acts of 2004, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, it is enacted as follows:

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

AND WHEREAS it is deemed expedient that Chapter 41 of the Acts of 2004, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, come into force on and not before October 1, 2005;

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 41 of the Acts of 2004, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, come into force on and not before October 1, 2005, 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 14<sup>th</sup> day of September in the year of Our Lord two thousand and five and in the fifty-fourth year of Our Reign.

BY COMMAND:

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

**N.S. Reg. 177/2005**

Made: September 14, 2005

Filed: September 16, 2005

Proclamation, S. 17, S.N.S. 2004, c. 42 – S. 10

Order in Council 2005-406 dated September 14, 2005

Proclamation made by the Governor in Council  
pursuant to Section 17 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 Acting Minister of Transportation and Public Works dated August 19, 2005, pursuant to Section 17 of Chapter 42 of the Acts of 2004, *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 10 of Chapter 42 of the Acts of 2004, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, come into force on and not before October 1, 2005.

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 17 of Chapter 42 of the Acts of 2004, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, it is enacted as follows:

- 17 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 Section 10 of Chapter 42 of the Acts of 2004, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, come into force on and not before October 1, 2005;

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 10 of Chapter 42 of the Acts of 2004, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, come into force on and not before October 1, 2005, 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 14<sup>th</sup> day of September in the year of Our Lord two thousand and five and in the fifty-fourth year of Our Reign.

BY COMMAND:

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

**N.S. Reg. 178/2005**

Made: September 14, 2005

Filed: September 16, 2005

Proclamation, S. 3, S.N.S. 2005, c. 18

Order in Council 2005-408 dated September 14, 2005

Proclamation made by the Governor in Council

pursuant to Section 3 of

*An Act to Amend Chapter 3 of the Acts of 1994-95, the Farm Registration Act*

The Governor in Council on the report and recommendation of the Minister of Agriculture and Fisheries dated July 14, 2005, pursuant to Section 3 of Chapter 18 of the Acts of 2005, *An Act to Amend Chapter 3 of the Acts of 1994-95, the Farm Registration Act*, is pleased to order and declare by proclamation that Chapter 18 of the Acts of 2005, *An Act to Amend Chapter 3 of the Acts of 1994-95, the Farm Registration Act*, come into force on and not before February 15, 2006.

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 3 of Chapter 18 of the Acts of 2005, *An Act to Amend Chapter 3 of the Acts of 1994-95, the Farm Registration 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 18 of the Acts of 2005, *An Act to Amend Chapter 3 of the Acts of 1994-95, the Farm Registration Act*, come into force on and not before February 15, 2006;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 18 of the Acts of 2005, *An Act to Amend Chapter 3 of the Acts of 1994-95, the Farm Registration Act*, come into force on and not before February 15, 2006, of which all persons concerned are to take notice and govern themselves accordingly.

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

WITNESS, Our Trusty and Well Beloved Her Honour  
the Honourable Myra A. Freeman, Lieutenant  
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 14<sup>th</sup> day of September in the year of Our Lord two thousand and five and in the fifty-fourth year of Our Reign.

BY COMMAND:

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

---

**N.S. Reg. 179/2005**

Made: September 14, 2005

Filed: September 16, 2005

Employment Support and Income Assistance Regulations

Order in Council 2005-409 dated September 14, 2005  
Amendment to regulations made by the Governor in Council  
pursuant to Section 21 of the *Employment Support and Income Assistance Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated August 16, 2005, and pursuant to Section 21 of Chapter 27 of the Acts of 2000, the *Employment Support and Income Assistance Act*, is pleased to amend the *Employment Support and Income Assistance Regulations*, N.S. Reg. 91/2001, made by the Governor in Council by Order in Council 2001-138 dated March 23, 2001, to increase the personal allowance, to increase the shelter allowance for certain recipients and to clarify the shelter allowance for single persons in particular circumstances, in the manner attached as Schedule "A", effective on and after October 1, 2005.

**Schedule "A"**

**Amendments to the *Employment Support and Income Assistance Regulations*  
made pursuant to Section 21 of Chapter 27 of the Acts of 2000,  
the *Employment Support and Income Assistance Act***

- 1 The *Employment Support and Income Assistance Regulations*, N.S. Reg. 91/2001, made by the Governor in Council by Order in Council 2001-138 dated July 13, 2001, are amended by repealing Section 45 and substituting the following Section:

**Shelter allowance under certain circumstances**

**45** Despite clauses 31(1a) and 31(2)(a), the shelter allowance for any of the following persons shall be allowed as an expense in an amount up to \$535 for those who own or rent their shelter, and up to \$223 for those who board:

- (a) a single person who is disabled;
- (b) a single person who is fleeing an abusive situation;
- (c) a single person who has a chronic mental, cognitive or physical condition that limits participation in employment services;

- (d) a single person who is 55 years of age and over; or
- (e) a single person who is a youth and otherwise meets the requirements of the Act and these regulations.

2 The regulations are further amended by repealing the personal allowance and shelter allowance tables in Schedule "A" and replacing them with the following tables:

**Personal Allowance**

Adult	Dependent Child (under age 18)	Dependent Child (age 18 to 20 inclusive)
\$190 renting, own home, boarding	\$133	\$190

**Shelter Allowance**

Family Size	Rent/Own Home	Board
1	\$285	\$222
2	\$550	\$242
3+	\$600	\$282

**N.S. Reg. 180/2005**

Made: September 14, 2005

Filed: September 16, 2005

Private Investigators and Private Guards Regulations

Order in Council 2005-413 dated September 14, 2005

Regulations made by the Governor in Council

pursuant to Section 26 of the *Private Investigators and Private Guards Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated July 20, 2005, and pursuant to Section 26 of Chapter 356 of the Revised Statutes of Nova Scotia, 1989, the *Private Investigators and Private Guards Act*, is pleased, effective September 14, 2005, to:

- (a) repeal the regulations respecting private investigators and private guards, N.S. Reg. 179/83, made by the Governor in Council by Order in Council 83-916, dated August 16, 1983; and
- (b) make regulations respecting private investigators and private guards in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

## Schedule "A"

**Regulations Respecting Private Investigators and Private Guards  
made by the Governor in Council pursuant to Section 26  
of Chapter 356 of the Revised Statutes of Nova Scotia,  
the *Private Investigators and Private Guards Act***

**Citation**

1 These regulations may be cited as the *Private Investigators and Private Guards Regulations*.

**Definitions**

2 In these regulations,

- (a) "Act" means the *Private Investigators and Private Guards Act*;
- (b) "armed private guard" means a private guard who holds a license endorsed for acting as an armed private guard;
- (c) "armoured vehicle" means a motor vehicle constructed or adapted to
  - (i) protect its occupants from forced entry, and
  - (ii) provide protection to its occupants from attack by persons using firearms, to a standard acceptable to the Minister and in compliance with the standards required under the *Motor Vehicle Safety Act* (Canada);
- (d) "business license" means a license to engage in the business of providing private investigators or private guards, and "business licensee" has a corresponding meaning;
- (e) "guard dog handler" means a private guard who is responsible for keeping a guard dog for hire under control and who holds a license endorsed for acting as a guard dog handler;
- (f) "individual license" means a license to act as a private investigator or private guard, and "individual licensee" has a corresponding meaning;
- (g) "Minister" means the Minister of Justice.

**All applications for business licenses**

- 3 (1) An application for a business license must be in Form 1 and an application for renewal of a business license must be in Form 2.
- (2) The name of the applicant's business must be approved by the Minister.
- (3) In addition to the fee and evidence of liability insurance required by clauses 5(a) and (b) of the Act or, for a renewal, by clauses 9(2)(a) and (b) of the Act, an application for a business license or renewal of a business license must be accompanied by
- (a) a copy of the business' certificate of registration under the *Partnerships and Business Names Registration Act*; or
  - (b) a copy of the business' certificate of incorporation under the *Companies Act*;



- (c) colour photographs or a written description of an example of each type of vehicle to be used by the private guard business, as prescribed in Form 1 and 2;
  - (d) colour photographs or a written description of an example of each type of uniform to be used by the private guard business.
- (4) The evidence of liability insurance required by clauses 5(b) and 9(2)(b) of the Act must be in the form of a certificate issued by the insurer.

**Business license endorsements if providing private guard services**

4 An applicant for a business license or renewal of a business license to provide private guard services may apply for the following endorsements to their business license:

- (a) a license endorsement to allow the applicant to provide armoured vehicle services, by completing the appropriate sections on Form 1 or Form 2;
- (b) a license endorsement to allow the applicant to provide guard dogs for hire, by
  - (i) completing the appropriate sections on Form 1 or Form 2, and
  - (ii) completing and attaching a Form 5 for each guard dog, together with 2 current colour photographs of the guard dog, one of which is a full front head shot and the other a full side view of the dog.

**Liability insurance requirement for business license**

- 5 (1) An applicant for a business license or renewal of a business license must have an insurance policy that provides broad form, comprehensive liability insurance coverage for the business and its employees, that is acceptable to the Minister.
- (2) An insurance policy required by subsection (1) must contain a 30-day cancellation clause.
- (3) A business licensee must notify the Minister immediately if the insurance policy for their business is cancelled.
- (4) When the Minister receives notice that a business licensee's insurance policy is cancelled, the Minister must suspend their license.
- (5) A license that is suspended under subsection (4) is invalid until the business licensee provides the Minister with evidence of their liability insurance coverage in accordance with subsection 3(4).

**Application for individual license**

- 6 (1) An application for an individual license must be in Form 3 and an application for renewal of an individual license must be in Form 4.
- (2) An application for an individual license or renewal of an individual license must be accompanied by all of the following:
- (a) the applicable fee prescribed in Section 9;
  - (b) 1 current full-face photograph of the applicant, at least 2.54 cm by 2.86 cm in size;

- (c) a copy of a photograph identification card of the applicant, issued by Nova Scotia or any other Canadian province;
- (d) if born outside Canada, a copy of immigration papers, Canadian citizenship papers or work visa.

**Individual license endorsements**

- 7 (1) An applicant for an individual license to act as a private guard or for renewal of an individual license to act as a private guard may apply for the following endorsements to their individual license:
- (a) a license endorsement to allow the applicant to act as an armed private guard, by
    - (i) completing the applicable portions of Form 3 or Form 4,
    - (ii) attaching a copy of the applicant's Possession and Acquisition License for firearms and their Authorization to Carry issued under the *Firearms Act* (Canada) and regulations, and
    - (iii) [iii] attaching written proof that the applicant has completed the firearms proficiency test required by subsection 16(1);
  - (b) a license endorsement to allow the applicant to act as a guard dog handler, by completing the applicable portions of Form 3 or Form 4;
  - (c) a license endorsement to allow the applicant to carry a baton, by
    - (i) completing the applicable portions of Form 3 or Form 4,
    - (ii) attaching written proof of training acceptable to the Minister that the applicant has received in the use of a baton, and
    - (iii) attaching written authorization from any business that employs the applicant as a private investigator or private guard for the applicant to carry a baton;
  - (d) a license endorsement to allow the applicant to carry a restraining device, by
    - (i) completing the applicable portions of Form 3 or Form 4,
    - (ii) attaching written proof of training acceptable to the Minister that the applicant has received in the use of the restraining device, and
    - (iii) attaching written authorization from any business that employs the applicant as a private investigator or private guard for the applicant to carry the restraining device.
- (2) An applicant for an individual license to act as a private investigator or for renewal of an individual license to act as a private investigator may apply for the following endorsements to their individual license:
- (a) a license endorsement to allow the applicant to carry a baton, by
    - (i) completing the applicable portions of Form 3 or Form 4,

- (ii) attaching written proof of training acceptable to the Minister that the applicant has received in the use of a baton, and
- (iii) attaching written authorization from any business that employs the applicant as a private investigator or private guard for the applicant to carry a baton;
- (b) a license endorsement to allow the applicant to carry a restraining device, by
  - (i) completing the applicable portions of Form 3 or Form 4,
  - (ii) attaching written proof of training acceptable to the Minister that the applicant has received in the use of the restraining device, and
  - (iii) attaching written authorization from any business that employs the applicant as a private investigator or private guard for the applicant to carry the restraining device.

### **Police records and background check**

**8** The following persons must consent to a police records and background check as part of the application process:

- (a) an individual who is a sole proprietor of a business applying for a business license;
- (b) each partner of a partnership applying for a business license;
- (c) each director and officer of a corporation applying for a business license;
- (d) an individual applying for an individual license.

### **License application fees**

**9 (1)** Application fees for licenses are payable to the Minister of Finance as follows:

- (a) for business license (private investigators or private guards) ..... \$319
- (b) for business license (private investigators and private guards) ..... \$619
- (c) for individual license (private investigator) ..... \$21
- (d) for individual license (private guard) ..... \$21
- (e) for individual license (private investigator and private guard) ..... \$32
- (f) for identification card for a guard dog for hire ..... \$21

**(2)** The application fee payable for a license issued after September 30 in any year is 50% of the fee prescribed in subsection (1) for the license.

**(3)** Application fees are non-refundable.

### **Replacement license**

**10** An individual licensee may apply to the Minister for a replacement individual license by submitting Form 6 together with a replacement photograph that meets the specifications in clause 6(2)(b).

**Form of licenses**

- 11** (1) A business license must be in a form prescribed by the Minister.
- (2) An individual license must be in the form of an identification card as prescribed by the Minister.
- (3) A license for a guard dog for hire must be in the form of an identification card as prescribed by the Minister.

**Endorsement required**

- 12** (1) No person is permitted to engage in, carry on, advertise or hold themselves out as providing armoured vehicle services, unless they hold a business license that is endorsed for providing armoured vehicle services.
- (2) No person is permitted to engage in, carry on, advertise or hold themselves out as providing guard dogs for hire, unless they hold a business license that is endorsed for providing guard dog for hire services.
- (3) No person is permitted to act as an armed private guard unless they hold an individual license that is endorsed for acting as an armed private guard.
- (4) No person is permitted to act as a guard dog handler unless they hold an individual license that is endorsed for acting as a guard dog handler.
- (5) No person is permitted to carry a baton unless they hold an individual license that is endorsed for carrying a baton.
- (6) No person is permitted to carry a restraining device unless they hold an individual license that is endorsed for carrying the restraining device.

**Private investigator, private guard not permitted to carry firearm**

- 13** (1) A private investigator is not permitted to carry a firearm in the performance of their duties as a private investigator.
- (2) A private guard is not permitted to carry a firearm unless their individual license is endorsed for acting as an armed private guard, and they are acting as an armed private guard.

**Private guard uniforms**

- 14** (1) A uniform to be worn by a private guard, other than an armed private guard, must be approved by the Minister and, unless the Minister approves an exemption under subsection (5), must display all of the following:
- (a) on the chest of its outermost garment, the words “private guard” or “security” or “security guard” in block letters that are
- (i) at least 2.54 cm in height and cumulatively at least 7.62 cm in width, and
- (ii) a contrasting colour to the colour of the garment;
- (b) across the back of its outermost garment, the word “security” in block letters that are
- (i) at least 7.62 cm in height, and

- (ii) a contrasting colour to the colour of the garment;
  - (c) the name of the business licensee that is providing the private guard's services.
- (2) A uniform to be worn by an armed private guard must be approved by the Minister and must display all of the following:
- (a) on the chest of its outermost garment, the words "armed guard" in block letters that are
    - (i) at least 2.54 cm in height and cumulatively at least 7.62 cm in width, and
    - (ii) a contrasting colour to the colour of the garment;
  - (b) the name of the business licensee that is providing the armed private guard's services.
- (3) A private guard must not have the words "police", "sheriff" or "officer" displayed on their uniform.
- (4) A private guard must not display any metal badge or shield other than the identification card prescribed under these regulations.
- (5) The minister may exempt a private guard from wearing a uniform while performing retail security.

#### **Motor vehicles used by private guards**

- 15 (1) A motor vehicle used by a private guard for security patrol must
- (a) comply with the *Motor Vehicle Act* and regulations respecting lighting equipment;
  - (b) display the word "SECURITY" on the side panels of the motor vehicle in block letters at least 12.7 cm in height;
  - (c) display the name of the business licensee on the side panels of the motor vehicle in clearly visible letters; and
  - (d) not resemble a police or sheriff motor vehicle nor display the words "police" or "sheriff" nor any other word that would tend to confuse the public about the purpose of the motor vehicle.
- (2) The words required to be displayed by clauses (1)(b) and (c) may be displayed separately or in conjunction with one another.
- (3) An armoured vehicle used for transporting or protecting cash, negotiable instruments or other goods of substantial value must comply with clauses (1)(a), (c) and (d).
- (4) In addition to complying with subsections (1) and (2), a motor vehicle used by armed private guards to service automated teller machines or automated banking machines must clearly display the words "no cash or valuables on board".

#### **Armed private guards**

- 16 (1) An armed private guard must pass an annual firearms proficiency test that is acceptable to the Minister.
- (2) An armed private guard is permitted to work only

- (a) from an armoured vehicle when handling, transporting or protecting cash, negotiable instruments or other goods of substantial value; or
  - (b) from a non-armoured motor vehicle when not handling, transporting or protecting cash and when servicing automated teller machines or automated banking machines.
- (3) For greater certainty, no person is permitted to work as an armed private guard except as provided in subsection (2).
- (4) An armed private guard must be accompanied by at least 1 other armed private guard while acting as an armed private guard.

#### **Using guard dogs for hire**

- 17 (1) A guard dog handler must not use a guard dog for hire unless an identification card for the guard dog has been issued in accordance with these regulations and the identification card is valid and in the possession of the guard dog handler.
- (2) Except as provided in subsection (3), a guard dog handler must ensure that a guard dog for hire is under their direct control at all times.
- (3) A guard dog for hire may be at large on premises, other than premises to which members of the public have access, if reasonable precautions are taken to prevent the dog from escaping from the premises.
- (4) A warning that a guard dog for hire is present on premises must be clearly displayed on the premises, whether the guard dog is secured or at large.
- (5) A guard dog for hire must not be used as a guard dog
- (a) on public streets, in parks, or in other common areas where the public have the right of access;
  - (b) at concerts, festivals or other public gatherings; or
  - (c) if it is suffering from injury or illness that might adversely affect its behaviour.
- (6) A guard dog for hire must wear a day-glo red collar when acting as a guard dog.

#### **Certificate from veterinarian for injured or ill guard dog for hire**

- 18 (1) After a guard dog for hire is injured or has suffered an illness that might adversely affect its behaviour, the Minister may require the owner to provide a certificate from a veterinarian as to the health and physical condition of the dog.
- (2) The Minister may suspend the license of a guard dog for hire if the health or physical condition of the dog might adversely affect the dog's behaviour.

#### **Transporting guard dogs for hire**

- 19 A guard dog for hire must be transported
- (a) in a vehicle that provides reasonable protection to prevent the dog from escaping; and
  - (b) in a compartment that is separate from the driver of the vehicle and cannot be opened from the outside except by an authorized person.

**Guard dogs not trained to kill or seriously injure**

**20** No person is permitted to train a guard dog for hire to kill or seriously injure persons or animals.

**Contravention of Act or regulations**

**21** Failure by an individual or business licensee or an employee of a business licensee to comply with the Act or regulations or with any endorsement or condition or term of a license is cause for revocation or suspension of the license by the Minister.

**FORM 1**

<b>Application for Business License - Private Investigators and/or Private Guards</b>		Business no.
		Receipt no.
		License no.
<b>Instructions: HAND PRINT in Black or Blue Ink or TYPE ONLY. SHADED AREAS FOR OFFICE USE ONLY.</b>		
<b>PART 1 To be completed by applicant</b>		
Legal name of business (name must be approved before license issued)		Business operating name
Physical address of business in Nova Scotia (number and street or lot, city/town/village, R.R., postal code)	Mailing Address (if different from physical address)	If the business is operating branch offices in other parts of the Province, provide an address for each location and the name of the branch manager.
Business phone no.	Business fax no.	E-mail address
Application to supply: (check all that apply) <input type="checkbox"/> Private Investigators <input type="checkbox"/> Private Guards <input type="checkbox"/> Private Investigators <u>and</u> Private Guards		<input type="checkbox"/> Guard Dogs For Hire <input type="checkbox"/> Armoured Vehicle Service (armed guards)
<b>Endorsements</b>		
<b>Armoured Vehicle Service endorsement:</b> 1. (a) Have you applied for your Firearms Business License <input type="checkbox"/> yes <input type="checkbox"/> no (b) Attach coloured photographs or written description of an example of each type of armoured vehicle and the armed private guard uniform to be used.		<b>Guard Dog for Hire endorsement:</b> 2. Attach a completed Form 5 - Application for License - Guard Dog for Hire for each dog to be used.
Firearms Business License no. and expiry date		
3. Is this an office building or similar business premises?		<input type="checkbox"/> yes <input type="checkbox"/> no
4. Is this a private residence? If yes, (a) is office set apart from dwelling? (b) is office readily accessible to the general public by means of a separate entrance?		<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> yes <input type="checkbox"/> no (if no, give details)
5. List proposed business activities:		
6. Has the business ever been registered or licensed to engage in the business of providing security or investigative services under any name other than the name in which this application is submitted? If yes, give details.		<input type="checkbox"/> yes <input type="checkbox"/> no

7. Have you ever had a security industry license refused, revoked or suspended in any province, state or country?  
If yes, give details.  yes  no

8. Are you currently, or have you previously been licensed in the security industry in any province, state or country?  
If yes, give details.  yes  no

9. Has the business even been charged, indicted or convicted of any offence under any law of any province, state or country?  
If yes, give details.  yes  no

10. Type of ownership (check one):  
 **sole proprietorship** (complete Part 2 and Affidavit)  
 **partnership** (each partner must separately complete Part 2 and Affidavit)  
 **corporation** (each director and officer must separately complete Part 2 and Affidavit)

11. Name(s) of partners, corporate officers (include applicable titles):  
 Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Name: \_\_\_\_\_ Title: \_\_\_\_\_

**PART 2**  
 To be completed by an applicant who is a sole proprietor (individual), a partnership (each partner to complete a separate Part 2 and affidavit), or a corporation (each director and officer to complete a separate Part 2 and affidavit).

12. Last or family name of applicant	First name(s)	Second name(s)	Former name, maiden name, aliases, etc.
13. Street no. and street name or lot		Apt. no.	
14. City, town, village, R.R.	Postal code	Residence phone no.	Business phone no.
15. Occupation/Profession	E-mail address	Business fax no.	
16. Do you presently hold a position with Peace Officer status in Nova Scotia or any other province, state or country? <input type="checkbox"/> yes <input type="checkbox"/> no If yes, give details. Note: restrictions for employment may apply.			

**THE FOLLOWING INFORMATION IS REQUIRED FOR A POLICE RECORDS AND BACKGROUND CHECK**

17. <input type="checkbox"/> Male <input type="checkbox"/> Female	Date of birth (y/m/d) / /	Place of birth	Distinguishing marks	Height	Weight	Eye colour	Hair colour
18. Driver's license no. 			Province/State of issue	Or government issued photo identification and type			
19. List place of residence for past 5 years. Exclude present address. (If space is insufficient, complete on separate sheet and attach.) (Street no. and name or lot, apt. no., city, town, village, R.R., postal code)						From (m/y)	To (m/y)



20. Current and previous record of employment for the past 5 years.	Employer's Name/Address/Phone number	Type of Work	Period Employed		Reason for Leaving
			From (m/y)	To (m/y)	

21. Summary of experience and training in investigation and/or security. Give details. (If space is insufficient, complete on separate sheet and attach.)

22. (a) Have you been convicted of an offence under any federal, provincial or territorial statute for which you have not received a pardon?  
 yes  no (Examples: *Criminal Code, Controlled Drugs and Substances Act, Liquor Control Act, Youth Criminal Justice Act*)
- (b) Are you currently under a probation or parole order or conditional sentence?  yes  no
- (c) Have you pled guilty or been found guilty of any offence for which you have been absolutely discharged or conditionally discharged?  yes  no
- (d) Have you been charged with any offence which is still pending?  yes  no
- (e) Do you have any outstanding fines?  yes  no
- (f) Have you been charged with any Criminal Code offence in the past 3 years?  yes  no

**An answer of "yes" may require further information but does not necessarily affect the granting of a license. If you answered "yes" to any of the above, GIVE ALL details.** (If space insufficient, complete on separate sheet and attach.)

Offence	Date	Place	Police Department	Outcome of Proceedings

**Declaration and Authority for Release of Information**

**By signing this application:**

- I consent to a police records and background check.
- I consent to the disclosure of the results of a police records and background check, and authorize any police service that is requested to perform such a check to disclose any or all information obtained by the police records and background check, to the appropriate authority or any person authorized by them.
- I consent to the sharing of this information in other provinces, states or countries for uses consistent with this application.
- I agree that if a license is granted pursuant to this application, this authorization and consent by me remains in force for the duration of the period for which the license is issued.
- I will promptly report to the Department of Justice, Policing and Victim Services Division-Security Programs any charge or conviction for a provincial and/or federal offence that occurs after the date I sign this authorization.

**I certify that**

- I have read and understand all parts of this application form, and
- the information provided by me in this application is true and correct to the best of my knowledge and belief.

**I further acknowledge that**

- Section 4 of the *Private Investigators and Private Guards Act* states that no person shall act as a private investigator or private guard, unless the person is a holder of a license therefor issued under the Act.

**Caution**  
 It is an offence to knowingly furnish false information in any application under the Act. In addition, the license may be refused.

\_\_\_\_\_  
 Signature of applicant

\_\_\_\_\_  
 Date of signature

\_\_\_\_\_  
 Print name

\_\_\_\_\_  
 Position in company or partnership



## FORM 2

<b>Application for Business License RENEWAL - Private Investigators and/or Private Guards</b>		Business no.
		Receipt no.
		License no.
<b>Instructions: HAND PRINT in Black or Blue Ink or TYPE ONLY. SHADED AREAS FOR OFFICE USE ONLY.</b>		
Legal name of business		Business operating name
Physical address of business in Nova Scotia (number and street or lot, city/town/village, R.R., postal code)	Mailing Address (if different from physical address)	If the business is operating branch offices in other parts of the Province, provide an address for each location and the name of the branch manager.
Business phone no.	Business fax no.	E-mail address
Application to supply: (check all that apply) <input type="checkbox"/> Private Investigators <input type="checkbox"/> Private Guards <input type="checkbox"/> Private Investigators <u>and</u> Private Guards <input type="checkbox"/> Guard Dogs For Hire <input type="checkbox"/> Armoured Vehicle Service (armed guards)		
<b>Endorsements</b>		
<b>Armoured Vehicle Service endorsement:</b> 1. Provide Firearms Business License no. and expiry date		<b>Guard Dog for Hire endorsement:</b> 2. Attach a completed Form 5 - Application for License - Guard Dog for Hire for each dog to be used.
3. Has there been a change in ownership of business?		<input type="checkbox"/> yes <input type="checkbox"/> no    (If yes, please contact the Security Programs Office)
4. Has there been a change in the markings on the business' vehicle(s)?		<input type="checkbox"/> yes <input type="checkbox"/> no    (If yes, attach colour photographs or written description of the changes to the vehicle(s) for approval)
5. Has there been a change in the business' uniforms?		<input type="checkbox"/> yes <input type="checkbox"/> no    (If yes, attach colour photographs or written description of the changes to the uniform for approval)
6. If this business is a partnership or corporation, have there been any changes in partners, directors or officers? <input type="checkbox"/> yes <input type="checkbox"/> no If yes, please have each of those individuals complete and sign Part 2 and the Affidavit of Form 1 - Application for Business License - Private Investigators and/or Private Guards, and submit along with this completed application.		

**Declaration and Authority for Release of Information****By signing this application:**

- I consent to a police records and background check.
- I consent to the disclosure of the results of a police records and background check, and authorize any police service that is requested to perform such a check to disclose any or all information obtained by the police records and background check, to the appropriate authority or any person authorized by them.
- I consent to the sharing of this information in other provinces, states or countries for uses consistent with this application.
- I agree that if a license is granted pursuant to this application, this authorization and consent by me shall remain in force for the duration of the period for which the license is issued.
- I will promptly report to the Department of Justice, Policing and Victim Services Division-Security Programs, any charge or conviction for a provincial or federal offence that occurs after the date that I sign this authorization, and

**I certify that**

- I have read and understand all parts of this application form, and
- the information provided by me in this application is true and correct to the best of my knowledge and belief.

**I further acknowledge that**

- Section 4 of the *Private Investigators and Private Guards Act* states that no person shall act as a private investigator or private guard, unless the



**FORM 3**

**Application for Individual License - Private Investigator and/or Private Guard**

**Instructions:** Applicants **MUST COMPLETE BOTH SIDES OF FORM. HAND PRINT** in black or blue ink or **TYPE ONLY. SHADED AREAS FOR OFFICE USE ONLY.**

**Part 1: To be completed by BUSINESS REPRESENTATIVE**

Name of business (in full)  Address of business	<b>Application for (check all that apply):</b> <input type="checkbox"/> Private Investigator <input type="checkbox"/> Private Guard <input type="checkbox"/> Private Investigator and Private Guard <input type="checkbox"/> Private Guard - armed guard endorsement <input type="checkbox"/> Private Guard - guard dog handler endorsement <input type="checkbox"/> Private Guard - uniform exemption (private guard performing retail security) <input type="checkbox"/> Baton endorsement <input type="checkbox"/> Restraining device endorsement	Business no.
		Person no.
		Receipt no.
		License no.

**Part 2: To be completed by APPLICANT**

Last or family name of applicant	First name(s)	Second name(s)	Former name, maiden name, aliases, etc.
Street no. and street name or lot		Apt. no.	
City, town, village, R.R.		Postal code	Residence phone no.

**Endorsements**

<b>Armed Guard Endorsement</b> 1. (a) Have you applied for your Authorization to Carry? <input type="checkbox"/> yes <input type="checkbox"/> no <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">Authorization to Carry no. and expiry date</div>	<b>Guard Dog for Hire Endorsement</b> 2. Summary of experience and training in the use of guard dogs for hire. Give details. (If space is insufficient, attach separate sheet.)			
(b) Firearms Possession and Acquisition License: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">License no.</td> <td style="width: 33%;">Expiry</td> <td style="width: 33%;">Province of issue</td> </tr> </table>	License no.	Expiry	Province of issue	<b>Baton or restraining device endorsement</b> 3. Attach written proof of training that you have received in the use of a baton or restraining device.  4. Attach written authorization from the business to carry a baton or restraining device.
License no.	Expiry	Province of issue		

5. (a) If you were born outside of Canada, in what year were you admitted to Canada? \_\_\_\_\_  
 (b) Are you legally entitled to work in Canada?  yes  no  
 (Attach a copy of immigration papers, Canadian citizenship papers or work visa.)

6. **Do you presently hold a position with Peace Officer status in Nova Scotia or any other province, state or country?**  
 yes  no **If yes, give details. Note: restrictions for employment may apply.**

**THE INFORMATION IN ITEMS 7 TO 11 IS REQUIRED FOR A POLICE RECORDS AND BACKGROUND CHECK**

7. <input type="checkbox"/> Male <input type="checkbox"/> Female	Date of birth (y/m/d) / /	Place of birth	Distinguishing marks	Height	Weight	Eye colour	Hair colour
8. Driver's license no. 			Province/State of issue	Or government issued photo identification and type			

9. List place of residence for the past 5 years. <b>Exclude present address. (If space is insufficient, complete on separate sheet and attach.)</b> (Street no., name or lot, apt. no., city, village, R.R., postal code)	From (m/y)	To (m/y)

10. (a) Have you been convicted of an offence under any federal, provincial or territorial statute for which you have not received a pardon?  
 yes  no (Examples: *Criminal Code, Controlled Drugs and Substances Act, Liquor Control Act, Youth Criminal Justice Act*)

(b) Are you currently under a probation or parole order or conditional sentence?  yes  no

(c) Have you pled guilty or been found guilty of any offence for which you have been absolutely discharged or conditionally discharged?  yes  no

(d) Have you been charged with any offence which is still pending?  yes  no

(e) Do you have any outstanding fines?  yes  no

(f) Have you been charged with any *Criminal Code* offence in the past 3 years?  yes  no

**An answer of "yes" may require further information but does not necessarily affect the granting of a license. If you answered "yes" to any of the above, GIVE ALL details.** (If space insufficient, complete on separate sheet and attach.)

Offence	Date	Place	Police Department	Outcome of Proceedings

11. Have you ever had a security license **refused, revoked or suspended** in any other province, state or country?  yes  no If yes, give details.

12. Are you presently licensed in the security industry in any other province, state or country?  yes  no  
 If yes, please attach a copy of the license to this application.

13. Have you ever held a private security license in Nova Scotia or in any other province, state or country?  yes  no  
 If yes, provide details.

14. Summary of experience and training in investigation and/or security. Give details. (If space is insufficient, attach separate sheet.)

---



---



---

15. Current and previous record of employment for the past 5 years. (If space is insufficient, complete on separate sheet and attach.)

Employer's Name, Address and Phone Number	Type of Work	Period Employed		Reason for leaving
		From (m/y)	To (m/y)	

**Declaration and Authority for Release of Information****By signing this application:**

- I consent to a police records and background check.
- I consent to the disclosure of the results of a police records and background check, and authorize any police service that is requested to perform such a check to disclose any or all information obtained by the police records and background check, to the appropriate authority or any person authorized by them.
- I consent to the sharing of this information in other provinces, states or countries for use consistent with this application.
- I understand that the decision of this application will be communicated to my prospective employer.
- I agree that if a license is granted pursuant to this application, this authorization and consent by me shall remain in force for the duration of the period for which the license is issued.
- I will promptly report to my employer and the Department of Justice, Policing and Victim Services Division - Security Programs, any charge or conviction for a provincial and/or federal offence that occurs after the date that I sign this authorization, and

**I certify that**

- I have read and understand all parts of this application form, and
- the information provided by me in this application is true and correct to the best of my knowledge and belief.

**I further acknowledge that**

- Section 4 of the *Private Investigators and Private Guards Act* states that no person shall act as a private investigator or private guard, unless the person is the holder of a license therefor issued under this Act.

**Caution**

It is an offence to knowingly furnish false information in any application under the Act. In addition, the license may be refused.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Date of signature

\_\_\_\_\_  
Print name

**Part 3: To be completed by BUSINESS REPRESENTATIVE****The following fee and supporting documents must be submitted with this application:**

- applicable licensing fee
- 1 current full-face photograph of the applicant
- copy of government issued photo identification (e.g. driver's license)
- immigration papers, Canadian citizenship papers or work visa (if not born in Canada)
- copy of security license from other jurisdiction (if applicable)
- proof of firearms proficiency test (for armed guard endorsement)
- written proof of training to carry baton (for baton endorsement)
- written authorization from business to carry baton (for baton endorsement)
- written proof of training to carry restraining device (for restraining device endorsement)
- written authorization from business to carry restraining device (for restraining device endorsement)

**EMPLOYER'S STATEMENT (to be completed and signed by the business representative)**

I have reviewed this completed application and I certify that this applicant is considered a suitable person for the license and any endorsements or uniform exemption applied for in this Form.

\_\_\_\_\_  
Signature of business representative

\_\_\_\_\_  
Date of signature

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Position in company or partnership

Any questions relating to this application may be directed to:

Department of Justice  
Policing & Victim Services Division-Security Programs  
P.O. Box 7  
Halifax, Nova Scotia B3J 2L6  
Telephone: (902) 424-6166  
Fax: (902) 424-4308

**FORM 4**

**Application for Individual License RENEWAL - Private Investigator and/or Private Guard**

**Instructions :** Applicants **MUST COMPLETE BOTH SIDES OF FORM. HAND PRINT in black or blue ink or TYPE ONLY. SHADED AREAS FOR OFFICE USE ONLY.**

**Part 1: To be completed by BUSINESS REPRESENTATIVE**

Name of business (in full)  Address of business	<b>Application for (check all that apply):</b> <input type="checkbox"/> Private Investigator <input type="checkbox"/> Private Guard <input type="checkbox"/> Private Investigator and Private Guard <input type="checkbox"/> Private Guard - armed guard endorsement <input type="checkbox"/> Private Guard - guard dog handler endorsement <input type="checkbox"/> Private Guard - uniform exemption (private guard performing retail security) <input type="checkbox"/> Baton endorsement <input type="checkbox"/> Restraining device endorsement	Business no.
		Person no.
		Receipt no.
		License no.

**Part 2: To be completed by APPLICANT**

Last or family name of applicant	First name(s)	Second name(s)	Former name, maiden name, aliases etc.
Street no. and street name or lot		Apt. no.	
City, town, village, R.R.		Postal code	Residence phone no.

**1. Armed Guard Endorsement**

Authorization to Carry	Expiry	Possession and Acquisition License	Expiry	Province of issue
Number		Number		

Attach proof of completed Firearms proficiency test.

2. Has there been a change in your entitlement to work in Canada?  yes  no  
If yes, attach a copy of new documentation (e.g. work visa)

**THE INFORMATION IN ITEMS 3 TO 5 IS REQUIRED FOR A POLICE RECORDS AND BACKGROUND CHECK**

3. <input type="checkbox"/> Male <input type="checkbox"/> Female	Date of birth (y/m/d) / /	Place of birth	Distinguishing marks	Height	Weight	Eye colour	Hair colour
4. Driver's license no.			Province/State of issue	Or government issued photo identification and type			

5. (a) Have you been convicted of an offence under any federal, provincial or territorial statute in the past 12 months?  yes  no  
 (b) Are you currently under a probation or parole order or conditional sentence?  yes  no  
 (c) Have you pled guilty or been found guilty of any offence for which you have been absolutely discharged or conditionally discharged in the past 12 months?  yes  no  
 (d) Have you been charged with any offence in the past 12 months which is still pending?  yes  no  
 (e) Do you have any outstanding fines?  yes  no

**An answer of "yes" may require further information but does not necessarily affect the granting of a license. If you answered "yes" to any of the above, GIVE ALL details. (If space is insufficient, complete on separate sheet and attach.)**

Offence	Date	Place	Police Department	Outcome of Proceedings



**Declaration and Authority for Release of Information****By signing this application:**

- I consent to a police records and background check.
- I consent to the disclosure of the results of a police records and background check, and authorize any police service that is requested to perform such a check to disclose any or all information obtained by the police records and background check, to the appropriate authority or any person authorized by them.
- I consent to the sharing of this information in other provinces, states or countries for use consistent with this application.
- I understand that the decision of this application will be communicated to my prospective employer.
- I agree that if a license is granted pursuant to this application, this authorization and consent by me shall remain in force for the duration of the period for which the license is issued.
- I will promptly report to my employer and the Department of Justice, Policing and Victim Services Division - Security Programs, any charge or conviction for a provincial and/or federal offence that occurs after the date that I sign this authorization, and

**I certify that**

- I have read and understand all parts of this application form, and
- the information provided by me in this application is true and correct to the best of my knowledge and belief.

**I further acknowledge that**

- Section 4 of the *Private Investigators and Private Guards Act* states that no person shall act as a private investigator or private guard, unless the person is the holder of a license therefor issued under this Act.

**Caution**

It is an offence to knowingly furnish false information in any application under the Act. In addition, the license may be refused.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Date of signature

\_\_\_\_\_  
Print name

**Part 3: To be completed by BUSINESS REPRESENTATIVE****The following fee and supporting documents must be submitted with this application:**

- applicable licensing fee
- 1 current full-face photograph of the applicant
- copy of government issued photo identification (e.g. driver's license)
- work visa, immigration papers or Canadian citizenship papers (if applicable)
- proof of firearms proficiency test (for armed guard endorsement)

**EMPLOYER'S STATEMENT (to be completed and signed by the business representative)**

I have reviewed this completed application and I certify that this applicant is considered a suitable person for the license and any endorsements or uniform exemption applied for in this Form.

\_\_\_\_\_  
Signature of business representative

\_\_\_\_\_  
Date of signature

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Position in company or partnership

Any questions relating to this application may be directed to:

Department of Justice  
Policing & Victim Services Division-Security Programs  
P.O. Box 7  
Halifax, Nova Scotia B3J 2L6  
Telephone: (902) 424-6166  
Fax: (902) 424-4308

**FORM 5**

<p><b>Application for License - Guard Dog for Hire</b></p> <p style="text-align: center;">Application type:    <input type="checkbox"/> <b>NEW</b>                      <input type="checkbox"/> <b>RENEWAL</b></p>	Business no.
	Person no.
	Receipt no.
	License no.

**Instructions:**    Please fill out an application for each guard dog that your business will be using. **HAND PRINT** in black or blue ink or **TYPE ONLY. SHADED AREAS FOR OFFICE USE ONLY.**

**Part 1: To be completed by BUSINESS REPRESENTATIVE**

Legal name of business		Business operating name	
Physical address of business in Nova Scotia (number and street or lot, city/town/village, R.R., postal code)	Mailing Address (if different from physical address)	If the business is operating branch offices in other parts of the Province, provide an address for each location and the name of the branch manager.	
Business phone no.	Business fax no.	E-mail address	

1. Registered name of dog: \_\_\_\_\_
2. Canadian Kennel Club registration number: \_\_\_\_\_
3. Municipal registration tag number of dog: \_\_\_\_\_  
(Note: the municipal registration tag number should be obtained in the municipality where the dog is normally kennelled.)
4. Call name of dog: \_\_\_\_\_
5. Dog's date of birth: \_\_\_\_\_  
(y/m/d)
6. Breed and sex of dog: \_\_\_\_\_
7. Colour and particular identifying marks: \_\_\_\_\_

**Part 2: To be completed by VETERINARIAN**

- I declare that I have examined the above described dog today and in my opinion have found the dog to be free from any infectious or contagious disease.
- I declare that this dog has been vaccinated against rabies and has received other vaccines that are normally administered to dogs.

\_\_\_\_\_  
Name of veterinarian (print)

\_\_\_\_\_  
Signature of veterinarian

\_\_\_\_\_  
Date of signature

**Part 3: To be completed by BUSINESS REPRESENTATIVE**

**The following fee and supporting documents must be submitted with this application:**

- applicable licensing fee
- 2 current colour photographs of the dog, one of which is a full front head shot and the other one is a full side view of the dog

**EMPLOYER'S STATEMENT**

I certify that the information in this completed application is true and correct to the best of my knowledge and belief and I acknowledge responsibility for any guard dog issued an identification card pursuant to this application.

\_\_\_\_\_  
Signature of business representative

\_\_\_\_\_  
Date of signature

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Position in company or partnership

**FORM 6**

**Application for REPLACEMENT Individual License - Private Investigator and/or Private Guard**

**Instructions : HAND PRINT in black or blue ink or TYPE ONLY. SHADED AREAS FOR OFFICE USE ONLY.**

**Part 1: To be completed by BUSINESS REPRESENTATIVE**

Name of business (in full)  Address of business	<b>Application for (check all that apply):</b> <input type="checkbox"/> Private Investigator <input type="checkbox"/> Private Guard <input type="checkbox"/> Private Investigator and Private Guard <input type="checkbox"/> Private Guard - armed guard endorsement <input type="checkbox"/> Private Guard - guard dog handler endorsement <input type="checkbox"/> Private Guard - uniform exemption (private guard performing retail security) <input type="checkbox"/> Baton endorsement <input type="checkbox"/> Restraining device endorsement	Business no.
		Person no.
		Receipt no.
		License no.

**Part 2: To be completed by APPLICANT**

Last or family name of applicant	First name(s)	Second name(s)	Former name, maiden name, aliases etc.
Street no. and street name or lot		Apt. no.	
City, town, village, R.R.	Postal code	Residence phone no.	
License number	Date of Birth (y/m/d)		

**Reason for application for replacement license:**

- License was lost
- License was stolen
- Other (please provide details):

Signature of employee	Print name	Date of signature
-----------------------	------------	-------------------

**Part 3: To be completed by BUSINESS REPRESENTATIVE**

**The following must be submitted with this application:**

- 1 current full-face photograph of the applicant

**EMPLOYER'S STATEMENT (to be completed and signed by the business representative)**

I have reviewed this completed application and I certify that the information in this application is true and correct to the best of my knowledge and belief.

Signature of business representative	Date of signature
Print name	Position in company or partnership

Any questions relating to this application may be directed to:

Department of Justice  
 Policing and Victim Services Division - Security Programs Office  
 P.O. Box 7  
 Halifax, Nova Scotia B3J 2L6  
 Phone: (902) 424-6166  
 Fax: (902) 424-4308

**N.S. Reg. 181/2005**

Made: September 14, 2005

Filed: September 16, 2005

## Public Education About Fetal Alcohol Syndrome Regulations

Order in Council 2005-415 dated September 14, 2005

Regulations made by the Governor in Council  
pursuant to Section 96A of the *Liquor Control Act*

The Governor in Council on the report and recommendation of the Minister responsible for the administration of the *Liquor Control Act* dated September 13, 2005, and pursuant to Section 96A of Chapter 260 of the Revised Statutes of Nova Scotia, 1989, the *Liquor Control Act*, is pleased to make regulations respecting public education about fetal alcohol syndrome in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after September 14, 2005.

**Schedule "A"**

**Regulations Respecting Public Education  
About Fetal Alcohol Syndrome  
made by the Governor in Council pursuant to Section 96A  
of Chapter 260 of the Revised Statutes of Nova Scotia, 1989,  
the *Liquor Control Act***

**Citation**

1 These regulations may be cited as the *Public Education About Fetal Alcohol Syndrome Regulations*.

**Signs warning of fetal alcohol syndrome**

- 2 (1) Each Government store and agency store must periodically display a sign that warns women who are pregnant that the consumption of alcohol during pregnancy may cause fetal alcohol syndrome.
- (2) A sign referred to in subsection (1) must be prominently displayed and visible to purchasers of liquor and must conform to all of the following requirements:
- (a) the sign must be in English and may be in any other language that is approved by the Corporation;
  - (b) the sign must be in the form approved and posted on the internal and external website of the Corporation;
  - (c) the sign must be at least 10 cm by 15 cm in size.

**Corporation approves of content and design of public education**

3 The content and design of publications used by agency stores and Government stores to warn the public about the potential negative health effects of the consumption of alcohol during pregnancy must be approved by the Corporation.

**N.S. Reg. 182/2005**

Made: September 15, 2005

Filed: September 20, 2005

Tariff of Fees and Expenses

Order in Council 2005-418 dated September 15, 2005  
Amendment to regulations made by the Governor in Council  
pursuant to Section 174 of the *Elections Act*

The Governor in Council on the report and recommendation of the Minister of Justice and on the recommendation of the Chief Electoral Officer dated September 15, 2005, and pursuant to Section 174 of Chapter 140 of the Revised Statutes of Nova Scotia, 1989, the *Elections Act*, is pleased to amend the regulations respecting the tariff of fees and expenses, N.S. Reg. 105/2003, made by the Governor in Council by Order in Council 2003-211 dated May 9, 2003, to increase the fee paid to enumerators in rural polling divisions by striking out "\$0.75" in subsection 10(1) and substituting "\$0.90", effective on and after September 15, 2005.

**N.S. Reg. 183/2005**

Made: August 5, 2005

Filed: September 20, 2005

Designation of Facilities for French-first Language Instruction Regulations

Order in Council 2005-346 dated August 5, 2005  
Amendment to regulations made by the Governor in Council  
pursuant to Section 14 of the *Education Act*

The Governor in Council on the report and recommendation of the Minister of Transportation and Public Works dated July 12, 2005, pursuant to Section 19 of Chapter 235 of the Revised Statutes of Nova Scotia, 1989, the *Interpretation Act*, Section 14 of Chapter 1 of the Acts of 1995-96, the *Education Act*, and Section 11 of Chapter 452 of the Revised Statutes of Nova Scotia, 1989, the *Surplus Crown Property Disposal Act*, is pleased to:

- (a) amend Order in Council 2000-436 dated August 30, 2000, by replacing the words "academic centre" with the words "academic centre and residence" and removing the phrase "upon receipt by the Department of Education of the administrative control of the site from the Nova Scotia Department of Community Services"; **[N.S. Reg. 183/2005]**
- (b) convey that lot of public land containing 4.042 hectares, more or less, situate at or near Truro, Colchester County, and more particularly described in Schedule "A" as shown crosshatched in red on Schedule "B" which schedules are attached to and form part of the report and recommendation; **[Clause (b) not filed as a regulation.]**
- (c) convey the land to Conseil Scolaire Acadien Provincial, a Body Corporate with its Head Office in Halifax, Halifax County, for \$1.00 and other valuable considerations; and **[Clause (c) not filed as a regulation.]**
- (d) authorize the Minister of Transportation and Public Works to make and execute a Deed of Conveyance in such form as the Minister determines. **[Clause (d) not filed as a regulation.]**